

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – DECEMBER 20, 2006

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on December 20, 2006. Chairman Santarsiero called the meeting to order at 7:30p.m. Mr. Caiola called the roll. Mr. Santarsiero noted that the Board met in a public session from 6:00 p.m. to 7:00 p.m. to interview candidates for vacancies on various Boards and Commissions after which they met in an Executive Session to discuss real estate matters.

Those present:

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

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

PUBLIC COMMENT

Mr. Sam Conti, Farmland Preservation Corporation, stated they met with Mr. Ardin from the sportsmen group on the deer and goose management issue. Mr. Conti stated he can provide written information to the Board on the presentation made by Mr. Ardin. Mr. Santarsiero stated the Board will be discussing this matter when they get the proposal from Mr. Shissler. Mr. Fedorchak stated the proposal was received this week and will be distributed to the Board. Mr. Santarsiero stated this matter will be put on the Agenda in January. He stated they will review Mr. Conti's notes along with Mr. Shissler's information and discuss the matter further in January.

PRESENTATION OF PLAQUE BY BUCKS COUNTY COUNCIL FOR
INDIVIDUALS WITH DISABILITIES RECOGNIZING LOWER MAKEFIELD
TOWNSHIP FOR ESTABLISHING AND SUPPORTING A DISABLED PERSONS
ADVISORY BOARD

Mr. David Rogers, President of the Bucks County Council for Individuals with Disabilities and current Chairman of the Lower Makefield Disabled Persons Advisory Board, was present and stated the mission of the Bucks County Council for Individuals

Mrs. Godshalk stated currently there is no development in the R-RP because of the restrictions that are already in place in the current Ordinance. She feels they will now make it easier for a developer to put a road in and put three homes 40' off the road and they will now have three houses more than they did previously. Mr. Majewski and Mr. Bray stated they did not feel that this would occur. Mr. Bray stated he feels the developers will find the LID Ordinance will make it more restrictive than the present Ordinance. He stated they are not anti-development, but they want it to be responsible development.

Mr. Smith asked Mr. Santarsiero how this Ordinance was received by the EAC, and Mr. Santarsiero stated the EAC was very enthusiastic about this. He stated the Planning Commission also made comments on it, and was in favor of it as well. Mr. Smith stated he is the liaison to the Planning Commission, and a presentation was made to them and it was enthusiastically received and they voted unanimously in favor of it. He stated he felt the comment was that they wished they had this Ordinance in place several decades ago.

Mrs. Godshalk stated her only concern is with the R-RP Zoning. Mr. Santarsiero stated there seems to be a difference of opinion between Mr. Majewski and Mrs. Godshalk as to what the impact would be on the R-RP District.

Mr. Caiola stated he likes the idea of reducing road widths and feels the potential for speeding will be reduced on narrower width roads; although he does recognize that it will be a tighter feel.

Mrs. Godshalk moved to remove the R-RP from clustering from the Ordinance and have them review it again to see if they could institute some additional features than what is currently in the R-RP. Mr. Stainthorpe seconded.

Mr. Stainthorpe stated he is only questioning this one piece and everything else in the Ordinance should apply to the R-RP other than the clustering which might be counter-productive.

There was no public comment.

Motion did not carry as Mrs. Godshalk and Mr. Stainthorpe were in favor, and Mr. Caiola, Mr. Santarsiero, and Mr. Smith were opposed.

Mrs. Godshalk asked if they were familiar with the R-RP Ordinance. Mr. Caiola stated he feels what is being discussed has been discussed at length by the people who were working on the Ordinance.

Mr. Smith moved and Mr. Caiola seconded to approve Ordinance No. 363.

Mr. Zachary Rubin, 1661 Covington Road – Makefield Glen, stated they have a public road which is 36' wide but there are also private roads in their community which are 26' wide. He stated the developer did not pay fee-in-lieu fees for the 26' roads since they were private roads. He asked if the Ordinance passes, could the Township accept Dedication of the 26' wide roads if Makefield Glen decides to request this. Mr. Truelove stated there are some other issues related to this, and he would have to look into this.

There was no further public comment.

Mr. Santarsiero thanked the Drafting Committee for the work done. He stated the Bucks County Planning Commission noted what a thorough and well-considered Ordinance this is. He stated if they adopt this, they will set an example for all of Bucks County to follow on low-impact development. He stated this will greatly minimize the impact of stormwater on the Township by minimizing the stormwater going into the streams and tributaries, and it will ultimately help reduce flooding. He stated the other big advantage is to help protect the environment and preserve open and green space to preserve the character of the Township. Mr. Santarsiero stated this Ordinance will also apply with respect to re-development; and as those pressures are exerted on the Township in the future, they will have low-impact development in place which will allow future Boards to maintain the character of the Township.

Mrs. Godshalk stated she will vote in favor of this because she feels it is good for R-1, R-2 and R-3, but not for R-RP; and she hopes that the other Board members will reconsider this in the future.

Mr. Smith commended the Planning Commission who enthusiastically supported the LID. He thanked the Planning Commission for giving insight to the Drafting Committee and working along with them and making appropriate modifications.

Motion carried unanimously.

APPROVAL OF ORDINANCE NO. 364 AMENDING THE CODIFIED ZONING ORDINANCE TO PROVIDE LOW IMPACT DEVELOPMENT STANDARDS

Mr. Caiola moved, Mr. Smith seconded and it was unanimously carried to approve Ordinance No. 364.

Mr. Bray thanked those who were involved in writing the Ordinance. He stated Karen Friedman brought this to the Township's attention in 3/05. He stated in 5/05 they had a presentation on LID as part of the Environmental Lecture Series, at which Mr. Santarsiero was present and was an early supporter. They established a Commission to write the Ordinance in early 2006 the members of which were Geoff Goll,

Bucky Closser, Jim Majewski, Rich Watson, and himself. He stated they now have a finished, endorsed Ordinance less than a year and a half since it was first discussed.

Mr. Bray stated the National Wildlife Federation has sent a letter of commendation to the Board of Supervisors which he read into the record (attached to the Minutes). Also present this evening is Robin Mann, a representative from the Sierra Club. Ms. Mann stated the Sierra Club applauds the leadership of the Township. She provided a letter of commendation as well (attached to the Minutes). She stated a new stormwater handbook is being developed for the State; and while it will be a good tool, it needs local Ordinances that apply, and she thanked the Township for doing this.

DISCUSSION OF PATTERSON FARM AND APPOINTMENT OF MEMBERS OF THE STAKEHOLDERS COMMITTEE

Mr. Jeffrey Marshall was present. Mr. Santarsiero stated at the last meeting, Mr. Marshall recommended appointment of a Committee, and they discussed including on that Committee people in local Government and the community who would have some stake in this and should have input in putting together a Master Plan for Patterson Farm.

Mr. Santarsiero stated he e-mailed to the Board today a list of people he would like to nominate as follows: Sam Conti, Farmland Preservation Corporation, Doug Riblet, attorney and member of the Farmland Preservation Corporation, Helen Heinz, Historic Commission, Alan Dresser, Environmental Advisory Council, Tony Bush, Planning Commission, Virginia Torbert, farmer, member of the Citizens Traffic Commission, and a neighbor of the Patterson Farm, Fran McDonald, Park & Recreation Board, Tom McGowan, farmer, Sandy Guzikowski, farmer, and Mr. Marshall.

Mr. Santarsiero stated he questions why there are two members of the Farmland Preservation Corporation on the Committee when there is only one from other Township Committees. Mr. Santarsiero stated it is a farm; and although it is not Farmland Preservation property, the Farmland Preservation Corporation has been very interested in the preservation of the Patterson Farm not necessarily as a Farmland Preservation property but as a farm. He stated he also knows Mr. Conti has been very interested in the leaf issue and has talked to a number of the farmers about this. He stated Mr. Riblet is an attorney and brings a lot of information to the table. Mr. Stainthorpe stated he also feels it may be a good idea to have each Board choose who they want their representative to be. Mr. Santarsiero stated while this would be possible, he felt what he had proposed was faster.

Mrs. Godshalk stated Mr. Conti has expressed interest in putting the Patterson Farm under Farmland Preservation Corporation, and she feels this is the wrong way to go.

Mrs. Godshalk stated the Farmland Preservation land was acquired through development rights where the farmer was given the option to develop half the land and the other half was donated to the Township and it goes to the Farmland Preservation Corporation which is completely autonomous from the Township Supervisors. She stated they lease the land, but the Farmland Preservation rules state that if there are no more farmers to farm the land, it could be used for recreation land or it could go to a Referendum of the people of the Township for constructing houses. She stated currently there is a limitation on how many houses can be built per acre which is one house for three acres. She feels this may no longer be correct because of the Ordinance just passed this evening. She stated the Patterson Farm was bought by the Board of Supervisors with Township taxpayers' money and not developers' money so it is completely different. She advocates that the Patterson Farm stay under the supervision of the Township forever under Deed Restrictions and not be put into a completely different Corporation over which the Township has no power. She feels the Committee would be stacked with two members of the Farmland Preservation Corporation serving.

Mr. Smith stated each of the people is only one voice on the Committee. He stated he feels they should allow Mr. Conti to be on the Committee and express his opinion. Mr. Stainthorpe stated the Committee is not empowered to do anything and is only an advisory board. Mr. Caiola stated the key is to get a number of people from different backgrounds. He stated while there is merit to have each Committee pick their own person, it may be quicker to proceed in the way Mr. Santarsiero has suggested. He feels the people recommended are competent and very diverse. Mrs. Godshalk stated she feels the meetings should be public and people should be advised of the dates of the meetings so that they can attend.

Mr. Santarsiero asked Mr. Marshall how quickly he feels they could begin, and Mr. Marshall stated they need to find a time when the Committee could meet. He feels they would need to meet once a month and possibly more often. He stated he recognizes that this is the Supervisors' decision, but they need input from the stakeholders. He stated farmland preservation is an important issue, but it is not necessarily the Farmland Preservation Corporation. He stated there are different ways to reach the goal of farmland preservation and the Committee and representatives from the Farmland Preservation Corporation may learn a lot from each other.

Mr. Smith moved and Mr. Santarsiero seconded to appoint the members of the Stakeholders Committee for discussion of the Patterson Farm as listed by Mr. Santarsiero.

Mr. Caiola asked if the individuals suggested have been contacted to see if they are interested in serving. Mr. Santarsiero stated he has discussed it with many of them but has not heard back from all of them. He suggested that they make the appointments, and if there is someone who cannot serve, they could revisit this in January.

Ms. Virginia Torbert stated she feels one of the first things they would do would be to look into the legal issues regarding the farm and in doing this they would need to seek legal advice. She stated she understands Mrs. Godshalk's concerns, and this is something they would be looking into. Mrs. Godshalk stated she is concerned with Farmland Preservation Corporation appropriating it, and Ms. Torbert stated she feels the Committee will be mindful of this.

Motion carried unanimously.

Mr. Marshall stated he will be in contact with Mr. Fedorchak to get the contact information of those appointed.

APPROVAL OF FINANCIAL RESOLUTIONS

Mr. Caiola moved, Mrs. Godshalk seconded and it was unanimously carried to approve Resolution No. 2130 adopting the 2007 Budget.

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to approve Resolution No. 2131 fixing tax rates and special levies for fiscal year 2007.

Mr. Smith moved, Mrs. Godshalk seconded and it was unanimously carried to approve Resolution No. 2132 providing that no contributions shall be required from any police officers to fund Police Pension Fund requirements for 2007.

Mr. Caiola moved, Mrs. Godshalk seconded and it was unanimously carried to approve Resolution No. 2133 providing that no contributions shall be required from any non-uniformed employee to fund the Non-Uniformed Pension Fund requirements for 2007.

Mr. Stainthorpe moved, Mrs. Godshalk seconded and it was unanimously carried to approve Resolution No. 2134 establishing the Park & Recreation Fee-In-Lieu of Fee.

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to approve Resolution No. 2135 establishing the Off-Site Road Improvement Fee.

APPROVAL OF SUNRISE PRELIMINARY/FINAL PLAN

Mr. Edward Murphy, attorney, was present. He reviewed the history of the project which resulted in a Stipulation and Court Order. The Plan has been reviewed by the Planning Commission which recommended approval consistent with the terms and conditions of the Settlement Agreement and Court Order. He stated he has had discussions with the

Township Solicitor about appropriate Conditions to be attached to an Approval if the Board was in favor of doing so, and he is comfortable with the Conditions they discussed.

There was no public comment.

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to grant Preliminary/Final Approval of the Sunrise Plan dated 5/30/06, last revised 11/10/06 subject to the following Conditions:

- 1) Continued compliance with the terms and conditions of the Stipulation, Settlement Agreement, and Court Order from the Court of Common Pleas dated 10/5/06 at numbers 05-02386-18-5 and 05-2481-24-5 with the further understanding that the terms and conditions of the Stipulation and Settlement Agreement are incorporated by reference into the approval and the terms and conditions of the Settlement Agreement, which is incorporated into the Court Order and Stipulation;
- 2) Where applicable and not otherwise governed by other provisions in this Agreement, Applicant shall comply with the Lower Makefield Township Subdivision and Land Development Ordinance (“SALDO”), the Lower Makefield Township Zoning Ordinance, and all applicable Local, State and Federal Ordinances, Statutes or Laws;
- 3) Receipt of all permits, authorization, or approvals from all agencies with jurisdiction where applicable, including but not limited to PADEP, NPDES, PennDOT, the Bucks County Planning Commission and its letter dated 9/18/06, the Bucks County Conservation District and its letter dated 11/28/06, the Lower Makefield Township Environmental Advisory Council and its letter dated 11/9/06, the Department of Environmental Protections, and the Army Corps of Engineers;
- 4) Compliance with the review letter from James V.C. Yates, Fire Protection Consultant, dated 9/5/06 and subsequent review letter dated 11/21/06;
- 5) Compliance with review letter received from Schoor DePalma dated 12/5/06;
- 6) Compliance with review letter from Remington, Vernick & Beach Engineers, dated 11/28/06;
- 7) Compliance with review letter from Traffic Planning and Design, Inc. dated 9/21/06;
- 8) Stormwater Management reports and related documents submitted as part of the Application process and required as part of the review including but not limited to a 5/06 Stormwater Management report prepared by Woodrow & Associates, Inc. revised 11/10/06;

- 9) Compliance with all applicable Township Ordinances and Regulations where required and not otherwise referenced herein;
- 10) Funding and execution of Development and Financial Security Agreements;
- 11) Appropriate impact fees and fees-in-lieu where applicable;
- 12) A note added to the Plan that there will be no further Subdivision.
- 13) Compliance, where applicable, with Bucks County Planning Commission and Lower Makefield Township Planning Commission review letters;
- 14) Where applicable, Applicant shall comply with all comments from the appropriate authorities responsible for approval of the proposed utilities.
- 15) Waivers to be granted are included in the information as set forth in the 12/5/06 Schoor DePalma letter.

Mr. Murphy stated the Conditions are acceptable.

Motion carried unanimously.

**APPROVAL OF EXTENSIONS FOR CLOVER TRACT, LOTUS TRACT, AND
NORMAN AND PATRICIA O’ROURKE**

Mr. Smith moved, Mr. Caiola seconded and it was unanimously carried to grant an Extension for the Clover Tract Preliminary/Final Plan to 4/7/07.

Mr. Smith moved, Mr. Caiola seconded and it was unanimously carried to grant an Extension for the Lotus Tract Preliminary Plan to 4/7/07.

Mr. Smith moved, Mr. Stainthorpe seconded and it was unanimously carried to grant an Extension for the Norman and Patricia O’Rourke Preliminary Plan to 4/21/07.

Mrs. Godshalk stated it would be helpful in the future to have listed on the Agenda the locations for the developments requesting Extensions.

APPROVE REQUEST FOR DEDICATION OF THE ESTATES AT PROSPECT MANOR

Mr. Majewski stated they have inspected the public improvements at the Estates at Prospect Manor and feel all improvements have been satisfactorily completed. They recommend that the development be Dedicated to the Township. This is consistent with the 12/8/06 Dedication checklist and attachments before the Board. Mr. Stainthorpe stated it appears they owe the Township \$530.20, and Mr. Fedorchak asked that this be attached as a Condition of the acceptance of Dedication.

Mr. Stainthorpe moved and Mrs. Godshalk seconded to accept Dedication of the Estates at Prospect Manor conditioned on the payment of \$530.20 to the Township.

Ms. Torbert asked if the improvements to the Manor House have anything to do with the Dedication, and Mrs. Godshalk stated it does not as these are the public improvements. Ms. Torbert stated she understands from the Historic Commission that some of the improvements to the house were not done. Mr. Stainthorpe stated that house is in private hands and not owned by the developer. Mr. Murphy stated one of the Conditions of the Approval of the Plan required the granting of a Façade Easement to the Township following the completion of the improvements to the Manor House which have been done. The Façade Easement was executed and provided to the Township. Mr. Murphy stated he understands that the work that was done by Mr. Troilo and his family has been completed and is consistent with the terms and conditions of the improvements to the house.

Mr. Truelove stated he and Ms. Frick had a conversation which she confirmed with Mr. Garton that he had a discussion with Mr. Murphy.

Ms. Torbert stated she spoke to Ms. Helen Heinz who had indicated that some of the things had not been done. Mr. Stainthorpe stated that does not have anything to do with the Dedication of the public improvements.

Motion carried unanimously.

SIGNING OF MYLARS IN CONJUNCTION WITH MATRIX SETTLEMENT AGREEMENT

Mylars were signed following the meeting.

ZONING HEARING BOARD MATTERS

With regard to the Kiran Vibhakar, 320 Daleview Court, Variance request to permit construction of a sunroom resulting in encroachment into the rear yard setback, it was agreed to leave this matter to the Zoning Hearing Board.

With regard to the Jerry and Connie Gruen, 10 Twin Circle Court, Variance request to construct a front entrance overhang resulting in encroachment into the front yard setback, it was agreed to leave this matter to the Zoning Hearing Board.

With regard to the Nihad and Azra Hadzovic, 397 Trend Road, Variance request to construct a patio resulting in greater than permitted impervious surface, it was agreed to have the Solicitor participate for the purpose of minimizing the increase as much as possible.

SUPERVISORS' REPORTS

Mr. Santarsiero stated the Environmental Advisory Council met last week and discussed the Cool Cities Program, and they will be discussing this with the Board after the new year. Mr. Santarsiero stated the Newsletter draft will be prepared in a week or so for the Board's review. Mr. Santarsiero stated the Citizens Traffic Commission met recently and are now at a point where they will begin Hearings on proposed improvements or issues to be addressed within the various traffic zones which have been established in the Township. On March 19 they will discuss Zones 3, 4, and 5; on April 16 they will discuss Zones 6 and 7; and on May 21 they will discuss Zones 1 and 2. All meetings will be held at the Township Municipal Building. He stated they will have a map with the various Zones depicted in the next Newsletter and reiterate the Schedule just noted so that people can come on the nights they are interested in to express concerns about an issue in those Zones. Mr. Santarsiero stated the Southeastern Bucks League of Municipalities will meet on January 30.

Mr. Smith stated the Planning Commission discussed Sunrise as well as the LID. He stated the Farmland Preservation Corporation met and are preparing their Agenda for next year. Mr. Smith stated the Historic Commission met yesterday morning and they are working on the Historic Overlay Ordinance discussing language that will be submitted to the Solicitor. They are in need of some additional members. Mr. Smith stated the Regional Traffic Task Force will meet next month. The Citizens Budget Commission met last evening and are working on some items for next year.

Mr. Caiola stated the CATV Board met and have advised Mr. Caiola that they have not had a representative from Comcast present at their meetings for some time. Mr. Caiola

stated PAA is discussing an indoor facility. Mr. Caiola stated the Economic Development Committee will begin meeting in January.

Mr. Stainthorpe stated the Golf Committee met last Monday. He stated when Mr. Draper was present at the last Board of Supervisors meeting he discussed the installation of a commercial stove in the kitchen. It would cost approximately \$14,000 which includes the cost of a larger hood and vent system. They feel this will allow them to expand the menu and do a bigger piece of the catering business. He stated they anticipate that they will be able to recoup the costs in approximately one and a half years based on the same number of outings and the menus that they had last year. The Golf Committee has recommended that they proceed with this.

Mr. Stainthorpe moved, Mrs. Godshalk seconded and it was unanimously carried to authorize Kemper to get bids for a commercial oven and vent system.

Mrs. Godshalk stated the Elm Lowne Committee had an extensive discussion on the need for new members. She stated they have considered switching their meetings to the evening, and they will in fact hold the January meeting in the evening. Mrs. Godshalk stated at the Memorial they are working on designs for the Arboretum that was discussed as well as benches. She stated the water has been turned off at the fountains. She stated they are working with the Bucks County Tourist Association and hope to have a brochure at some point.

OTHER BUSINESS

Mr. Smith stated the Board received the log on the weekly Police activity, and it seems there have been a number of events involving thefts from unlocked cars. Chief Coluzzi stated they put out messages numerous times reminding citizens to take all normal precautions with their homes, vehicles, and other property so that they do not make it easy for thieves and burglars to commit these crimes. He asked that all residents take these precautions all year long. Mrs. Godshalk suggested that the Chief write an article for the Newsletter about this. The Chief wished everyone a safe and happy Holiday, and Mr. Smith echoed these sentiments.

APPOINTMENTS

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

Bob Shelly – Citizens Budget
George Shrader – Auditor
Marielle Wolf- Special Events
Matthew Maloney – Farmland Preservation Corporation
Jerry Gruen – Zoning Hearing Board Full Member

December 20, 2006

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OTHER BUSINESS

Mr. Santarsiero thanked all members of the Board and the staff for their service this year. He stated they have accomplished a lot this year, he enjoyed being Chairman, and appreciates everyone's work. He wished all residents a happy and safe Holiday season and stated they look forward to meeting again in the New Year proceeding with a progressive Agenda for Lower Makefield Township.

Mr. Caiola thanked the other Board members for making his first year on the Board a smooth one, and he wished everyone a healthy and peaceful Holiday.

There being no further business, Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to adjourn the meeting at 9:30 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

**NOVEMBER 2006 WARRANT LISTS AND
OCTOBER 2006 PAYROLL COSTS FOR APPROVAL
DECEMBER 20, 2006 BOARD OF SUPERVISORS MEETING**

11/6/2006 Warrant List	\$ 1,894,372.48	
11/06 Manual Checks	784,670.05	
11/20/2006 Warrant List	1,057,319.62	
Total Warrants & Prepaids		3,736,362.15
<u>PAYROLL COSTS:</u>		
OCTOBER 2006 Payroll	355,222.30	
10/06 Payroll Taxes, etc.	111,626.28	
Total Payroll Costs		<u>466,848.58</u>
TOTAL TO BE APPROVED		<u>\$ 4,203,210.73</u>



Township of Lower Makefield

BOARD OF SUPERVISORS
Steven Santarsiero, Chairman
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**DECEMBER 2006 WARRANT LISTS AND
NOVEMBER 2006 PAYROLL COSTS FOR APPROVAL
DECEMBER 20, 2006 BOARD OF SUPERVISORS MEETING**

12/4/2006 Warrant List	\$ 1,152,131.76	
12/06 Manual Checks	1,552,808.43	
12/18/2006 Warrant List	428,562.42	
Total Warrants & Prepays		3,133,502.61
PAYROLL COSTS:		
NOVEMBER 2006 Payroll	485,790.71	
11/06 Payroll Taxes, etc.	150,378.32	
Total Payroll Costs		636,169.03
TOTAL TO BE APPROVED		\$ 3,769,671.64

