

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – OCTOBER 18, 2006

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on October 18, 2006. Chairman Santarsiero called the meeting to order at 7:30 p.m. Mr. Caiola called the roll. Mr. Santarsiero noted Mrs. Godshalk is ill and could not be present this evening. He noted the Board met in Executive Session since 7:00 p.m. discussing real estate and personnel issues.

Those present:

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

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

Mr. Santarsiero welcomed members of the viewing audience who are watching the meeting on television for the first time. He stated the Township has been working for more than a year on being able to televise the meetings in the hope that more members of the community will be able to see what is happening at the Board of Supervisors meeting and be able to participate in local government. He stated all the equipment is not yet in place, and there should be further improvements in the future.

Mr. Santarsiero announced the passing of Rudolph Mayrhofer who served on the Zoning Hearing Board. He stated the Zoning Hearing Board is one of the volunteer Boards that requires a tremendous amount of work because of the nature of that Board. He stated many people in the Township have to come before the Board for requests for Variances and Special Exceptions and many of those who appear before the Board are not familiar with the Ordinances or the process; and it takes a good deal of care and responsiveness to serve on the Zoning Hearing Board. He stated when he served as Supervisor Liaison to this Board, he saw that Mr. Mayrhofer was consistently prepared and did his best to serve the Township. He stated Mr. Mayrhofer and his family moved to the Township in 1973. Mr. Santarsiero reviewed Mr. Mayrhofer's work history at Conrail. He also served as an Elder and active member of Morrisville Presbyterian Church as well as a past Leader of Boy Scout Troop #10. A moment of silence was observed in memory of Rudy Mayrhofer.

PUBLIC COMMENT

Ms. Sue Herman, Foxwood Drive asked if the Board has received any formal response from Upper Makefield Township, Newtown, or Wrightstown regarding the request to participate in the Ordinance and Land Development discussion for the VA Cemetery. Mr. Fedorchak stated a representative from Upper Makefield indicated that they would be willing to schedule a meeting with the Board of Supervisors and staff to discuss the status of the project including a discussion of traffic studies. Ms. Herman asked if this is a response to Lower Makefield's request to be included in the Land Development process, and Mr. Fedorchak stated he did take it to mean that. Ms. Herman stated she read in the newspaper that Wrightstown Township approved the Ordinance as written. She stated she had attended the Newtown Township Planning Commission meeting last evening; and the Newtown Township Planning Commission recommended several amendments to the VA Cemetery/Toll Bros. Ordinance, one of which included a recommendation that the cemetery entrance be off Route 532, north of Dolington Village.

Mr. Fedorchak advised Ms. Herman that Gannett-Fleming, the project engineer for the Traffic Safety Enhancement Initiative program has established November 13 as the meeting date to be held at 10:00 a.m. at the PennDOT King of Prussia offices. Mr. Fedorchak stated this is to discuss what is happening in the way of construction projects within everyone's jurisdiction so that all parties can agree to when the data program will be implemented for the By-Pass lights.

Ms. Herman stated the next Regional Traffic Planning Task Force meeting will be held on October 30 at 7:30 p.m. at Upper Makefield. She invited all interested to attend. Mr. Smith stated he and Mr. Caiola attend that meeting, and there are usually only a few people from Lower Makefield and many more from Newtown and Upper Makefield. He asked that all from Lower Makefield who are interested attend the meeting.

Mr. Rick Wilson, developer of Towering Oaks, stated he sent a letter to Mr. Fedorchak a week and a half ago as well as to each of the Supervisors with regard to a request by the Board of Supervisors and the Farmland Preservation Corporation made three years ago to change the direction of a sanitary sewer line from a gravity system crossing a farm field to one that goes along Dolington Road and Woodside Road. He stated in order to accommodate that request, they came back before the Board of Supervisors three years ago. It was decided by CKS, the Township's sewer engineer, to try to design this; but when they went into the field, they found that there was bedrock below five feet which precluded them from doing any blasting or doing a gravity system because of the gas main in the area. He has since engineered a system and met with Mr. Majewski, Mr. Hoffmeister, and a representative from Remington Vernick to design a force main system. He stated in order to move forward, he addressed his letter to see if they would continue to follow the original Agreement where there was to be a sharing of costs. He has not received any response.

Mr. Fedorchak stated he feels they should schedule a meeting next week and bring all parties involved together to discuss the issues. He stated there are a number of outstanding issues with respect to the development including a certain amount of money the developer is required to escrow to cover engineering and legal fees. Mr. Wilson agreed to contact Mr. Fedorchak tomorrow to discuss a date for such a meeting.

Mr. Tom Fowler, Upper Hilltop, stated he sent an e-mail to the Board of Supervisors and Mr. Fedorchak regarding the lack of a bike path on Woodside Road. He stated there is a Park and Golf Course in the area, and there is no way to get from Clearview to a bike path. He stated money was to go into escrow for a bikepath when Clearview was built, but nothing has happened. He stated it is a very dangerous area and cars are typically driving fifty miles per hour. He stated with the future development of the park in the area, there will be increased traffic. Mr. Santarsiero stated they did receive his e-mail, and they are going to discuss this matter at their next meeting.

APPROVAL OF MINUTES

Mr. Smith moved, Mr. Caiola seconded and it was unanimously carried to approve the Minutes of October 4, 2006 as written.

APPROVE ADVERTISEMENT OF AMENDMENT TO THE AGE-RESTRICTED ORDINANCE REQUIRING MINIMUM ACREAGE

Mr. Santarsiero stated in December of last year, the Board of Supervisors passed an Overlay Ordinance that impacted the C-2 and C-3 Districts to allow for age-restricted housing. The Board then entered into an Agreement with Matrix to construct age-restricted housing on the Matrix site as part of the settlement of the land use issue. At the time the Overlay Ordinance was promulgated, there was no restriction as to the size of the parcels that could be used for age-restricted housing. He stated some of the Board members feel there should be a minimum parcel size for age-restricted housing, and the acreage they are looking at is fifty acres. This evening they are only voting to advertise this amendment.

Mr. Caiola moved, and Mr. Stainthorpe seconded to advertise the amendment.

There was no public comment, and the Motion carried unanimously.

PRESENTATION OF CHECK FROM 9-11 MEMORIAL FUND 5K RUN

Mr. Greg Tarallo and Ms. Cheryl Chase, Netside, presented to the Township a check in the amount of \$11,000 for the 9-11 Memorial, proceeds from their 5K Run this year. Mr. Santarsiero thanked Netside on behalf of the Township.

OTHER BUSINESS

Mr. Smith stated the Township received a letter of thanks from Alex's Lemonade Stand, a foundation for childhood cancer, for their donation. He stated when they were planning the Community Pride Day, it was his intention to benefit as many charitable organizations as possible. He read the letter from Alex's Lemonade Stand thanking the Township for their donation. Mr. Smith stated he hopes that they will be able to do this on a yearly basis.

UPDATE ON SHORT-TERM SOLUTIONS TO FLOOD PROBLEMS

Mr. Chris Benosky was present and stated they submitted their report on Friday and are present to answer any questions. Mr. Santarsiero stated they also wanted to give Mr. Benosky the opportunity to discuss some of the short-term solutions the residents in the area were interested in and to respond to some of the questions raised by RAFT in their e-mails.

Mr. Stainthorpe stated he feels the report is basically the same as was discussed in the prior presentation. Mr. Stainthorpe asked that the report be put on the Township Website.

Mr. Scott Burgess, 15 Glen Drive, was present. Mr. Santarsiero noted the e-mails Mr. Burgess sent to the Township dated 10/12/06 and 10/15/06. Mr. Burgess noted the e-mail dated 10/12 asking about the back flow preventers. Mr. Majewski stated several of these have been ordered, and the delivery time is four weeks. He will be meeting with one of the manufacturers regarding the elliptical pipes and will be going out to the sites some time next week to see how they can be fit onto the existing structures. Mr. Majewski stated originally five preventers were proposed. He noted one is the outfall from the front of Macclesfield Park out to River Road where they proposed a backflow preventer inside the first inlet on River Road. Another was the pipe that goes from the drainage system on Ivy Lane, down Black Rock Road, to the stream that runs parallel to the Canal. The manufacturer is fabricating this. He stated a few others are problematic as some are elliptical pipes which require special fabrication and some of the head walls are in poor condition. For these they will be meeting on the site with the manufacturer to insure that what they order will be correct. Mr. Burgess asked about the

second one at Glen Drive, and Mr. Majewski stated they will also look at this location at the site. Mr. Majewski stated he feels the first set should be installed by the end of November and the second set by the end of the year. He stated if there is any change, he will provide an update.

Mr. Burgess noted they previously discussed contacting PECO, and Mr. Fedorchak stated PECO engineers are working on reconfiguring the grid and are giving this project a high priority. He does not have a date certain as to completion. Chief Coluzzi stated they hope to have the re-design completed by the first quarter of 2007. He stated they plan to meet with emergency management officials and RAFT to go over the re-design. He stated this is a very high priority but it is a very expensive endeavor as every Township affected by the floods is having this done.

Mr. Burgess asked if the mandatory evacuations will stand or will they be changed to “suggested” evacuation orders. Chief Coluzzi stated when they are faced with 25’ of water, even though many homes are not affected, a mandatory evacuation is still proper. He stated they can notify individual homes block by block and gear that “mandatory” to certain neighborhoods and not to others; however, they prefer to do mandatory evacuations and the individual homeowners then use their judgment as to whether or not they should leave based upon their experience with past flooding. He stated it is not only for those who get water in their homes, but also there could be people who are landlocked or emergency service situations where emergency personnel cannot get into the area to rescue people if necessary.

Mr. Burgess stated the residents would like to work together with the Police Department on sandbagging crews. Chief Coluzzi stated the National Guard will be delivering several hundred sandbags to the Township on October 24. He stated they need to meet to discuss how they would distribute them in the event of a flood. Mr. Santarsiero stated this is a way that RAFT could help. He stated Burgess did ask in the 10/12 memo how RAFT could help before, during, and after a flood. Mr. Santarsiero stated the Township is concerned that those involved should be first concerned about their own homes and wellbeing. To the extent that the Township can identify specific tasks before the flood waters hit, such as distributing the sand bags, this would be helpful. He stated they do not want to put members of RAFT in harm’s way beyond what they need to do for their own homes.

Mr. Burgess asked about inquiries as to Grants or other monies for short-term solutions. Mr. Fedorchak stated there are a number of possibilities, but the most likely is a DEP program, the Watershed Protection and Flood Protection Grant Program, which seems to be designed for smaller projects such as those presented by Mr. Majewski and Mr. Burgess. He stated the maximum Grant award is \$100,000; but the Township can make Application for several different projects. He stated the deadline for submission is March, 2007. He stated once they get through the actual Grant Application for the

FEMA Hazard Mitigation Program, which will be done by November, they will then consider this other program.

Mr. Burgess stated they understand that the topographical maps are approximately twenty years old. He stated there were newspaper articles in the Inquirer about what Temple did for the Pennypack Park area updating their maps, and asked if the Township has considered this. Mr. Majewski stated Mr. Benosky provided a cost estimate to re-fly to get a new topographical map along the River, and it was estimated to be \$50,000.

Mr. Majewski stated in many of the areas along the River, not a lot has changed since the aerials were flown in 1980 other than a few additional houses and the construction of Macclesfield Park. He stated they do have the information on Macclesfield Park as to the elevations at the Park. He is not sure of the effectiveness of re-flying the area until they get into designing some of the measures that Mr. Benosky is suggesting when they would need more detailed topography in those areas in order to implement those measures.

Mr. Burgess asked if they have reviewed the hazard concern at Macclesfield Park, and Mr. Fedorchak stated they do not feel that this is a concern. He stated they do inspect this area after flood events, and it is stable.

Mr. Burgess stated many of the questions in the most recent e-mail were for Schoor DePalma, and he asked that they have a separate meeting with them.

Mr. Santarsiero stated in the second e-mail they did discuss getting together with local representatives to try to come up with a plan for funding solutions, and he does feel they should pursue this. He recommended they have a meeting with Mr. Steil, possibly the State Senator, and a representative from our Congressman's office to discuss what can be done to try to access funds.

Mr. Burgess asked about the cleaning out of drainage pipes and ditches. He noted the wetlands area he has discussed previously and stated he feels there is a slow down of the water in this area, and asked what can be done about this. Mr. Fedorchak asked if they are discussing the small stream that runs parallel to the Canal, and Mr. Burgess agreed. Mr. Fedorchak stated they would have to go to the DEP for permits for this, and they will look into this as part of the solutions they have been discussing.

Mr. Burgess thanked the Township for their help in this matter and offered RAFT's help wherever needed. Mr. Santarsiero stated it is very helpful to have the residents in the area involved in the process. He stated this is a collaborative effort between the Township, the residents, and State and local governments. He stated they need to work together to resolve the problems. He stated he was disappointed to see a letter to the Editor in the paper recently taking the Governor to task for alleged inaction which he does not feel is the case. He stated it is much more productive for everyone to focus on

what needs to be done as opposed to pointing fingers. He stated Mr. Smith did receive a letter from the DEP in response to his letter to them over the summer.

Mr. Caiola stated Mr. Burgess has done an excellent job in providing information ahead of time to the Board so that they know what questions are going to be asked so that the Board can be prepared.

Mr. Smith stated he wrote a letter in the summer to State and Federal representatives who were here during the flood. He stated County Commission Cawley did call him expressing his concern. Mr. Smith stated he also received a letter from Governor Rendell and he made a copy available for RAFT. He stated in the letter he discusses the action he has taken and funds that have been provided. Mr. Smith stated Governor Rendell is working through the DEP. Mr. Smith stated he also hopes that he will hear from the Federal representatives as well. Mr. Burgess stated he did receive letters from Mr. Fitzpatrick, Mr. Specter, and Mr. Santorum.

Mr. Santarsiero asked Mr. Truelove about funding for dredging of the Canal and the widening of the culvert at Black Rock Road. Mr. Truelove stated he has been in contact with the Governor's office, and they are working with the House leadership on funding. He stated funds were set aside in fiscal year 2000, but there must be an agreement as to the order of priority for release of the funds. He stated because the Election is approaching, he does not feel anything will happen in the near future. He stated he will keep communicating with them to see if they can get some movement on this, and he will keep the Board and community apprised of what is occurring.

DISCUSSION OF RAILROAD CROSSING NOISE ABATEMENT

Mr. Majewski stated in June he gave an update on the status of Train Quiet Zones which allows local Municipalities the opportunity to mitigate the effect of train horn noise by establishing areas where the trains do not have to blow their horns. He stated last year the Federal Government passed a law requiring trains to blow their horns at all at-grade crossings. He stated in this area they have been doing this for some time, but in other areas Nationwide, they had not been required to do that. He stated in order to establish a Quiet Zone, a community would have to have a safe crossing which would involve installation of lights, gates, and supplemental safety measures to make the intersection safe enough so that the absence of a horn would not adversely affect safety. He stated some of the safety measures include center line median barriers that would prevent cars from driving around the gates when they are down at each crossing. He showed a picture of such a barrier this evening. Mr. Fedorchak agreed to put this on the Township Website as well. Mr. Majewski stated emergency vehicles can get around these barriers which bend down and then snap back up but they do reduce drive-arounds by others at the gates.

Mr. Majewski stated he was asked to look into whether there were studies done on Quiet Zones that have been enacted since the Government passed the law, but noted there is not enough historical data since it has only been one year. Mr. Santarsiero asked if there is data on accident rates after instituting the Quiet Zones, and Mr. Majewski stated there is not at this point.

Mr. Smith asked the cost of installing these barriers, and Mr. Majewski stated the estimated cost from the Federal Railway Administration Website is \$39,000 for the three crossings. These would be Edgewood Road, Heacock Road, and Stony Hill Road. He stated they looked at the Township Line Road crossing, but this method would not be suitable for that location since Big Oak Road comes in too close to the crossing for this to be effective. He stated the \$39,000 is for the equipment only and engineering and installation would be additional. Mr. Majewski stated he has done some rough estimates on getting PennDOT approval which would be required for two of these, and the cost for these permits would be \$10,000 to \$25,000. Mr. Smith asked if there are Grants available, and Mr. Majewski stated there are not to his knowledge.

Mr. Santarsiero stated they had previously discussed having this operate only at night. Mr. Majewski stated they could have a twenty-four hour Quiet Zone where the horns would not be sounded at any time or they could have a partial Quiet Zone which would be from 10:00 p.m. to 7:00 a.m. He stated this would roughly coincide with the hours that SEPTA does not operate.

Mr. Smith asked if they approved this, how long would it take for installation. Mr. Majewski stated there is a process that has been established by the Federal Government in order to allow a Quiet Zone to be established. He stated they would first have to publish a Notice of Intent notifying all the effected agencies involved such as SEPTA, CSX, PennDOT, safety organizations, local and State Police. Once the sixty day comment period from those agencies expires and the comments are addressed, the Quiet Zone could be established. They would then have to prepare plans for submission to PennDOT for approval of the median island in the middle of the road which could take 90 to 150 days. There would then be a 60 day notice after that point. He stated he would estimate it would take six months to a year.

Mr. Stainthorpe stated when he first heard about the possibility of this, he was generally in favor; but at the June meeting a number of residents commented on the safety concerns and cost. He stated he feels there should be more input from the public to see how important they feel it is before they proceed. Mr. Santarsiero stated he feels they may need to do a more comprehensive survey from the people who live near these crossings. He stated he would like to get input from Chief Coluzzi adding that he is concerned that they do not have good data on the safety concerns. He stated while this is certainly a matter of convenience and is a significant issue for those who live close to the train crossings, he is very concerned that there could be an accident that could result from this.

Mr. Caiola stated one of the statistics provided does show that the channelization devices in conjunction with gates are estimated to be 92% effective in reducing the instances of motorists driving around the gates.

Chief Coluzzi stated the horns also alert children who are going across the tracks so horns do serve a purpose. He stated the Road Department may also have concerns with plowing snow and maintaining the roads if there is a median in the center of these roads. He feels they should get input from Mr. Coyne as well.

Mr. Smith stated they do have the option of limiting the time that this would go into effect from 10:00 p.m. to 7:00 a.m., and hopefully most children would not be on the highway during these hours. He stated he does receive numerous e-mails and phone calls requesting that this go forward. He stated this is a quality of life issue, although he agrees they need to consider the safety issues.

Mr. Santarsiero stated two of the three crossings are on two-lane roads – Stony Hill and Edgewood Road. He asked about Heacock which is a wider road and asked if the width of the road would compromise the effectiveness of the barriers. Mr. Majewski stated this should not be a concern as the gates currently go down across all the lanes. These barriers would go in the middle so that cars would have a difficult time driving around them. He stated there are also gates that go down for the bikepath at the Heacock Road crossing.

Mr. Coyne stated he feels they should research this further. He stated he has seen the pictures. He is concerned with snow plowing in this area in the winter, and he would want to do more research before he would indicate whether or not he was in favor of it. He stated in the winter they are trying to get the roads clear, and the Railroad crossings are already difficult.

Mr. Smith asked where the picture provided was taken and asked where most of these Quiet Zones are located. Mr. Majewski stated while Quiet Zones are located throughout the Country, there is only one in Pennsylvania which is in western Pennsylvania. He stated there are several in Michigan and Florida.

Mr. Zachary Rubin, 1661 Covington Road, stated his property is 187 yards from the Heacock crossing, and he is in support of the Quiet Zones. He stated it is a quality of life issue. He is on the Executive Board of Makefield Glen and represents 848 homes which are contiguous to the Railroad tracks. He stated his neighbors are adversely affected by the noise. He stated when the development was first planned there was little train traffic. He stated the amount of freight now using those lines has increased exponentially. He stated when the gates come down, there is a lot of noise created forewarning that a train is coming. He stated between 10:00 p.m. through 7:00 a.m. children should not be running across the train tracks. He stated over 1000 homes are affected by the three railroad

crossings in the Township. He stated his neighborhood also hears the two other crossings as well.

Mr. Bob Daily, Mr. David Paoni, and Mr. George Shotz from Yardley Estates were present. Mr. Daily stated the trains have affected their quality of life, and they feel the safety issues can be addressed. Mr. Santarsiero asked if they were to approve the Quiet Zone being in effect from 10:00 pm. to 7:00 a.m. would this be sufficient, and Mr. Daily stated he does feel it would address their concern and solve some of the safety issues.

Mr. Paoni asked the process for approval. He asked what would a group of citizens have to do to formally push for this to be approved. Mr. Santarsiero stated he feels it would have to be an action by the local Government. He stated they will not make a decision on this tonight and will most likely wait until they get broader public input. Mr. Paoni asked if there are restrictions in place related to blowing the horn. Mr. Santarsiero stated they are required to follow Federal regulations as to when they blow the horn. Mr. Caiola stated he feels that in New Jersey they have altered the decibel level permitted of the horns in response to resident concerns. Mr. Majewski stated they are required to sound the horns fifteen to twenty seconds before entering the crossing but not more than one quarter mile in advance. He stated the pattern for blowing the horns is two long, one short, and one long sound to be repeated as necessary until the locomotive clears the intersection. Mr. Paoni stated while they would prefer to have the Quiet Zone in effect for twenty-four hours, he feels they would be satisfied if it were limited to 10 p.m. to 7 a.m. in order to address safety concerns of some people. He stated he would like to see if they can impose fines on the railroad to help pay for the expense of installing the Quiet Zone noting that on Monday night, the horn was constantly blowing from 11:50 p.m. through 12:10 a.m. He stated this is completely unacceptable, and in the interim there must be some way to have them comply with the requirements for blowing the horns. Mr. Truelove stated as to fines, Federal law would preempt any local control over this.

Mr. Smith stated it appears that there are Quiet Zones throughout the Country so they must have taken precautions and considered snow removal. He suggested that they look into this further and bring the matter back before the Board once they have done additional research.

Mr. Shotz stated he is concerned with the frequency and duration of the horns. He stated he moved from Sandy Run to Yardley Estates and the difference is significant and they are woken up every night. He stated until he moved to Yardley Estates he did not realize how disruptive the trains were. He stated he would like to video tape what happens with the trains passing by their neighborhood. Mr. Santarsiero stated he does not feel this is necessary as they agree that this is a quality of life issue, but they want to get more information on the safety concerns. Mr. Shotz stated he feels that from 10:00 p.m. to 7:00 a.m. there would not be children crossing the tracks.

Mr. Santarsiero stated after they do further research, if they decide to proceed, they would have to consider this in their Budget discussions for the 2007 Budget.

Mr. Bob Slamen stated he agrees that something should be done, but he does not feel they should spend large amounts of money to keep people from going around the road and the existing gates should be sufficient. He stated he does not feel they need to have the horns blown late in the night. He stated he would not be in favor of spending money to install the barrier discussed. Mr. Santarsiero stated they would be required to do this if they establish a Quiet Zone. He stated he feels spending this money would be worth it if it saves a life.

Ms. Judy Curley, River Road, stated she feels safety is the number one concern and the horns should be blowing during the day time and the early evening although possibly they could have quieter horns from 10 p.m. to 7 a.m. She stated there is no dollar value for a human life. Mr. Smith stated if they were going to do something, it would be from 10 p.m. to 7 a.m. only.

Ms. Virginia Torbert, Yardley-Newtown Road, stated there are Quiet Zones in Massachusetts. She stated she does not feel they should proceed with this because of the safety concerns. She stated she feels they should see if the way they are blowing the horns is in compliance with Federal law. She stated she is aware that the Conductors Union is concerned with the level of noise in the booth, and possibly they could make common cause with them. She stated in New Jersey they are doing some very innovative things in terms of noise pollution, and she feels there are things that could be done short of establishing these Quiet Zones. She stated this is a safety issue, and not all children are home by 10:00 p.m. She stated there are also situations where the gates are constantly down when there are no trains; and people get into the habit of crossing the tracks even when the gates are down so that if there is no whistle when there was actually a train, you would not have any notice. Mr. Smith stated this is why they need more time to look into this matter. Ms. Torbert stated she previously lived in Yardley Hunt and there was only one train at 4:00 a.m., but she understands this is now occurring much more often. She feels it would be helpful to have an audio-visual demo of what is occurring. Mr. Santarsiero stated this is occurring much more frequently, and he also feels the conductors are misusing the horns.

Mr. Dave Brooks, Ashley Estates, stated the horns are extremely loud. He stated there is no one present from CSX, SEPTA, Amtrak, etc. to give them advice as to how to handle this. He feels the problem is with the freight trains – not the commuter trains. He feels it would be good to have someone meet with someone from CSX. Mr. Santarsiero stated they can look into this

Ms. Mary Beth Milizar, Ashley Estates, stated she agrees the horns are very loud but she is also very concerned about safety and feels the Township will do the right thing. She

stated the sign shown in the picture indicating that the horns do not sound their whistle seems too small and it should be larger and made more visible. She stated she has seen people go around the gates.

Mr. Dave Lilio, 474 Jenny Drive, stated he has lived at his home for nine years, and the noise is getting worse. He stated they need to do something about when they blow their horns. He stated he feels they blow the horns for two miles. He stated there are seven homes for sale in his development, and he feels this situation is affecting their property values.

Mr. Scott Finder, Ashley Estates, stated he moved to the area in 2005 and was very proud to be moving to the Township, but the horns are severely impacting their quality of life. He asked that they weigh the issues and consider the fact that the Federal government has passed a law that permits these Quiet Zones.

Mr. Stainthorpe stated it appears that the conductors are abusing the horns and asked that Mr. Truelove or Mr. Majewski look into the complaint procedure. Mr. Santarsiero stated he feels once the word gets out that they are being proactive, he feels there will be a change in behavior by the conductors. Mr. Smith stated he does not feel there will be a change until fines are imposed. He asked that they look into the Quiet Zone issue as well as the complaint process. Mr. Brooks stated the trains do have numbers on them; and if they get the locomotive number, they will know who is driving the train at a particular time. He stated he would be willing to write down the numbers for the Township. Mr. Smith stated this would be helpful.

Mr. Shotz stated even if the conductors are following procedure on the horns, the intersections are slightly more than one quarter mile apart, so it is still a significant amount of noise. Mr. Santarsiero stated they are not looking into the complaint process in lieu of the Quiet Zone but are considering this until a further decision is made on the Quiet Zone.

It was agreed that this matter be considered again on November 15. Mr. Smith asked that the Township have communication with the impacted neighborhoods. Mr. Santarsiero asked that those present advise their neighbors that this will be discussed at that time.

DISCUSSION OF ELM LOWNE USE POLICY

Ms. Jo Norum and Ms. Jennifer Stark were present. Ms. Norum stated they provided a copy of the proposal for the Board in their packet. Ms. Stark stated they want to mainstream the Elm Lowne property so it can be a public use facility as are the other Township holdings. She stated they are considering uses for the site, the house, and how

they would break out the type of people who use the property – whether they are Township residents or not.

Mr. Santarsiero stated he does not have a problem with what has been presented, but feels what they need is a more detailed look at the facility including their long-range goals, and then put this into a Plan. He stated they are going to have Mr. Marshall from the Heritage Conservancy come in sometime within the next three months; and he feels within the context of Mr. Marshall's work with the Township, they will try to formulate a Master Plan for Elm Lowne indicating where they see the facility in the future. He stated he would like to see them consider a comprehensive look at the expenses, what they are projecting for the next year, and how this type of proposal fits into those expenses as well as the other revenue streams coming in from Open Air Affairs.

Ms. Norum stated she does a separate Budget presentation for the Elm Lowne property so these would be the numbers. She has already presented the Budget. Mr. Santarsiero stated they do not have this in front of them this evening, and this will be part of the Budget process. He stated he feels they should defer the response to what has been presented this evening until the Board has a chance to look at the Budget numbers. He stated he feels it would then be helpful to meet with the Committee and with Mr. Marshall and work out a plan for long-term use of the facility.

Mr. Stainthorpe asked what is happening with CAPS. Ms. Norum stated they are no longer at Elm Lowne, and she understands CAPS has folded. She stated she feels they were financially impacted by the floods which occurred over the past. Mr. Stainthorpe stated he heard some complaints about how they were maintaining the facility, and Mr. Norum stated she was in very close contact with them, and they did clean up every Friday depending on whether or not there was to be use of the property over the weekend. She stated they were allowed to use the kitchen to dry out the projects, and they did remove these if a weekend user needed the kitchen. She stated she does not feel they were uncooperative. Mr. Stainthorpe asked if the Artists of Yardley are still using the facility as a meeting place, and Ms. Norum stated they are.

Mr. Smith complimented Ms. Norum and her group for doing a wonderful job at the facility. He stated there was discussion regarding an application for a Grant, and Ms. Karen Friedman stated they submitted a request to find out the status of this today and she hopes to hear about this by next week. Mr. Santarsiero stated this Grant pertains to the potential use of the barn for some use to be determined.

Mr. Smith noted the Mission Statement included in the Elm Lowne Committee Report, and he feels the key words are “open for public use” which he feels is very important. He stated he wants the public to have access and utilize it in accordance with the Plan presented.

Ms. Norum stated initially they were using the property in a way that was not practical as they were trying to use it as a venue for larger events. They now feel it would be better served for community use. Mr. Smith stated he felt it was a good idea to open it up to the CAPS group and this allowed more people to see the property. He does feel it is important to tie in the historic conservancy aspects as well.

Ms. Stark stated the Committee has discussed how complicated it is to integrate the care and maintenance of the facility which means that they will be looking to the Township for staff support and Budgetary support beyond the Budget that Ms. Norum has presented. She stated they would like the Township to fully absorb this entity. She stated they can provide the Township with information on what they know are the maintenance needs, but they cannot apply numbers to some of the topics she has included in her report since they may contract some of these to an outside vendor to do or the Township may decide to take care of it internally and this would not be a decision for the Committee to make. Mr. Santarsiero stated this is why he feels they should come in during the Budget process and work as well with Mr. Marshall on developing a long-term plan.

Mr. Fedorchak stated he will notify the Elm Lowne Committee which Budget Session they should attend.

AWARD BID FOR 2006 CURB RAMP CONSTRUCTION

Mr. Smith moved, Mr. Caiola seconded and it was unanimously carried to award the bid for the 2006 curb ramp construction to J. L. Gruber at a cost of \$16,000.

Mr. Majewski stated this will finish out the handicap-access sidewalks project.

APPROVE EXTENSION FOR FIELDSTONE

Mr. Smith moved, Mr. Santarsiero seconded and it was unanimously carried to grant an extension of time for Fieldstone 496N to January 31, 2007.

Mr. Smith moved, Mr. Santarsiero seconded and it was unanimously carried to grant an extension of time for Fieldstone 549 to January 31, 2007.

SUPERVISORS REPORTS

Mr. Santarsiero stated the EAC is continuing to work on review of the Plans for Matrix and will meet with the Township engineer and Mr. Garton tomorrow afternoon to discuss some of the surface water issues at the site. He stated the Citizens Traffic Advisory

Committee met last week and is in the process of putting together a list of issues for the Township to consider. The Township's Traffic Engineer will prepare a Budget for work it would perform in that regard. This Budget will first be submitted to the Board of Supervisors for approval before any work is done. He hopes that this will be submitted to Mr. Fedorchak so that it can be considered as part of the 2007 Budget. Mr. Santarsiero stated the Traffic Engineer will take all data collected by the Traffic Commissioners for each of their Zones as well as existing Township information and then help the Commission refine the list of traffic areas that need to be addressed and make this as part of the presentation before the Board of Supervisors.

Mr. Smith stated the Farmland Preservation Corporation has made him aware that there is a vacancy on their Board, and the Township Manager has been advised of this. He stated they also continue to work on signage, tax exemption, and items related to the Patterson Farm. He stated the Historic Commission met yesterday and continue to work on Edgewood Village. They want to meet with the Planning Commission to discuss Edgewood Village. Mr. Smith stated the Regional Traffic Task Force will meet on October 30. He stated the Citizens Budget Commission met Monday and each person has certain Departments they are working with. Mr. Fedorchak gave them an overview of the revenue side of the ledger.

Mr. Caiola stated the Park & Recreation Board discussed their Preliminary Budget. He stated the first meeting of the Economic Development Committee will be held next week.

Mr. Stainthorpe stated the Golf Committee has reviewed the Course Budget and found it to be in line. It will be part of the Township's larger Budget discussion. He stated the Course continues to do well in terms of revenue. He stated the Outing business has been outstanding. Their goal going forward is to find additional uses for the property during the winter months and do more to promote parties, weddings, etc. He stated they are maxed out on the number of rounds; and they are currently doing 41,000 rounds a year. They had originally budgeted 40,000. Mr. Smith asked if the size of the facility limits the type of function they can accommodate, and Mr. Stainthorpe stated it does. He stated they are not interested in doing outside parties in the afternoons during golf season, but from November 1 through March 31, they could do late afternoon and evening parties. He stated promoting these types of events will help them get additional revenue. He and Mr. Draper will meet with the head of the PGA Section tomorrow, and they are still interested in using the Manor House as their headquarters.

OTHER BUSINESS

Mr. Caiola asked if it is illegal to park cars on front lawns. He stated he is concerned with this aesthetically and environmentally. Chief Coluzzi stated there is no law about

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parking a car on your own property, although there may be something environmentally that he is not aware of.

Mr. Smith stated YMS completed their Columbus Weekend Tournament. He stated this is one of the most famous tournaments on the East Coast, and people come from all over the Country. He stated Lower Makefield Township is Nationally recognized as having this Tournament on an annual basis. Mr. Stainthorpe stated they did not get any complaints from the adjacent neighbors so he assumes it was very well run this year.

There being no further business, Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to adjourn the meeting.

Respectfully Submitted,

Greg Caiola, Secretary