

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – NOVEMBER 1, 2006

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on November 1, 2006. Chairman Santarsiero called the meeting to order at 7:30 p.m. noting the Board met for an hour in Executive Session during which time they discussed litigation and real estate matters. Mr. Santarsiero stated the meeting tonight is being televised, and he welcomed the television audience to the meeting. He stated they are currently in the process of obtaining additional equipment so that they can re-broadcast the meetings automatically, and a schedule will be made known to the public. Mr. Caiola called the roll.

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
 Jeffrey Garton, Township Solicitor
 James Majewski, Township Engineer
 Chris Fazio, Township Engineer
 Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Ms. Sue Herman, President of Residents for Regional Traffic Solutions (RRTS), stated at the 10/25 meeting of the Newtown Township Board of Supervisors they approved the Overlay Ordinance for the VA Cemetery/Toll deal. She stated this means Zoning changes will occur in the absence of traffic studies. She stated they are in support of a VA Cemetery, but they are highly concerned that the Federal Government will allow an entrance on Highland Road using Lindenhurst and Stoopville Roads as the official entrance route. They fear that politicians will use this as an excuse to continue to mismanage roadways in the region. She stated at the Regional Traffic Planning Task Force held on 10/30, RRTS read a memo into the public record which they would like entered into tonight's meeting. (Copy attached). She stated the memo directed to Representatives Steil and Petri, who head the Task Fork, reiterated the residents' concerns that the Delaware Valley Regional Planning Commission work program project description to the Bucks County Regional Traffic Study does not mirror or cross reference the 3/05 request for proposals that were developed by the Task Force with input

from RRTS and others over a four-month period of time. She stated the request for proposal was finalized and approved in a public forum. She stated the Delaware Valley Regional Planning Commission has disrespected the Democratic process. She stated the residents plan to hold the Task Force and Delaware Valley Regional Planning Commission accountable for performing the work outlined in the 3/05 request for proposal in its entirety.

Ms. Fran Leyenberger stated she is present as a follow-up to a request regarding a bikepath and widening of Black Rock Road. Mr. Santarsiero stated this is on the Agenda for discussion later this evening.

Ms. Suzanne Matarese was present with Anthony Materese and thanked everyone for their involvement with the recent Halloween Happening. She stated her sons are working on Cuddle Buddies for Kids (an example of which she showed this evening) and stated they are collecting new stuffed animals and blankets which will be distributed to homeless shelters and contacts she has obtained through the Township Fire Department and EMS for local children impacted by a fire in their home. She stated they have a Website and are accepting monetary donations at P. O. Box 151 at Mail and More. Mr. Santarsiero congratulated them on this program and stated that they will include this in the next Township Newsletter as well. He also thanked Ms. Matarese and the other members of the Special Events Committee for the work done for the Halloween Happening. He stated they had close to 2,000 people present. Mr. Smith also asked that they recognize Ms. Liney and “Chicken Man” (Tom Roche, Jr.), who despite being in the Hospital, came out of the Hospital to meet this commitment. Mr. Smith also thanked the fifty young men and women from the National Honor Society from Pennsbury High School who also came out to help. Ms. Matarese stated without their help, the event would not have gone as smoothly.

Mr. Scott Burgess, RAFT Chairman, asked when the final report will be sent to FEMA. Mr. Fedorchak stated it will be sent out very shortly. Mr. Burgess asked if they gave any indication as to turn around. Mr. Fedorchak stated he anticipates a relatively quick decision possibly within the first three months of next year. He stated the deadline for submission is the end of this year. Mr. Burgess asked for any updates on items they discussed at the last meeting. Mr. Santarsiero stated on Saturday morning he met with members of the Traffic Commission and neighbors from the Black Rock Road area to discuss the bikepath issue which will be discussed later this evening. Mr. Steil was also present, and they discussed the status of the culvert and dredging project since if the culvert were widened, it would be easier to do a bikepath together with that project. He stated Mr. Steil advised that the money for the dredging/culvert project has been authorized for the last four years; however, it has never been appropriated. He stated each Caucus in the Legislature as part of the Capital Budget process gets an allocation of approximately \$50 million to come up with capital projects, and this project was one which Mr. Steil had proposed. It now needs to have the full Legislature vote to

appropriate the expenditure and it would then go to the Governor for signature. He noted it has been suggested Mr. Santarsiero and Mr. Truelove meet with Mr. Steil, the Governor, and other members of the House or State Senate who would have a leadership role to discuss what can be done to move this project along, and they are working on this.

Mr. Caiola asked for an update on the back-flow preventers. Mr. Majewski stated he met with a representative for the manufacturer a week ago, and he will be provided additional information so that they can provide a quote. Mr. Burgess stated they felt that November was the date for half of them, and December for the rest; and Mr. Majewski stated he still feels they are on target for these dates.

APPROVAL OF MINUTES

Mr. Smith moved and Mr. Caiola seconded to approve the Minutes of October 18, 2006 as written. Motion carried with Mrs. Godshalk abstaining as she was hospitalized during that meeting.

APPROVAL OF OCTOBER 2, 2006 AND OCTOBER 16, 2006 WARRANT LISTS AND SEPTEMBER, 2006 PAYROLL

Mr. Caiola moved, Mr. Smith seconded and it was unanimously carried to approve the October 2, 2006 and October 16, 2006 Warrant Lists and September, 2006 Payroll as attached to the Minutes.

Mr. Santarsiero stated they have already conducted two Budget Workshops, with the next scheduled for November 8 from 5:00 p.m. to 6:30 p.m. at the Township Building.

Mr. Stainthorpe noted the print-out received, adding that normally they have a year-to-date accounting of each Budget item, and Mr. Fedorchak stated they will have this at the next meeting.

PRESENTATION OF MATRIX PROPOSAL

Mr. Santarsiero stated this matter is on the Agenda for discussion purposes by the representatives of Matrix and to allow the public and Board members to ask preliminary questions. He stated there will not be a final vote this evening. He stated they feel this will then give ample opportunity for the public to provide input and reasonable time for the Board of Supervisors to take that input as well as other concerns into account before considering voting on the proposal. This matter will be on the Agenda on November 15

and at that time, the Board anticipates taking further public comment and then considering a vote.

Marc Brookman, attorney, was present with Mr. Russell Tepper. Mr. Brookman stated the site was approved a number of years ago for a mixed use commercial development including offices, large retail, and a hotel. At the time it was approved, there was some concern in the community primarily about the large retail aspect of the site, and that concern resulted in a series of lawsuits which took a number of years to come to a conclusion. During this time, it was suggested by the then Board of Supervisors that a committee, comprised of those involved in the lawsuit, meet to try to settle the lawsuit and come up with a Plan that would be acceptable to all parties. The outcome of those settlement discussions was then discussed at public meetings before the Planning Commission and the Board of Supervisors; and following those meetings, the Board of Supervisors together with the other participants in the litigation entered into a Settlement Agreement. One year ago, the Board of Supervisors re-zoned the land to permit in the C-2 and C-3 Districts, the ability to have age-qualified housing. The Concept Plan they will discuss tonight describes this Community which under the terms of the Settlement Agreement would have permitted up to 600 dwelling units. A Plan was submitted to the Township for 522 units. The Settlement Agreement also provides for limited commercial development of not more than 40,000 square feet in one location and some pad sites not more than 15,000 square feet on Oxford Valley Road. Mr. Brookman stated in July, 2006, they submitted Preliminary/Final fully-engineered Plans for the Township and its consultants to review. The Applicant and its consultants have appeared three times before the Planning Commission and once before the Environmental Advisory Council; and the Planning Commission recommended three to one approval of the Plan, and a memo to that effect was provided from Nancy Frick, Director of Zoning, Inspection and Planning, to the Township Manager on 10/24/06. At that meeting before the Planning Commission, the Applicant agreed to comply with the outstanding conditions including making additional notes to the Plan all of which are being worked on and will be submitted shortly.

Mr. Tepper showed a Plan for the project. He stated the site is 240 acres bordered by Oxford Valley Road to the east, the Township line shared with Middletown Township to the west, the northern border is bound of Dobry Road, and the southern border along Route 1. The site is bi-sected by Big Oak Road. Mr. Tepper stated there are five components to the project – three of which are made up of age-qualified residential development including single family detached units located on the north side, condominium units in three-story buildings to the north of Big Oak Road, and single-family attached development on the south side of Big Oak Road. There are 522 units shown on the Plan and a Community Center for use by all residents of the development. Mr. Tepper stated the other components of the project, for which they are not seeking approval this evening, are shown on the Master Plan for the project and include up to 40,000 square feet of office space to the north of Big Oak Road and west of Oxford

Valley Road and up to 15,000 square feet of small retail that is to the east of Old Oxford Valley Road and the west of Oxford Valley Road to the south of Big Oak Road.

Mr. Tepper stated although the Plan does not depict a lay out for the office and retail, they have submitted in the most recent set of Plans to the Township what this could look like. They will come in at a future time for approval of those components.

Mr. Tepper stated the Plan before the Board this evening is for 522 units although up to 600 units were permitted. He stated the Plan is designed in such a manner that it preserves all the wetlands on the property, and no encroachment of wetlands is necessary. They are also providing significant roadway improvements which were once contemplated for the large retail/office proposal. These include significant intersection improvements at Big Oak and Oxford Valley Roads, and intersection improvements at Big Oak Road where Old Oxford Valley Road will be relocated 150' to the west to allow for appropriate stacking on Big Oak Road. There will also be intersection improvements at Oxford Valley Road and Tall Pines Road and improvements along Oxford Valley Road and Big Oak Road. He stated Big Oak Road currently exists as a two-lane road; and once completed, it will include a roadway that has one through lane in either direction as well as dedicated right and left turn lanes where intersections exist, and shoulders for safety purposes. Mr. Tepper stated the signal at Big Oak Road and Oxford Valley Road will be significantly upgraded to accommodate the various turning movements proposed and approved by PennDOT as well as an intersection improvement at Tall Pines Road where a signal is proposed as well. They are currently in the process of doing a warrant analysis consistent with the Settlement Agreement to determine whether this warrants a traffic signal, and PennDOT will make this decision.

Mr. Tepper stated the Plan also incorporates a five acre parcel of land which will be dedicated to the Township, the location of which he showed on the Plan. He stated a pavilion and park benches will also be provided on the property to provide passive recreation.

Mr. Tepper stated they are also preserving a buffer along Old Oxford Valley Road on the north side of Big Oak Road and a buffer on the northern border that is shared with residents of Dobry Road.

Mr. Tepper stated they have proposed a project that is fiscally-sound and when completed will generate in excess of \$3 million a year to the Pennsbury School District even though this project will not create any new school-age children as it is an age-qualified residential community. It will also provide more than \$150,000 to the Township each year after expenses.

Mr. Tepper stated in accordance with the Settlement Agreement, they have incorporated a number of low-impact design elements. He stated they meet or exceed all stormwater regulations that exist in the Township Code.

Mr. Tepper stated they signed the Settlement Agreement in the spring and submitted Plans to the Township on 7/17/06. Since that time they have had three meetings with the Planning Commission where they reviewed numerous issues, most of which they have been able to address to the Township's satisfaction. He stated they also had one meeting before the Environmental Advisory Council where a number of issues have been successfully addressed.

Mr. Santarsiero stated pursuant to the Settlement Agreement, the lines of trees both north and south of the intersection of Big Oak and Oxford Valley will also be preserved. He stated he does not see this on the Plan with respect to the southern part of the site, south of Big Oak Road on Oxford Valley Road. Mr. Tepper noted a portion of the land which is proposed to have small retail, but they have not yet made Application for this area. Mr. Santarsiero stated while this is correct, he wants to make sure that it is clear that the tree line will be preserved along Oxford Valley Road, and Mr. Tepper agreed.

Mr. Chris Burkett stated their firm has been involved with the civil design and stormwater management concept for the site. He stated they were asked to provide a stormwater management concept that works with all Township Ordinances and also to include low-impact design features. He stated they have gone through an analysis of the site looking at where the existing drainage areas are and where on the site it would be possible to accept additional run off; and based on that analysis, they came up with a design that features three separate areas within the site. He stated on the north side of the site in the area above the wetlands where the single family detached homes are located, they developed a strategy where they would use a series of rain gardens, which is a bio-retention method, that allows for volume and water quality control. He stated there are ten different rain gardens located throughout the northern area, and they take water from the roof surfaces and feed them into the rain gardens which gives the water the maximum opportunity to infiltrate. There are also plantings in the area. He stated they had discussions with the Planning Commission and EAC regarding the fact the some of the infiltration characteristics were not good, and they wanted the developer to provide a means for the rain gardens to be drained in the event they reach peak capacity. He stated they added details in the last set of Plan revisions to provide for a sub-surface drain and an improved soil mixture. There is also a drain pipe underneath that can convey the water to the storm system if capacity is exceeded.

Mr. Burkett stated on the north side there are three main basins which run across the southern side adjacent to the wetlands which are wet ponds that have an aquatic bench which is a shallow area around the perimeter of the basin that provides an area where aquatic vegetation can be added in water that is six inches deep and also provides a safety measure so that someone going down the side slopes of these features, would hit an aquatic bench which is shallow water and they would not immediately go into deep water. He stated there are deep water pools associated with these features that filter out water prior to going into the pool. They will have a permanent fish population to help cut down on insects.

Mr. Burkett stated all wetlands have been preserved, and there is a wetlands buffer. He stated in the center part of the site where the condos are located, there are two ponds. These are also fed by grass swales, and there are no curbs provided on the roadways so that water can sheet across the surfaces directly into grass swales and be conveyed to the detention facilities. He stated this filters pollutant loads in the streets and also extends the time of concentration. This helps bring down the peak flow factors for the overall site.

Mr. Burkett stated in the southern area there are a series of grass swales between all of the townhouse units, and water flows into these grass swales from either side. The water is conveyed down to the roadway adjacent to the basins, and there is a depression in the culvert that allows for storage of the stormwater before it gets to the detention facility. He noted the location of the detention facilities as well. These utilize a stone filtering device as a discharge.

Mr. Burkett stated they have complied with all Township Ordinances as to rate reduction; and in terms of infiltration, they have proposed almost twice the infiltration as required by the Ordinance. He stated even though there is not a Township Ordinance related to pollutant load reduction, they have done a computation which shows that what they have proposed is consistent with an Ordinance that the Township is considering adopting in the future.

Mr. Caiola asked the size of the Community Center and how it will be utilized. Mr. Tepper stated the Community Center will be between 20,000 and 25,000 square feet and will incorporate a number of amenities including an indoor and outdoor pool, tennis courts, and other passive recreation. He stated they cater to the age-qualified community that resides there. He stated there is also a series of biking/walking paths incorporated into the Plan as well. Mrs. Godshalk asked if the Community Center will be funded through the Homeowners Association, and Mr. Tepper agreed. Mr. Brookman stated the construction will be done by the developer. The maintenance of the facility, once it is transferred from the developer's ownership will be the responsibility of the Community Association. Members of the community will be the governing body and will assess themselves for the revenue necessary to meet the expenses of operating the Community Center. He stated they have not decided on the methodology of allocating the assessment, but it is similar to a HOA or Community Association.

Mrs. Godshalk stated five acres is to be given to the Township, and she asked if this will be maintained by the Community Association. Mr. Brookman stated it will not, but will be owned and maintained by the Township. It will be made available to all residents of the Township. He stated during the Settlement Agreement discussions, concern was expressed that there was not public space in this end of the Township; and it was agreed that the developer would convey five acres of open space to the Township for use by all Township residents. Mrs. Godshalk stated there is no parking to facilitate use of that area. Mr. Brookman stated there is nothing depicted on the Plan to show the location of

the pavilion, parking, or park benches as they will have to work this out in the future with the parties involved in the litigation; and this will then be presented to the Township. Mrs. Godshalk stated she feels they should know how much parking will be available as it is to be open to the community.

Mrs. Godshalk stated the Applicant indicated that \$150,000 would be going to the Township after expenses, and she asked how they determined the figures for the expenses. Mr. Tepper stated a fiscal analysis was done to show the revenue versus the expenses, and the net effect was that it would be \$150,000 per year. Mrs. Godshalk stated she felt with 522 units, Township taxes would be at least \$1,000 a unit. She stated the Township will not have much responsibility within the development because it is a condominium. She feels they should analyze this further.

Mrs. Godshalk stated she has heard over the years that with “age-qualified” you cannot keep out a certain percentage of people who are under a specific age. She asked how this will be managed. Mr. Brookman stated the requirements of age-qualifications come from the Federal Government under the Federal Fair Housing Act and the Pennsylvania Fair Housing Act. He stated under the Federal law, you have to be able to meet a certain list of requirements, one of which is that there must be a minimum of 80% of the dwelling units occupied by at least one person who is fifty-five or older. He stated the discretion of whether 100% is kept at that capacity or up to 80% which is permissible under Federal law is initially left to the developer and after the developer leaves, to the homeowners. He stated there is also a requirement that you cannot have school-age children under the age of nineteen residing on the premises although there are certain exceptions for disabled individuals. Mrs. Godshalk stated it would appear that there could therefore be 120 units with residents under the age of fifty-five. Mr. Brookman stated Federal laws would permit under 20%. He stated this often occurs when there is a couple, one of whom is under the age of fifty-five and one is over fifty-five; and the person who is older may predecease the person who is younger and the younger person would then not have to move out because they would no longer otherwise qualify. Mrs. Godshalk stated she is concerned that there could be 20% of the units where neither of the residents are over fifty-five, although it appears that the 20% of those under fifty-five could still not have school-age children. Mr. Brookman stated you can prohibit school-age children from residing here irrespective of the age of the parents. He stated it has also been his experience in dealing with clients who develop this type of housing, that normally those in their Thirties are not looking to live in a community where the majority of residents are fifty-five and older.

Mr. Smith asked if there are plans for the development in Middletown Township portion, and Mr. Tepper stated they do hope to develop this portion although there are no plans for this at this time. Mr. Smith asked the number of residents they anticipate living in the Lower Makefield portion, and Mr. Tepper stated there are 522 units proposed.

Mr. Bill Moyer, Yardley Corners, stated this is the first development of this type in the Township, and he is concerned that they do not know enough about this type of development. He is also concerned about who would enforce the fifty-five and over. He stated he had originally felt that the Township would do this. He stated he is also concerned that there will be children in these units who will impact the School system. Mr. Brookman stated the HOA is required to annually audit who resides in the homes. He stated the Federal Government also conducts audits to determine whether they are in compliance with the age requirements. He stated the HOA is required to have evidence of age qualification which is updated on an annual basis.

Mr. Santarsiero stated the School District would also know whether or not there were children coming from this community as they would have to provide bus service. He stated if it were seen that School buses were coming into the development, they would know they are not in compliance. Mr. Santarsiero stated because the School District would be getting all of the funds with no additional students coming to the system, it would be to their advantage to insure that they are complying with the regulations so that all tax money would be going to the District without the overhead associated with having additional children added to the system.

Mr. Stainthorpe stated he agrees with Mrs. Godshalk that they should fully plan for the open space to be dedicated to the Township along with a parking proposal. He stated he is concerned that they indicate that the details will be provided later, and he feels they should be addressed before an approval is given. Mr. Santarsiero stated he feels this is reasonable, and they should show an access and design the parking. Mr. Santarsiero stated the developer has indicated they would like to have input on this from the Township and RAM as to what the appropriate configuration would be for this area, and he does not feel it would be difficult to have all parties meet to discuss this and present it at the next meeting. Mr. Brookman stated as part of the Agreement they are proposing a pavilion and anything further would be up to the Township.

Mr. Zachary Rubin stated he is President of a Homeowners Association, and they have declarations and documents that are enforceable so he does not feel the issue of enforcement of no school-age children should be a problem. Mr. Rubin stated discussing an age-restricted development is a moot point as it has already been determined by a Court Settlement and has already been agreed to as part of the Settlement Agreement. Mr. Santarsiero stated Mr. Rubin is a Board Member of RAM which was a party to the Settlement. Mrs. Godshalk stated they are not discussing not having an age-qualified housing development for this site. She stated this is an informational session.

Mr. Michael Upton, 13303 Cornerstone, stated he attended some of the Environmental Advisory Council meetings and believes that there were approximately thirty recommendations made by the EAC. He asked how the proposed plan will address those recommendations. He stated the extreme north side of the development will be built up

almost twelve feet, and there will be a certain number of feet that are not now draining into Middletown Township will which drain into Mill Creek. He asked whether this will provide any dispute or issues with Middletown Township. He stated when Plans are submitted and approved for the Middletown side, he understands that access to any building on the Middletown side will have to be through Lower Makefield so that the uses on the Middletown portion would have to coordinate with uses in Lower Makefield, although this has not yet been fully determined.

Mr. Santarsiero stated with respect to the recommendations of the EAC, the EAC has not yet had their final meeting to discuss what their final comments will be. They will meet on November 8. Because of this, the Board of Supervisors will not hear from them until their next meeting.

Mr. Fazio stated they had an opportunity to review the stormwater management calculations, and based on the information presented, the flows that will be introduced onto the site as a result of development will be less than what they were under pre-development conditions which equals a net decrease in the amount of water and flows on the site.

Mr. Burkett presented a Plan showing a cutaway of the north side of the site. He stated due to the grading to be done on the site, the north area will be filled and they will send most of the water to the south to the Mill Creek watershed. He stated the Mill Creek watershed runs to the west of the site, under I-95 and comes out into the Delaware River at Bristol. He stated Brock Creek goes through Yardley and runs northeast. He stated their property is in the headwater of both of the sites. He stated in the analysis done in the pre-development condition, it shows approximately 20 ½ acres draining to the north into the Brock Creek watershed with the balance of the site going to the Mill Creek watershed. In the post-development condition because of the grading, 7.17 acres goes to Brock Creek. He stated in the pre-development conditions the area is farm fields and woods. He stated the difference in pure land area takes into consideration the fact that there was a farm field versus roadways and roof surfaces. He stated if they sent the same land area with paving and roof surfaces, they would overtax the system that exists along Dobry Road where there is a series of ditches and culverts with no curbs or gutters. He stated the downgrade collection system to the north is not very well defined; and if there was a flood, it would go into residential yards. He stated the Mill Creek watershed has a defined water course which is a perennial stream flowing under very large culverts in I-95. He stated they propose Brock Creek flows will go down approximately one half after development compared to pre-development because they are reducing the size of the watershed by two-thirds. In the Mill Creek watershed they have included a variety of low-impact design standards. He stated one of the directives of the Township Ordinance is to release the post-development two year storm at the one-year pre-development rate. He stated this will occur in the Mill Creek watershed. He stated Middletown Township is a party to the Act 167 Watershed Drainage Agreement, and their Ordinance is similar to

Lower Makefield's. With regard to the twenty-five year storm, post-development they are releasing at less than the ten year, pre-development rate. He stated the post-development rates for Mill Creek will be less than current pre-development rates. He stated all of the infiltration and water quality management proposed will benefit Mill Creek. He stated in the pre-development condition there was a farm field and when it lay fallow and there was a rain event, all the siltation was going into the Mill Creek watershed along with pesticides, insecticides, etc. In the post-development condition, through a series of rain gardens and the detention facilities proposed, they are making significant improvements to the non-point pollutant load before it is discharged to Mill Creek. Mr. Burkett stated he feels they are providing the rate controls consistent with Lower Makefield's Ordinances and are even doing pollutant load reductions which are currently not required in Lower Makefield at this point in time.

Mr. Santarsiero asked for an update as to their discussions with Middletown Township. Mr. Tepper stated they met with the Advisory Committee set up by the Middletown Township Board of Supervisors to review different alternatives for the land in Middletown Township. Those meetings concluded a few months ago resulting in a recommendation that the land be developed as an age-qualified residential development. They then had a meeting with the Middletown Planning Commission where they received comments, and this is still being discussed. He noted the land is not zoned to permit that use; however, this is the developer's current goal and they intend to work toward that. He stated the Agreement with Lower Makefield is that they will attempt to have the land in Middletown Township rezoned for age-qualified residential; and to the extent that this is not possible, that they develop the land with complimentary uses to those being developed in Lower Makefield.

Mr. Scott Burgess, 15 Glen Drive, stated he understands the developer is responsible for setting up the LID devices, but asked who will maintain these once the developer leaves. Mr. Santarsiero stated in this case, it would be the HOA. He stated the roads and other improvements will not be dedicated to the Township. Mr. Burgess asked what would happen if the HOA does not maintain them, and Mr. Santarsiero stated it would be similar to any other resident in the Township that is not complying with the Township Ordinances.

Mr. Santarsiero stated they will discuss this matter again on November 15 at which time they will bring the Plan to a vote. Mr. Brookman stated the Applicant expects that the Board will vote on this at their next meeting, and they feel they have complied with all the comments generated by the consultants as well as the provisions of the Settlement Agreement. Mr. Santarsiero stated he would ask that some effort be made to design the parking area and access to the five acre parcel. Mr. Brookman stated they will make an effort to achieve that goal prior to November 15, but added it was their understanding that the parcel was to be given to the Township and then it would be developed between the Township and RAM as to what the improvements would be. Mr. Santarsiero stated the

preference would be that the developer give them some idea as to what access roads would be possible, and Mr. Brookman agreed to look into this.

A short recess was taken at this time. The meeting was reconvened at 9:00 p.m.

BLACK ROCK ROAD BIKEPATH DISCUSSION

Mr. Santarsiero stated this item was put on the Agenda over the weekend so it does not appear on the audience's Agenda. He stated a few weeks ago residents from the area of Black Rock Road between Westover Section and Glen Drive went before the Citizens Traffic Commission to advise that there is a continuing safety issue in the area because pedestrians and bicyclists are traveling up and down the hill on Black Rock Road. They feel there is a need for installation of a bikepath so that they can travel safely. In response to their presentation, Mr. Santarsiero asked that the members of the Traffic Commission meet with him and the neighbors on the site last Saturday to review the situation and determine what could be done. He also asked that a representative of the Traffic engineers office, TPD, be present and she was on that site visit as well. He stated State Representative Steil was also present at the walk through.

Mr. Santarsiero stated during the site visit, they saw that there are many people who use that route to access the Canal towpath as a recreation area. He also noted that Black Rock Road is not only steep in that area, but also curves at a significant angle and many cars traverse it at very high rates of speed. He stated Saturday morning was a wet day with many leaves in the road, but this did not deter motorists from traveling very quickly on the road. He stated he feels this is an area which they need to prioritize because of the unsafe conditions. He asked that the traffic engineer prepare a cost estimate to do a feasibility study for putting in a bikepath on the southern side of the road between Westover and Glen Drive. He stated the north side has a fairly steep hill with a lot of trees, and it would be very difficult to put a bikepath at that location although the consultant may want to look into this as well. He stated the other issue to consider is getting over the Canal. He stated currently there is no shoulder and the culvert is very narrow. He stated there has been an attempt for the past four to five years to get State funding to widen the culvert at Black Rock Road over the Canal so that it would be able to accommodate more water and help alleviate some flooding. This plan also included dredging of the Canal. Mr. Santarsiero stated they hope that they will be in the position in the near future when they will be able to free up State funding for this project; but in the interim if the Township decides to go forward, they would need to have a cyclist bridge over the Canal at that point, and the engineer will have to look into this as part of the feasibility study.

Mrs. Godshalk asked if all residents who would be impacted were invited to this evening's meeting, and Mr. Santarsiero stated they were not, but the Board is not taking

any action this evening other than considering authorizing the feasibility study. He stated if the bikepath were built on the south side, there are three houses which would be impacted, and two of those residents have indicated that they are in favor of building the bikepath. He stated they were unable to contact the residents of the other home which could be impacted which is located at the corner of Westover and Black Rock Road. He stated they will solicit everyone's input who would be impacted before proceeding with any project.

Mrs. Godshalk stated approximately six years ago, there was extensive work done in this area regarding a bikepath, and she asked if any of this information is still available. Mr. Fedorchak stated preliminary engineering was done in 1999; and that information will be used as a starting point for TPD, and they will incorporate that in their overall feasibility analysis.

Ms. Fran Leyenberger, 110 Eton Road, stated this was a concern of a number of neighbors because of the Canal and construction on the south side, and on the north side there is still flood damage. She stated because of this people who would normally use the towpath for **biking/running/walking** are now doing this in the street. She stated Black Rock Road is the connector road for the Township's two main recreation facilities – the Pool Complex and Macclesfield Park. She stated children are using Black Rock Road to get either up to the Pool or down to Macclesfield Park if they are not being driven by their parents. She stated it is very dangerous to try to cross the Canal at Black Rock Road.

Mr. Caiola stated Ms. Leyenberger came to the Park & Recreation Board meeting and they recommended that she go to the Traffic Commission because they felt this was a safety issue.

Mrs. Anne Sears, 8 Westover which is on the corner of Black Rock Road and Westover, was present with her husband, John Sears. She stated they see on a regular basis what is occurring and she has seen cars lose control coming down the hill. She stated cars have also knocked out their retaining wall. She stated they regularly see people almost sideswiped, and a dog was hit while being walked up the hill. Mrs. Sears stated she has a personal understanding of the consequences of this condition since her husband John who was a teacher at George School was hit by a car on his bike in May of 1985 and suffered a brain injury which changed their lives forever. She stated they want to try to prevent something similar happening to someone else.

Ms. Alison Smith, 25 Glen Drive, stated her children are old enough to bike to various Township facilities, but she will not allow them to do so because of this dangerous situation. She stated this is a very dangerous location, and there have been a number of accidents which involved cars going into the ditch. She asked that they investigate with

the State and Federal representatives the Transportation Funding which is made for projects like this rather than waiting for the State funding to come through.

Mr. Ron Smith stated a number of children are accessing Macclesfield Park through the Canal, and asked Ms. Smith to comment on this aspect. Ms. Alison Smith stated if there is a game on the lower fields, they could bike along the Canal rather than being driven and have their parents try to park at Macclesfield Park. She stated the ability to let more parents send their children on the Canal path would be good for everyone trying to use Macclesfield Park to help decrease the amount of traffic on River Road as most children are being driven by their parents and it is very congested.

Mr. Santarsiero stated some studies were done in 1999, and TPD would start with that work. They have proposed a first phase of a feasibility of study which would be at a cost not to exceed \$4,000 with the idea being that they would first be sure that it is possible to do this from an engineering standpoint. If this is found to be feasible, they would then proceed to complete the feasibility study at an additional cost. He stated they also did propose a full feasibility study all at once which would cost slightly less than \$9,000.

Mr. Stainthorpe stated he does not feel there is any question that Black Rock Road is dangerous at this location. He stated they did previous planning and questions the need for a large feasibility study if they already feel it is needed. He stated he feels the regular engineer could advise them how much it would cost to do the project unless they are envisioning a larger scope of safety measures. Mr. Santarsiero stated when they did the walk through, they did consider other traffic calming measures which might be installed in that area to address not only the situation as it relates to the bikepath and pedestrians, but also the fact that cars are traveling down the road far too fast. He stated TPD would look at this as well. He stated he wants to insure that they look at the entire situation. He stated since TPD is the Township's traffic engineer, he feels it would be better to have them do this as opposed to the regular Township engineer.

Mrs. Godshalk stated the culvert is going to be designed by the State so this discussion may be premature. Mr. Santarsiero stated if they do not get the funding in a timely manner to deal with the culvert, they could still build some kind of structure across the Canal and the engineer preliminarily indicated that they did not feel this would be too expensive. Mr. Santarsiero stated he feels they will have to discuss this further once the feasibility study is done.

Ms. Smith stated they are envisioning it would be a two-way bikepath and they want to look at how wide this must be to accommodate bikes passing up and down which is what they feel is necessary. Mrs. Godshalk stated she feels it would have to be twelve feet wide at least. She stated she feels there are plans already showing this. Mr. Smith asked who prepared the plans they have already, and Mrs. Godshalk stated these were done by

PCS. She stated Dr. Strahle was very interested in this but those residing in the area did not want to lose their property, and it was also felt the existing slopes were too steep. Mr. Santarsiero stated the PCS plans will be forwarded to TPD provided the Board approves the feasibility study this evening.

Mr. Majewski stated the work done by PCS showed the existing rights-of-way along Black Rock Road. He stated they studied it from Heacock/Edgewood Road, down Edgewood Road to Glen Drive. He stated it also shows existing features such as trees, utility poles, and storm sewer inlets. He stated it also showed a conceptual location of a bikepath they felt was feasible. He stated one of the problems was the culvert over the Canal. Mr. Caiola asked what has changed since that Plan was done that would be included in the new study that is not already in the existing study. Mr. Majewski stated they have now indicated that they not only want to look at the bikepath, but also look at it globally for traffic issues such as traffic calming to determine if there is something that could be done to make the area safer.

Mrs. Godshalk asked if they could lower the speed limit. Mr. Majewski stated included in the scope of work are traffic counts which could justify reducing the speed. Mr. Santarsiero stated TPD had not seen everything that PCS had done; and possibly when they do see this, the cost could be lower than \$4,000 for this first phase. He stated he does not feel they should minimize the impact of the traffic calming aspect.

Mr. Stainthorpe stated while he will vote in favor of this, he is concerned that they need to get a specialized consultant for everything they do. He feels there are projects such as flood mitigation that warrant this, but questions the need for the \$4,000 study from a traffic engineer for something he feels the Township engineer could do. He stated he feels TPD is a very qualified firm, but noted they also charge the highest hourly rate of any of the engineering firms they use. He stated they need to be careful as to how they are spending the taxpayers' money.

Mr. Santarsiero stated they made a decision ten months ago to retain TPD because they felt it made more sense to have specialized engineers in some of these areas, and traffic was one of the more important issues which is why they set up the Citizens Traffic Commission to do a comprehensive review of all Township roads. He stated they felt the best thing to do was to have an engineer that specialized in traffic. He is also concerned that they spend taxpayers' money wisely, and feels they have done that this year. He stated when it comes to public safety, one of the Board's first responsibilities is to ensure public safety; and if it will cost up to \$4,000 to do a thorough study, he feels they should do this.

Mr. Smith stated this was discussed by the Citizens Traffic Commission, and Mr. Santarsiero stated there were five to six members of that Commission at the site visit. Mr. Smith asked if they recommended that they proceed in this fashion, and

Mr. Santarsiero stated they did. Ms. Virginia Torbert, member of the Citizens Traffic Commission, stated after recently hearing from concerned residents, the Park & Recreation Board recommended that this be considered by the Township. She read from Park & Recreation Board Minutes from 1997 regarding this issue indicating this should be given first priority. Mr. Smith stated he served on the Park & Recreation Board at that time, and they made a recommendation to the Board of Supervisors that they proceed with this project. Ms. Torbert stated she feels the Township should do something about this issue. She stated the bikepath, while important, is only a piece of this. She stated there are traffic calming measures needed on the road. She stated they also discussed with Representative Steil the fact that the towpath is closed between Ferry Road and Black Rock Road, and Representative Steil indicated that this will not be opened until next spring at the earliest. She stated if there is another flood, it could continue to be closed; and the residents using this road will continue to use this road, and they need to make it safe. She feels what is being discussed is a fairly modest price to have the engineering firm that they hired for their specialized knowledge, proceed with this. She stated with regard to the culvert, she hopes they will be able to do something, although she is not encouraged that anything will be done. She feels the Township should do what they can to help the situation.

Mr. Smith noted the proposal dated 11/1 and asked how long they anticipate the feasibility study will take. Mr. Fedorchak stated he did not feel it would be more than a few months. Mr. Santarsiero stated he would ask that it be done quicker than this.

Mr. Scott Burgess, Glen Drive stated he agrees that the bikepath must be on the south side. He stated he would also recommend that a guardrail be installed between the bikepath and the road. He stated unless something is going to be done with the culvert, he does not feel it is worthwhile to proceed. He stated there is currently some space going down the road until you get to the culvert; and at that point there is nowhere to go, and this is the most dangerous part of the road. Mr. Santarsiero stated they did discuss this on the walking tour as he previously indicated that the bridge over the Canal is only the width of the road with no shoulders. He feels TPD should look at this to consider what they can do if the culvert were not to be done in a timely way. Mr. Smith stated one of the most important parts of the proposal is to identify traffic calming measures. Mr. Burgess stated they should also set up a pedestrian crossing to make it safer to cross. Mr. Caiola stated they also need to consider reducing the speed limit.

Mr. Bob Slamen, Bedford Place, stated he has been aware of this problem for forty-five years, and it is a hazardous situation. He does not feel they should spend a large amount of money on a consultant as they already know the project needs to be done. He stated he feels they are wasting too much money on studies.

Ms. Karen Osborne, Belgrave Crescent, asked that they consider ticketing those who are speeding, since many of those who are speeding are from the area. She stated she also

sees speeders adjacent to Edgewood School, and it is the teachers and parents speeding in front of the School. She feels if people were ticketed in the Township, it would help the situation. Mr. Santarsiero stated he feels the Police Department does a good job in terms of monitoring the roads. He stated while policing and handing out tickets does have an impact, it is not enough to provide comprehensive traffic calming. Chief Coluzzi stated he does not know the exact number of tickets at that location, but he previously indicated at other meetings that the Township has seventeen locations where they do selective enforcement based on the number of accidents at those locations and citizen complaints, and the officers do rotate around those locations. He stated they do issue a significant number of tickets, but they cannot be everywhere all the time. Ms. Osborne stated while they are considering these other improvements, they should also consider ticketing in this area. Chief Coluzzi agreed that traffic education does help, but it is not a total cure. He agreed that they will pay attention to that area as they have in the past. Ms. Osborne asked if they could consider a larger penalty for an individual who has been ticketed more than a certain number of times in the same area, but Chief Coluzzi stated traffic citations are covered by the State Motor Vehicle Code.

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to approve the feasibility study by TPD pursuant to the letter of 11/1/06 with the understanding that the study be done in thirty days.

AUTHORIZE ADVERTISEMENT OF RIGHT-OF-WAY ORDINANCE
AUTHORIZE ADVERTISEMENT OF VERIZON FRANCHISE AGREEMENT
ORDINANCE

Mr. Truelove stated there has been consideration of possible Legislation at the State and Federal level which may supersede local controls on cable television franchise issues. He stated as a result the Consortium banded together to negotiate various issues with Verizon; and as part of that overall approach, it was felt a general Right-of-Way Ordinance would be the best way to protect the Township's interests with respect to any cable or similar service provider who needs to use rights-of-way. He stated hopefully they will obtain Township revenue and control over those areas where the cables will run. He stated if the Township does this now, and there is future Legislature, the Township would be protected to some extent. He stated several other Townships have passed similar Ordinances.

Mr. Truelove stated the Board should also consider authorizing advertisement of the Verizon Franchise Agreement Ordinance. He stated this is a non-exclusive franchise proposal similar in many ways to what the Township has with Comcast. He stated Lower Makefield and several other Municipalities negotiated terms with Verizon as to Franchise fees and other terms and conditions.

Mr. Caiola moved and Mr. Stainthorpe seconded to authorize advertisement of the Right-Of-Way Ordinance.

Mr. Stainthorpe noted Mr. Truelove's memo regarding the differences in definitions, and asked if they should be brought into compliance with one another. Mr. Truelove stated he did want to bring this to the Board's attention but noted Verizon will not change their definition. Mr. Truelove stated he will continue to look into this issue to see if it was an issue with other Townships. Mr. Stainthorpe stated he attended a meeting of the Bucks County Association of Township Officials and found out that Statewide Franchise Legislation for Verizon is a dead issue for this year. He suggested that they move on this as quickly as possible to protect the Township.

Motion carried unanimously.

Mr. Smith moved, and Mr. Caiola seconded to authorize advertisement of the Verizon Franchise Agreement Ordinance.

Mr. Zachary Rubin stated if you go to Verizon.com they have information on a total package for fiber optics and television, and you can compare rates with Comcast service. He stated he did do this, and it is a savings of less than 10% going to Verizon.

Ms. Virginia Torbert asked if there is any differences between the Lower Makefield Township Ordinance and the General Ordinance the other Townships have passed, and Mr. Truelove stated it is the same one.

Motion carried unanimously.

DISCUSSION OF ANNUAL VOLUNTEER/TOWNSHIP EMPLOYEE CHARITY DINNER

Mr. Santarsiero stated the idea for the dinner was to have a dinner for all Township employees and volunteers of the various Boards and Commissions at the end of the year to show appreciation, and they also wanted to use this as an opportunity to do some fund-raising for charity. He stated they have decided to begin this next year, and will include it as part of the 2007 Budget. Mrs. Godshalk stated they did hold such events in the past. Mr. Stainthorpe stated he feels as a local government, they should be careful about making charitable contributions as it is difficult to make a choice who they will support. Mr. Santarsiero stated they can discuss this next year as they get closer to the event.

APPROVE 2006-2007 CONSORTIUM SALT BID

Mr. Fedorchak stated this is bid through the Bucks County Consortium, and there were four bidders. They would recommend approving proceeding with the low bidder. He stated this is \$1.74 less per ton that what was previously paid.

Mr. Stainthorpe moved, Mrs. Godshalk seconded and it was unanimously carried to approve the 2006-2007 Consortium Salt Bid at a cost of \$44.03 per ton delivered.

APPROVAL OF CHANTICLEER DEVELOPMENT AGREEMENT

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

REJECT REQUEST FOR DEDICATION OF WILSHIRE GLEN

Mr. Santarsiero stated he understands that there are a number of outstanding issues, and Mr. Fedorchak stated the staff recommends that the Board reject the request.

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to reject the request for Dedication of Wilshire Glen.

APPROVE GRANTING CERTIFICATE OF APPROPRIATENESS FOR SIGN AT 1669 EDGEWOOD ROAD, RAMALGI GMAC REAL ESTATE

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to grant a Certificate of Appropriateness for a sign at 1669 Edgewood Road, Ramalgi GMAC Real Estate.

SIGN MYLARS FOR CONGREGATION BETH EL - PHASE II

Mylars were signed following the meeting.

ZONING HEARING BOARD

Mr. Truelove stated with regard to the Ronald White Variance request to construct an addition at 59 Rickert Drive resulting in greater than permitted impervious surface, it was agreed to leave this matter to the Zoning Hearing Board.

Mr. Truelove stated with regard to the Punit and Manjula Patel Variance request to construct a 6 foot high fence at 518 Clarendon Court which is in excess of permitted height for fences in the front yard, it was agreed to leave the matter to the Zoning Hearing Board.

Mr. Truelove stated with regard to the William and Pamela Rauh Variance request for the property at 1408 Revere Road to construct an in-ground pool with pool decking resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

Mr. Truelove stated with regard to the Thomas Mack Variance request for the property located at 24 Lower Hilltop Road, to construct an attached garage resulting in greater than permitted impervious surface and encroachment into the side yard setback, it was agreed that the Solicitor should participate to insure that the engineer's concerns are met.

SUPERVISORS' REPORTS

Mr. Santarsiero stated the Environmental Advisory Council will meet next week to consider the Matrix issue.

Mr. Smith stated the Farmland Preservation Committee has a vacancy as a member is stepping down. He stated the Historic Commission will make a presentation in front of the Planning Commission shortly to discuss Edgewood Village. He stated the Citizens Budget Commission met several weeks ago and several members have been very active in the Budget Workshops making recommendations. He stated the Regional Traffic Task Force will have their next meeting in Lower Makefield on January 29 at 7:30 p.m. He asked that Mr. Fedorchak reserve the room and include this on the Township TV channel. He stated a stakeholders meeting is also to be scheduled for some time in January at the Bucks County Community College for all those with an interest in what is going on with regard to the Stoopville Road, Lindenhurst Road, and Cemetery issues. He stated he feels the Traffic Commission should be made aware of this as well as residents who live in these areas. Mr. Smith stated at the Regional Traffic Task Force meeting, they complimented Chief Coluzzi for working with fellow Chiefs in the area with regard to traffic enforcement. He stated they hope that they can do something with regard to truck inspections and other vehicles as well as enforcement of traffic laws to cut down on speeding.

Mr. Caiola stated other Townships are considering increasing funds for this enforcement noting that the other communities have indicated that Lower Makefield does their fair share of work in this area. He stated they also expressed concern that some of the truck inspections that are occurring are not being advertised in the newspapers so that there is not the awareness that this is occurring, and they will reach out to the Yardley News and Bucks County Courier Times to do this again. Mr. Caiola stated the Sewer Authority

discussed the fact that METRA, the company that is doing the interceptor project, is doing an excellent job. He stated they are ahead of schedule and there have been no change orders. They expect the project to be completed by the spring. He noted Mr. Hoffmeister did come to the Budget review and discussed the future of the sewer system, and they will continue to discuss this in the future. He stated they have had a difficult time getting a quorum together to have the first meeting of the Economic Development Committee, and they anticipate the first meeting will be held in January. Mr. Caiola stated they have a vacancy on the Cable TV Advisory Council.

Mr. Stainthorpe stated the Emergency Management Council will meet on Monday.

Mrs. Godshalk stated there has been some informal discussion about Elm Lowne, and she hopes that some of the smaller Township groups will be able to meet at Elm Lowne. She stated since the Dedication, the Memorial irrigation system has been installed and this will help with the sod that was donated. She stated the Committee has spent a lot of time proof reading all 3,000 names and found a few errors which need to be redone. She stated she has received numerous letters from people complimenting the Township on the Memorial and has also received pictures from school children who have been to the Memorial. Mrs. Godshalk stated at the Budget meeting, she noted the Memorial Committee has secured more than \$500,000 worth of donated trees to be used at the Memorial and throughout the Park. She stated they have more people who want to make donations as well. She stated they will also finish up with the beam fragment and benches will be installed. She stated people can also donate a bench for the rest of the Park. She stated they will also be discussing when to turn off the fountain although they would like to leave it on as long as possible this first year.

TABLE DISCUSSION OF DEER OVERPOPULATION

Mr. Santarsiero stated they were anticipating the attendance of Mr. Brian Shissler as they were going to consider retaining him to serve as a consultant on the issue of deer overpopulation; but it appears he was unable to attend this evening.

Mrs. Godshalk moved, Mr. Stainthorpe seconded and it was unanimously carried to table discussion of deer overpopulation.

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

Respectfully Submitted,

Greg Caiola, Secretary



Township of Lower Makefield

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

**OCTOBER 2006 WARRANT LISTS AND
SEPTEMBER 2006 PAYROLL COSTS FOR APPROVAL
NOVEMBER 1, 2006 BOARD OF SUPERVISORS MEETING**

10/2/2006 Warrant List	\$ 856,783.91	
10/06 Manual Checks	169,051.40	
10/16/2006 Warrant List	1,009,376.72	
Total Warrants & Prepays		2,035,212.03
<u>PAYROLL COSTS:</u>		
SEPTEMBER 2006 Payroll	379,926.74	
09/06 Payroll Taxes, etc.	29,830.43	
Total Payroll Costs		<u>409,757.17</u>
TOTAL TO BE APPROVED		<u>\$ 2,444,969.20</u>

