

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – SEPTEMBER 6, 2006

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on September 6, 2006. Chairman Santarsiero called the meeting to order at 7:35 p.m. Mr. Caiola called the roll. Mr. Santarsiero stated the Board met in Executive Session since 7:00 p.m. discussing litigation and real estate matters.

Those present:

Board of Supervisors: Steve Santarsiero, Chairman
 Ron Smith, Vice Chairman
 Greg Caiola, 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

SPECIAL PRESENTATION - OFFICER TIMOTHY REEVES

Chief Coluzzi stated Timothy Reeves has been a Lower Makefield Township Police Officer for eight years. He stated he joined the U.S. Army Reserves in 1995 and was called to active duty in support of Operation Iraqi Freedom, serving in Iraq beginning May, 2005. As part of his duties he advised and trained the Iraqi Army. He has now returned home and is back patrolling Lower Makefield streets. Chief Coluzzi spoke on behalf of all the men and women in law enforcement thanking Officer Reeves for his dedication to our Country. Officer Reeves thanked the Township for their support thanking the Chief, the PBA, his fellow Officers, and the community of Lower Makefield Township who corresponded with him and sent many care packages. Mr. Santarsiero thanked Officer Reeves on behalf of the Township for his service. Mr. Santarsiero stated regardless of political differences, everyone supports the troops and wishes them a safe and speedy return home.

Officer Reeves presented to the Chief a flag for the Police Department which was flown in Iraq on May 20, 2005 over the Marine Camp to which he was assigned.

PUBLIC COMMENT

Mr. Richard Adams, 221 Taylorsville Road, stated he forwarded a letter to the Board of Supervisors in July, and he asked that they respond shortly.

Ms. Alison Smith complimented the Township on the recent Community Pride Day which was a great event. Mr. Santarsiero thanked all the Township employees and volunteers who helped make this event a reality in a short period of time. He particularly thanked Donna Liney, the head of the Park & Recreation Department, who did a tremendous amount of work putting the event together. He also thanked Ron Smith who did a great deal of work putting together Community Pride Day contacting numerous organizations in the area and lining up numerous participants. He stated the event would not have occurred without his leadership. He stated because of the success of this initial event, he is sure that they will be able to have many more community events in the years ahead.

Mr. Smith stated the Township and community stepped up to the task. He also thanked the Chief and the Police Department and the members of the volunteer Boards. He stated many of the organizations were also able to recruit new members. He stated they will have additional Community Pride Days in the years ahead. He also thanked Mr. Fedorchak, Ms. Liney, Sue Curran and her daughter, Andrea, who ran the bands, and the Yardley News which publicized the event. He also thanked the other Supervisors for their participation. He stated they were able to raise money for a good cause as well. He stated this will be the first of many over the years of a new, great tradition.

Mr. Caiola stated the event exceeded his expectations, and he feels the Township was primed for such an event.

Mr. Santarsiero stated when he suggested in January that they hold such events, he indicated the Township needed to further accentuate the sense of community they have in Lower Makefield and also to forge more of an identify of being residents of Lower Makefield. He feels Community Day was the first step in that direction on which they will be able to build. He noted the Board members received a number of e-mails complimenting the Township on the event. He stated those attending indicated they were able to learn a lot about the various organizations in the Township. He stated a number of people indicated how much they enjoyed the fireworks and hoped that there would also be a Fourth of July event as well.

Mr. Sam Conti stated he received letters from the Office of the Consumer Advocate regarding the Pennsylvania American Water Company. He stated a number of years ago, the Township sold their customer base of water customers to the Pennsylvania American Water Company; and as a result of that, there was a substantial increase in the rates at that time. He stated the Pennsylvania American Water Company sold their interest in the Company to a German Holding Company in 2002. He stated Pennsylvania American is a subsidiary of American Waterworks, and the German Holding Company paid a premium to acquire American Waterworks. He stated the stock market price at that time was \$34 and they paid \$46. He stated they paid \$7.6 billion to acquire American Waterworks. He stated the German company now wants to divest their ownership of the American Water

Company and its subsidiaries, and there is an Application being prepared by the Pennsylvania American Water Company to allow the American Waterworks to make a stock issue to purchase back the ownership of the Pennsylvania American Water Company. He stated he has been unable to find out the price of the shares that the German company is asking; but whatever the price may be, it may have an affect on what the residents of Lower Makefield will have to pay for their water. He stated the Office of the Consumer Advocate has filed a protest with the PUC to examine the Application and wants to insure that the consumers receive substantial affirmative benefits should the Commission approve the Application. He stated the Office of the Consumer Advocate will represent the interests of the Pennsylvania utility consumers in this matter. He stated the PUC has scheduled a Hearing in Harrisburg beginning at 10:00 a.m. to provide customers with an opportunity to testify by telephone on Monday, September 18. He stated those interested in asking questions or testifying should call the Office of the Consumer Advocate at 800-684-6560.

APPROVAL OF MINUTES

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Minutes of August 2, 2006 as written.

APPROVAL OF AUGUST 7, 2006 AND AUGUST 21, 2006 WARRANT LISTS, AND JULY, 2006 PAYROLL

Mr. Caiola moved, Mr. Smith seconded and it was unanimously carried to approve the August 7, 2006 and August 21, 2006 Warrant Lists and July, 2006 Payroll as attached to the Minutes.

Mr. Santarsiero stated they have now ended the season for the Pool, and it appears that the Pool will once again take in as much as they did last year which was \$640,000. He thanked Mr. Brad Sharp who has been the Pool Manager for the last twenty years and has now retired.

Mrs. Godshalk announced that they have received a \$90,000 U.S Department of Agriculture Forestry Grant. This was a 9-11 Grant made for Memorials. She thanked Mr. Fedorchak for administering the Grant with the help of some other employees and volunteers. She stated the money was spent beautifying Memorial Park. She stated trees were planted with this money as well as hundred of thousands of dollars of gifts from landscapers to Memorial Park. She stated they will be recognized on the Donor's Wall.

UPDATE ON FLOOD RELIEF EFFORTS AND APPROVAL TO SUBMIT LETTER OF INTENT FOR A FEMA/PEMA HAZARD MITIGATION GRANT

Mr. Chris Benosky and Ms. Jeepsi Patel from Schoor DePalma were present. Mr. Santarsiero stated also present are representatives from Yardley Borough - Joe Hunter, President of Yardley Borough Council and Bill Winslade, Manager.

Mr. Santarsiero stated the Supervisors received today a copy of the report dated 9/6/06 which was put together by Schoor DePalma pursuant to the Board's direction in July. He stated Yardley is very interested in knowing what Schoor DePalma is recommending, and added that Lower Makefield pledged that whatever they do with regard to flood relief, they will do it in coordination with their neighbors which is why representatives from Yardley Borough were invited this evening. He stated maps and diagrams are on display this evening as well as additional copies for the audience.

Mr. Benosky stated they met with members of RAFT, had a site walk with the Board of Supervisors and a number of residents on 7/22/06, met with Mr. Winslade on 7/28, took several additional site visits to verify conditions, and attended a meeting with the northern residents on 8/16/06. They also had discussions with the Friends of the Delaware Canal, the Delaware River keeper, the Department of Conservation and Natural Resources, DEP, and the Bucks County Planning Commission.

Mr. Benosky stated for the purposes of discussion and their report, they broke the Township up into five different study areas. Area 1 is the area north of the Yardley Borough limit up to the Upper Makefield limit, Area 2 consists of Yardley, Area 3 is south of the Yardley Borough limit near the Belmondo Apartments to south of the Rivergate Development, Area 4 is south of the Rivergate Development to south of Richard Road, and Area 5 is south of Richard Road to south of East Ferry Road/Morrisville Municipal boundary.

Mr. Benosky stated in order to define the problem and develop solutions, they looked at three different River stages – the first which they call the Low Stage is equivalent to a seventeen foot crest at Trenton. This according to NOAA is where flooding begins in Yardley. He stated it also begins in the northern Area 1 – the northern region of Lower Makefield Township. He stated they also looked at what they call the High Stage which is equal to a twenty-five foot crest in Trenton and this is where the last two to three storms crested at Trenton. He stated the Record Stage would be up to thirty feet and they did not take this too far as at thirty feet, the majority of the area would be inundated; and to protect to thirty feet would probably be unrealistic.

Mr. Benosky stated the proposed flood control measures were evaluated based on two-foot topographic contours which were flown in 1980 for Lower Makefield Township.

Mr. Benosky stated there were no contour maps available for Yardley Borough. He noted a board showing Yardley and stated for this map, they supplemented it with the twenty-foot contours from the USGS mapping.

Mr. Benosky noted the first Map which shows the flood prone areas for the seventeen foot crest in Trenton. He stated this is Area 1, north of Yardley up to the Upper Makefield border. He stated the water backs in from the River through County Bridge 312 which comes underneath the Scudders Falls Bridge and there is also water backing up through the culvert at the Canal maintenance yard. He stated this is the lowest limit of flooding at the seventeen foot crest in Trenton, and there is already a significant amount of water in Yardley Borough and in Area 1. Mr. Benosky noted Area 1 at a twenty-five foot crest in Trenton which shows that the entire area from Yardley up through the Canal maintenance yard is inundated. He noted the homes highlighted which are residents who expressed interest in flood proofing, raising, or buy-outs at the meeting held recently. He stated they considered a number of options for flood protection in this area, although he stated the option some of the residents chose of buy-out or raising are the most efficient means of flood proofing this area. He stated they also show the option of a series of back-flow preventers some of which were recommended in Mr. Majewski's report as well as one on County Bridge 312, and then a series of concrete flood walls running along River Road and down along Morgan Avenue near the Yardley Borough limit. He added that the flood walls would only be two to three feet high but anything over a seventeen foot crest would result in water coming over the flood walls.

Mr. Benosky stated the next level of protection that they looked at was for the twenty-five foot crest. He stated the only way to protect against this would be a continuous flood wall around the region, extending from the towpath bank up across River Road and down to Dyers Creek. He stated it would have to be eight to ten feet high. Mr. Caiola asked where the ten feet would be measured from, and Mr. Benosky stated it would be measured from ground level. He stated it would be a ten foot wall on the River side of River Road. He stated there are four homes on the opposite side of River Road, and they would have a temporary flood wall at the locations where there are driveways which would be erected in advance of the flood. Mr. Benosky stated they would not recommend this plan of action as they feel it would be very difficult to Permit, very expensive to construct, and not very aesthetic.

Mr. Benosky stated for Area 1, their recommendation would be buy-outs, elevation, and flood proofing.

Mr. Benosky stated Area 2 is Yardley Borough which is in a naturally low area. He stated in Yardley Borough the River and the Canal meet. He stated the water from the River comes up into the Canal, flows down through Yardley Borough itself, and down into the Belmondo Apartment area. He showed the Conrail Railroad bank which acts as a dam. The water ponds up and breeches into the Canal below Lock Five, comes into the

Canal, rips through the small opening in the embankment, and then breeches back out and runs along the Canal itself. He noted these areas on the maps for Areas 3, 4, and 5 where the water meets up with water coming from the low end of the Township. He stated there is a substantial area in Area 5 where there is flood storage but the water that comes down from Yardley Borough and the Belmondo Apartments has nowhere to go; and there is flooding behind Glen Drive, Ivy, and Manor Lane. He stated this in turn backs up through some of the storm sewers which comes up onto the streets. He noted sections in yellow which is the flooding due to the storm sewers backing up. He stated there is also water backing up through storm sewers in Macclesfield Park. He stated there is then back door flooding from East Ferry.

Mr. Benosky stated they propose trying to take the water that is coming down through Belmondo from Yardley and try to stop the water from breeching into the Canal, capture the water from behind the Conrail embankment that is already acting as a dam, and install a conduit around the Railroad embankment that allows water to get back to Macclesfield Park without entering the Canal or going into the low area along the towpath. He stated they are also proposing an earthen berm that runs along the back side of Macclesfield Park. He stated the cemetery and Rivergate are on slightly higher ground. He noted portions of Area 4 which are higher as well. He stated Macclesfield Park will be able to act as a detention basin and as a flow path to get the water from the Belmondo/Yardley area into Macclesfield Park and allow it to flow back into the River.

He also showed the proposed flood wall along East Ferry and along the Canal side of River Road. He stated they would also need temporary flood walls along the driveways and the entrance to the Plant as well as a backflow preventer on the East Ferry culvert. He stated this would allow any water that did get into the wetland area to flow out through the backflow preventers back into the River provided the River stage was low enough to allow the water to come out.

Mr. Benosky stated they also propose a berm behind the residences that back up onto Glen Drive, Ivy, and Manor Lane as well as the enlargement of the Black Rock culvert and the culvert that is adjacent to it around the towpath, along with the backflow prevents that were included in Mr. Majewski's report.

Mr. Benosky stated there is also a waste gate being evaluated by DCNR which could also help the situation.

Mr. Santarsiero stated what was just discussed was designed to handle the twenty-five foot flood stage in Trenton, and Mr. Benosky agreed. Mr. Santarsiero asked what height the River would be in the area they are discussing, and Mr. Benosky stated it would be forty-two feet at the northern end of the Township.

Mr. Stainthorpe noted Area 3 and stated he understands that if they proceeded with the mitigation being recommended, Belmondo would still flood. Mr. Benosky stated his understanding is that it does not usually get to the buildings. He stated they picked the twenty-five foot level as this was what they have been seeing lately and is the middle of the road. He stated they can choose the degree of protection they want to provide for. Mr. Stainthorpe stated it appears that for Area 1, there does not appear to be much that they can do other than raising the houses or have a buy out. He stated the wall does not seem practical, and Mr. Benosky agreed. Mr. Stainthorpe stated for Areas 3, 4, and 5, there do seem to be some solutions, and Mr. Benosky agreed.

Mr. Santarsiero asked if this contemplates flooding still happening in Belmondo on the north side of the train berm, what would this mean for the rest of Yardley Borough. He asked if what is being proposed will afford any relief for Yardley Borough or exacerbate the problems they already have. Mr. Benosky stated whatever they do will not exacerbate the problems in Yardley Borough and the conduit will be sized so that they pass enough water so that they do not back any additional water upstream. He stated they were unable to design anything for Yardley Borough as they did not have accurate topo data. Mr. Santarsiero stated he understands that this was not specifically in the scope of their work, but he did want to make sure that whatever Lower Makefield does, it will not make the situation worse in Yardley. Mr. Benosky stated before they move any of the designs ahead, they would have to get more detailed information from Yardley. He stated they would also need more updated information for portions of Lower Makefield as well since the aerials they have are twenty-six years old.

Mr. Stainthorpe asked if the control measures for Areas 3, 4, and 5 work independent of each other or do all have to be done; and Mr. Benosky stated doing them all together would be the ultimate solution, but each piece can help somewhat at different levels of flooding. Mr. Stainthorpe stated when he reviewed the report it was obvious it would be very expensive; and if they did the work recommended in Areas 4, 3, and 5, it would cost \$15 million which the Township could not afford, and they would have to have significant help from the State and Federal levels if they were to proceed. Mr. Benosky stated in the FEMA Application, there is an opportunity to apply to them for this kind of help.

Mr. Santarsiero stated in July when they first commissioned the study, one of the reasons they wanted to do this so quickly was because they expected the cost would be something beyond that which the Township could afford, and they would have to look to PEMA and FEMA. He stated they must decide what they want to do, and they can then make the Application for funding. Mr. Benosky stated when they get to final design, they can fine tune the cost and do some value engineering. He stated there are a number of ways they can do each of the projects.

Mr. Smith asked how realistic it is to expect that they will money from PEMA and FEMA to assist the Township and also asked about the timeframe. Mr. Fedorchak stated at this point it would be difficult to say, but he feels FEMA would be more inclined to take a closer look at buy-outs and elevations, and they would have a good chance to get those funded. He stated he does not feel they would be in favor of a \$15 million project. He stated they do have to have the final Application in by the end of the year, and he understands that they would get a decision back to the Township relatively quickly.

Mr. Santarsiero stated in early August, the County invited representatives of the Townships along the River to come to a meeting to discuss funding and what money would likely be forthcoming. He stated he attended this meeting with Hank Hoffmeister and Chief Coluzzi on behalf of the Township. He stated Mr. Winslade was also present. He stated the representative from PEMA stated it was primarily Federal policy that the State follows; and he indicated that the order of priority is acquisition, elevation, and then structural changes similar to those being discussed this evening. Mr. Santarsiero stated they could try to get them to look at possibly changing this policy and to advocate on behalf of the Township and the other affected Townships to consider these options. He stated there may be others in the lower half of the region who want to have their homes raised, and they know that there are some already who want to put Applications in to that effect. He noted they also should state emphatically and in unison that these other structural solutions should also be seriously considered. Mr. Santarsiero stated when they do start discussing applying for funds, they should consider how they will do this procedurally – whether it is with the County, which is what was recommended at the County meeting, – or whether they proceed as individual Townships or in concert with one another. He stated they should consider where they stand the better chance of having their needs met.

Mr. Santarsiero noted the idea of having a channel or culvert around the train tracks and into Macclesfield Park which Mr. Winslade had suggested in August. Mr. Santarsiero stated on a site visit, Mr. Winslade showed an area to the north of where the railroad crosses the Canal, where the Canal gets blown out by the force of the water that is coming in from the damming effect that occurs from the train bridge. He stated Mr. Winslade had suggested more of a culvert that goes out to the River. Mr. Benosky stated in order to alleviate the pressures on the Canal, he feels they should investigate some kind of water control structure which would allow water to get out of the Canal without going over Lock 5. Mr. Santarsiero stated when he met with Mr. Winslade on the site, they felt Mr. Winslade's idea would not only help solve the problem for Lower Makefield residents downstream, it would also act as a drain for Yardley Borough.

Mr. Hunter thanked Mr. Santarsiero and the other Supervisors for inviting them. He stated this is the biggest issue that faces their communities, and they need to work together. He stated flood waters have no boundaries between Municipalities. He noted the area at the train bridge is a critical spot. Mr. Winslade stated if there is relief in the

area of Lock 5, he also feels it will help Area 1. He stated if they can lower the Canal by a foot or two, it will lower it north to the previous Lock, north of Woodside Road as well.

Mr. Winslade asked how high the berm would be in Macclesfield Park, and Mr. Benosky stated this is one area where they are missing some data since they are working with a 1980 topo. Mr. Benosky stated he feels the berm would have to be six to eight feet. Mr. Winslade asked what storage they would get, but Mr. Benosky stated they do not have the topos to make this determination. Mr. Winslade stated he feels this would be key information to know. Mr. Winslade stated they plow their streets in Yardley after floods and take three to six inches of mud off the streets and plow it back into the River. He stated he does not feel Mr. Coyne would want to clean five to ten inches of mud off of Macclesfield Park which could involve a three to four month clean up to get the silt off Macclesfield Park. He stated this is the reason he is in favor of the pipeline.

Mr. Santarsiero stated Mr. Winslade had discussed a pipeline alternative, and asked Mr. Benosky why he chose the option being presented and asked if it was because they saw Macclesfield Park as an ideal holding area. Mr. Benosky stated this was a part of the reason as well as cost as it would be very costly to have a pipeline all the way through. He stated depending on how much water they are trying to move, it would be an extremely big pipe. He stated since there were no homes on Macclesfield Park, they felt it would be a good area to divert the water.

Mr. Fedorchak stated it would be helpful in order to fully assess the impact of the wall on Macclesfield Park to superimpose on top of the Plan, the ball fields as it appears it would be cutting through a substantial amount of parking lot. Mr. Benosky stated they tried to follow the woods line from the aerial photo. Mr. Majewski stated he does have the Plans for Macclesfield Park.

Mr. Santarsiero stated he recognizes that what they are proposing for this section is a less expensive alternative; but if they were to cost out a culvert that ran along the southern side of the railroad tracks out to the River, this would obviate the need for the berm around Macclesfield Park and all the attending problems.

Mr. Hunter stated if they could get the water from Lock 5 to the River, it will lessen the flooding in Lower Makefield and Morrisville.

Mr. Santarsiero asked how quickly Mr. Benosky could provide a cost estimate for the alternative Mr. Winslade has recommended. Mr. Winslade stated they have done further investigation, and they feel there could be one or two low-lift pumps. Mr. Benosky stated they need to get better information as to how they can shut the water off. He stated they would need to do something to try to slow down the water. Mr. Winslade stated it only comes over the Canal three to four inches. Mr. Benosky stated they could price out something that goes out to the River by the end of the week.

A short recess was taken at this time in order to give those present the opportunity to review the maps being displayed. The meeting was reconvened at 8:55 p.m.

Ms. Alison Smith stated she is concerned that there is such a low level of water that keeps impacting them. She stated the level of water that is impacting them is in the three foot level. She feels they should look at requests for eight to ten foot berms as a safety factor. She stated Morrisville has somewhat similar issues and the dike protects the Township, but the low-lying area gets flooded. She stated during the last flood event, Morrisville used pumps to pump water from the Canal directly out to the River and were able to avoid flooding out the lower areas. She stated she feels what is happening is the water that is in the north end is stopped by Afton Road and the Canal water they are dealing with is from the one creek that comes into the Canal and the River comes in above Belmondo and floods the area near the Canal until it gets to the railroad bridge.

Mr. Winslade disagreed. He stated the elevation outside of the Belmondo Apartments is higher than twenty-five feet, and there is no water that comes to Belmondo from the River. Ms. Smith agreed it is not at Belmondo. She stated it is the next set of apartments up. Mr. Winslade stated it does not come in there either. Mr. Winslade stated the biggest contributor to water at Belmondo was a Canal break out and water coming over the top of the Canal. Ms. Smith stated she is basing her comments on people who indicated they were watching it come in from the River. She stated she feels they should get more information. She stated they should consider how to handle the amount of water that flows behind their houses.

Mr. Winslade stated when they provide Lower Makefield Township with aerial photographs he feels they should share them with the public so they can see where the water is coming from. He feels 80% of the water comes out of the Canal. He stated during the last two floods, they had a break out of the Canal and had to do an emergency repair. He thanked Lower Makefield for helping them with this repair.

Chief Coluzzi stated most of the water that ended up in Belmondo came from the Canal on the breach of the Canal during the last two floods. Ms. Smith stated she disagrees since it was in the detention pond at Belmondo but not in the back. Chief Coluzzi stated during the first flood, when the water came, he was standing in Belmondo in the parking lot, and the water came down from the Canal and into Belmondo's parking lot. He stated 80% of the water came from the breach on two occasions. Ms. Smith disagreed. She stated she was there also and what she saw was different than what Chief Coluzzi is saying.

Ms. Smith stated they were thinking that there could be pumping stations rather than the more permanent fixes. Ms. Smith asked if they would agree that there is a lot of water coming from Yardley to the Railroad bridge, and Mr. Winslade agreed.

Ms. Smith stated there is a culvert at Macclesfield Park which is intended to have stormwater go out to the River, but it comes from the River back in which has resulted in a huge amount of water coming into the area. Mr. Benosky stated this is why they have recommended the back flow preventers. Ms. Smith stated this may help reduce a large amount of water they are getting. Ms. Smith stated the water is flowing quickly in the Manor Gate/River Glen neighborhood; and when it gets to Black Rock Road, it goes over the road where the culvert is and continues back into the ditch spreading out to the homes in the rear and then backs into the storm drains and gets their houses in the front. She stated the back flow preventers are an excellent idea, and she feels they may help so much that they may not need to have the berm. She stated if they could pump water fast enough across Black Rock Road, they would not need the berm.

Mr. Smith asked why she is not in favor of the berm. Ms. Smith stated while she is in favor of the berm, if they could do it without the berm, they will not be held up with permits, etc. She stated if they could handle it all by pumping it across Black Rock, and keep it low enough so that it does not come up their rear yards, she would be in favor of this. She stated currently it is flowing across Manor Lane West so some level of berm would be needed to direct it back.

Mr. Benosky noted with regard to the berm that there are some issues with wetlands and some other items they still need to evaluate. He noted Ms. Smith has been a great help throughout their study. Ms. Smith stated she recognizes that they may still need berms. Mr. Benosky stated Ms. Smith is also discussing temporary pumps, and they did have discussions about different levels of pumping and how much water they would have to pump. He stated pumps would have to be maintained and someone would have to operate them. He stated he feels the culvert enlargement they have proposed would be a more practical, long-term solution. He stated he feels Ms. Smith is discussing a series of portable pumps that could be moved into place in advance of a flood, and Ms. Smith agreed. She stated she feels they would have to have contractors bring these in and maintain them.

Ms. Smith stated she would still like them to consider that once it gets to West Ferry Road, they feel there should be another pumping station to pump it into the River. They do not feel this would have an adverse impact on Morrisville.

Ms. Smith stated these ideas were what they felt could be done quickly without investing so much money. She stated a buy-out could cost \$25 to \$30 million and for elevations it could cost \$15 to \$20 million. She stated a \$50,000 average claim for the houses would equal \$3 million an event; and if they sell the idea of pumps to FEMA at \$3 to \$6 million, it would make economic sense if they tried to handle just enough flow so that the houses could handle it with the mini pumps they are using.

Ms. Joyce Lee, 56 Manor Lane, asked about the Canal break at the Railroad track which seems to be the source of the problem in her neighborhood. Mr. Benosky stated the towpath berm would have to be built back to its historic elevations and width. He stated they would propose a water control structure to relieve the pressure on the Canal above Lock 5 and keep the water from breaching into the Canal and then back out of the Canal with the flood wall and a conduit that would get it away from the Canal. Ms. Lee asked if the State would be involved in this, and Mr. Benosky stated the State would have to be involved as well as at the Federal level.

Mr. Tim Prior, 342 Richard Road, thanked Mr. Benosky and Mr. Majewski for their willingness to work with the residents. He stated for Richard Road and Michael Road at twenty-five feet at the gate at Trenton, they start getting River water backing up through the stormwater system. He stated they hoped that they would put another back flow preventer at that location. He stated although they are not impacted at the forty year flood level, and may be impacted at the one hundred year flood level, he hopes the Township will install a back flow preventer for that portion of Parktown Estates to protect them in the event of something over a forty year flood but less than a one hundred year flood. Mr. Majewski stated in the initial investigation of back flow preventers, they did not look at this area since they did not flood. It was only the roadway that had flooded; but ultimately in a one hundred year flood, water will back up from the Delaware River through the pipes in the neighborhood and cause a few of them to flood before water would go overland naturally to those areas. Mr. Prior stated he is concerned that the public structures which were put into place when the development was constructed could get them at something greater than forty but less than one hundred. He stated he recognizes that given where they are located, they will get flooded with a hundred year storm, but for the lesser floods, his suggestion of a back flow preventer could help them.

Ms. Virginia Torbert, Yardley-Newtown Road, noted Area 1 and stated she does not feel buy out or elevation is an adequate solution as they are ignoring the infrastructure such as the roads and the crumbling sewer system. She stated there is also a gas line in this area. She stated she feels they must look into something else such as dredging the River or levies. She also asked about the area by Macclesfield Park and asked for an update as to the clean up of the site in Macclesfield Park. Mr. Fedorchak stated a four-acre site was identified as having at one time in the past been used as a landfill by Westinghouse. He stated they are continuing to look for State monies, hopefully with the Department of Community and Economic Development, to fund as much as a \$1 million clean up. Ms. Torbert stated since this has not been cleaned up, she does not feel they should be sending gallons of water through a hazardous waste site. Mr. Fedorchak stated it is not a hazardous waste site – it is an industrial site. Mr. Benosky stated the berm would be outside of this site. Ms. Torbert stated she does not feel the use of Macclesfield Park should be considered for this purpose as it is a Township facility which is used by the residents. Mr. Benosky stated Macclesfield Park will flood on its own without the berm.

He stated they felt if it was going to flood anyway, they could use it since there is less there to damage than other areas. He stated they do recognize that repairs would have to be made there, and it would have to be cleaned up.

Mr. Roger Keel, 41 Black Rock Road, asked if the flood wall they are discussing is similar to what is seen in New Orleans, and Mr. Benosky stated a floodwall could be made of different types of materials. He stated what they are proposing is a concrete wall. Mr. Keel stated the dike in Morrisville which goes from Calhoun Street to the Lower Bridge is essentially a big, pile of stones; and Mr. Benosky agreed. He stated a flood wall is a vertical, concrete wall. Mr. Keel stated he assumes either of these would be quite expensive, and Mr. Benosky agreed.

Mr. Scott Burgess, Glen Drive, stated he does not feel FEMA will approve this proposal if the costs are \$15 million. He asked if they could bundle something with Yardley adding that what is proposed could also help Yardley. Mr. Caiola stated he feels FEMA wants to get the most for their money, and there will be a lot of communities vying for the same funds. He stated since Yardley Borough and Lower Makefield work very closely, he feels it would be good to work together. He stated he is not sure if communities can combine efforts legally. Mr. Fedorchak agreed to look into this.

Mr. Leonard Shrunck, 621 River Road, stated in the report they have not addressed how there could be an emergency evacuation route which does not get cut off by the flooding. Mr. Santarsiero stated while this is a good idea, this was not within the scope of work the engineers were asked to consider. He stated they were specifically asked to look, from an engineering standpoint, at what could be done locally to help alleviate, if not prevent, the flooding in these areas. He stated what Mr. Shrunck is discussing is something that the Board of Supervisors will have to consider in the interim before anything is built and afterwards if there is an even worse event. Mr. Shrunck asked Mr. Benosky to elaborate on the culvert for Black Rock Road. Mr. Benosky stated there would be an enlargement of two existing culverts to keep the water moving. He feels there may be State funding that is coming available for this. Mr. Shrunck asked about elevating the road surface, and Mr. Benosky stated they would have to have a vertical re-alignment of the road. It was noted the area to the culvert is a Township road, but the culvert itself is owned by the State. Mr. Fedorchak stated he feels they should enlarge the culvert under Ferry Road as well, and Mr. Majewski agreed. Mr. Shrunck stated he would like to be able to not have to evacuate the neighborhood at twenty feet before Black Rock Road floods. Mr. Smith stated the Emergency Management Commission should consider the emergency evacuation route.

Mr. Bill Jones, 1411 River Road, asked what effect the flood wall would have on the River elevation. He stated typically when the Delaware floods, the rain is over. He questions what would happen if they install the back flow preventers and it is still raining.

Mr. Benosky stated the flood walls would all have drainage ways with back flow preventers themselves so that any rainwater that fell behind the floodwall would be able to get through any of the low areas and get back to the River. He stated with the flood wall you are providing more storage for the stormwater until the River goes down and the storm water connects it through the cross drains. He stated anything that is done along the River is done under the jurisdiction of the Army Corp of Engineers, and they may not allow what has been proposed.

Ms. Helen Bosley, 546 Palmer Farm Drive, stated they have done all of the studies at twenty-five feet and questioned what would happen at twenty-eight or thirty feet. Mr. Benosky stated they picked twenty-five feet as this was something they were able to study with the photos and through discussions with the residents, and it provided a benchmark. He stated the levels of protection they are proposing are for twenty-five feet; and as soon as they get over twenty-five feet, they will be inundated. Mr. Santarsiero stated this means it would be twenty-five feet at Trenton. Ms. Bosley stated anything they do would have the impact of moving it all down the River. Ms. Bosley asked how far it would go at twenty-eight or thirty feet. Mr. Benosky noted the inundation maps for twenty-five feet which would mean it would be fairly significant flooding particularly in the northern area and the southern area. He stated the levels of protection they identified were the twenty-five foot level. He stated there are different degrees of protection they could provide; but the higher the level of protection, the higher the cost. He stated they must consider the cost/benefit ratio.

Mr. Prior stated he assumes when they put an Application into FEMA it will show phases noting Phase I could be the back flow preventers. Mr. Santarsiero stated the Township is already doing the back-flow preventers which were agreed to previously; and they will consider some additional back-flow preventers which were discussed this evening. He stated they will have to further discuss the Application to FEMA later this evening.

Ms. Joyce Lee asked if they considered, rather than building walls or berms, what could be done with the drainage ditch parallel to the towpath and asked if they could deepen it. Mr. Benosky stated they tried to shut the water off first and then looked at solutions for which they may be able to obtain Permits. Mr. Benosky stated he feels there would be wetland issues that would have to be addressed, and they did not feel they would be permitted to dredge the wetlands.

Ms. Ann Ronan, 54 Manor Lane West stated she understands that the Township did dredge the drainage ditch approximately twenty-two years ago. Mr. Benosky stated this would be maintenance dredging for which the Township could acquire Permits, and this would keep the ditch open and this help keep water moving.

Ms. Alison Smith stated they were first looking at the protection and then looking at prevention. She stated for the houses on the north end where they do get five to six feet,

she asked what it would take to look at doing the kind of moating that was done by one individual in the area to keep water out since she does not feel elevation and buy-outs are solutions that everyone wants to consider, and the construction of protection devices may be far more feasible and less expensive. She stated the moating would be similar to what was done at the Prior driveway. Mr. Benosky stated there are different levels of flood proofing and they could take the utilities off the first floor and put them on the second floor so that there is less damage to the house, they could build a flood ring around the house, etc.; but they did not go into details as to what could be done at each individual house. He stated they did identify the area where they should look into flood proofing. Mr. Santarsiero stated their scope of work was more toward an area-wide look rather than individual houses.

Mr. Santarsiero thanked Mr. Benosky for the presentation and suggested that the Board take more time to digest what they have discussed thus far and that they reconvene a meeting sometime within the next week just to deal with this issue, decide what engineering ideas to proceed with, and then go forward with their Letter of Intent to try to secure funding for the design they decide to pursue. He asked that Schoor DePalma look at the option of the culvert going across Macclesfield Park as opposed to pooling everything in Macclesfield Park to see what this would entail from a structural and cost standpoint. He also asked that they try to incorporate some of the other ideas heard this evening to the extent possible. Mr. Santarsiero stated he would also like the matter to be discussed by the Yardley representatives with the rest of Yardley Borough Council and asked them to come back with their comments. He stated this will also give the residents the time to further consider the matter as well. Mr. Santarsiero stated they are driven by the FEMA deadline which is September 15.

Mr. Fedorchak stated he already has a good portion of the Letter of Intent put together adding that they know there will be an elevation component, a buy-out component, and they could put in a number for each of these. He stated he could also meet with Mr. Benosky and decide on some reasonable number at it relates to some of the flood measures. Mr. Benosky stated the Letter of Intent is only a two-page letter with one space for the cost and a few lines for a description. He stated the formal Application would require the details. Mr. Stainthorpe stated he feels the Board should authorize the Letter of Intent and put in the number of \$15 million or a figure to be determined. Mr. Smith stated he agrees that they should not delay the matter.

Mr. Fedorchak stated Schoor DePalma has done a significant amount of work already and is very familiar with the area and what the needs are. He stated he feels Lower Makefield should continue in the lead role and submit an Application on behalf of the Township and the residents. He stated he has discussed the matter with Bill Mitchell, who will be handling the County-wide Application; and Mr. Fedorchak advised him that the Township wants the County's endorsement of their Grant Application, and Mr. Mitchell indicated that this would not present a problem. Mr. Fedorchak asked him if they would

have any objection to Lower Makefield going out on its own, and Mr. Mitchell indicated he did not feel anyone would have an objection to this.

Mr. Santarsiero stated he did not want to delay the matter but rather wanted to have full input before making a decision; and if they feel they have enough information to put together the Letter of Intent, he feels they should proceed but feels they should have some clarity in terms of the number. Mr. Santarsiero stated it appears Areas 3 and 4 would total \$8.4 million, and Area 1 depending on which flood stage they are considering could be \$10.8 million or \$2.7 million. Mr. Stainthorpe stated the estimate for Area 3 is \$9.2 million, and Areas 4 and 5 is \$4.8 million which brings it to \$14 million. This does not take into account Area 1. These are the revised numbers received this evening. Mr. Santarsiero stated this would also not include the added cost of a culvert at Macclesfield Park. Mr. Santarsiero asked if they would be able to provide a calculation to give Mr. Fedorchak, and Mr. Benosky stated they could provide this in a day or two.

Mr. Stainthorpe moved and Mr. Smith seconded to submit a Letter of Intent to FEMA/PEMA with costs to be determined by Mr. Fedorchak and the Township engineer.

Mr. Burgess stated RAFT has a meeting next Tuesday at the Township, and would welcome the attendance of the Township representatives.

Mr. Santarsiero stated the Board will do their best to attend and will have this matter back on their Agenda on September 20; and at that point, they could make a decision as to which engineering alternatives they wish to pursue and have some input from Yardley Borough as well. He invited the Yardley Borough representative to attend that evening as well.

Ms. Bosley asked how much the current engineers' study cost the Township and how much the additional study will cost. Mr. Benosky stated the additional study he has to do would be included in the costs. Mr. Santarsiero stated the cost of the study was \$30,000, and this was approved in July. This additional study would fall within that scope of work.

Motion carried unanimously.

REGIONAL TRAFFIC TASK FORCE UPDATE AND MOTION REGARDING VETERAN'S CEMETERY

Mr. Smith stated approximately one week ago, there was a meeting of the Regional Traffic Task Force which was held in the Township Municipal Building. He stated most of those in attendance were from Newtown Township and the Borough as well as individuals from Wrightstown and Lower Makefield. He stated those present had a

number of safety concerns which had been pending for some time and were concerned with the delay in moving ahead on some of the projects.

Ms. Sue Herman stated they have been working very hard for seven years to improve the safety conditions on Lindenhurst, Stoopville, and Worthington Mill Roads. She stated these are all heavily-developed residential areas traveled by heavy truck traffic intermingled with residential traffic. She stated much of that traffic does not use the By-Pass because of the timing of the lights. She stated residents are enraged and have launched a Website about the dangers that are occurring on those roads.

Mr. Smith stated data was introduced about accidents on the roads as well as “near misses” which caused him a great deal of alarm. Ms. Herman stated this is why she first became involved in the organization because of a near miss by a quarry truck with a busload of children. She stated many of the people present at the meeting who reside on Worthington Mill were begging the Task Force not to open Stoopville Road on September 18 when the improvements are completed on that road and asked that they solve the regional problems first. Mr. Smith stated they indicated they would rather be inconvenienced by the road being closed than have it opened because of their safety concerns. Ms. Herman stated Lower Makefield residents are very interested in getting the first phase of traffic calming done in mid-October. Ms. Herman stated it is critical that Stoopville Road be opened up so that normal traffic patterns can be re-established before the traffic counts are done by PennDOT so they can do the design work to make the lights traffic responsive which should take some of the volume off the residential roads. Ms. Herman stated Lower Makefield was going to wait for PennDOT to do the week-long counts before they do the traffic calming. She stated if there is any delay in the schedule, they will experience no improvements.

Mr. Fedorchak was asked the status of the opening of Stoopville Road, and he stated he has no further information beyond the date of September 18 referenced by Ms. Herman. He stated there is a narrow window of opportunity between that date and the start of the Lower Makefield project. Mr. Fedorchak stated Mr. Majewski has been on Lindenhurst Road discussing the Permit with PennDOT. Mr. Majewski stated PennDOT has held the Lower Makefield project up somewhat in the review process; and in order to get the Plans revised and re-submitted to PennDOT to get the Permit approved, it will probably take a few months. He stated as long as Stoopville Road is not delayed significantly, the timing should work out to get the traffic counts done. Mr. Fedorchak stated they originally felt the Township would start the middle of October, and asked if this is being pushed back; and Mr. Majewski stated it is. Ms. Herman asked if they will be able to do it this construction season, and Mr. Majewski stated this may still be possible.

Ms. Caiola stated they also discussed enforcement, and he feels all the Townships involved in the Task Force were concerned with the Budget process and wanting to make sure that all the Townships were doing their share of enforcement. He asked the Chief to

discuss the protocol for Lower Makefield with regard to that area. Chief Coluzzi stated aside from the selective enforcement that all the Officers do with regard to the speed of the trucks and all vehicles on Lindenhurst Road, they are also members of the Motor Carrier Task Force that includes Upper Makefield and Newtown. He stated trucks are often pulled over at Lindenhurst and Route 332 and the Officers write speed violations as well as check trucks for safety. He stated they have taken ten to fifteen trucks out of service over the last year and levied thousands of dollars in fines on companies that have safety violations. He stated the truck checks are rotated among Newtown, Upper Makefield, and Lower Makefield and Lindenhurst Road is one of the priority roads.

Ms. Herman stated at the meeting they learned that inspections are not being done as regularly as they were a few years ago and the number of Township participating has fallen off. Chief Coluzzi stated Upper Makefield, Newtown, and Lower Makefield are active. Ms. Herman stated she feels the number of Township participating has been reduced so that it is a bigger strain on the Townships left. Chief Coluzzi stated some Township Police Departments cannot devote that much staff to the Motor Carrier Task Force. Ms. Herman stated she feels they need to increase the number of inspections. Chief Coluzzi stated Lower Makefield has not reduced its commitment of Officers. Mr. Smith stated that he hopes they can work closely with the other Departments to maintain the enforcement if not increase it.

Ms. Herman stated RRTS has written a letter to the Newtown and Wrightstown Townships Board of Supervisors as they are concerned that Upper Makefield recently approved the Veteran's Administration Cemetery Overlay Ordinance to go forward to Newtown and Wrightstown Townships for their review. The residents are concerned that there were no traffic impact reviews done for the Cemetery. She stated they have heard that Lindenhurst and Stoopville Roads were being considered for the official Cemetery entrance route, and they found at the Newtown Planning Commission meeting last evening that this is being considered. She stated RRTS has taken a formal position against this as there is already pressure in the area to make these arterial roads because of the volume. She stated there is already volume in the area because the By-Pass does not work, and she stated they do not feel additional volume should be brought in to these collector roads. Their position is that the arterial highways – Taylorsville Road and Route 532 should be used to get to the Cemetery. She stated this would take the traffic by Washington Crossing Park which would be an appropriate way to honor the Veterans. Ms. Herman stated they would appreciate the support of the Board of Supervisors in this matter. Ms. Herman stated at the Newtown Planning Commission they indicated they would invite the Lower Makefield Planning Commission to a special meeting to be held Tuesday night to review this matter. She stated she hopes both the Planning Commission members, the Township Manager, and the Board of Supervisors will attend this meeting. This meeting will be in Newtown Township on Tuesday at 8:00 p.m.

Mr. Santarsiero stated he understands that Anne Goren, the Chairman of the Board of Supervisors of Newtown did want an indication if Lower Makefield had an interest in participating in whatever traffic studies will be undertaken, and he feels the Township would be interested in this as it will have an impact on Lower Makefield if this is the plan they are pursuing.

Mr. Stainthorpe stated if there are funeral processions on Lindenhurst Road, this may get the truck traffic off that road. Ms. Herman stated she is concerned that this will be used as an excuse to have increased lanes so that there could be funeral processions. Ms. Herman stated the residents do not want additional volumes of traffic on this road, and this could be used to justify making it an arterial road and would then impact the ability to get the traffic calming measures installed.

Mr. Smith moved, Mr. Stainthorpe seconded and it was unanimously carried to authorize Mr. Fedorchak to inform Upper Makefield and Newtown that Lower Makefield Township would like to have input in the discussions on the VA Cemetery.

Ms. Virginia Torbert stated she feels they are moving too quickly on this as there is not an Agreement yet with Toll Bros. on the Cemetery. Mr. Santarsiero stated at the meeting next week, they will most likely just get information and advise them that if there is an Agreement, Lower Makefield would like to have input in the process. Ms. Torbert stated she feels the Citizens Traffic Commission should have the opportunity to discuss this before the Township takes a position on this, and Mr. Santarsiero agreed. Ms. Herman stated this project will have a highly-accelerated timeline. Ms. Herman stated there are also Zoning changes being proposed.

Mr. Santarsiero stated the Citizens Traffic Commission has been meeting and is working toward putting together a plan that they will present to the Board of Supervisors on what should be done for the various traffic issues throughout the Township. He feels Lower Makefield has been proactive in trying to deal with traffic issues throughout Lower Makefield including the Lindenhurst corridor.

Ms. Herman asked how the Board of Supervisors could formally pose the question of the Stoopville Road re-opening, and Mr. Fedorchak stated he will look into this and report back on this matter.

DISCUSSION OF HOMESTEAD ACRES POND

Mr. Majewski stated his office prepared an estimate of the cost to repair the pond area. He stated the existing pipe that leads into the pond is deteriorating and there are several sinkholes in the area adjacent to residences off South Crescent Drive. He stated the pond that is located on Township-owned open space is silted and has an algae problem. There

is also a pipe coming out of the pond to a creek that is a tributary to Silver Creek which is slightly deteriorated. He stated the cost estimate to replace the pipes, dredge the pond, and restore it to a more natural condition is \$112,138.40. He stated if the pipe that leads out of the stream was not replaced at this time, and if they eliminated the aerator that was suggested, it would reduce the cost by approximately \$30,000; and the project would therefore cost \$82,000.

Mr. Stainthorpe stated the Township does own this and has not maintained it for years. He stated he feels this is something they should do; but because of the amount, he feels they should consider it in next year's Budget, and Mr. Fedorchak agreed

Mr. Santarsiero stated his only concern is with respect to the sinkholes as these present a hazard. Mr. Majewski stated the only measure they could take at this time with respect to the sinkholes would be to put planking over it and install sawhorses with lights which are in place currently. He stated there is a lead time necessary to get surveying and engineering work done in order to prepare plans and specifications to replace the pipe and dredge the pond. He stated if they are going to include the project in next year's Budget, he feels they could still begin the engineering work now.

Mr. Smith asked if the sinkholes present a danger at the current time, and Mr. Smith stated they do.

Mrs. Godshalk asked how much Township open space surrounds the pond, and Mr. Goll stated it is approximately five to six acres. He stated it also connects to the Silver Creek corridor. Mrs. Godshalk asked if anyone has looked into whether there was anything given by the developer for the maintenance of this area. Mr. Majewski stated he feels this was built in 1965 to 1970. Mrs. Godshalk stated there could be funds left in the Queen's Grant Maintenance Fund; however, Mr. Fedorchak stated he did not feel they had records for this as it was going back forty years. Mr. Santarsiero asked that they look into this.

Mr. Smith stated he feels they should take the remedial measures now to take care of the sinkholes. Mr. Santarsiero asked if installing planks over the sinkholes would be sufficient to avoid any risk, and Mr. Majewski stated it would have to be monitored on a continual basis to make sure that further sinkholes do not develop. Mr. Caiola asked the size of the area where there are sinkholes. Mr. Majewski stated they are isolated smaller areas where part of the pipe has deteriorated. Mr. Caiola asked about the possibility of fencing which might be more effective than the planks to keep people out of the area, and Mr. Majewski stated this would be a good idea.

Mr. Santarsiero suggested that they consider this project for the Budget for next year. He asked Mr. Majewski that the planks be installed between now and the next Board meeting and that Mr. Majewski come back to the Board with a cost of what fencing might be

appropriate and how extensive it should be to cover any risk associated with the sinkholes. Mr. Majewski stated they could install orange safety fence or snow fence. Mr. Caiola stated he would prefer this as these can be seen from a distance. Mr. Majewski stated the Road Department may have some of this fencing available at this time.

Mr. Smith moved and Mr. Stainthorpe seconded that the Township immediately plank the area in question and install fencing or whatever remedial measures can be taken in the area.

Mr. Goll, 5 South Homestead Drive, stated he feels they should also authorize the start of the design.

Mr. Santarsiero moved and Mr. Smith seconded to amend the Motion to also authorize Schoor DePalma to undertake preliminary design work for the ultimate scope of work.

Mr. Gerry Riley, 1603 S. Crescent, asked if the Board is recommending that the aerator be eliminated in the overall project, and Mr. Santarsiero stated they are not making that decision tonight. The preliminary engineering will proceed, and they will address this in the Budget.

Mr. Ben Kaplan, 1607 S. Crescent, stated there are some localized sinkholes in the woods as well. Mr. Majewski agreed to look into this.

Mr. Ben Dolan stated he would encourage the Board to follow through on this and stated without proper maintenance, the Township may have problems downstream.

The Motion to amend carried unanimously, and the Motion as amended carried unanimously.

UPDATE ON THE STATUS OF THE REVIEW OF THE MATRIX PLANS

Mr. Santarsiero stated he was advised by Ms. Frick today that the Township engineer, Remington Vernick, has made comments on the initial Plan submitted by Matrix, and Matrix is now working to revise its Plans which they will have to the Township by September 15. Remington Vernick will then make an effort to get comments back to Matrix by September 22. Mr. Garton on behalf of the Township will then discuss with Matrix an appropriate time period for the Final review by the Planning Commission and the Board of Supervisors. Mr. Santarsiero stated he would like to discuss with Mr. Garton what the timeframe will be and then consider any special meetings they may need to schedule.

**AWARD BID FOR BLACK ROCK ROAD SEWAGE PUMPING STATION
ELECTRICAL DISTRIBUTION EQUIPMENT UPGRADE**

Mr. Fedorchak stated on 7/17/06, they opened seven bids for the project ranging from \$166,800 to \$302,880. He stated this will be a complete electrical upgrade of the Black Rock Road sewage pump station. The staff would recommend award of the bid to the low bidder. Mr. Santarsiero asked if they are comfortable with the range of the bids, and Mr. Fedorchak stated he does not feel this is unusual as one contractor may be more interested in the project than another.

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to award the bid to Callaghan Electrical Construction LLC in the amount of \$166,800.

Mr. Fedorchak noted this will be paid for from the \$7 million sewer bond issue.

**AWARD BID TO REPLACE AND RAISE 39 CASTINGS FOR THE 2006 PAVING
PROGRAM**

Mr. Fedorchak stated only one bid was received for this project. Mr. Stainthorpe moved, Mr. Smith seconded and it was unanimously carried to award the bid to C. S. Harris Constructors, Inc. at a cost of \$44,980.

**APPROVE STIPULATION TO SETTLE LITIGATION INVOLVING THE SUNRISE
DEVELOPMENT**

Mr. Santarsiero stated this project is at the corner of Stony Hill and Heacock Roads. This issue was before the Zoning Hearing Board as the developer requested a Special Exception and Variances. Relief was granted by the Zoning Hearing Board, and the Township initially opposed the Plan. The basis of any further Appeal from the Zoning Hearing Board Decision that could have been lodged from a legal standpoint was removed when the developer agreed to meet certain of the Township's demands regarding buffering and the water course on the property. This being the case, both the Township and the residents who had originally opposed the development agreed that they would withdraw their opposition pursuant to a Settlement that included among other things the construction of only a two-story building on the site which would have a maximum of seventy-six units or a maximum number of ninety beds. Mr. Santarsiero stated the Solicitor, Mr. Garton, has reviewed the Settlement Agreement and it has been signed by the residents. The recommendation to the Board is that they agree to the Settlement Agreement.

Mr. Stainthorpe moved and Mr. Caiola seconded to approve the Settlement Agreement as presented.

Mr. Zachary Rubin, 1661 Covington Road, stated he is in opposition to the Settlement Agreement. He stated he spoke out at the Zoning Hearing Board about this, and he was not asked to sign off on this Agreement. He stated it is not in character of the Township to put an Assisted-Care facility at this location. He stated there are other places available in the Township or adjacent to the Township where this use could be constructed. He stated there were a number of objections presented at the Zoning Hearing Board including access by emergency vehicles and length of blacktop. He stated there is also a tremendous amount of traffic that backs up at this intersection when the railroad crossing is down.

Mr. Santarsiero stated while a majority of the Board agreed a year ago that they did not want this facility at this site and agreed there may be other sites where it would have been more appropriate, they unfortunately arrived at a point in December when it became clear that there was no longer any legal basis upon which to maintain an Appeal from the Zoning Hearing Board's Decision to the court of Common Pleas. They were therefore left with the decision whether it was wise to continue with the legal process or try to use whatever leverage they had with getting some concessions from the developer, and they chose this course and were able to get a slightly scaled-down complex.

Mrs. Godshalk stated she is still against this development. She stated in the Stipulation, they are guaranteeing the developer seventy-six units. She stated they originally wanted a three-story building; and while they have come down to a two-story building, it will cover more ground. She is concerned because this is a very low level area which floods out with a stream in the rear. She stated she does not feel they should guarantee the developer that they can build a building and get seventy-six units when they have not seen the revised engineering. Mr. Santarsiero stated according to the Solicitor, it must be consistent with the stipulated design. Mr. Majewski stated they did present evidence to the Zoning Hearing Board as to what size facility they needed to accommodate the number of beds, and they have scaled this down somewhat. He stated they did have a two-story option which was shown at the Zoning Hearing Board.

Mrs. Godshalk stated she feels they should go with a Stipulation without guaranteeing them seventy-six units. Mr. Santarsiero stated they reached this Agreement in principal about nine months ago, and he does not feel they are in a position now to go back and renegotiate that issue. He stated the Board did not have a lot of leverage from the Zoning Hearing Board, and the developer then decided to give in to the Township on the few issues upon which the Township had upon which they could have based a possible Appeal.

Mr. Rubin stated he feels the grounds for the Appeal was that the first-responders did not have an opportunity to testify in front of the Zoning Hearing Board about widths of fire trucks, etc. Mr. Truelove stated while he was not the Solicitor involved and does not know all the details, his understanding is because the Zoning Hearing Board decided the way they did, it put the Township in the position of being the Appellant and they had to take a position that was defensive as opposed to being more superior and therefore the Township had to deal with a position of relative weakness. Mr. Truelove stated he understands that the Stipulation addresses some of the issues of concern such as where certain functions would have to take place, making sure that driveways were located in certain areas, etc.

Mr. Santarsiero stated the Board of Supervisors wanted to have their expert, Mr. Majewski, testify with respect to the buffer issues and the water course; and this went to the heart of whether they were entitled to a Special Exception. He stated they were precluded by the Zoning Hearing Board to present their witness. He stated they felt this was a fairly substantial basis upon which to make an Appeal to the Court. When the developer gave the Township the relief that the Township had originally sought on those two issues, it mooted that; and the Township was no longer in a position where they had a real basis upon which to take the matter to the Court of Common Pleas.

Mr. Rubin stated Court of Common Pleas decisions have been successfully appealed in the past. Mr. Santarsiero stated while he is aware of this, he is also aware that they must also consider the chances of success versus the cost of filing the Appeal; and they decided, on advice of Counsel, that this was not the course they should take in this instance.

Ms. Karen Friedman, Pepperbush Court, asked if there will be any opportunity for the Planning Commission to submit comments as opposed to only addressing a Preliminary/Final. Mr. Fedorchak stated the Planning Commission will get a complete set of Plans. Ms. Friedman stated she would like to request that they get them to come to the Planning Commission before they do their fully-engineered Plans so they can possibly provide creative commentary to shift the design. Mr. Majewski stated this did come to the Planning Commission several years ago as a Sketch Plan, and the design did include some of the Planning Commission comments. Mr. Santarsiero stated he was the Liaison at that time, and he recalls a majority of the Planning Commission at that time had problems with it from a traffic standpoint; and unfortunately the Township's expert was not able to substantiate some of their fears with respect to the traffic. He added there were recommended improvements to Stony Hill Road, and the developer was willing to implement those.

Mr. Goll asked if it is guaranteed that they will get seventy-six units, and Mrs. Godshalk stated they are guaranteed the number noted in the Settlement Agreement. Mr. Goll noted the site constraints and stated he is concerned that they are being

guaranteed a certain number of units but may not be able to comply with some of the site constraints and asked if the Township has the leeway to reduce the number of units. Mr. Majewski stated if they cannot satisfy the Township as to the engineering aspects of the Plan, the Plan could be denied by the Township.

Ms. Gail Freedman, Rose Hollow, stated she feels it is difficult to imagine how they will be able to get the parking on that site for this many units. Mr. Santarsiero stated he feels this is an issue for the Planning Commission to consider when they review the Plans.

Motion to approve carried with Mrs. Godshalk opposed.

ACCEPT WITHDRAWAL OF ORLEANS HOMEBUILDERS PRELIMINARY SUBDIVISION PLAN FOR THE FERRI TRACT

Mr. Santarsiero stated they received a letter from the counsel for Orleans dated 8/18/06 advising that their option to buy the Ferri Tract had expired, and the owner was unwilling to enter into an extension of the Agreement. For this reason, Orleans is withdrawing as a proposed developer of the site.

Mr. Stainthorpe moved, Mrs. Godshalk seconded and it was unanimously carried to accept the withdrawal of Orleans Homebuilders for the Ferri Tract.

DISCUSSION AND MOTION ON ROAD WORK PROPOSED FOR CONGREGATION BETH EL PHASE II AND APPROVAL OF REVISED DEVELOPMENT AGREEMENT

Mr. Michael Cretski, Mr. Ken Olesack, engineer, and Mr. Randy Flager were present. Mr. Cretski stated they are requesting an amendment from a prior approval to do shoulder widening along the Beth El frontage on Stony Hill Road. He stated he met with the PennDOT review engineer and was told that they would be the need to mill and reconstruct the roadway base and overlay Stony Hill Road south of the entrance. He stated PennDOT questioned the need to do this work as it would be a significant cost and burden to their organization and not required by PennDOT. Mr. Majewski has also agreed that the cost of the work would be a significant burden and suggested that they bring it back to the Township for an amended approval.

Mr. Cretski presented this evening the proposed highway improvements and the previously approved highway improvements. He stated the proposed change is to remove the shoulder as you are exiting the property on Stony Hill Road. Mr. Majewski stated they would therefore leave the entrance and exit as it is currently. He stated PennDOT indicated that they would have to reconstruct Stony Hill Road from the

entrance heading south to Bluestone in order to install the shoulder. The shoulder is not required by PennDOT for safety. Currently there is a decel lane heading into the site from Stony Hill Road and a small acceleration lane. As it currently exists, they meet all PennDOT requirements.

Mr. Stainthorpe moved, Mr. Smith seconded and it was unanimously carried to approve the Revised Plan for the entranceway to Beth El.

Mr. Cretski stated he would also like the Board of Supervisors to approve the Development Agreement and have the documents signed.

Mr. Smith moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Development Agreement as revised.

Mr. Randy Flager, on behalf of the Congregation, thanked the Board regarding this matter as well as for the opportunity to participate with the Township at Community Pride Day. He stated they look forward to being involved in this event in the future.

BODINE SUBDIVISION APPROVAL OF DEVELOPMENT AND ESCROW AGREEMENTS AND SIGNING OF MYLARS

Mr. Stainthorpe moved, Mr. Smith seconded and it was unanimously carried to approve the Development and Escrow Agreements for the Bodine Subdivision. Mylars were signed following the meeting.

APPROVE WITHDRAWAL OF PATTERSON FARM MINOR SUBDIVISION PLAN

Consideration of granting an extension of time for the Patterson Farm was discussed. Mr. Stainthorpe stated this is the old consideration to subdivide Satterthwaite House out from the rest of the property; and since the consensus is currently that this is not something the Board wishes to pursue, he does not feel they should continue to provide extensions. He suggested they withdraw the Application.

Mr. Stainthorpe moved and Mr. Caiola seconded to withdraw the Minor Subdivision Plan for the Patterson Farm.

Mrs. Godshalk asked if they vote to withdraw it, and at some future date, they decide they want to subdivide the property off, could they use the same Plan; and it was noted they could.

Motion carried unanimously.

GRANT EXTENSION OF TIME FOR HARMONY LANE

Mr. Smith moved, Mr. Stainthorpe seconded and it was unanimously carried to grant an extension of time for Harmony Lane to December 7, 2006.

ZONING HEARING BOARD MATTERS

Mr. Truelove stated the Board of Supervisors has indicated that the Township should take a position in opposition to the Tracy Miller and Peter Vandenbrand, General Contractor, Variance request for the property located at 1235 Yardley Road, to construct a detached garage resulting in greater than permitted impervious surface and height in excess of the amount allowed.

Mr. Caiola moved, Mr. Smith seconded and it was unanimously carried that the Township oppose the Application.

Mr. Truelove asked that the Board consider the matter submitted by Patrick Kelly, 1473 River Road, which is in the floodplain area. He stated Mr. Kelly's home was flooded out, and he currently lives in a FEMA trailer. He is requesting to raze his current structure and rebuild at a location with elevations and other issues which will allow him to avoid flooding in the future. The matter involves setbacks and building in the floodplain. Mr. Truelove stated he understands that the Board has decided to participate in the matter but not oppose, and the Board agreed.

There was discussion on the Diane and Steve Bullard, 100 Ovington Road, Variance request to allow them to fill steep slopes on their property. Mr. and Mrs. Bullard were present with their attorney, Scott Fegley. Mr. Fegley stated if the Board of Supervisors is inclined to take a position, they would like the opportunity to discuss this with the Board. Mr. Santarsiero stated they are going to take a position and are concerned about the future of the property. He stated they are concerned that a second dwelling may be built on the property. He stated they were told by Mr. Bullard at a prior meeting and when they went to the site, that this was not something they were planning to do; but the Board has since been advised that at the last Zoning Hearing Board meeting, Mr. Bullard was not willing to take that position on the record. Mr. Santarsiero stated the Board is concerned that if a house were built on the new fill, there could be considerable health and safety issues in the future. Mr. Santarsiero stated if Mr. Bullard is willing to indicate that he will not build on the property and they could enter into an arrangement whereby that Agreement would run with the land, this would eliminate the Board's concern. Mr. Fegley stated that it is his understanding that but for the overage, there would not be any other issues that would prevent a further subdivision or building an additional house on the new parcel. He asked what were the additional health and safety concerns.

Mr. Santarsiero stated they are at some disadvantage this evening as their attorneys on this matter, Mr. Garton and Mr. Koopman, are not present. He stated he feels they will address this at the Zoning Hearing Board meeting, and he does not feel the Board should discuss this any further without Counsel present. Mr. Smith stated he is concerned about community notification and asked if the community was notified that this matter was being discussed this evening. Mr. Santarsiero stated the matter was listed on the Agenda, but he does not feel specific neighbors were notified.

Mr. Smith stated he feels the neighbors should be present and he would move to table until the next meeting. There was no second to table.

Mr. Stainthorpe stated he would disagree that they should table noting that this was discussed in Executive Session and the Board concurs that they should oppose this matter. Mr. Smith stated while he agrees, Mr. Fegley has raised a point which would require that their Solicitor be present to address the question he raised. Mr. Santarsiero stated the Board has made a decision to oppose the matter, and the Township Solicitor will explain their position before the Zoning Hearing Board which would be the more appropriate forum at which to discuss it.

Mr. Fegley stated they would like to proceed with the Zoning Hearing Board meeting on September 19 but had wanted to have the opportunity to understand the Board of Supervisors' opposition, and if possible explain their position and eliminate that opposition but it does not appear that this will be possible at this point.

Mr. Caiola moved, Mrs. Godshalk seconded and it was unanimously carried that the Township oppose the Variance request to allow them to fill steep slopes.

With regard to the Cara Mia matter involving several Variances to build a single-family residence on a vacant lot on the corner of Morningside and Terracedale Road, Mr. Stainthorpe moved and Mr. Caiola seconded that the Solicitor appear in opposition. Mr. Bray thanked the Board of Supervisors for making this decision. He stated he is the spokesperson for a group of neighbors who have been opposing the building of a house on this property for seventeen years. He stated if a house is allowed to be put on that property, it will contribute to flooding in the area. Motion carried unanimously.

SUPERVISORS' REPORTS

Mr. Santarsiero stated they will be working shortly putting together the next Township Newsletter. He stated the Citizens Traffic Commission is putting together as many different pieces of information as they can including a survey from the public which they were able to distribute on Community Day. They received a number of responses, and they will be working toward a prioritized list of traffic issues for the Board of

Supervisors to consider. Mr. Santarsiero announced that the Southeastern Bucks League of Municipalities will meet in Middletown the end of the month.

Mr. Smith stated the next meeting of the Regional Traffic Task Force will be held on October 30 in Upper Makefield. He stated the Citizens Budget Commission will meet for the first time the third Monday of this month. He stated the Historic Commission is still working on their plans for the Edgewood Village. Mr. Santarsiero stated they will probably put Edgewood Village on the Board of Supervisors' Agenda for September 20 to discuss the status of that project.

Mr. Caiola asked that Mr. Fedorchak set up the first meeting of the Economic Development Committee for the last Monday in September.

Mr. Smith noted he received a number of e-mails about Verizon and the impact of the Agreement. Mr. Santarsiero stated they should put this on the Board's Agenda. Mr. Fedorchak stated he just received a draft of the new Franchise Agreement with Verizon and will forward it to Mr. Truelove for his review. He stated the next step is that a representative of Verizon will be contacting Mr. Fedorchak to set up a meeting to discuss the Lower Makefield piece, and he will then report back to the Board on this matter. Mr. Santarsiero asked that they move on this as quickly as possible.

Mrs. Godshalk stated she will be unable to attend the next Zoning Hearing Board meeting on September 19 as that is the date of a major fundraiser for the Memorial, and Mr. Caiola agreed to try to attend as Liaison. Ms. Godshalk stated the Elm Lowne Committee is meeting next week, and she has received a number of questions because CAPS is there and the house is not always presentable for people to walk through when considering it for weddings, etc. She stated it is going to be costing the Township additional money for cleaning in between. She stated a number of people approached her about using Elm Lowne including another artist group for meetings and an Auction event. She stated the Memorial construction committee is working everyday, but the rain has impacted this. She stated there was a Press Conference last Thursday where there was a great turn-out. She stated they are going to New York on Friday to give final approval on the steel. Dedication is still set for September 30 at 4:00 p.m.

SET PUBLIC HEARING DATE FOR LOW IMPACT DEVELOPMENT ORDINANCE

Mr. Santarsiero stated Mr. Closser has indicated they need to set a meeting date for the Public Hearing on the Low Impact Development Ordinance. Mr. Santarsiero recommended the first meeting in October, given the number of items already on the September 20 Agenda. Mr. Smith asked when they plan to be live on TV.

Mr. Fedorchak stated he feels it may be possible to be live the second meeting in October. Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried that the Public Hearing for the LID Ordinance be held on October 4, 2006.

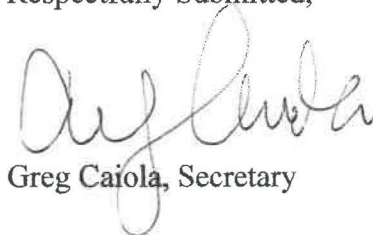
APPOINTMENTS TO BOARDS AND COMMISSIONS

There was discussion on Board vacancies, and Mr. Santarsiero stated that there is a Vacancy for an Alternate on the Zoning Hearing Board. He stated they also need to fill the position of Township Auditor.

Mr. Bray stated there is a vacancy on the EAC as Chris Neely will be resigning. Mr. Fedorchak stated Byron Roth has also returned from Iraq and he has indicated that he would like to get back on the Board. Mr. Santarsiero stated the only reason he was not on the Board was because his term expired while he was in service. Mrs. Godshalk moved, Mr. Stainthorpe seconded and it was unanimously carried to appoint Byron Roth to the Environmental Advisory Council. Mr. Bray asked that Laura Brandt, who is the current Alternate, be made a permanent member as she has contributed greatly to the EAC especially with respect to the Native Plant Ordinance. Mr. Santarsiero stated while he agrees, they do have to open this position up to the public. They will review the matter to see if there is an opening for a permanent member and discuss this again at the next meeting.

There being no further business, Mr. Stainthorpe moved, Mr. Smith seconded and it was unanimously carried to adjourn the meeting at 11:15 p.m.

Respectfully Submitted,



Greg Caiola, Secretary



Township of Lower Makefield

BOARD OF SUPERVISORS
Steven Santarsiero, Chairman
Ron Smith, Vice-Chairman
Greg Calola, Secretary/Treasurer
Grace M. Parkinson Godshalk, Supervisor
Pete Stainthorpe, Supervisor

**AUGUST 2006 WARRANT LISTS AND
JULY 2006 PAYROLL COSTS FOR APPROVAL
SEPTEMBER 6, 2006 BOARD OF SUPERVISORS MEETING**

| | | |
|-----------------------------|---------------|-------------------------------|
| 08/7/2006 Warrant List | \$ 581,699.41 | |
| 08/06 Manual Checks | 243,180.00 | |
| 08/21/2006 Warrant List | 500,770.19 | |
| Total Warrants & Prepays | | 1,325,649.60 |
| <u>PAYROLL COSTS:</u> | | |
| JULY 2006 Payroll | 430,833.89 | |
| 07/06 Payroll Taxes, etc. | 32,958.79 | |
| Total Payroll Costs | | <u>463,792.68</u> |
| TOTAL TO BE APPROVED | | \$ <u>1,789,442.28</u> |

