

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – APRIL 19, 2006

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on April 19, 2006. Chairman Santarsiero called the meeting to order at 7:30 p.m. Mr. Santarsiero stated the Board met in Executive Session from 6:30 p.m. to 7:20 p.m. discussing land use and legal matters. Mr. Caiola called the roll.

Those present:

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

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

PUBLIC COMMENT

Mr. Milton Sacks, 1281 Lexington Drive, stated he represents a number of residents from his neighborhood who are concerned about ATVs and motorcycles on the Harris property which is impacting their quality of life. He noted particularly Saturdays and Sundays when numerous vehicles go around the farm for many hours during the day. He stated the residents have tried to speak to the individuals doing this and were treated rudely. He stated they did call the Police and were advised that since they were doing this on their own property, there was nothing that could be done. Mr. Sacks stated there is a tremendous amount of dust that is created when it is dry. He noted Chapter 144.1B of the Lower Makefield Ordinance and feels this would apply as disorderly conduct. He stated initially the Ordinance does speak to voices, but there is subsequent language which he feels would apply. Mr. Truelove stated the general language for “disorderly conduct” is “public inconvenience, annoyance, or alarm.” Mr. Sacks noted the language in the Ordinance which speaks about being “near a public highway” which this is and indicates “to make any unseemly noise or disturbance, annoyance of residents nearby.” He feels this speaks clearly to what is occurring. They are asking that the Board of Supervisors and Solicitor review this. Mr. Truelove stated it would be premature to give his opinion at this point, but if it is in the Ordinance, it can be enforced. Mr. Santarsiero asked who the individuals are who are doing this, and Mr. Sacks stated apparently one of them is a

resident of the property but apparently others are invited to this location. He stated there are eight to ten people there at a time. Mr. Santarsiero stated people are still living in the home under an arrangement with the owner who is a developer. He noted there are a number of ongoing issues as to the development of this property. Mr. Santarsiero asked the Chief what they can do. Chief Coluzzi stated he did meet with Mr. Sacks today, and he is not sure that the Ordinance does state that legal action can be taken regarding the operation of the ATVs, but he is going to look into this further and discuss the matter with Mr. Truelove. He stated they will go to the property when the ATVs are being operated, try to identify the people, and try to talk to the people living on the property to please cooperate. Mr. Smith asked how often this is occurring and the times. Mr. Sacks stated in the summer and fall it was every weekend. This past weekend it occurred on Saturday, but not on Sunday. He stated they are concerned that this will continue with the dry weather. He stated there is a 10' wide track on the site. Chief Coluzzi stated the track is approximately 20' off of Edgewood Road and goes around the entire property. Mr. Santarsiero stated he was on the property in the summer of 2004 regarding the environmental concerns, and he did not notice this track at that time. He stated there has been a problem securing this property. He stated they have also had dumping on the property and people were taken to Court. He stated the dumping was stopped when the Township obtained an injunction. He stated they will follow up on this as outlined by Chief Coluzzi. Chief Coluzzi stated operation of an ATV on private property for several hours does not constitute a nuisance. Mrs. Godshalk stated there are some toxic materials on the property as well; and if these vehicles are stirring this up, it would not be good for the environment. Chief Coluzzi stated this is an area which they may be able to pursue. Mr. Santarsiero stated there is a landfill on the site, and the nature of the landfill and what substances are there is still a matter of debate as well as how it will be cleaned up. Mrs. Godshalk stated she feels if parents knew their children were on this property where there are these types of substances, they may stop it. Mr. Sacks stated there are some children but also adults doing this. Mr. Santarsiero stated they will follow up on this matter as outlined by Chief Coluzzi as well as with regard to the environmental concerns to see if there is more they can do to try to stop this.

Ms. Karen Friedman, 1373 Pepperbush Court, stated she would like to respond to Ms. Diane Mays' prior comments and questions about the barn at Elm Lowne. Ms. Friedman stated the concept of the barn project is to try to develop a cultural center to house performing art venues, educational venues in acting or music, lectures for corporations, etc. She stated they hope to use the property to generate funds to offset costs. She stated an initial feasibility study came in the end of last year, and showed that the project is possible. She stated they then submitted a second feasibility study to continue to get a more detailed engineering report so that they can analyze the expense factors in an attempt to satisfy their goal which was not to cost the taxpayers any money. The second feasibility study was rejected because the limited amount of funds that were available went to open space/greenspace funding rather than historic preservation. She noted they were asked to resubmit for the Grant because they believed in the project, and they did resubmit and are waiting for a response. She stated they have also submitted an

appropriations funding request to our Senator for \$1.7 million to help offset the expenses of getting the project going, and they are hoping for a positive response. She stated if they cannot do the project without raising taxes, the project will not proceed.

Ms. Friedman stated Grants are set aside by the State and Federal Government, and the funds are waiting to be spent on projects like the one they are submitting for. She feels Lower Makefield should take advantage of these funds. She stated they are doing all they can to obtain funds. They will have a public meeting once all the information is in place.

Ms. Friedman stated at the last meeting, Mr. Smith made comments regarding Elm Lowne which she found very disconcerting. She stated he had indicated that you have to pay admission to visit the property, and this is not correct. She stated anyone can come stroll the grounds. She stated Mr. Smith also indicated that funds were lost.

Mr. Santarsiero stated the issue of Elm Lowne and whether or not the Township should own it, is an item that will be put on a future Agenda. He stated tonight they will discuss the Heritage Conservancy report which does discuss Elm Lowne. He stated Elm Lowne and all the properties discussed in the Heritage Conservancy report will be discussed as separate Agenda items in the future. Ms. Friedman stated Mr. Smith had indicated that the property had cost the taxpayers \$250,000 and she stated most of this is debt service. She stated the property was bought with the idea that it would be open space and was not expected to generate revenues.

Mr. Smith stated he did indicate that they should wait until they receive the Heritage Conservancy report before making any decisions. He stated all of these issues need to be discussed at an open meeting. He stated he did indicate that it is a very nice property and they will decide as a Township and as a Board whether the Township should be in the business of owning such a property. He stated he does not feel that they can discount debt service. He stated they will discuss this property as an Agenda item in the future.

Ms. Friedman stated she is concerned that it appeared that Elm Lowne was targeted and noted there are many other properties in the Township that also have debt service.

Mrs. Godshalk stated when the people voted in 1998 overwhelming for the \$7.5 million to purchase **land**, it was not just raw land as the Referendum was worded “for the purchase of open space, recreation, and historic preservation.”

Mr. John Radowsky, 226 Penn Valley Terrace, stated the Courier Times had an article about wind towers and he stated if there is extra space, they could log into the grid and pay off some of the electric bills. Mr. Santarsiero stated this will also happen on the U.S. Steel site in Falls. Mr. Santarsiero stated Mr. Sam Conti is present this evening and is the President of the Farmland Preservation Corporation, and he had discussed this in the past as a possibility for some of our lands and this is something the Board should consider.

Ms. Janet Smith, 15 Ivy Lane, stated she was astonished when she saw two newspaper articles which she felt generated a negative concern over Elm Lowne. She stated she is a forty-one year resident of the Township and serves on the Board for Elm Lowne. She stated this facility is being used by numerous organizations. She stated the Township also has a wonderful partnership with Open Aire Affairs and this brings revenue to the Township. She stated when people come to these affairs and see the home and the property, they are astonished. She stated history is priceless. She stated tax dollars also support many other resources in the Township. She stated there is a diversified community in Lower Makefield and the community expects many things from its governing board. She stated she would hope that they would continue to provide such things in the future. She stated letting go of a treasure like Elm Lowne would be a mistake.

Mr. Leo Cohn, 1210 Knox Drive stated at Knox Drive and Schuyler Drive there is a problem with sight distance going around the curve. He noted the large pine trees and stated there is a problem with making left turns going down Knox toward Schuyler trying to get to Yardley or I-95. He stated he has discussed this with a number of people and has not received an answer as to who owns the trees. He stated this is on the Yardley Hunt side. Chief Coluzzi stated he was at this location today with Chad Dixon of Traffic Planning and Design, and he will forward a report on several changes that could be made. Mr. Dixon indicated he did not see any line of sight problems. Mr. Cohn stated he is concerned with school buses making a left turn at this location. Mr. Smith stated the Board has been interviewing for the Traffic Commission and a number of applicants have discussed sight line obstructions that they would like to look into, and this will be a topic for that Committee once the members are appointed probably at the next meeting.

APPROVAL OF MINUTES

Mr. Smith moved, Mr. Caiola seconded and it was unanimously carried to approve the Minutes of the April 5, 2006 Special Meeting to Conduct Interviews as written.

Mr. Caiola moved, Mr. Smith seconded and it was unanimously carried to approve the Minutes of the April 5, 2006 Regular Meeting as amended.

APPROVAL OF APRIL 3, 2006 AND APRIL 17, 2006 WARRANT LISTS AND MARCH, 2006 PAYROLL

Mr. Caiola moved, Mr. Smith seconded and it was unanimously carried to approve the April 3, 2006 and April 17, 2006 Warrant Lists and March, 2006 Payroll as attached to the Minutes.

DISCUSSION AND APPROVAL OF MATRIX AGREEMENT

Mr. Garton was present on behalf of the Township. He stated at the last Supervisors' meeting there was discussion of the proposed Agreement and a summary was provided to the public as well as a copy of the Concept Plan. The only remaining issue is the request by Bellemead to include the following paragraph within the Agreement:

“Notwithstanding any provision of the Settlement Agreement to the contrary, the Township, RAM, Weyrick, Matrix, and Bellemead acknowledge and agree that Bellemead shall neither be bound nor benefit from any of the terms of the provisions hereof in the event that Matrix does not close with Bellemead under the terms of its Agreement of Sale; however, Bellemead acknowledges and agrees that during the pendency of Bellemead's Agreement of Sale with Matrix, Bellemead will submit no plans to the Township which are inconsistent with the terms and provisions of the Settlement Agreement.”

Mr. Garton stated this language was circulated among the Counsel for the various Parties, and it is his understanding that there remains an issue with Mr. Sugarman, who represents Ms. Weyrick and RAM, as to the inclusion of that language as it is written. Mr. Garton stated the Board could either table the Agreement or could approve it subject to the final resolution of that one paragraph.

Mr. Marc Brookman, representing Matrix, was present. Mr. Santarsiero asked Mr. Brookman Matrix's position with regard to the language just read by Mr. Garton. Mr. Brookman stated he discussed this matter with Mr. Sugarman and advised Mr. Garton of the conversation this evening. He stated Bellemead, RAM, and Ms. Weyrick have still not reached an **accommodation** as to how they want to resolve this matter. He stated there is no disagreement by any of the Parties that during the pendency of the Agreement that Bellemead will not submit any Plan to Lower Makefield or Middletown that would provide for either a shopping center or big box retail. He stated they are trying to satisfy RAM, Ms. Weyrick, and Bellemead as to that concept. As of this evening this has still not been achieved. Mr. Sugarman indicated today that he was still not comfortable with the language read by Mr. Garton this evening. Mr. Sugarman was not available to attend the meeting this evening.

Mr. Santarsiero noted Mr. Sugarman is the attorney for RAM. Mr. Santarsiero asked who drafted the language read by Mr. Garton, and it was noted it was drafted by Mr. Murphy on behalf of his client, Bellemead. Mr. Brookman noted the language as read is acceptable to Matrix and Bellemead.

Mr. Stainthorpe stated he feels the Township should come to a consensus on this issue as there have been continuing delays. He stated at this point only the lawyers are making money. He feels it is time to bring the matter to a conclusion and he would recommend

that the Board vote tonight to adopt the compromise plan subject to some additional language.

Mrs. Godshalk stated she has consistently felt that this proposed plan is not the best plan for the Township or this property. She stated the property sits at the border of I-95, Route 1, and Oxford Valley Road and is zoned the wrong way which she was against fifteen years ago for big box. She stated it is zoned for Commercial, and she feels it is a proper use for Commercial and Office. She stated they have now established an Economic Development Board because the Supervisors feel that there is a need for economic development and yet they are throwing away the piece of land where they can best put some economic development without big box stores. She feels it should be development that adheres to the present rules that are in place for shopping centers. She stated if the Township does not provide a fair amount under Zoning laws for this use, developers may go to other areas which are not zoned now for commercial or office development and this is her concern. She stated they are proposing six hundred homes for this property which is the largest development in the Township comprised of a third single-family, a third townhouses, and a third multi-family with three floors with elevators. She stated there is only 10,000 square feet of Commercial proposed within this development to service 600 homes. She stated this will only bring in approximately \$10,000 to the local community in the form of taxes. She stated it will only be a small strip shopping center, and for years the Township indicated they did not want strip shopping centers, and this is what they will have in this development. She stated she is opposed to this. She stated they also do not know the future of fifty-five and over housing as the laws have not been tested. She stated if someone wants to sell one of the units in the future and are unable to do so, they could go to Court and they could have a high density development with many children. She stated currently there is a market for fifty-five and over housing, but they do not know what will happen twenty years from now. She feels the Planning and Zoning they have done over the years should be taken into consideration.

Mr. Santarsiero stated as the former Chairman of RAM, he spent a lot of time planning strategy, doing fundraising, and coming to Township meetings asking that the original plan for big box stores not be approved. Mr. Santarsiero stated he feels everyone who was opposed to the original plan for big box stores understood that they could not have a property that would not be developed. He stated it is too valuable a piece of property for the Township to buy it, and the owner of the property does have development rights which must be respected. He stated they wanted to find something for the property that would be the least objectionable. Mr. Santarsiero stated he agrees that this is not the best plan that could have been created because it does not leave it as open space; however, this was not an option. He stated under the circumstances, given the years of negotiation going back to 2002 when he and Mr. Cruzan first met with representatives of Matrix to try to come up with an alternative plan for the site, this is the best deal they can come to as a matter of compromise. He stated it will provide substantial ratables to the Township.

Mr. Santarsiero stated it will provide a for a large number of housing units and agrees that in the future there is some uncertainty as to what could ultimately happen with age-restricted housing; however, they cannot tell what will happen in the future and he feels the best thing the residents and the Board can do is try to make the decision they feel is right and will likely be the best long-term solution. He stated given the existing market, he feels this is the best long-term solution. He stated this project will bring in rates, will not cause an increase in the School tax because it will not result in additional school children, and there is a substantial reduction in the amount of land that will be used and the impervious surface developed will be far lower than in the original proposal.

Mr. Santarsiero stated the traffic impact will be far less than that which was in the original proposal, and this was a major issue with the original design. This has been resolved as a result of this compromise. With regard to the stores, Mr. Santarsiero stated it is a small amount of square feet that will be constructed. He stated he does not consider this to be a strip center. He feels that this an opportunity to meet a need in the market and do it in a responsible way and work with the Planning Commission and the Environmental Advisory Council to do it in a way that will have the least amount of impact on the environments, and to provide an asset to the community. Mr. Santarsiero thanked the members of RAM and other members of the community who have worked with the Township and representatives of Matrix to make the deal a reality. He stated he hopes that in the next few weeks, this remaining drafting issue with respect to the language read by Mr. Garton can be resolved. He stated he agrees that the Board should approve the Agreement this evening subject to ultimately resolving the minor drafting language.

Mr. Santarsiero stated there has been discussion as to what would happen if there is not full commercial use of the site and whether or not under Pennsylvania Zoning law, this might be forced on the Township on other properties. He stated he feels they have addressed this issue by doing an overlay zoning for age-restricted housing so that this will not become an issue, and they will not be faced with the type of development that might be able to be put on the Matrix property somewhere else in Lower Makefield. He feels this proposal will be a positive for the Township and is a testament to what members of the community can do.

Mr. Smith stated he agrees that it is time to put this issue behind them and he would second a Motion to proceed as suggested by Mr. Stainthorpe.

Mr. Gary Cruzan, 729 Stewart's Way, stated he is President of RAM. He stated the economic impact to the Township is more positive under this plan than under the original plan because of the things that were negotiated. He stated this is also true with regard to the economic impact for the Schools by approximately \$1 million. He stated they have an independent study which was done during the negotiations which shows this. He stated this is the best compromise plan, and he hopes that they will be able to resolve the last issue.

Mr. Zachary Rubin, 1661 Covington Road, stated he is in support of the plan. He noted the economic study done which was noted by Mr. Cruzan which he has in his possession this evening. He stated this was done by a land planning firm; and while it is two years old, they estimated that the original agreement by the previous Board in year 2000 which would have brought 600,000 square feet of office, 285,000 square feet of retail, 125,000 square feet of a limited hotel, and 10,000 square feet of retail with 1 million square feet of impervious surface would have resulted in a total market value for assessment purposes of \$125,650,000. With the compromise plan for age-restricted housing, the firm indicated the assessed value will be \$193,650,000. They will also not have the 35,000 cars during rush hour every week going to commercial and office. Mr. Rubin stated he would be in support of the ratification of this plan.

Mrs. Godshalk stated the assessment was ten years ago when the Plan was approved. She stated she was always against the big box development that was presented. She stated she asked Bellemead and Matrix to bring better, higher quality stores to Lower Makefield. She stated the 10,000 square feet of retail now proposed is not sufficient to provide for the needs of 600 homes with up to 1200 people. She stated if there is to be senior housing, they need to provide services to them such as banks, cleaners, drug stores, etc. She stated she did work with RAM in their fight against big box stores.

Mr. Jeff Goll, 5 South Homestead Drive, stated he is a new member of the Environmental Advisory Council, and they plan to look out for the Township's best interest with respect to environmental issues related to this development. He read from the Agreement which states, "Matrix commits to attempt to increase the amount of internal green area while designing the Plans, to preserving all of the wetlands, preserving the existing tree line along Oxford Valley Road, and utilizing low-impact development techniques during the course of development." He stated the developer should understand that the Township is liable as an MS4 community that personally has to sign the permits, to protect the stormwater leaving the site. He stated he saw the concept in the paper, and he feels Matrix should look at their concept when it finally goes to design. He stated he will not compromise when it comes to protecting the Township's environmental resources when it comes to this development. He feels the development in its current concept is not low-impact development. He suggested that Matrix have their engineer look at the site to insure that this is accomplished as this is the goal of the EAC and is part of their responsibilities.

Mrs. Godshalk stated the tree line along Oxford Valley Road is not completely owned by the developer as the Township and the Weiner family own a portion of it, and this statement should be revised in the Agreement.

Mr. Stainthorpe stated they are not approving a Land Development Plan this evening and this is only the Concept Agreement being considered this evening.

Mr. Stainthorpe moved and Mr. Smith seconded to approve the Compromise Agreement conditioned upon final language of the one paragraph.

Mr. Santarsiero stated this is coming to a Settlement Agreement among the Parties who were part of the dispute – the Township, Matrix, RAM, and Bellemead, the current owner of the property. This will now begin the land use process, and the developer will come in with their Plans; and the Township has to review those plans in good faith and work expeditiously to try to resolve whether the Plans will or will not be approved. He stated there are a number of consequences that flow from that under the Agreement as described by Mr. Garton at the last meeting. There will be ample opportunity for the public to comment during the review process and to discuss these matters before the Environmental Advisory Council, the Planning Commission, and the Board of Supervisors. His hope is that they will have an approved plan that has all this input taken into consideration and they come up with the best possible plan that takes traffic, the environment, etc. into account.

Motion carried with Mrs. Godshalk opposed.

CREATION OF TASK FORCE TO REVIEW AND PROPOSE REVISIONS TO TOWNSHIP CODE AND APPOINTMENTS TO THE TASK FORCE

Mr. Santarsiero stated it has come to their attention that there are several areas where the current Codes need to be revised. He stated he would like to create a Task Force of various members from the Boards and Commissions to review the Codes and talk to the various Boards and Commission to see if there are items that should be changed. A list of the proposed changes should then be presented to the Board of Supervisors for their consideration.

Mr. Santarsiero moved to appoint to the Commission Tony Bush, who is a Planning Commission member, as Chairman as he has had experience in drafting statutes and would be helpful in reviewing the Codes in Lower Makefield. He added he is an attorney and has done this as part of his practice for some time so he does have expertise. He would also move to appoint the following: John Pazdera from the Planning Commission, Barbara Kirk and Paul Bamburak from the Zoning Hearing Board, Jim Bray and Jeff Goll from the Environmental Advisory Council, Michelle Stambaugh from the Historic Commission, Trish Bunn from Park & Recreation, and Megan Dorko from the Disabled Persons Advisory Board.

Mr. Santarsiero stated he does not feel they need to have a Resolution as this is an informal Ad Hoc Committee, and he feels it could be approved this evening by way of Motion. He feels their first task would be to meet and talk to the other Boards and Commissions to get their input on the problems they have seen relating to various aspects

of the Code, and report back to the Board of Supervisors what they are looking at; and ultimately if the Board agrees, take the next step of actually drafting some changes to the Code. He does not feel the entire process should take more than six months and will hopefully result in a better Code for the Township.

Mr. Stainthorpe stated he agrees that this is something the Township should do. He stated the Board of Supervisors is currently very busy and he would not want to rush this and ask that they be done in six months, and he feels the Task Force should be given a one year life. He stated the Ordinances are in an extremely large book; and if they are going to do this right, they should give themselves enough time to do it properly.

Mr. Caiola agreed noting he has had some experience in this type of project and it is very time consuming. He noted the people that have been recommended for appointment are currently serving on other Boards and should be given a longer time frame. Mr. Smith asked that the Task Force be asked to come to the Board of Supervisors after the first of the year to report back on where they stand. Mrs. Godshalk stated she would have liked to have received something in writing about this proposal. Mr. Santarsiero stated he did discuss this at two prior public meetings and also stated he feels he has tried to keep the Board members apprised of what is being done.

Mr. Stainthorpe moved and Mr. Caiola seconded to form a Task Force to review the Township Ordinances comprised of the individuals named by Mr. Santarsiero and that the Task Force exist for one year with the Task Force to report to the Board after the first of the year on where they stand. Motion carried with Mrs. Godshalk abstained.

APPROVAL OF ORDINANCE NO. 359 AUTHORIZING AND DIRECTING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2006, TO FINANCE THE SEWER REHABILITATION PROJECT AND OTHER CAPITAL PROJECTS

Mr. Closser introduced Ms. Kristen Kilker from Public Financial Management, Inc. and Mr. Mac Butcher from the underwriter, Wachovia. Ms. Kilker reported on the results of today's bond sale which went well and they locked in rates at 4.43%. They were able to get these good rates due to the fact that the Township recently had an upgrade in its credit rating last week from AA3 to AA2. The final amount of the bond was \$9,580,000 and the final debt service is in line with that which was projected two weeks ago. The bond issue will close on May 25, and the funds will be available to the Township at that time.

Mr. Closser stated he has received from Wachovia the Bond Purchase Proposal which sets forth the numbers noted by Ms. Kilker. Also before the Board is the formal Bond Ordinance which accepts the Bond Purchase Proposal and directs the issuance of the Bonds and to proceed to closing on May 25.

Mr. Caiola moved and Mr. Smith seconded to authorize and approve the incurring of non-Electoral debt through the issuance of the Township's General Obligation Bond Series of 2006 in the amount stated in the Bond Purchase Contract as submitted by Wachovia Bank National Association, underwriter, for the purpose of providing funds to pay for improvements to the Sewer system and other capital projects and for the cost and expenses of the issuance of the Bonds all as set forth and in accordance with the provisions of Ordinance No. 359 prepared by Curtin and Heefner, Bond Counsel, which is hereby enacted as presented.

Mrs. Godshalk asked Mr. Butcher's title, and he stated he is Vice President Municipal Securities Group of Wachovia.

There was no public comment.

Motion carried with Mrs. Godshalk opposed.

Mr. Stainthorpe noted how unusual it is to have your credit rating increased and noted the Township now has a credit rating equal to that of the County and he feels it is the highest bond rating of any Municipality in Bucks County and probably one of the highest in the State. He noted during Election season comments were made that the Township was going broke and the finances were falling apart, and in fact it is quite the opposite. He thanked Mr. Fedorchak who worked with the rating firm on this and feels that all residents should feel pleased that they live in a well-run community.

APPROVAL OF REPLACEMENT OF YARDLEY-MAKEFIELD FIRE COMPANY 1989 RESCUE TRUCK

Mr. Larry Newman, President, Mr. Glenn Chamberlain, Chief, and Mr. Gene Cadwallader, Treasurer and Chairman of the Truck Committee, were present. Mr. Cadwallader stated they would like to replace the 1989 rescue truck with a rescue engine. He stated this vehicle would allow them to do more than with the rescue truck. He stated the urgency for ordering the truck at the present time is because they do not want the 2007 engine because that truck will run hotter and is larger. It will also cost \$14,000 more. The the truck they would propose to purchase is a fifteen year truck and the cost is \$627,631 with the discount. They will advertise for the sale of the 1989 rescue truck to be sold by Mr. Coyne who is always able to get a top price.

Mr. Newman stated last year the rescue truck responded to 176 calls for life safety issues. This was 28% of their calls. He stated they keep their trucks in top shape, and Mr. Coyne does an excellent job in getting top dollar for their trucks when they sell them. Mr. Newman also noted some replacements they are making of equipment which will be paid for with Grant money.

Mr. Chamberlain stated his concern with the existing truck is the firefighters must exit out the rear, and this is a problem when they are on major highways such as I-95. He stated they also cannot all be seated safely in that vehicle. The new rescue truck will allow for everyone to be seat belted and will have the capability to exit curbside. He stated the Fire Company will still have to come up with an additional \$75,000 to pay for some equipment needed on the truck.

Mr. Santarsiero thanked the Fire Company representatives for the job they do for the community. He noted this is an all-volunteer company, and they volunteer a substantial amount of hours. He stated a number of the Supervisors did look at the truck they wish to replace as well as the rest of the trucks in the fleet which are well maintained. He also stated he was impressed with the innovations the fire company representatives have created for the design of the trucks. He noted other fire companies throughout the Country refer to “Yardley design” of which they should be proud.

Mr. Smith thanked the Fire Company representatives for allowing them to tour the Fire Company facilities. He noted the professionalism of the fire company, the maintenance of the equipment, and their dedication.

Mrs. Godshalk also thanked the Fire Company for the work they have done over the years. She noted they indicated that having a pumper is a plus for insurance for the residents of the community, and Mr. Chamberlain stated this helps with the ISO ratings for the Township. This does not refer to individuals’ insurance rates. Mr. Cadwallader stated it has to do with the rating for the Township. He stated it is also important that they a good water system in the Township. He stated the training of the members of the Fire Company and their length of service is also important as well as the number and size of the pumpers in the Township. He stated if they purchase the engine proposed this evening, they will have five pumpers in the Township which are all 2,000 gallon a minute pumpers with compressed air foam which the insurance companies are in favor of since it has become the standard in the fire industry.

Mr. Stainthorpe asked where the new truck will be housed, and Mr. Cadwallader stated it will be based in the Yardley Station. He stated the last new truck they purchase is based at Woodside.

Mr. Caiola stated he was impressed with the versatility of this new truck.

Ms. Virginia Torbert asked the life of the truck and it was noted it is fifteen years. Mr. Chamberlain stated the old truck was only used for auto extrications; but the new truck will have much more versatility and will be much safer for their personnel. Ms. Torbert asked the age of the oldest truck they have, and it was noted the oldest truck is a 1999 vehicle. Mr. Newman stated the Fire Company has also been buying every other truck that is purchased.

Mr. Newman noted 42% of their calls are fire alarms, and 93% of these are for careless cooking, steam, etc. but they still have to run the engine out and the first-out engines are the ones that they replace approximately every ten years. He stated they will probably be able to sell the old vehicle to a Company that does not run as many calls as in some locations they only have a hundred calls a year, while in Lower Makefield they get called out approximately twice a day which results in wear and tear on the trucks which is why maintenance is very important.

Ms. Torbert asked if it would be useful to have a Township Ordinance regarding chronic false alarms and charging fees. Mr. Chamberlain stated they consider these **malfunctioning** alarms; and through the assistance of Chief Coluzzi and his officers, there is an Ordinance that after three consecutive times between fire alarms and burglar alarms within a twelve month period, the residents are cited and they do have to pay a fine. Chief Coluzzi stated the first citation is \$25 and it graduates after that. Mr. Chamberlain stated what they do to try to help eliminate repeated alarms is to educate the residents on what they can do to avoid this in the future.

Mr. Cadwallader stated the next Open House at the Fire Station is in October, and Mr. Smith recommended that all Township residents go out to see the equipment and how they maintain the equipment which is impeccable. Mr. Chamberlain stated residents are welcome at any time. Mr. Newman stated they are especially interested in having groups come to the Fire Station.

Mr. Caiola moved, Mrs. Godshalk seconded and it was unanimously carried to support Yardley-Makefield Fire Company in replacing the 1989 Fire Rescue Truck in the amount of \$627,631 to be included in the 2007 Budget with the first payment to be made in a timely fashion to take advantage of the discount.

A short recess was taken at this time. The meeting was reconvened at 9:10 p.m.

PRESENTATION AND MOTION ON THE OPTION OF ENCLOSING AND WINTERIZING THE COMPETITION POOL FOR USE IN FALL, WINTER, AND SPRING

Mr. Paul Mackenzie was present with Mr. Bob Magg. Mr. McKenzie stated he provided information to the Board from a company that does this type of work. He stated they are proposing that the Township make use of one of the best Township capital assets so that it can be used for more than three months per year. He stated the Pool is able to sustain itself during the summer, but they would like to cover one or more of the pools for year-round use to provide a space for exercise, education, and entertainment for all Township residents. He stated this will also generate jobs within the Township throughout the year. He stated the technology that is used quite frequently is an air-supported bubble and there

have been numerous bubbles installed in the area. He noted a number of the facilities and noted particularly the Cheshire Community Pool which is a community similar to Lower Makefield Township where they covered a 50 meter pool.

Mr. McKenzie stated the Pool would be used from September to May indoors. He stated it takes one day to put up the bubble and a day to take it down. He stated he went to EMAC in Allentown and discussed how they take the bubble up and down. He stated the capital costs for the bubble is approximately \$7 per square foot and this includes the blower, doors, emergency exits, engineering, and heating. Operating costs include natural gas for heating the air and water. EMAC spends \$30,000 for their 25 meter pool. Mr. Mackenzie stated he had the engineering firm do cost calculations so depending on the area being covered, the heating bill would be proportionate. He stated if they covered the lap pool it would be approximately \$30,000 a year and if they covered two pools it would be approximately \$100,000.

Mr. McKenzie stated they would need to hire a Director or a management company similar to what is done at the Golf Course. He stated they would need an Aquatics Director to maximize the use of the facility, lifeguards, facility manager, gate checkers, etc. similar to what they have in the summer.

With regard to revenue streams, Mr. McKenzie stated they would have revenue from the memberships. Currently there are 1150 families who belong to the pool in the summer. He stated a survey was done recently and of the 1000 applications that came back approximately 658 indicated they were in favor of moving forward with a feasibility study of covering the pool. He stated EMAC is a privately held club and the fees they charge were provided in the information provided to the Board. They charge Seniors \$250, Families \$600, and Singles \$325 for twelve month use of the Pool. He stated currently a Family Membership at Lower Makefield is \$360 for the summer. He noted there are also program opportunities such as hydrotherapy, water aerobics, swim lessons, birthday parties, and competitive swimming which would also bring in additional revenue. They could also continue to run the concession stand weekly.

Mr. McKenzie stated he has proposed four separate options. Option A is to cover the lap pool only. He stated he feels they would need an additional building with lockers, a meeting area, viewing area, and an area with some exercise equipment which the members could use. He stated they will need additional locker space as the pool expands anyway. The estimated capital cost for Option A is approximately \$500,000 and the bubble would be \$200,000. He has estimated a 3,000 square foot building at approximately \$100 a square foot. He showed a drawing of what this Option would look like. Mr. McKenzie reviewed three other options including covering the Olympic pool only, covering the lap pool and the Olympic pool, or covering the Olympic pool and the smaller intermediate pool. He stated he feels they should ideally have two pools covered – one at a colder temperature and one at a higher temperature for young children and

seniors. He stated the intermediate pool offers a good opportunity as it has a shallow section which would be comfortable for children.

Mr. McKenzie stated he did provide some revenue calculations and for the nine months additional, it would still be self-sustaining and they should have a revenue stream of \$360,000 not including the summer. He showed estimated expenses which he feels would be approximately \$300,000 for the nine month period. He feels the net result would be that this proposal would be a positive revenue generator for the Pool. He stated he understands that Pool funds stay with the Pool, but this could be revised and they could decide that if the Pool is positive, they could use these funds for other Park & Rec activities.

Mr. McKenzie stated he is asking that the Board of Supervisors consider funding a feasibility study which he would suggest be done in two parts. Part I would be an **engineering/site** feasibility and capital cost confirmation. He has provided to Mr. Fedorchak a letter from Asati which is the main company which builds the bubbles and they have provided a \$5,000 engineering estimate which could be applied to the cost of the bubble in the future. They would come to the facility and do the engineering calculations. They would also be able to confirm the capital costs of the bubble. Mr. McKenzie stated he has looked at several bubbles and feels the site is very amenable to the bubble structure. Part II would be looking into facility design and the other architectural parts for additional locker rooms, other space, and confirming all the assumptions regarding revenue streams, etc.

Mr. McKenzie stated if the Board of Supervisors is interested, he would be willing to look into corporate alliances; but he did not want to proceed with corporate sponsorships until he had direction from the Board of Supervisors.

Mr. Santarsiero stated if they agreed to proceed the \$5,000 study to be done by Asati, he assumes that they would then proceed with Part II based on what Asati determines, and Mr. McKenzie agreed. Mr. Santarsiero stated before proceeding to Part II, they would therefore have a Plan as to which Pools they want to have covered and this is how Part II would proceed, and Mr. McKenzie agreed.

Mr. Stainthorpe stated he feels the feasibility study is missing a critical piece which is whether or not there is a market for this. He stated there are School pools as well as Newtown Aquatic Club and it seems there is already a saturated market for indoor pools. He stated they should look to see if the market can support another indoor facility. He stated they did something similar to this with the Golf Course, and he feels this should be done in this instance as well.

Mr. McKenzie stated he feels the biggest generator they have will be membership fees. He stated he assumes that if they have only 50% of the current Members of the Pool join,

this will provide a large portion of the revenue. He stated 658 families have already responded positively to the feasibility study. He stated there are not many things for young people to do in the winter and noted it is very expensive for a family membership to the Newtown Athletic Club. He also stated the Schools are not really convenient, and he feels the location of the Township Pool is ideal to maximize its use.

Mr. Smith stated he knows there is great interest in competitive swimming in the summer, but noted there are also teams which compete at other times throughout the year. He asked Mr. Mackenzie how far they travel for one of these events, and Mr. Mackenzie stated in the mid-Atlantic area, they typically travel at least one hour away because of the lack of a local Pool complex. Mr. Bob Magg stated these events are always packed. Mr. Smith asked if these are bubble pools, and Mr. Mackenzie stated there are some which are bubbles and some are school facilities as well.

Mr. Stainthorpe stated the model for revenue is only for operating expenses, and there would be significant capital costs as well which could be at least a half million dollars. He asked how Mr. Mackenzie would propose financing this portion. Mr. Mackenzie stated he feels some of this could come from some corporate alliances. He stated he has had discussions with someone involved with ICT Group and for a certain amount of money per year, the employees could make use of the Pool at certain periods of time. Mr. Mackenzie stated the Swim Teams would be interested in contributing, and there could also be fundraising. He stated he knows the Pool runs positive during the summer as there were sufficient funds to pay for the slides. He stated as they build up each year, they could use some of that positive cash flow from the summer to fund this. He stated part of the \$500,000 is adding an additional locker room. He stated this would also depend on which pool they decide to cover. He stated the back end of the Pool is currently underserved from a locker room, meeting, and sitting area standpoint; and he feels that for long term growth, they would have to put some additional facility at that end anyway. Mr. Santarsiero stated they had discussed this at Budget time in the context of the pool in the future anyway. He stated there are also capital expenses anticipated for the pool as it ages. He stated the main building also needs some updating and expansion.

Mrs. Godshalk stated the way the pool has been handled over the years is that it has been supported only by member fees; and if they have to fund this with Township funds, they are not meeting the goal they had when they set up the Pool. Mr. Mackenzie stated he feels this is still possible. Mrs. Godshalk stated Mr. Mackenzie noted the membership for the seniors was \$200 and currently the seniors pay \$25 to swim at the Pool in the summer. Mrs. Godshalk asked if they feel they would have to be open in the evenings, and Mr. Mackenzie stated he feels they could run a program similar to Cheshire which is open from 6:00 a.m. to 1:00 p.m. and then open again from 4:00 p.m. to 9:00 p.m. He stated this would maximize the use of the facility.

Mr. Caiola asked how Cheshire funded the Pool and how they sustained the Pool since they are a comparable community to Lower Makefield. Mr. Magg stated the reason the pool was built initially was because Cheshire had the State Champion boys and girls teams for many years, and the Township decided they wanted to give them a better facility in which to train. He is not sure that operation has the recreation component to it as it was put together as a practice pool as opposed to a full-range of operations that is being proposed here. He stated they do not have the revenue streams that Lower Makefield would anticipate. He stated Cheshire has supported them for the last two years that they have been in operation, but he feels this is because of the way they structured the facility to begin with. Mr. Smith asked Mr. Magg if it is difficult to winterize a facility like this, and Mr. Magg stated he was a coach at West Windsor in this kind of environment and he stated it is not difficult to do. He stated they were able to put it up and take it down in one day's time. He stated they swam in the bubble in all types of weather. He noted what is being proposed for Lower Makefield is larger than what is at West Windsor. Mr. Mackenzie stated the Pool would not experience the start up and shut down costs that they currently experience.

Mr. Santarsiero stated the intermediate pool is good for younger children as it is only a few feet deep. He feels they would need to have some advice as to which pool to cover; but he feels this would be an important one to cover if they are trying to make it open to as many people in the community as possible. He stated during the week even in the winter he is not sure young families would have time to use the facility, but asked what they would foresee for the weekends. Mr. Mackenzie stated he feels the facility would be used very similarly to how it is used in the summer – the Swim Team activities would be limited to the early morning possibly from 7:00 a.m. to 11:00 a.m. and from 11:00 on it would be open recreation. He noted Mr. Sharp has done a very good job working with the Swim Team in terms of making sure the Swim Team does not over impose on the general membership. He stated if they did have an Invitational Meet, they would start the Meet at 8:00 a.m. and they would be gone by Noon.

Mrs. **Godshalk** asked who would pay for the Swim Teams, and Mr. Mackenzie stated the Swim Teams would be self-funding just like the Swim Team is currently. He stated he feels they would pay dollars back to the pool for lifeguards and other support. He stated in the summer each swimmer has to pay a registration fee which includes general fees, meets, insurance, etc., and the winter swim teams would do as well. Mr. Smith asked the current fee, and Mr. McKenzie stated in the summer they pay \$75; and in the winter, depending on the program it is approximately \$400 for PAC, and \$1200 for Spirit Swim out of George School.

Mr. Stainthorpe asked if they anticipate that PAC would use this pool, and Mr. Mackenzie stated he is President-Elect of PAC and they would view this as a third pool as they use the High School and Pennwood Pools although they are outgrowing those facilities due to increase in the numbers of swimmers. Currently they have 260

swimmers. Mr. Stainthorpe asked if they run a large Meet, what type of revenue can they expect to generate, and Mr. Magg stated at the College of New Jersey, the Meet they run clears \$10,000 in one day. Mr. Stainthorpe asked if there is room for them to fit a Meet in at this facility since the USS schedule is set in advance. Mr. Magg stated the mid-Atlantic area is in need of 50 meter pools.

Mrs. Godshalk asked how they could exclude the “diaper-set” if they do not cover the splash pool. Mr. Mackenzie stated he would hope that the very young children would use the intermediate pool with their parents.

Mr. Stainthorpe asked if they are comfortable having the potential supplier do the feasibility study, and Mr. Mackenzie stated he feels they will be able to provide the proper engineering study. He stated he does not feel they should do the economic phase. He stated he feels that Asati can tell them which pools it would be possible to cover and provide the options. He stated Wallover has done a good job, but they tend to be more for permanent structures. Mr. Stainthorpe stated he feels this is worth looking at. He stated the pool as it exists is a gem, and he is not in favor of anything that would detract from the viability of it; and whatever they do, should enhance it. He also feels it should pay for itself, and he does not want to put any further burden on the taxpayers. He stated he feels a market study is a critical component of this as well. Mr. Mackenzie agreed. Mr. Stainthorpe stated they have the finest public Pool probably in the State of Pennsylvania. Mr. Smith stated he feels this is why they sent out the survey to the Pool membership to see if there was interest in exploring a feasibility study. He stated more than a majority of the people were in favor of looking into this. Mrs. Godshalk stated they did not indicate how much it would cost in the survey. Mr. Stainthorpe stated this is why he feels they need to do the market study. Mr. Santarsiero stated he feels they should proceed with the first phase, and with that information they would be in a better place to do the market study as they would then have hard costs.

Mrs. Godshalk stated she also feels they should contact the School District. She stated the taxpayers support the School pools, and they should see what this will take away from them. She noted the Schools offer open swim and for a period of time, they were discussing closing Pennwood Pool. Mr. Mackenzie stated he feels that the hours that the Schools offer, the convenience of the space, and the pool itself does not lend itself to getting numbers. He stated the High School Pool on a Friday night is full of multiple birthday parties. Mr. Mackenzie stated he feels the best option for the Township is to cover the Olympic Pool and the intermediate pool as this would include the diving boards, slides, the shallow pool, and the 50 meter pool for Meets. Mr. Santarsiero stated at the School pools, they are drawing from more than one community; and while they should consider this, he feels they could co-exist if the Township were to go forward with this project.

Ms. Ann Marie Argentiri, Darby Drive, stated her children have gone through the Lower Makefield Swim Teams and PAC. She stated she works at the Newtown Athletic Club, from which they have to turn people away because they do not have enough space for everyone. She stated they currently rent space from a retirement community for overflow and still cannot meet the needs. She feels Option D is important as it provides a shallow water pool to train young children and would also provide warmer water for senior citizens. She stated Option D would also provide a fifty meter training facility that does not exist currently in the area. She asked if they are considering opening this up during the winter swim season beyond LMT and Yardley residents so that they can expand the revenue flow. Mr. Santarsiero stated they would have to take this into consideration as part of the feasibility study.

Ms. Karen Friedman asked the average center height of the bubble, and Mr. Mackenzie stated the bubble they are discussing is 50' high. Mr. Magg stated there have been some bubbles as high as 75' high. Option D would require a bubble 50' high.

Mr. Jim Bray stated he feels this is an excellent idea and \$5,000 is a modest sum for a feasibility study of this type.

Mr. Santarsiero stated there are trees in the area and because the Pool is at the bottom of a slope, he feels it would be less noticeable than if it were on a flat plain.

Ms. Helen Bosley, 546 Palmer Farm Drive, stated she feels this is an interesting concept but is concerned with the monetary feasibility of it and with choosing the firm to do the feasibility study that could be building the facility. Mr. Stainthorpe stated they would have to put the construction out to bid.

Mr. Andy Raffle, 1175 Beech Court, stated the problem is everyone wants to be in the water at the same time so Option A for one pool does not seem to make sense. He stated the least expensive part of the project seems to be the bubble. He asked if they considered covering all three pools, and Mr. Mackenzie stated he did not. He stated they tried to mimic off of ones that were successfully installed at this size. He stated he is aware of many that are similar in size to Option D.

Mr. Bob Slamen, 50 Bedford Place, asked what costs they used when they considered heating the facility noting the concern with oil prices. Mr. Mackenzie stated the materials they use for the bubble help keep in the heat. He stated he does have detailed calculations on the cost of oil and the BTUs coming from the heater, and he can provide these.

Mr. Smith moved and Mr. Stainthorpe seconded to approve \$5,000 to explore a feasibility study by Asati on the option of enclosing and winterizing part or all of the pools that are currently at LMT for use in the fall, winter, and spring.

Mr. Fedorchak stated he and Mr. Truelove will craft a Professional Services Agreement that includes a scope of work for the Board's signature.

Motion carried unanimously.

PRESENTATION OF HERITAGE CONSERVANCY REPORT ON MANAGEMENT STRATEGIES FOR THE TOWNSHIP'S HISTORICAL RESOURCES

Mr. Jeffrey Marshall was present. Mr. Santarsiero stated in late 2004, the Board of Supervisors retained the services of the Heritage Conservancy to do an analysis of all Township-owned historic sites including some recommendations to the Township as to how they should proceed with those assets. Mr. Santarsiero stated Mr. Marshall has noted in the report that he has interviewed the stakeholders and undertaken a number of studies. This information is included in the report before the Board this evening under cover of a memo from Mr. Fedorchak dated 4/10/06.

Mr. Marshall thanked the Township for the opportunity of allowing them to study these historic resources in the Township. He stated they also met and worked with a dedicated group of volunteers, the Supervisors, and Township staff. He stated because the Township owns several historic properties, the Township felt that they should provide high quality stewardship of the properties and asked the Heritage Conservancy to do an evaluation and work on a framework for the Supervisors' decision making. They were asked to create a filter through which the Supervisors would have the information to make decisions as to how they wanted to proceed with what they have. As part of the process, they had community input. He noted Page 19 which outlines the results they obtained from meeting with a number of people about what about the properties is important to them. He stated the three things which came out were historic significance, various forms of economic impact, and agricultural past or physical contest of the structures.

Mr. Marshall stated they spent a lot of time looking at the buildings and found that in several cases the information about the properties, particularly about the dates of some of the properties, were not supported by documentary or physical evidence. He stated this does not mean that they are not significant, as in fact many of them are, it is just that they cannot corroborate what people have said about the building based on the evidence. He stated they did not have any bias and a historic building can be significant despite the date it is built.

Mr. Marshall noted the Summary on Page 14 which shows what they feel the Township should do in terms of historic designation. For the Patterson/Brown House, they feel they should pursue listing on the National Register noting the project has been declared eligible as part of the road project for the Interchange. He stated the Patterson/Satterthwaite House was also part of that designation and determined eligible. With

regard to Elm Lowne, Mr. Marshall stated they feel the property should get the determination eligibility – the nomination to the Pennsylvania Historic Museum Commission for that determination. If it merits listing, they should pursue the actual registration. With regard to the **Warren/Farringer House**, they feel its integrity was compromised and did not recommend pursuing its historic designation. With regard to the Dalgewicz/Slack House, because of its loss of context which is one of the key issues of historic significance, with the outbuilding gone and its location in the middle of a Golf Course, they feel it would need additional research and documentation to make it eligible for listing. They feel this property would be a second or third tier in terms of priority. He noted the grid on Page 15 which shows their work in a more graphic form in terms of what they felt in terms of the historic aspects of the **decision-making**.

Mr. Marshall stated they did look at economic impact, but did not do capital improvement figures. He stated whether or not a property produced income was not the filter they used. He stated historic properties are traditionally not self-sufficient so this was not a determining factor. He stated with regard to certain properties, they did note that they need to do re-assessment of the previous studies to determine the costs. He noted particularly the Satterthwaite House which needs to be looked at again.

Mr. Marshall stated part of their evaluation included agricultural past which means physical context. This means that some of the buildings, to have agricultural context, need a full complement of buildings. He stated they also looked at the relationship of buildings to land. He stated there are two different types of properties in the Township – those which are part of historical assemblages – Elm Lowne and the Patterson Farm and stand-alone sites like the Warren/Farringer House, the Five Mile Woods House, and the Dalgewicz House. He stated they also considered those that are surrounded by significant land with Patterson Farm, Elm Lowne, and Five Mile Woods being properties with large open space versus smaller ones such as the **Warren/Farringer House** which is on a very small size lot. Mrs. Godshalk stated the Township does not own the **Warren/Farringer House**. She stated they lease it from the shopping center. It was noted they did include this fact in the report.

Mr. Marshall stated they also looked at how the Township can pursue its relationship with the historic structures as discussed on Pages 26 through 28 of the report. He also provided this evening a more generic report that spells out pros and cons of different options. He stated they tried to look at how the properties can be managed; and the choices are maintain the status quo, make it more of a **Township-structured** program where they may in fact hire a historic preservation specialist or additional staff to work with it, or maintain and/or expand a system for future acquisitions and working with a Citizen's Group – either the Historic Commission or changing to a Heritage Commission that has direct management responsibility for particular properties in a formalized way.

Mr. Marshall stated the Township has had a reaction type of plan with regard to acquisition of properties because they were threatened, there was a unique opportunity to acquire them, or they were part and parcel of a larger program such as the Patterson Farm or the Golf Course property. He stated there was no systematic study of historic resources in the Township that then charted the Township's desire to acquire certain properties for purely historic reasons.

Mr. Marshall stated they do not feel protecting a building necessarily means owning it, and the Township could step in to preserve a building when it is threatened. He stated a purchase and resale system of preservation and protection is commonly used by Non-Profits and other Municipalities. He stated the Township must consider the pros and cons of public versus private ownership. He stated some of these are outlined in the information he provided to the Board this evening. He stated this would have to be done on a case-by-case basis. He stated while the Township would have the most control if they owned a property, they would also have the most responsibility. He stated the option of acquiring a property, putting a Conservation Easement on a suitable portion of the land, and a Façade Easement on the structures deemed important, and then returning it to the private sector has a lot of merit in terms of recovering expenses and protecting the property without having the burden of management and ownership. He stated any thought of divestment as noted on Pages 23 and 24 of the Report should also include the idea that the Board consider an Historic Overlay Ordinance that would allow the adaptive reuse of the structures if they are not going to be owned by the Government. He stated this allows someone to have an economic return on investment. He stated the Historic Commission has discussed historic overlays in the past; and if the Township were to divest itself of any of the historic resources, they should give them the best opportunity to be preserved by allowing some sort of adaptive reuse abilities for significant structures. He stated they should take this and do it uniformly throughout the Township, update a Comprehensive Historic Site Survey, determine which properties feel are significant to the history of Lower Makefield, and modeling it after a number of similar Ordinances throughout the region, provide protection against demolition and certain benefits in terms of Conditional Use or Variances for historic structures that are significant that may not be able to be preserved in their standard use. He noted the property where the Heritage Conservancy office is located is zoned Residential but they have it used as offices. He also noted another situation where there is a Bed and Breakfast located in a Residential area. He noted both are large, significant structures that economically would be hard-pressed to be preserved unless they were given help by the community.

Mr. Marshall noted Page 30 of the Report where they discuss any potential divestment of properties so that the Township could focus on the properties that they retain. He stated the Township has a lot of historic property, and this diffuses their efforts in terms of people and financial resources. He stated the Township could also be its own competition in terms of Grants and finding suitable activities for each of the buildings.

He stated there are barns at Elm Lowne and the Patterson Farm. They are currently doing a study on the barn at Elm Lowne, and they might consider if whatever use they consider for that barn may be better suited on the Patterson Farm or another of the historic properties. He stated if they do retain them, they would recommend that for every property there be a detailed stewardship plan, and they consider their goals for the property, a funding plan, and a public involvement and education plan as to how they will engage the public. He stated they should consider if there will be management responsibilities from a “Friends Of” group, whether there will be one broad-based Historic Commission or Heritage Commission that helps oversee them, etc. He stated they should also do a market study on any adaptive reuse projects before they invest funds in those facilities. He noted the example of a house museum, and a market analysis of house museums would show that they do not need any more of these in the region as there is limited attendance for viewing of historic structures and house museums. Mr. Marshall stated the Heritage Conservancy would be willing to help with any aspects of this.

Mr. Santarsiero noted the Site Specific Recommendations on Page 30 and asked for discussion on each of these. Mr. Marshall noted this is based on their experience at the Heritage Conservancy. He stated in the twenty years he has been involved with them, they have owned between fifteen and twenty historic structures. He stated currently they are down to eight to ten as they do an on-going evaluation. He noted the site specifications are based on the fact that they did not anticipate that there would be a strong likelihood for a dramatic increase in dedicated funding.

Mr. Marshall stated with regard to the **Patterson/Brown** House they recommend that they pursue lease of the **Patterson/Brown** House and tenant house, investigate the use of the barns for other Township uses including non-residential uses, public uses, or agricultural uses in association with the open space the Township owns. For the **Patterson/Satterthwaite** House, they recommend that they complete a revised and expanded study of the house and stabilize it until the determination of its future use or restoration is completed. For Elm Lowne, they recommend investigating potential future uses other than Performing Arts Center, consider transferring management to the “Friends” group, or sale. He stated the reason they suggest considering selling this property is because it is self-contained as compared to the Patterson property or the Satterthwaite House which would be an incursion in other land that the Township would presumably continue to own. He noted with respect to Patterson Farm, this has to do with the integrity of the farm and potential need for those agricultural buildings in the future. Mr. Marshall stated any sale of Elm Lowne should include provisions for promoting the adaptive reuse of the historic structures, determining what portion of the property or rights the Township would want to retain beside Façade Easements such as preserving scenic vistas or potential future stormwater facilities, etc. With regard to the **Warren/Farringer** House, they would recommend that they could maintain the status quo or determine the ability to get it from the shopping center and sell it with a Façade Easement, or donate it to a

Non-Profit. With regard to the Dalgewicz/Slack House, if the historic research and architectural study of the house does not suggest pursuing listing on the National Register, they would recommend investigation of any potential Golf-related uses for the structure as they found it difficult to find any other use for it. If there are no Golf-related uses for the structure, they recommend that they consider documentation and demolition rather than let it sit and have no use. With regard to the Five Mile Woods, they recommend that they maintain the status quo. He noted that the historic aspects for this are very minimal. Mr. Santarsiero noted that house is currently being leased and has been for some time.

Mr. Stainthorpe asked what would Mr. Marshall estimate would be the cost of getting the historic designations for these properties. He stated they have discussed this for years, but it was never accomplished. Mr. Marshall stated they have done much of this work as part of the Report, and he would estimate it would cost several thousand dollars for the Patterson/Satterthwaite House, and Elm Lowne possibly \$3,000 to \$4,000. He noted the Patterson Farm was determined eligible, and the rest is more honorific. He stated the protections are already in place. He stated some Grantors do want to see actual designations, and this is the reason they should do it. With regard to Elm Lowne he feels because of what the Township is doing there and the programmatic uses the Township is making, it would be a higher priority in terms of getting it to a level of being determined eligible. Mr. Santarsiero asked if the several thousand estimated for the Patterson Farm would include both the Brown House and the Satterthwaite House, and Mr. Marshall stated it would.

Mrs. Godshalk noted the Satterthwaite House is in the worst condition, and a prior Board had decided to subdivide a couple of acres with the house and possibly the barns, although the Township does have use for these, and look for a buyer as that house was in the worst shape noting it could cost as much as \$400,000 to \$500,000 to bring it up to a normal standard of living. She stated the accessibility to the road would not make it undesirable to be held in private hands as a residential use. She stated they have a Plan for this which was delayed. She stated a new Board member wanted to wait until Mr. Marshall commented on this. Mr. Marshall stated he feels the house should be stabilized, and then feels a Master Plan for the Patterson Farm should come first because until they know how they will use the Patterson Farm, they do not know what would be the most optimal way to carve that off. Mrs. Godshalk stated there is agricultural use until all the farmers are gone and they do not know when this will occur; and in the meantime, the house will continue to deteriorate. Mr. Marshall stated he still feels there should be some investigation of the Master Plan for the Patterson Farm first. Mr. Santarsiero stated in May of 2004, the issue of subdividing that parcel and potentially selling that house was before the Board, and the Board did consider it at that time but did not vote in favor of doing that. He stated he was opposed to doing that as he did not want to upset the integrity of the Patterson Farm and called for a Master Plan for the Patterson Farm. He stated he was told there was one, but he does not feel there is one. He stated a number of people in the audience the evening this was discussed from both the

neighborhood and throughout the Township spoke in favor of keeping the Satterthwaite House as part of that farm and keeping the integrity of the farm together. Mr. Marshall stated part of the reason they looked at what they might sell was so that the Township would have the dedicated resources to put into that building because it is part of a larger parcel.

Mrs. Godshalk stated the Township owned the Tomlinson Store, and it was sold for \$340,000. She stated she tried to get the Township to put the money from that sale into a Historic Preservation Program where they would have had the money for these other properties. She stated the Tomlinson Store was given to the Township through her intervention years ago. She stated it was going to be torn down, and the developer said they could have it, and the Township received numerous Grants to preserve it. She stated it is now in private hands and people are complaining about the way it is being kept with neon signs in the windows. Mr. Marshall stated there is no right answer, and it is not an easy choice. He stated what they do with the Satterthwaite House depends on whether or not the Township wants someone to have the ability to use it for some agricultural use, equestrian use, use the barns or not, etc. He stated this is the reason this needs more study. He stated whoever they sell to may not like what is occurring around them. Mrs. Godshalk stated it is a residential neighborhood, and she feels anything that happens there should be a residential use. Mr. Santarsiero stated the farm was there first and has been preserved by the Township as a farm, and it continues to be farmed as they just signed a lease with a local farmer so he is not sure they can readily classify that house as a residential neighborhood. Mrs. Godshalk stated what she is referring to as the neighborhood are the people who surround the Patterson Farm who came out to reinforce that the Township not break it up because they were concerned that it would be something other than residential. She stated it should be kept residential as the farmers lived there in this home. Mr. Santarsiero stated he feels many of the people who were present at the meeting when this was discussed were not concerned with the issue of whether it would be used for some commercial use such as a Bed and Breakfast but rather the idea of dividing up the farm which was of real concern.

Mr. Stainthorpe stated he feels this Report is outstanding and feels it was the discussion on the Patterson Farm that prompted the Board to say they needed to have a professional look at this who did not have any prejudices. He feels the best idea is to have a stewardship plan and funding plan for each of the properties. He feels they should get a new estimate on the Satterthwaite House and then set some priorities.

Mr. Santarsiero stated he feels they should take each property in turn and devote further time on them both at the Historic Commission level and by the Board of Supervisors to consider stewardship plans, a Master plan for the Patterson Farm, etc. He stated the purpose of tonight's meeting was to consider what advice the Heritage Conservancy is giving and to understand the nature of the Report.

Mr. Caiola stated he feels it is critical to take the report to heart; and if they want to maintain the properties through the years, they need to be serious about developing a program so that the properties do not fall into more serious disrepair and that there are legitimate uses or reuses for all of them.

Ms. Michelle Stambaugh thanked Mr. Marshall on behalf of the Historic Commission. She stated they have not formally reviewed the Report at their meeting. She stated site surveys are in the works; and they have approved having these updated over the summer, and they are working on this. She stated she strongly approves of Historic Overlays, and they discussed that this is possible for some of the tracts in Edgewood Village. She stated with regard to the National Registry for the Patterson Farm, this is nearly complete and should be submitted shortly. Ms. Stambaugh stated she personally opposes any demolition of any of the historic properties. She noted they mentioned the property on the Golf Course, and she stated she knows that they need to find the proper use for it; and they would be willing to work with the Golf Course Committee to help preserve the house. Mr. Stainthorpe stated they have had discussions with the Philadelphia area PGA who have had two architects and contractors to the property, and he is hopeful they will have an adaptive use for that.

Ms. Helen Heinz stated the Report is very comprehensive and thorough and gives lots of room for thought to try to determine what they can do with the properties. She stated she feels there is need for oversight if they have "Friends" groups. She stated there should be coordination to make sure that there are not four different applications from the Township for the same funds.

Ms. Virginia Torbert stated she would like to see a copy of the Report. She stated now that there is a local farmer farming the Patterson Farm, one of the possibilities which she had mentioned previously about having a tenant farmer on the farm is now a possibility and they could make better use of the barns for their equipment, etc. Ms. Torbert stated she is concerned with the Satterthwaite House and agrees that the Master Plan should come first. She stated in the meantime, the house is deteriorating. She feels they need a plan to at least paint it. She stated this is a Township asset which is deteriorating, and the Board of Supervisors needs to make a preliminary decision that they will not let it deteriorate further. Mr. Smith stated they did approve having the house painted. Mr. Fedorchak stated they received a \$19,000 Development Block Grant to paint the house. He stated they do have to pay prevailing wage. He stated he hopes that they will be able to start painting it in June or July. Mr. Santarsiero stated he agreed that they do need to address each of the properties in turn and feels Patterson Farm is the one they should look at first because it is the largest, there are a lot of issues with the property, and there is an issue with the Satterthwaite House and the longer it stays without work being done to it, the greater the possibility that it will be that much more difficult to refurbish. He stated they will be scheduling that issue on a future Agenda.

Mr. Smith stated he previously suggested that they explore the transfer of the farmlands at Patterson Farm to the Farmland Preservation Corporation. He knows there is some difference of opinion among the Board but feels they should still explore this. He hopes that this will be placed on a future Agenda as well. Mrs. Godshalk stated she previously gave reasons why this should not be done. Mr. Marshall noted Page 18 of his Report and stated he feels they should confer with the Solicitor on the Deed Restrictions that came with that property and this may provide some direction on how to proceed with the Patterson Farm. He stated their options are limited with respect to this property that came with the Deed.

Mr. Zachary Rubin thanked the Township for putting this on the Township Website and asked that they continue to put such Reports on the Website.

Ms. Helen Bosley stated she feels this is a great Report. She stated she was interested in the comments tonight that there are really only five or six properties that are being discussed. She stated she feels that for the size of the Township this is a reasonably manageable number and they should be able to generate a Master Plan. Mr. Marshall stated he does feel the structures should be preserved where possible but recognizes that there are limited funds; and if the Township cannot do their job as stewards of the property, they should get it back into private hands with the proper protections.

Ms. Sue Herman asked if part of the equation is whether revenues can come back. She asked what mechanism they would have for brainstorming how they could get more revenues. Mr. Marshall stated this would be part of a Master plan. He stated there is a balance to be considered as to how many people they may want to have come into a particular property. He stated if there is a sale, there should be a Plan from the purchasers outlining their short-term and long-term goals and **responsibilities** as part of the acquisition. Ms. Herman asked who would work on the Master Plan and would the public be involved. Mr. Marshall stated most Master Plans they have worked on have had public input. Mr. Santarsiero stated he feels they will start with the Historic Commission and the public will have input just as with any other Master Plan they would develop for the Township.

Ms. Ann Langtry asked if the Addendum that was provided this evening will also be posted on the Website, and Mr. Santarsiero asked that this be posted on the Township Website. Mr. Marshall stated this information is not site specific to Lower Makefield, but are typical pros and cons. Ms. Langtry stated she would like to discuss with Mr. Smith privately the comments he made regarding Elm Lowne at the prior meeting.

Mrs. Godshalk asked if the Historic Commission could receive an official copy of this Report as opposed to having to download it from the Township Website. Mr. Marshall stated they were asked to provide eight copies. Mr. Santarsiero agreed that they should get the full report as well as the addendum that was received this evening.

Ms. Herman stated she feels there are a lot of creative people that can think of ways to maintain these properties.

DISCUSSION AND TABLING AUTHORIZING ADVERTISING ORDINANCE RESTRICTING THE HOURS OF TRASH COLLECTION WITHIN THE TOWNSHIP

Mr. Santarsiero stated they discussed this at the last meeting and directed the Solicitor to prepare an Ordinance. Mr. Truelove stated some possible changes were suggested and they need to consider revising the penalty and/or civil aspects of this. He stated the Board may also want to consider different times. He stated the basic concept is to add a Section to one part of the Code and this is what they prepared. Mr. Santarsiero noted this was e-mailed out to the Board members.

Mrs. Godshalk moved and Mr. Stainthorpe seconded to table until the next meeting. Mr. Santarsiero asked that the adjustments be made as well. Motion carried unanimously.

ZONING HEARING BOARD MATTERS

Mr. Truelove stated it was recommended that they leave to the Zoning Hearing Board the Rosario Rottenborn, 431 Ramsey Road, Variance requests to construct a patio encroaching in the rear yard setback and resulting in greater than permitted impervious surface.

With regard to the Gary Long, 5 Kenmore Road, Variance requests to construct a fence encroaching in the floodplain, Mr. Truelove stated the Solicitor was asked to participate to ensure that the Township would have access in the event they needed to be in the area where the fence would be erected and any cost for that access would be borne by the homeowners in the event that access would be required.

Mr. Truelove stated it was recommended that they leave to the Zoning Hearing Board the James and Michele Mehlberger, 241 West Ferry Road, Variance request to construct an addition resulting in greater than permitted impervious surface.

With regard to the Boxwood Farm LLC Appeal of the determination of the Zoning Officer to deny a grading permit to allow construction at 1403 Oxford Valley Road, Mr. Truelove stated the Township asked that the Solicitor appear in opposition. He stated this relates to the moving of a historic structure. He stated there is some discussion with the developer which may obviate the necessity for this matter. Ms. Michelle Stambaugh stated that when the Boxwood Farm Development came up there was concern with moving that property. She stated there was a Bond placed, and she has not seen any correspondence on this. She stated she feels it was for \$1 million. She stated the issues

on grading are of concern. Mr. Santarsiero stated they have had meetings with the developer, and they are unable to post the bond. The issue is whether or not the Township can obtain financial assurance that from the Township's perspective is sufficient to protect the house and make sure that nothing happens in transit. He stated they have made a proposal to the developer and are waiting to hear back from them. They hope that on May 3, the Board will be in a position to explain that proposal to the public and go forward with this and obviate the need for the Appeal.

SUPERVISORS' REPORTS

Mr. Smith stated the Farmland Preservation Corporation is moving ahead with their projects for the year and some of them include signage, and trying to clean out some of the buffers between the Farmland properties and the residential properties. Mr. Smith stated the Historic Commission has requested better reporting from the Elm Lowne Committee to the Historic Commission so they are all aware of what is going on. Ms. Langtry stated they provide the Elm Lowne Minutes to the Historic Commission, but the Elm Lowne Committee does not get the Historic Commission Minutes. Mr. Smith stated he is sure that this can be worked out between the two Committees.

Mr. Caiola stated the Park & Recreation Board met to discuss artificial turf for one of the soccer fields as well as the bubble for the pool. Mr. Caiola stated the Sewer Authority had a Special Meeting to discuss the bids for the Canal Interceptor.

Mrs. Godshalk stated trees will be planted next week at Memorial Park. She stated these trees were donated and the planting will be handled through the Grant they received.

OTHER BUSINESS

Discussion on Setting Date for Edgewood Village Meeting – Mr. Santarsiero stated in January when they had the Special Meeting on Edgewood Village, they agreed that they would try to meet again in approximately ninety days. Mr. Stainthorpe stated that meeting was very useful and they had a lot of public participation. He asked if anything further has happened that would require a Special Meeting and asked if they could not just consider this at a Regular Meeting. Mr. Smith stated he does not feel they called for a Special Meeting and instead just asked that they come back and report to the Board in ninety days at a Regular Meeting as to where they stand. It was agreed that the matter be discussed at the first meeting in June.

Set Date for Spring Road Inspection Tour – It was agreed that the Tour be scheduled for Saturday, June 3 starting at 8:00 a.m.

Matrix Discussion

Mr. Santarsiero stated assuming they can work out the language issue, they would have the signing of the Agreement at the next Board meeting on May 3.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Smith stated they have had numerous individuals coming out for the Boards and those who are not selected, their resumes will be maintained and they will see if there is something else they are interested in or they could consider them for a future vacancy.

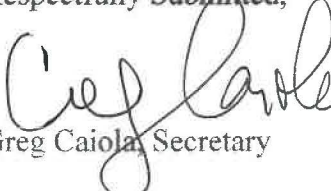
Mr. Smith moved, Mr. Caiola seconded and it was unanimously carried to appoint the following:

Park & Recreation Board	– Fran McDonald
Golf Committee	- Helen Bosley
Sewer Authority	- Jeff Shanks
Economic Development Committee	– Robert Smith
	Ellen Slott-Fisher
	Ed Kuszmar
	Ed Jasiewicz
	Margaret Fine-Levy

He noted they will make appointments shortly to the Citizens Traffic Committee once they determine if those they would like to appoint fit in with the zones that will be created.

There being no further business, the meeting was adjourned.

Respectfully Submitted,


Greg Caiola, Secretary



Township of Lower Makefield

BOARD OF SUPERVISORS
Pete Stainthorpe, Chairman
Scott I. Fegley, Vice-Chairman
Grace M. Godshalk, Secretary/Treasurer
Frank J. Fazzalore, Supervisor
Steven J. Santarsiero, Supervisor

**APRIL 2006 WARRANT LISTS AND
MARCH 2006 PAYROLL COSTS FOR APPROVAL
APRIL 19, 2006 BOARD OF SUPERVISORS MEETING**

04/03/2006 Warrant List	\$ 247,686.98	
04/06 Manual Checks	193,698.00	
04/17/2006 Warrant List	651,590.34	
Total Warrants & Prepaids		1,092,975.32
<u>PAYROLL COSTS:</u>		
MARCH 2006 Payroll	351,877.94	
03/06 Payroll Taxes, etc.	26,918.59	
Total Payroll Costs		<u>378,796.53</u>
TOTAL TO BE APPROVED		\$ <u><u>1,471,771.85</u></u>

