

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
TOWN MEETING
MINUTES – MARCH 7, 2007

A Town Meeting was held by the Board of Supervisors of the Township of Lower Makefield in the Municipal Building. Chairman Smith called the meeting to order at 7:30 p.m. Mr. Santarsiero called the roll.

Those present:

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

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

Absent: Greg Caiola, Vice Chairman Board of Supervisors

OPEN FORUM LED BY CHAIRMAN SMITH

Mr. Smith stated they are trying a different format in lieu of the regular Board of Supervisors meetings. He stated this will be a Town Meeting which will be an open forum. Mr. Smith welcomed State Representative David Steil who was present this evening.

Mr. Smith stated there have been discussions in the community about Lower Makefield being a dry Township and suggestions by some that it no longer be a dry Township.

Mr. John Behergen stated he has been a resident for over forty years and did not realize that it was a dry Township. He stated he does not feel it should be changed.

Mr. Norm Shakett stated there is already a liquor store in the food store in the Township, and they serve liquor at the Golf Course. He stated the only reason to open up the Township would be to allow the restaurants to serve alcohol. He stated he feels opening this up would make the restaurants more profitable which he feels would be a positive for the Township. He does not feel there would be any negative effects. He stated he does not feel there would be any bars in the Township.

Mr. Behergen asked how they could prevent bars from coming into the Township.

Mr. Zachary Rubin stated he feels the law should be changed. He stated he feels the restaurants should have the opportunity to bring in additional revenue. He stated the Blue Laws were repealed, and he feels these other archaic laws should also be repealed.

Mr. Behergen stated he has never heard anyone indicate they wished the Township were wet.

Mr. Patrick Frain asked if there is any data on an increase in drunk driving as a result of the Golf Course serving alcohol. Chief Coluzzi stated the Golf Course is not open late hours, and there are not people there drinking all night. He stated there are enforcement issues when there are establishments serving alcohol, but he does not feel it is anything that would get out of control.

Mr. Gary Cruzan stated if there is to be a change, he feels everyone in the Township should be able to vote on it, and the majority would rule. It was noted that this would be required by law.

Mr. Stainthorpe stated the only way the Township could be made wet would be by another Referendum, and it must be placed on the ballot with signatures. He stated he personally feels since there is no material benefit to the Township in the form of additional taxes, etc. if there is a move to make the Township wet, the restaurant owners who would benefit from this should get behind this and try to get it on the ballot. He stated if there is not a desire amongst the restaurant owners to do this, he would feel they should remain as they are.

Mrs. Godshalk stated if this were approved, the liquor licenses would be dispensed according to population; and there could be over twenty liquor licenses in the Township. She stated these could be distributed to bars as opposed to solely restaurants. She stated the Township would not get any money, and she feels there would be policing expenses. She stated there are restaurants in the Township where you can bring your own wine, and she feels many people prefer this because it makes it less expensive.

Mr. Cruzan stated there are only approximately seven restaurants in the Township, and he does not feel they should change their way of life for seven restaurants.

Mr. Santarsiero stated as a Township resident, he would not mind seeing restaurants having the opportunity to serve alcohol. He stated this is permitted in Yardley Borough and Newtown Township, and he does not feel there are any major crime problems or deterioration of quality of life in those areas. He stated they are considering the development of Edgewood Village, and he feels that area could benefit from this as well. He stated he does feel the restaurants will have to get this issue put on the ballot. He stated if Edgewood Village is going to be a successful town hub, one of the things that would make it successful would be restaurants and possibly a nice pub that would be able

to serve alcohol. He stated this would result in ratables as well as making it a more viable development. He stated each voter in the Township would have an equal voice in this matter if it were put on a Referendum.

Mrs. Godshalk stated if this does get on the ballot, there should be meetings on this since in addition to the amount of liquor licenses, they would get because of the population, she has heard that some Townships get a resort clause which permits even more licenses.

Mr. Smith stated the Township Solicitor has advised that a petition would have to be in Doylestown by next week in order to get it on this year's ballot, and they would need approximately 2,000 signatures. If the matter is not on this year's ballot, it could not be put on a ballot for two years.

One woman asked about the bubble for the swimming pool adding she feels this should be something that should be put on a Referendum as she feels everyone should have a say in this as she feels very few people would benefit from this. She also stated she is not sure that the Township is aware of the programs Newtown Township and Northampton Township offer their residents of all ages in the way of recreation including sports, education, and artistic programs. She stated there is nothing in the Township for residents other than soccer and baseball. She does not feel they are addressing the needs of all the Township residents.

Ms. Donna Liney, Park & Recreation Director, stated this is a good suggestion and the Township does revisit this from time to time. She stated one of the critical pieces for indoor programming is to have an indoor facility and currently the indoor facilities are limited in Lower Makefield Township. The woman noted that Newtown Township uses the Newtown Township Municipal Building on Saturdays for such programs. Ms. Liney stated if there is time available in Lower Makefield, they would look to do this. She added that the Lower Makefield Seniors do use the Lower Makefield Municipal Building six days a week, and the Township also services a number of organizations and user groups as well. She stated the School District does run indoor programs, and they are looking to explore a relationship with them.

The woman stated she has lived in Lower Makefield her whole life, and they have never really offered anything to the residents. She stated when she has talked to the Park & Recreation Department, she was told that the people of the community only want sports; and she does not feel the community has ever been polled on this issue. Ms. Liney stated she is the only person in Park & Rec and she does not feel she has ever made that statement. She agreed that there is a strong interest in athletics, and Lower Makefield has great outdoor facilities.

Mr. Santarsiero stated with respect to her question about the pool bubble, when this was originally brought to the Board of Supervisors approximately one year ago, they were

shown preliminary costs of approximately \$500,000. The Board of Supervisors felt they should proceed with a feasibility study. He stated the Pool does make money each year. He stated the costs came back and were estimated to be over \$2 million; and that being the case, and given the fact that there are other Park & Rec needs in the Township, the Board of Supervisors felt that this was not a priority. Mr. Stainthorpe stated the Township already has a fabulous facility at the Pool, and he would not be in support of anything that would jeopardize it. Mrs. Godshalk stated from the beginning, she felt the bubble was unnecessary. She stated the School District already offers indoor swimming. She stated the Pool members pay for the pool, and they may not support the winter use but would still be paying for it.

Mrs. Godshalk noted with respect to the woman's comments about other activities, that the Township has offered art programs such as Art in the Park which was very successful. She stated they also have the Roving Nature Center at the Five Mile Woods. She stated there are also excellent golf clinics and camps at the Township's Golf Course.

Mr. Michael Upton thanked Mr. Smith for hosting this forum. He stated when the Board is dealing with significant decisions, he feels it is always a wise choice to go the route of Referendum. He stated he sees more of a movement toward more public involvement in the Township. He stated items such as a bubble or the sale of the sewer system should be put to a Referendum. Mr. Smith asked where the line should be drawn between going with a Referendum and allowing the elected officials to make decisions. Mr. Upton stated while this is difficult, he feels it is somewhat incumbent on the Supervisors to determine when it would make sense to put the matter out to a Referendum. Mr. Smith stated he does feel that when you elect officials, you should have enough faith in them to make the right decisions. He stated they would need a majority of the Board to approve anything. He stated he does feel there are some items which should go out to a Referendum, although he also feels that sometimes a Referendum is an excuse for elected officials who are afraid to make a decision which may impact their ability to get re-elected.

Mr. Stainthorpe stated in Pennsylvania a Referendum is non-binding. He stated he feels many times a Referendum is a cowards' way out for officials who do not want to have to make a hard decision which may be unpopular. He stated sometimes in a Municipal election only 10% of the residents vote, and 10% could be very easy to manipulate. He stated he feels if you run for office, you have to have the courage to make the hard calls.

Mr. Cruzan stated he totally disagrees with this especially when it goes outside the normal business.

Ms. Judy Curley stated with regard to the comments regarding activities in the Township, the Township and the County must work together. She stated people are asking for

everything but do not want to pay a lot for it. She stated she feels people should volunteer more. She also noted the programs at the Five Mile Woods. She stated she feels the residents should work with Park & Rec as well and work to get a place for the Seniors to meet.

Mr. Steil was asked his opinion of Referendums. Mr. Steil stated he is not a big supporter of Referendums and feels they should be restricted to issues of taxes; and if you feel you need to impose an increase in the tax rate to accomplish a particular Municipal purpose, this would be a proper reason to have a Referendum. He stated this is particularly true if you are going to borrow money; because if you are going to borrow money and it is Electoral Debt that is on an approved Referendum, it does not count against your bonding limit.

Mr. Kevin Kull stated he agrees that matters impacting taxes should be put to a Referendum, but stated other decisions that are made can have a downstream impact on resident expenses as well. He stated he feels when major expenditures are considered such as the Golf Course or the sale of the sewer system, the taxpayers should be asked their opinion. Mr. Smith stated on certain issues there could be a Referendum that could pit one segment of the population against another segment which could cause nothing but ill will. Mr. Kull stated if the majority of the people want to have something and only a small number express their opinion in that, they would still have had the opportunity to have made their feelings known. He stated people do not have the time to come to Township meetings and constantly lobby the Supervisors.

Mrs. Godshalk stated sometimes with land use matters there is not time for a Referendum. She stated the property where the Golf Course is now located had been up for sale for many years. She stated when the Township approached the family to purchase it, they could not agree to an offer and communications broke down. She stated at that time developers were looking at it, and the Township felt they had to act quickly which they did. She stated the Township did condemn the land, but the property owners were assured of a fair market price through appraisals and later through a Jury of View. She stated the Township later found out that a large builder was looking at the property, and they wanted to construct 800 homes on the tract. She stated this would have created tremendous strains on the School District. She stated they did not have time to go to a Referendum and the elected officials had to act quickly. She stated now they have a successful Golf Course which in approximately 18 years will be paid off, and the money will come back to the Township. She stated if they had waited, the price could have gone up. Mr. Kull stated he is still not in agreement with that transaction.

Mr. Santarsiero stated the Golf Course has turned out to be an excellent facility for the Township; but as a citizen, he has a problem with the Township condemning someone's land for a Golf Course. He stated he does recognize the importance of preserving open space. He does not feel they would have been able to construct 800 homes on that tract.

He stated since this has now taken place, it is in everyone's interest to make sure that the Golf Course succeeds.

A woman asked if the Board of Supervisors could look into what standards there could be for a Referendum. Mr. Santarsiero stated this is a matter of State law and not Township law. He stated there are certain things that can go out to Referendum. Mr. Rubin reviewed the history of Referenda. He noted in Pennsylvania they are non-binding. He stated if they are going to have a Referendum, there should be Township meetings about the issue. Mr. Cruzan stated the fact that they are non-binding is irrelevant since if a majority of the people feel one way, he feels the Board of Supervisors would be ill served to go in another direction. He stated he feels they should be binding morally on the Supervisors. He stated when the Supervisors stray from their normal business, he feels they should involve everyone.

Mr. Sam Conti stated with regard to the profitability of the Golf Course for the first two years, the Golf Course did not absorb the amount of interest that it should have absorbed. He stated for the coming year \$1 million is being charged as interest and debt. He stated the number of rounds is at the maximum of 41,000, and the profitability in the Plan for next year is only \$324. Mr. Stainthorpe stated the Golf Course at this point is set up to pay the debt. He stated they put close to \$1 million aside the first two years since they did not have to pay the full interest recognizing that they would have to do so this year. He stated their plan is that they will cover all the expenses and that a break-even is fine in the short run. He stated it will only get better. He stated they modeled the Course on Five Ponds in Warminster which has been there for fifteen to twenty years; and once they paid down their bonds, they were able to fund their entire Park & Recreation program.

Mr. Barry Wood asked if the Dalgewicz lawsuit has been settled, and Mr. Stainthorpe stated it has not.

Mr. David Schoneman stated he is the parent of two Pennsbury School students. He asked if the Board was aware of Pennsbury's plan to expand Makefield Elementary School and if they have been provided any Preliminary Plans regarding the anticipated size of the expansion. He asked if there are any concerns regarding Zoning or other issues with regard to the expansion of Makefield School. Ms. Nancy Frick stated they have not yet had any Plans submitted to the Township. She stated she did speak preliminarily with the architect for that project, but no Plans have come in. She stated they cannot move forward without Township approval.

One gentleman stated he understands the third part of the proposed Re-Districting Plan is for Makefield to be renovated. He asked if the Board of Supervisors has been advised of the expansion of the School, and if the Board has taken a position. He stated if the

third part of the Re-Districting Plan does not go through, he feels the rest of the Plan will fall apart.

Mr. Santarsiero stated the Township has not been advised in depth of this. He stated no Plans have been brought to the Board's attention. He stated with respect to the issue of impervious surface, if the Plans were presented, this would be something the Board would have to analyze. He stated from what he has read in the newspaper, he feels the School District has not done the kind of thing the Township is doing tonight which is getting input from the people. He stated he feels they need to do a better job of getting public input and need to have a full study done with public input. He stated over the last few years, the Township has tried to include the public more in their decisions and make Government more open and transparent. He feels the School District needs to do the same.

Mr. Smith stated he and Mrs. Godshalk were part of a Task Force twelve years ago on Year-Round School. He stated eventually the Task Force recommended that Year-Round School be rejected. He stated approximately ten years ago his daughter was Re-Districted from Edgewood to Afton; but it came about as part of a Task Force. He asked what Task Forces have they done on the issues raised this evening.

Ms. Nancy Doyle stated the Pennsbury School District announced plans for Re-Districting at a morning PTO meeting at Edgewood, and they announced the Plans at Eleanor Roosevelt in the same way. She stated they have met with a number of Pennsbury School District representatives, and they know of the parent's position which is they are asking the Board to allow a District Advisory Council of community members to be formed. She stated this was done during the building of Afton and at other times in the past. She stated they want this to be started so that the community has input into what is happening with regard to Re-Districting. She stated to the best of their knowledge, Pennsbury is not interested. She stated they have personally talked to School Board members, and they have advised that this only involves a small number of children and they are not interested in community input. Ms. Doyle stated they need everyone to come to the Pennsbury School Board Agenda meeting tomorrow evening. She asked if the Supervisors would be willing to make a statement and come out in support of the residents tomorrow evening.

Mrs. Godshalk stated when people purchase their home, most people look at the Schools where their children will attend. She stated she does not feel the School Board should take it lightly when they Re-District. She suggested that they try to get as many people involved as possible. She stated she did feel that Year-Round School could have worked as they had seen it working very well in California and Colorado.

Ms. Stacy Murray stated she has a problem with the term "spot" Re-Districting. She stated Phase III of the Plan has not been discussed or revealed to anyone and it hinges

upon Township approval to do the construction. She stated she understands that the proposal is to have the Administration in the basement, and classrooms where the Administration had been. Mr. Smith asked what would happen if the Township did not approve their Plan. Ms. Murray stated it is her understanding that there is a serious mold problem in the basement. She stated she feels if this is not a viable option, they will they have to move children out of Makefield to Edgewood, and they may then have to move more Edgewood children out. She stated she feels this issue involves many more than 80 children. Ms. Murray stated they are looking for full disclosure and to have the opportunity to provide input. She stated if they move out three to four classrooms from Edgewood, it will increase class sizes in other classes. Mr. Smith stated he feels the most important item is that the public has the opportunity to make their feelings known.

Ms. Virginia Torbert stated she has heard it is not feasible to expand Edgewood School and asked if this is something the Township has indicated. Ms. Doyle stated Dr. Long told them no Feasibility Study was done on Edgewood School. She stated the entire Plan hinges on the expansion of Makefield School and Lower Makefield Township approving the Plan. Ms. Doyle asked why a Feasibility Study was not performed for Edgewood, and Dr. Long indicated they may do one a few years from now. Ms. Doyle stated Edgewood has much more land, and she does not feel there would be an issue with impervious surface.

Mr. Smith stated it appears that they are only speaking to small groups at a time and not allowing there to be unification of a cohesive group. Ms. Doyle agreed.

One gentleman stated he believes there was a meeting with Dr. Long and it was indicated that given the number of students which will be moved per grade, which was ten to eleven, across six grades, they are not going to eliminate any sections from the School. The only way to eliminate sections, would be to combine some of the classes. He stated the way this will affect the rest of the community is that the class sizes will be going up instead of down. He added that at the Monday night meeting at Eleanor Roosevelt, Dr. Long announced that they are going to have to move teachers as well.

Mr. Matt Maloney stated he feels most of the other Lower Makefield Schools are near capacity and over time they may need to make a lot of infrastructure changes to the Schools and this will effect everyone in the form of taxes.

Ms. Doyle asked if the Board of Supervisors would have a recommendation on where the School District should build a new School. Mr. Stainthorpe stated the School District would have to acquire a piece of land and meet the requirements of the Township Ordinances. This would also apply to any renovations they may want to make. He stated if they meet the requirements, the Township would have to approve it. He stated if they would need Variances, the Township would have some leverage. Mr. Truelove stated the Township Board of Supervisors cannot take a position on something that is speculative or

they may prejudice the process and not be able to vote in the future which is not something the residents would want.

One gentleman asked if the Board of Supervisors can look at the impact a new development would have on the Schools and ask the developer to subsidize improvements to the Schools similar to the way they do with road improvements. Mr. Stainthorpe stated he does not feel this is legal in Pennsylvania. The gentleman stated if there is residential development in Edgewood Village, this will impact Edgewood School. Mr. Truelove stated Legislation was passed in 1988 that invalidated many of the impact fees, and they have been restricted substantially to designated funding areas. Mr. Steil stated he has introduced School Impact Fee Legislation and the Bill would require School Districts to prepare an Impact Statement for every new development so that the School District would have an understanding of the number of students that could come in from that new development. After the preparation of the Impact Statement, the developer would have to provide a Fee to the School District for the start-up costs for those new students. He stated that Legislation has not advanced and probably will not advance because it is strongly opposed not only by the Builder's Association, but also by all the rural areas of the State who feel that development is a good thing and Impact Fees restrict this.

Mr. Schoneman stated the School Board and Administration appears to be slightly less than agreeable to creating a District Advisory Council. He stated comments were made about how big it was last time and how hard it was to control.

Mr. Smith asked what they would like the Supervisors to do. Ms. Doyle stated tomorrow night's meeting is the Agenda meeting at Fallsington and this will determine whether they put this matter up to a vote next week at their meeting so it is important for all residents of the Pennsbury School District be in attendance. She stated they would also like a written statement from the Board of Supervisors indicating their support. Mr. Smith stated it appears this is a District-wide issue and not only an Edgewood School issue, and the Board will do its best to attend tomorrow night's meeting.

Mr. Upton stated they are hearing a lot of very concerned parents, and he asked whether the Board of Supervisors has an opinion on the process of interaction with the School Board. Mr. Santarsiero stated it sounds as if there has not been sufficient public input, and he feels the argument that needs to be made tomorrow night and at the March 15 meeting is that there needs to be an open process with a Task Force. He stated it needs to be done in the way that gets input from all the residents in the Pennsbury School District.

Ms. Doyle asked if they have a representative from each School and form a Committee to keep the communications open between the parents and the School Board would the Board of Supervisors support this. Mr. Smith stated there is an organization called Keep Students First which was started by Suzanne Matarese after the strike. He stated they are involved in all issues which effect the children in the Pennsbury School District.

Mr. Steil stated he could provide Ms. Materese's e-mail and phone number. He stated Keep Students First is at the core of pulling parents together and asking for a public process.

Mr. Smith stated there has been discussion about the potential sale of the sewer system which is currently out for study. Mr. Cruzan stated he is very concerned about the probable sale of the sewer system. He stated a consultant has been obtained to determine the value of the system. He stated the consultant is the same one that recommended the sale of the Upper Dublin system to the highest bidder. He stated Upper Dublin did sell their system and spent the money on capital projects. Mr. Cruzan stated the value of the system is directly related to the revenue it collects from the users; and the higher the price the buyer pays, the more fees will go up. He stated no matter what price is paid, it will seem like a small amount in a few years. He stated he has been told by residents of other Townships that their systems were sold and their fees increased rapidly thereafter. He stated many in Lower Makefield have Pennsylvania American Water, and since that system was sold, Lower Makefield rates are higher than the other water companies.

Mr. Cruzan stated in the Solicitor's Handbook it states "Act 537 makes the Municipality ultimately liable to insure proper sewage disposal." He stated he is aware that other Municipalities have sold their sewer systems; however, the legality of this has apparently not been tested in the Courts. He stated yesterday he spoke with a law firm that specializes in Municipal Authority Law, and they agreed that these sales generally result in loss of control and an increase in fees.

Mr. Cruzan stated he was contacted by a former member of the Lower Makefield Sewer Authority who had served on the Authority for thirteen years, and he indicated that over the years revenue from the sewer system was used to balance the Budget to avoid tax increases. Mr. Cruzan stated in the newspaper it indicated the Township would have to raise taxes if the system were not sold. He stated selling the system is a "stealth tax increase" that puts the burden of raising rates on another entity. He stated no investor will buy the system and keep the rates the same. He stated no entity would have the same interest as does the Township. He stated the reason the Board of Supervisors was elected is to provide sewer, water, roads, fire and police protection, and recreational facilities; and by selling the system, they are changing their responsibility.

Mr. Cruzan stated he feels they must have a Referendum if they are going to sell the sewer system. Mr. Cruzan stated he is very upset about the potential sale of the system as well as the sale of the Pennsylvania Turnpike, New Jersey Turnpike, etc. and other Turnpikes across the County which are now owned by companies from other Countries.

Mr. Smith stated the news article was discussing the possible sale of the system, and Mr. Smith had indicated that he was going to keep an open mind about this until they see the study. He stated part of the genesis of this issue was when the Sewer Authority and

the Sewer Administrator came to the Board of Supervisors and advised that they should sell the system. Mr. Smith stated last week they had a special Park & Recreation meeting and those present made various requests of the Board which would require significant additional funds. Mr. Smith stated Mr. Stainthorpe had previously stated that he felt that before they did anything with the sewer system, they should have at least two public meetings to discuss the matter.

Mr. Cruzan stated he does not feel the consultant is going to come back and recommend not selling the system. He also questions why the Sewer Authority would recommend the sale of the system. He stated the individual he spoke to indicated for years the monies from the Sewer Authority were used for Parks & Recreation, and other facilities in the Township. Mr. Cruzan stated he understands there are a lot of repairs to be done to the sewer system and feels those monies should have been reserved for the repairs.

Mr. Stainthorpe stated he cannot indicate specifically how the money was spent, but noted they are independently audited every year; and he feels what has been suggested would be highly irregular and probably illegal. Mr. Cruzan stated the individual who gave him this information is willing to come forward. Mrs. Godshalk stated there is a separate audit of the Sewer Authority which is very thorough. She does not feel any sewer money was used for running Park & Rec. Mr. Fedorchak stated he has been directly involved in preparing the Sewer Fund Budget for fourteen years, and he can assure everyone that the Sewer Fund monies have not been applied to Park & Rec type of uses nor toward anything other than Sewer-related expenses. Mr. Cruzan stated the person stated very clearly that the money went through the General Fund to avoid tax increases.

Mr. Santarsiero stated with regard to the sale of the sewer system, they do have a consultant who has been hired to perform a study, and he feels the Supervisors should wait until they get the report from the consultant. He stated Mr. Cruzan has discussed a potential increase in sewer rates if the system is sold and this would be one point to consider; but noted the other part of the issue is that this is an aging system that has experienced some catastrophic failures in the last few years which has necessitated the Township most recently floating a \$7 million bond to help pay for a major construction project. He stated it also appears that these kinds of situations are going to continue in the future. He stated for the last few years, the sewer system has been losing money. He stated Lower Makefield also does not have a treatment plant; and because of this, they are held hostage for rate increases by the treatment facilities where sewage is sent. He stated a few years ago they had to increase the sewer rates by 35% because of the increase from the treatment facilities. He stated this issue is much more complicated than simply stating the rates may go up. He stated he feels that whether they sell the system or not, the rates are going to go up. He stated they will have public meetings on this before any decision is made.

Mr. Henry Hoffmeister stated he has an idea who has provided this information to Mr. Cruzan; but added if the money had been used for the purposes which have been expressed, it would have been illegal, and the Authority could have been fired. He stated prior to 1992 the Township did pay a substantial rental fee to the Sewer Authority as the owners of the system, and this was distributed among funds which were set up for the Authority under their Trustee. He stated those monies were not used to offset any kind of expenses of Lower Makefield Township outside of the sewer system. He stated following 1992, there were monies which were borrowed from the Sewer system, but these were subsequently repaid. Mr. Hoffmeister stated they do not have a treatment facility, and this actually controls the rates.

Mr. Hoffmeister stated he has been in favor of investigating the sale of the system for some time. He stated with everything the Township residents want to have done, it is the only saleable commodity the Township has. He stated there is no ulterior motive other than the benefit of the Township residents.

Mrs. Godshalk stated she is concerned that Mr. Hoffmeister is referring to the sewer system as a commodity which would allow them to do what they want to do as she feels this will mean that the money being brought in through the sewer sale will be put out to "pet projects." She stated the Township does not have a treatment facility and they pay someone else to do a major part of this job. She stated the reason they had a large increase was because over seven years they had no increase. She stated it would have been easier for the residents to have a smaller increase every year. She stated there was a problem with the collapse into which they had to put several million dollars; and had they had some other public corporation running this, she questions if the work would have been done as expeditiously as it was done. She stated the Township Government is established to be in charge of the health, safety, and welfare of the citizens of the community; and she feels it should stay this way.

Mr. Santarsiero stated the County has purchased sewer systems from other Townships. Mr. Stainthorpe stated he is on the County Sewer Board and while they have purchased systems from other Townships, they have not done so since he has been on the Board although it has been done in recent years. Mr. Santarsiero asked if he feels the County is responsive to issues in Townships where there is a failure of a sewer system. Mr. Stainthorpe stated he must answer carefully and has been advised by the Solicitor that he has to recuse himself from some of this. He stated there is no guarantee who they would sell it to, but he feels Bucks County runs a good system and they are responsible. He noted it could, however, be sold to a private entity. Mr. Santarsiero stated he feels much of Mr. Cruzan's concerns are related to the potential that the system would be sold to a private company; and Mr. Santarsiero stated he agrees that the sale of public assets used by the public to a private company is not a good thing. He stated if they were to sell and they sold it to the County, which would be his strong preference, they would have the County Government close by so that if there were an issue, the people could contact them and the County Government would be able to respond. He stated he feels the consultant

will advise them of the benefits and pitfalls of selling the system. He stated one of the issues they will want addressed is the responsiveness of the various entities.

Mr. Santarsiero stated while he feels it is premature to discuss revenue from the sewer sale and what would be done with that revenue, but he does not feel capital projects such as additional fields, a community center, etc. which would benefit all residents of the Township should not be considered as “pet projects.”

Mrs. Godshalk stated the local taxes are the lowest taxes paid by the residents and is also the Government which is closest to the people and she feels people are willing to pay more for fields, etc. She stated she feels if anything is sold, it should be invested and only a certain amount for the interest should be used. She asked what would happen if another Country came in and offered more than anyone else. Mr. Smith stated he feels they should wait for the study before making any decision.

Mr. Smith stated he has been contacted by some residents who have indicated that they do not have public sewers; and they are concerned that if the system is sold, their ability to get public sewers from another entity will be less; and he is concerned about this.

Mr. Cruzan stated they should learn from the sale of the PA Water Company. He stated when that happened, he feels they were promised the rates would be stable. He stated it has been sold several times, and he feels it is now owned by a German company. He stated even if Bucks County were to buy it, their interests are not identical to the Township's. He stated if the Township needs money for certain purposes, they should just raise taxes. He feels this is a stealth tax increase.

Mr. Santarsiero stated he does not feel this would be a “stealth tax increase” as this is assuming that there would not be any increases in the rates if they did not sell it.

Mr. Cruzan stated while he agrees, based on economics, he feels it would be a higher increase if someone other than the Township owned it. Mr. Santarsiero stated they must also consider the cost going forward and the costs to maintain the system if the Township continues to own it.

Mr. John Behergen stated he has seen the articles in the Courier Times and the comments made regarding the tax situation. He stated he is outraged about the rumors of the pending sale of the sewer system, and he feels the sewer rates will double and possibly triple. He stated he is served by the Municipal Water Authority of Morrisville, and he has never paid more than \$40 a quarter. He stated he has had discussions with a friend who lives on Edgewood Road who is paying \$40 a quarter, and he assumes this is because it is not a Municipal Authority but is owned by a private enterprise which has a profit motive. He stated they are making a lot of money at the expense of those living in that area of Lower Makefield Township. He stated he also spoke to someone who lives in Farmview who is paying \$71.80. He stated all three of the households use about the same gallonage. He stated the two enterprises which are charging more are owned by private enterprise; and he feels if the Sewer System is sold, everyone in Lower Makefield

Township will be subject to exorbitant bills. He stated he cannot imagine taxes going up the same amount that private enterprise would charge since they are looking to make a profit.

Ms. Sue Herman asked what part Lower Makefield should play with regard to their own local traffic issues when they are surrounded by other Townships with similar traffic concerns and sometimes conflicting ideas as to how to address the traffic concerns. Mr. Smith stated he is one of two Supervisor liaisons to the Regional Traffic Task Force headed by Representative Steil. He stated while he attends to protect the interests of the Township, he also serves as a member of a regional group and needs to be concerned about regional issues as well. He stated he looks for issues of common interest among the various Townships, and he feels one of the goals of the Task Force is to find common ground. He stated he also wants to make sure the interests of Lower Makefield are served.

Mrs. Godshalk stated the Traffic Task Force has been around for many years since she initiated it in 1987 when it was known as the Inter-Township Task Force. She stated they found that one of the adjoining Townships that was developing a lot of commercial and highway area development was not asking their developers for road improvement costs and were only looking to bring in additional people who would be paying taxes. She reviewed the history of the discussion of a Northern By-Pass and the impact it could have on farmland and Township roads. She stated a number of people put in a lot of time on this Task Force; and while discussion is good, she is not sure what is getting accomplished. She stated through Mr. Steil's help, they have gotten traffic calming on Lindenhurst Road which will hopefully be installed very shortly and will help the neighborhoods in that area.

Mr. Steil stated if there is an issue that requires regional cooperation, traffic is the one. He stated unless the collective group of Municipalities that is involved in the Regional Traffic Planning Task Force reach concurrence on how to direct the traffic, they will continue to do what they are doing now which is every Municipality will look to serving their own interests and traffic will flow the way that community feels is best which may not be the right way for the next community. He stated it must be a regional issue and they must find common ground among the Supervisors of the Municipalities involved in the group. He stated they are spending \$400,000 on a traffic study to try to come up with the best ideas they can and ultimately it will need approval by all the Boards.

Mr. Santarsiero stated he agrees that regional solutions are key not only on traffic but on development issues as well. He stated the Township has created a Citizens Traffic Commission which is designed to address traffic problems within the Township. Later this month, they will embark on a series of public hearings where people from the Township are going to be asked to come in and give the Commission input as to the traffic problems in their areas. He stated the Commission is made up of seven

Commissioners representing seven different regions in the Township. They will eventually come up with a prioritized list to be brought to the Board of Supervisors for funding and to get some of this work done. He hopes that as many residents in the Township as possible will participate.

Ms. Torbert stated the Commission has been working for the past year on these issues. They are now ready to have a series of Hearings in which they would like the public to come in and provide input on what they consider the traffic problems to be anywhere in the Township. She stated the first Hearing is on March 19 at 7:30 p.m. for Zones 3, 4, and 5. She stated a map showing the Zones is on the Township Website. She stated the second Hearing will be on April 16 for Zones 6 and 7, and last Hearing will be May 21 for Zones 1 and 2. She stated they have also been getting information from the Township engineer, Mr. Coyne, and Chief Coluzzi. She stated she and the other people in the Township have been attending the Regional Traffic Task Force meetings and the Scudder Falls meetings. She stated with regard to the regional issues, one of the problems is funding and this unites everyone.

Ms. Judy Curley stated while traffic problems persist, two years ago she did approach the Board regarding a section of River Road; and the Township Manager was exceedingly responsive about getting signage installed. She stated it is most important for people to be more considerate drivers.

Ms. Herman thanked Mr. Santarsiero for the vision of the Citizens Traffic Commission and the Board of Supervisors for voting to start the Commission. She stated the Commission has been meeting since July, 2006; and citizens have been attending their meetings. She thanked the Township for authorizing the traffic engineer to be at the meetings which allows them to be more effective and the citizens to have their issues addressed in a timely basis.

Mr. Steil stated next to property taxes, traffic is the issue for which he receives the most inquiries. He stated on a weekly basis they get ten to twelve calls about traffic.

Mr. Majewski stated with regard to the traffic calming for Lindenhurst Road, they are still waiting for the Permit to be approved by PennDOT; and Representative Steil has indicated he will check on this. Once it is approved, they will go out to bid and hope to construct it this summer.

Mr. Barry Wood stated he recognizes that the Board of Supervisors is under a lot of pressure, and there is a need for funds. He feels the way to get money is to increase taxes or to sell the sewer system. He stated if they are going to consider selling the sewer system, they should recognize that it is a public utility owned by the people of the Township; and the people have a right to vote on what is done with it.

Mr. Wood noted the most recent Township Newsletter received in February which listed Mr. Santarsiero as the Chairman, despite Mr. Smith having been Elected Chairman in January. Mr. Wood stated he feels the content of the Newsletter was a review of Mr. Santarsiero's Chairmanship for 2006 and is concerned that this is being used as a campaign tool in Mr. Santarsiero's quest to be County Commissioner. He feels if this is the case, Mr. Santarsiero's campaigns fund owes the Township the cost of printing and mailing the Newsletter.

Mr. Santarsiero stated with respect to the Newsletter he is not going to honor Mr. Wood's comment other than to state that in September Ms. Langtry, who had done an excellent job with the Newsletter for years, left the Township's employ. He stated this was a loss for the Township as the Newsletter had received awards over the years. Mr. Fedorchak embarked on a search for a replacement and eventually in December, Ms. Connie Gruen was hired and has done a tremendous job. He stated at the end of every year, they do a year-end issue and they were unable to get this out until February. He stated the issue is entitled a "Year-End Issue," and at the top he is listed as the 2006 Chairman of the Board. He has gotten feedback from citizens who indicated they found it very informative seeing what has gone on in the Township.

Mr. Wood stated he is also concerned about flood control. He stated they recently had a meeting of RAFT, and they have had some concerns particularly with the heavy rains last weekend when there was a flood threat. He stated they will run this risk again in the spring. He stated he is aware of some of the measures which have been taken but stated nothing has been done to prevent flooding. He stated they debated with him as to why they could not get the Governor to release the \$2.5 million which he brought up in July. He stated if the funds had been received earlier and the work had been done, possibly they would not have the threat along the Canal. He stated this has effected properties, and he noted the number of properties for sale in the area. He stated the engineering study came out and they indicated they were going to ask FEMA for \$22 to \$24 million.

Mr. Smith stated there were representatives of FEMA and PEMA at the recent RAFT meeting, and they indicated that they did not know anything about this situation.

Mr. Majewski stated Mr. Coyne has arranged to have emergency funds allocated to have the swampy area adjacent to the Canal cleaned of debris. They have cleaned the area between Black Rock Road north up to Yardley and will soon start in the area from Black Rock Road down to Ferry Road. Mr. Coyne has also requested that they clean out some of the streams and tributaries that go into the Delaware Canal and the Delaware River so water can get out faster. Mr. Majewski stated when they widened the Macclesfield Park entrance, they also raised one of the inlets. This was raised by one foot so water cannot back up and contribute to the flooding. Two back-flow preventers have been ordered. They also recently got detailed measurements for some of the other pipes, and they are still considering some of the engineering issues for these. This information will be provided to the manufacturer; and once ordered, it should take four to six weeks for

installation. He stated in the event of a flood, they do have a plan in place to block these off temporarily in the interim with sand bags and/or plywood so that water cannot back up into the neighborhoods.

Mr. Wood stated the FEMA representative indicated he did not know anything about the Township's request. Mr. Fedorchak stated the Township has already submitted three different Grant Applications to PEMA which is the agency that performs the initial reviews, and possibly the FEMA representative that was present at the RAFT meeting was not involved in the evaluation process. Mr. Fedorchak stated one of the Grant Applications involves acquisition of two residences. He stated nine residents have asked for funds for home elevations. Mr. Fedorchak stated the third component has to do with some structural remediation. One element of this would be a flood wall in the area of Ferry Road. They have asked for \$6 million in total.

Mr. Wood stated there is a sense of urgency on this.

Mr. Smith stated a gentlemen at the RAFT meeting indicated that when he purchased his home he asked the Realtor if he was in the floodplain, and the Realtor indicated he was not. The homeowner then found out that he was in the floodplain when he applied for insurance as the maps had been re-drawn. Mr. Smith stated apparently the Realtor was relying on an out of date map. Mr. Majewski stated the map was re-drawn in 1999, and it placed properties into the floodplain which had previously not been considered to be in the floodplain. Mr. Wood stated he has been in his home for 48 years, and he did not know he was in the floodplain. He stated in his 45th year, he found out while applying for a home equity loan, that he was in the floodplain. He stated no one from the Township notified those living in the floodplain of this change. Mr. Smith asked if Mr. Wood would agree that the last ten years he has lived in his home have been the worst with respect to floods, and Mr. Wood agreed.

Mr. Steil stated the \$2.5 million was placed in the Capital Project Budget several years ago for Canal projects and was on the approved list for approximately four years. He stated they had not been successful in getting it released; but he did get a number of assurances last year that it would get released. He stated he, Mr. Santarsiero, and Mr. Truelove did meet with the Governor in December; and he did agree to release the money. Mr. Steil stated last year he was so sure that the money would be released that he asked DCNR to begin the Permitting and engineering work on the Canal so that the project could go forward. They have done this and this work is almost finished so that they will be able to go forward with the projects this year. He stated the project will include replacement of the Black Rock culvert to include widening so that the Canal water can flow through and not back up and flood the neighborhoods and dredging of the Canal. He stated it will also include one of two other projects. He stated they need to repair or replace the aqueduct in Yardley as it is in danger of collapse, and they also need to make repairs at Lock 5.

Mr. Steil stated the Flood Mitigation Task Force was formed by the Governors of the four States last fall, and he was appointed from Pennsylvania as a representative. They completed their work in January, the report was put forward at that time, and they began a series of public Hearings. The public Hearing for this area was held in Ewing, New Jersey two to three weeks ago. He stated they put forth forty-four separate recommendations that will all have an impact on flooding on the Delaware River; and while they will not solve all the problems, they do have the ability to take several feet off the flood stage. He stated much of this has to do with the reservoirs in New York, and there is a separate agreement in this regard which must be signed by the Governors of the States and New York City. He stated they have to have one more Public Hearing and once they have a final meeting, they will then go to the Governors in April. All four Governors must sign off on this, and there are financial obligations for each. He stated he will be asking the Township to create a Resolution urging the Governor to not only approve the report but to allocate the funds necessary to begin implementing the items on it.

Mr. Smith stated last year when they had the floods, a number of Government representatives were present. He asked how realistic it is that they will get the funds to alleviate the flood problems. Mr. Steil stated he can only speak for the State of Pennsylvania, and he feels that Governor Rendell is committed to this. He stated he does not know how the other States will feel, and he is particularly concerned about the State of New York. He stated if they do not sign off on it, their funding will not flow to the projects, and they will then have to decide who would pay for this which could slow down some of the projects.

Mr. Wood asked if anyone is coordinating the entire project. Mr. Steil stated the DRBC is responsible for implementation of all the recommendations along the River. He stated the Canal project is under the control of the Department of Conservation Natural Resources, and the \$2.5 million which has been released goes to them. They are already doing the engineering and Permitting and will be responsible for the project. Mr. Steil stated the Canal re-construction work will be contracted for by DCNR through the Department of General Services.

Mr. Coyne stated there is State money available for work on the Canal, and he has taken advantage of this. He stated it will not solve all the problems, but it will help the situation. He added he met with Mr. Steil many years ago on the Canal situation which has caused him concern for many years.

Mr. Bill Jones, River Road, stated his house took in water during all three of the last floods. He stated all three New York reservoirs were a couple feet below the spillway for the first time in any of the floods they have seen before the rain started. He stated he does not know if this was an accident or because of political pressure. He stated he is considering elevating his home, and he hired an engineer to do an elevation study; and he

is hearing from FEMA that because there have been three quick floods, they are considering elevating the 100 year floodplain. He stated if this is done, many more people will be in the floodplain who were not previously. Mr. Jones stated at the RAFT meeting last Wednesday there was a PECO representative present; and he commended Yardley Borough and Lower Makefield Township on their Police, Fire, Rescue, and Government response which helped PECO do their job getting the power off and then getting the power back on.

Mr. Smith thanked Representative Steil for attending this evening's meeting. Mr. Steil thanked Mr. Smith for inviting him to the meeting. He added that he will be hosting a Town Meeting on April 19 at the Township Building on Act 1 which will be the Referendum question put on the ballot.

Ms. Torbert thanked Mr. Smith for coming up with the idea of this evening's Town Meeting.

Mr. Smith thanked those who came out and stated he would like to have this a few times a year.

APPOINTMENTS

Mr. Santarsiero moved, Mrs. Godshalk seconded and it was unanimously carried to appoint Zachary Rubin to the Cable TV Advisory Board and Mr. Tony Zamparelli as an Alternate to the Zoning Hearing Board.

There being no further business, the meeting was adjourned at 10:00 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Santarsiero', written over the typed name below.

Steve Santarsiero, Secretary

