

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – APRIL 18, 2007

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on April 18, 2007. Chairman Smith called the meeting to order at 7:30 p.m. A moment of silence was observed in honor of those involved in the events which took place at Virginia Tech.

Those present:

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

PUBLIC COMMENT

There was no public comment at this time.

RECOGNITION OF VOLUNTEER FIRE PERSONNEL

Mr. Smith stated he, Mr. Santarsiero, and Mr. Stainthorpe were present when some of the Volunteer Fire Personnel were recognized by their colleagues and those from the community. This evening Deputy Fire Chief Bubba Schlosser was present and introduced Robert Lowe, Rookie of the Year, Tim Chamberlain, Officer of the Year, and Barry DiNola, Fire Fighter of the Year. Mr. Smith presented Plaques and thanked these firefighters for their service to the Township. Mr. Stainthorpe thanked them for putting themselves in harm's way, stated they are an asset to the community, and added it was an honor to attend their banquet. Mrs. Godshalk thanked them for their service to the community. She stated the Board of Supervisors is responsible for the health, safety, and welfare of the community, and these volunteers are saving the Township a great deal of money. Mr. Caiola stated the firefighters do so much for the Township and make Lower Makefield Township a place people want to move to. Mr. Santarsiero stated several times in the last three years since he has been a Supervisor, he has had the opportunity to go out to the Fire House to discuss equipment needs and see what they do on a

day-to-day basis. He thanked them for the service they provide to the Township. He stated it was an honor to be at their banquet and be part of that celebration.

APPROVAL OF MINUTES

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Minutes of April 4, 2007 as written.

APPROVAL OF APRIL 4, 2007 AND APRIL 18, 2007 WARRANT LISTS AND MARCH, 2007 PAYROLL

Mr. Santarsiero moved, Mr. Caiola seconded and it was unanimously carried to approve the April 4, 2007 and April 18, 2007 Warrant Lists and March, 2007 Payroll as attached to the Minutes.

FLOOD DISCUSSION

Mr. Coyne, Public Works, was present and thanked everyone who was involved Sunday when there was close to 6" of rain. He stated he received a call in the morning because the detention basins were getting high. He stated this is what they are supposed to do when they are working well. He stated the crew did check these out and then checked the "hot spots" in the Township. He noted particularly the gymnasium at Charles Boehm School and the tributaries going to it. He stated considering the amount of water they had, it could have been worse. He stated he is aware that people did have water in their basements; but because the area is wet, and the water table is high, this does happen. He stated they worked closely with the Police Department and dispersed sandbags to the residents where necessary. He stated he left sandbags in some areas in case the River rose, but he feels they are now through the danger. He stated the Supervisors and the Township Manager were involved in helping as well. He stated they saw minimal serious emergencies.

Mr. Coyne stated the culvert on Black Rock Road originally was owned by the State of Pennsylvania; and when the Township took this over, the culvert was thirty years old which is usually the life of such a culvert. He stated the culvert did start to cave in, and they made temporary repairs since this road is needed to evacuate the area. He stated it is currently passable is being watched closely. He feels the Canal, the culvert, and the bikepath should be tied in together; and once that project is completed, it will be an improvement for safety purposes.

Mr. Majewski stated when he went out on Sunday around 4:00 p.m. he saw a sinkhole on Black Rock Road at the 48" pipe culvert east of the Canal, and immediately contacted the Police and Mr. Coyne's Department to bring out barricades as he felt they may have to close down the road temporarily. He stated they put a steel plate over the pipe which had collapsed so that vehicles could still travel over it, and this is still in place. He looked at the pipe today, and it appears the last 8 feet of the pipe on the south side has partially collapsed. He will walk through it tomorrow to see if they need to do anything immediately, but noted it will have to be replaced with a similar sized pipe or something slightly larger.

Mr. Fedorchak stated they had the entire Township Command Team activated at Noon on Sunday and followed the storm closely for 48 hours. It appeared by Monday evening that they were going to exceed the 20' flood stage, but this did not occur as they only got to approximately 18'7".

Chief Coluzzi stated the winds were the most dangerous aspect because of the number of trees which were down on River Road. He stated some did come down on power lines; and while there were temporary power outages, PECO responded quickly. He stated thanks to the quick response of the Road Department, there were no injuries as a result of the collapse on Black Rock Road; and within 24 hours, the steel plates were down, and they could open up Black Rock Road again.

Mr. Caiola thanked everyone for responding to the problems so quickly and making Black Rock Road accessible. He stated he did receive a call from a woman who was concerned about the water in back of Ivy Lane and asked if there was anything they should do in this area to insure that the water does not creep up even further to the houses. Mr. Majewski stated although the water is flowing well through the pipe, it is 1 ½' smaller on the downstream side because of the collapse. He stated he is going to look into the damage to the pipe culvert and see how quickly they can enlarge this. He feels this is part of the mitigation aspect in the FEMA Grant. He stated there is concern that if they release too much water from Ivy Lane, it could cause problems further downstream, and they will have to balance this.

Mr. Stainthorpe thanked everyone for their work during the storm.

Mrs. Godshalk stated she is on high ground, and she did get calls from neighbors about water in their basements. She asked the Township if they had names of those who were available to pump, and Mr. Habgood did provide a list of names. She stated she feels this information would be good to include in the next Newsletter. Mrs. Godshalk thanked Chief Coluzzi for arranging the emergency system noting she did get two phone calls, the first alerting her to the River rising, and the second calling for a voluntary evacuation. She noted both calls came from Nevada; and stated since some people may be afraid to

pick up an out-of-area phone message, something should be put in the next Newsletter that these calls are legitimate and should not be ignored.

Mr. Santarsiero thanked everyone for the work they did. He stated he was on site that night, and it was obvious things were getting done quickly. He particularly noted getting the sandbags to the residents in a timely way. Mr. Santarsiero asked if the work to be done pursuant to the Grant from the State, will include the collapsed culvert.

Mr. Majewski stated they are trying to get in touch with the DCNR consultant to determine their scope of work. He stated they are trying to work out the issue of jurisdiction of the Canal culvert. He stated it is currently owned by PennDOT, and DCNR would like to own it; and before they progress too far with the design, they need to determine who will own it as this will set the design standards. Mr. Majewski stated he is satisfied that the culvert is stable with the plate in place, but he will take a further look at it to see if they need to replace it immediately with a 48" pipe, or if they can wait for a little while.

Mr. Smith stated he was contacted by e-mail by a woman concerned with the appearance of the area where the Canal Interceptor project is taking place. Mr. Fedorchak stated he assumes she is referring to the equipment and materials Metra has left on the site. He stated Mr. Hoffmeister could discuss this later this evening and advise when they would expect the contractor to be out of the area.

Chief Coluzzi was asked to discuss the mechanics of the emergency phone calls. He stated they formulate a message, and call it into the Community Alert Network which is handled by the County. This is a computerized system, and the phone numbers are called by the computer and the message related. He stated the messages are broken down in the Township by Zone so that they only notify those involved in particular instances. He stated one hundred phone calls can be made in a few minutes. This is part of Emergency Management. Chief Coluzzi asked if anyone has changed their phone number or is not listed in the telephone book to contact the Police Department with their phone number so that they can be contacted in the event of an emergency. He stated they can also add cell phone numbers as well, so they can receive the messages if they are not at home.

Mr. Coyne stated north of Yardley, they lost power relatively early because of a tree which came down. He stated while PECO did respond quickly, the public should be aware that the Township cannot touch anything until PECO renders it safe.

Mr. Santarsiero stated they need to get in the back flow preventers. He stated they have been told that they will be in by the end of April, and it is very important that these are received and installed as quickly as possible.

Mr. Scott Burgess, 15 Glen Drive, Chairman of RAFT, thanked the Chief and the rest of the Township staff for their response. He stated the residents were very happy that the

sandbags were delivered. He stated Mr. Santarsiero and Mr. Caiola were on site, and the residents were very appreciative of that. He stated he has been in contact with Chris Benosky on the status of the Canal project. He stated there was a breach in the Canal in at least one spot; and had the dredging and other work been done, he does not feel there would have been any breach. He stated they are concerned about the road closure; and they hope that when they do the work on then Canal, they elevate Black Rock Road somewhat. He stated the information on Channel 22 was great, and the message about Black Rock Road was up quickly. He stated he feels it would have been better to keep the message on rather than replaying the last Board of Supervisors' meeting. He stated there was a phone number at the end of the message; and when he called that number, they could not provide any additional information.

Mr. Dave Ripka, 681 River Road, stated he was invited to New Hope for a presentation by the Delaware River Conservatory on flood issues. He stated over 350 people were present. He stated they explained that during the last flood, after the rain stopped and started to subside, it then started to come up again and no one knew why. They advised that they have since found out that there was over 90 billion gallons of water discharged from the dams up-State. He stated they had a power point presentation, and he would like to see them make this presentation to the Township. He stated many people have indicated the flooding is because of new construction up-River; but after hearing this presentation, he does not feel this is the case. Mr. Ripka was asked to provide information on this presentation to Mr. Fedorchak so that they could be invited to make the presentation to the Township.

APPROVE GARDEN OF REFLECTION ARBORETUM

Ms. Ellen Saracini, and Ms. Liuba Lashchuk were present. Ms. Saracini stated they are in the final phase of the Garden of Reflection arboretum at Memorial Park. She stated they have been meeting with the Park & Recreation Board since November. They had a vision of an arboretum for Memorial Park, and the Garden of Reflection Committee was happy to work on this with them. She stated they met with the Park & Rec Board last week, and they unanimously approved the design prepared by Ms. Lashchuk for the area. They have decided to emphasize certain trees specifically oaks. She stated Princeton Nurseries has donated 90 trees, and the Brickman Landscape Group has offered to plant them. They are soliciting for other plant material and work to be done.

Ms. Lashchuk showed the plan for the arboretum which will be a connection between the Memorial and the rest of the Park which has active fields, etc. She stated they have tried to create a filter between the two different areas. She stated experts in arboretums have suggested that when you work in a small area, you only select a certain genus; and in this area they will have seven different species of oaks. In the northwest, there will be a sweep of trees and a berm that will be conifers, and this will act as a windscreen.

They have also designed a mass of trees in one sweep that will create a dappled shade effect around an open meadow with a children's garden. There will also be individual larger specimens that they are trying to have donated. There will be walking paths made of pervious materials. They are using all native plants.

Mr. Caiola asked if they have gone back to the Park & Recreation Board, and if they are comfortable with shifting the fields. Mr. Santarsiero stated the main concern the Park & Recreation Board had was what would happen to the fields that were proposed for that area, and a compromise was worked out. He noted the work done by Mr. Majewski to accommodate this, and stated included in the packet was an overview of the Park as proposed with the arboretum in place. The softball field has been moved up to the northwest. The previous concern was that if the field were close to the arboretum, the home runs would go into the trees, and the foul balls could go into the parking lot. It was felt that by pushing the field back to where it is shown on the new drawing, the problem would be eliminated, and they could accommodate the arboretum.

Mrs. Godshalk stated the Approval should be as written in the Park & Rec Board's letter. She thanked Princeton Nurseries for what they have done for the community by donating 90 trees. She stated some of the other larger trees will be purchased by the Committee through donations. She stated they are also still seeking donations. She stated they have sold twenty-three benches. Within the Memorial, there will be 9/11 Victim benches; but within the Arboretum, they will be open to honor or be in memory of anyone. She stated as the Park is further developed, they will also need additional benches placed strategically within the Park. She stated people from all over are being honored on the benches.

Mr. Smith asked when this will be completed; and Ms. Saracini stated now that they have approval, they can proceed. She stated they have a commitment to have a large portion of the trees planted by the end of April. They are still working on trying to get help with the walkways. Mr. Smith stated there was a comment made that great Parks make great Townships, and he stated this is a great Park.

Mr. Santarsiero moved and Mr. Caiola seconded to approve the Arboretum pursuant to Item #1 in the 4/13/07 memo from the Park & Recreation Board to the Board of Supervisors. There was no public comment. Motion carried unanimously.

**APPROVAL OF RESOLUTION NO. 2144 RESOLVING THAT THE TOWNSHIP
WILL ADHERE TO THE PROVISIONS OF THE NATIVE PLANT ORDINANCE**

Mr. Santarsiero moved and Mr. Caiola seconded approval of Resolution No. 2144.

Mr. Stainthorpe stated at the last meeting he did vote against the Ordinance, but since it has been adopted, he feels the Township should follow it so he will vote in favor of this Resolution.

Mrs. Godshalk stated because they did not have this Resolution at the last meeting, she feels the matter needs to be introduced. Mr. Truelove introduced Resolution #2144 which mimics the Ordinance passed at the last meeting. He stated the most important portions would be Items #1 and #2 as follows: “Insofar as practicable, the Township shall make every reasonable effort to insure that all properties owned or controlled by the Township shall adhere to the terms of and employ the techniques of the Native Plant Ordinance,” and “Notwithstanding the foregoing, in the event that replacement of pre-existing non-native plants on properties owned or controlled by the Township is required or undertaken and suitable alternative or equivalent Native plants are not available, the Township may replace such non-Native plants with similar, non-invasive varieties of non-Native Plants.” Mr. Truelove stated this will allow the flexibility that was discussed in the Ordinance and does this for the Resolution for the Township-owned property including the Garden of Reflection.

Mr. Smith asked for an explanation of an Ordinance and a Resolution. Mr. Truelove stated an Ordinance is akin to a Township statute. A Resolution has the force of a Statute, but is actually the sense of the Township and directs the Township to follow it as opposed to something which requires public advertisement and has more of the force of Law.

Ms. Saracini stated she understands that the current Board of Supervisors is in favor of protecting the landscape design of the Garden of Reflection; but is concerned with Item #2 which states - in case there is an alternative, that plant should be planted. She stated they were asking that the Garden of Reflection be grandfathered in so that any plantings that are there now could be substituted with the exact same plant should they become compromised. She stated in the Ordinance it states that an expert would have to come out and a determination would be made whether or not a Native could be planted in that situation, and some of that same language is in this Resolution. She stated she felt the Board had indicated that it would be very specific with regard to the Garden. She stated their concern is that there not be an option for substitution of any plants with something that is not what is now there. She stated her concern is that fifty to seventy-five years in the future, this writing will not be specific and will not explain to those in the future that the Garden of Reflection is a landscape architectural element, and they could then substitute with a Native tree which would disrupt the whole design concept.

Mr. Truelove stated he feels the Resolution is directed to all Township properties, which does include the Garden of Reflection. He stated Waivers of certain requirements are not infrequently granted based upon requests. He feels a Waiver under these circumstances, if requested to the Board, would be met with approval; and he feels the Waiver could be

considered perpetual because it would be a Waiver for the actual plant itself. He stated a Waiver would be a request to the Board of Supervisors. Ms. Saracini stated she would like to submit this Waiver at the current time. She stated the Garden of Reflection is recognized by the State as the Official State Memorial, and she feels it needs some recognition of a very definitive description of how it is going to be maintained throughout future generations.

Mr. Santarsiero moved, and Mr. Caiola seconded to amend the Motion to approve Resolution #2144 with the following addition to Paragraph #3: In addition, as pertains to the Garden of Reflection at Memorial Park, all plantings which are of non-Native variety may be replaced by a similar non-Native species.

Motion to Amend carried unanimously.

Mr. Bray stated he has no problem with this Amendment; however, he would put in a qualifier that it be non-invasive. Ms. Saracini stated they are not interested in planting any invasives; but if one of the plants that is currently in the Garden is placed on the invasive list at some point in the future, she would be concerned with this. Mr. Smith stated he feels if this issue arises, he is sure that there will be good people who can resolve this issue.

Motion carried with Mrs. Godshalk opposed. She stated she voted against this at the last meeting because they had experts present who testified that the Ordinance should allow non-Native, non-invasive plants which would give a choice; and she still feels this way. Mr. Santarsiero stated there was only one man present from a landscaping company. Mrs. Godshalk disagreed.

DISCUSSION OF GLOBAL WARMING CONFERENCE

Mr. Santarsiero stated the Pennsylvania Land Use Coalition, which is an organization he is honored to serve as Chairman of the Board of Directors, is dedicated to fighting sprawl and working for more sustainable communities in the Philadelphia Region. He stated that organization will join with the Lower Makefield Environment Advisory Council to host a Regional Conference on global warming to take place on Saturday, May 19 from 8:00 a.m. until 4:00 p.m. The Conference will be held at Charles Boehm Middle School in Lower Makefield. The goal is to bring together in one place representatives from Municipalities in Montgomery, Bucks and Mercer Counties in an attempt to spread the word on the Mayors' Agreement and the Cool Cities Program both of which Lower Makefield signed onto at recent meetings. They are trying to get other Municipalities to do so as well. He stated they also would like to bring together educators from the same Region in an attempt to get them to work on a curriculum that could be used in the Primary and Secondary School levels to teach children about global warming and what

they and their families can do about making a difference on this issue. He stated they also want to bring together community groups and members of the communities to discuss what they can do to advocate for changes to help with this issue. He stated they have secured three experts who will speak on the issue in the morning session. He reviewed the backgrounds of the three speakers. The afternoon session will be break outs of the three different groups previously described to discuss what can be done, and they will wrap up with a discussion of a further meeting to take place four to five months in the future to see what progress has been made. He thanked Mr. Bray and others for helping put this Conference together. He stated there will also be vendors present to show energy-efficient products.

Mr. Stainthorpe asked how this is being funded and if there are tax dollars involved. Mr. Santarsiero stated the EAC has an Annual Budget of \$5,000; and they have agreed to fund half of the costs. The Pennsylvania Land Use Coalition will pay the rest. The Pennsbury School District is providing the space for free. They are working with other companies to try to provide refreshments during the day at no cost. He hopes that the most this will cost will be \$400 to \$500 to be split between the EAC and the PA Land Use Coalition. He stated this would not be unlike other Seminars which the EAC has put together in the past. Mrs. Godshalk asked if an RSVP is required. Mr. Santarsiero stated they did send out a "Save the Date" letter to the Municipalities as well as other potential participants, and they are still contacting some other individuals. They will then send out a more formal invitation, and this will have an RSVP on it. This is also listed on the Township Channel. Mrs. Godshalk asked that the RSVP be added to the Township Channel. Mr. Santarsiero stated the Board of Supervisors is invited to attend as well.

APPROVAL OF RESOLUTION NO. 2145 AUTHORIZING DESTRUCTION OF CERTAIN SPECIFIC RECORDS

Mrs. Godshalk stated the specific items to be destroyed should be attached to the Minutes.

Mr. Stainthorpe moved and Mrs. Godshalk seconded to approve Resolution No. 2145.

Ms. Cynthia Osofsky asked what records will be destroyed. Mr. Stainthorpe stated the Township is required to retain certain items for seven years; and after seven years, due to storage space, they are permitted to destroy them. These include Accounts Payable files, Invoice Entries, Cash Receipts, Purchase Orders, Sewer Invoices, Vendor Maintenance, Journal Entries, Bank Reconciliations, and Payroll Entries. Ms. Osofsky stated she wanted to make sure that no Zoning paperwork, riders, etc. were being destroyed; and it was noted these are not included and it is very specific by Law what can be destroyed.

Mr. Fedorchak stated in the case of Zoning Decisions, Ordinances, Resolutions, etc. the Township is required to keep those documents forever and are not allowed to destroy them.

Motion to approve Resolution No. 2145 carried unanimously as attached to the Minutes.

APPROVAL OF RESPONSIBLE CONTRACTOR ORDINANCE

Mr. Truelove stated this matter was discussed two meetings ago. He stated Mrs. Godshalk was not present at that time, and Mr. Stainthorpe had requested more time to review this. Mr. Truelove stated this Ordinance pertains to a process for contractors who want to do Township-related work. There is a dollar threshold listed of \$75,000 so it would be for larger projects. He stated in many ways it mimics State Law and includes additional language which would assist the Township when it has larger projects to require contractors to meet standards which will be for the benefit of the health, safety, and welfare of the Township residents.

Mr. Stainthorpe moved, and Mr. Santarsiero seconded to approve the Ordinance as written.

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

Mr. Smith stated they were going to follow up with something that would relate to homeowners dealing with private contractors. Mr. Santarsiero stated Geoff Goll, who is on the Environmental Advisory Council, had come to the Board regarding this matter because he had a bad experience with a contractor at his home. Mr. Santarsiero stated he would be willing to meet with Mr. Goll and complete a memo which could be a starting point for this, and Mr. Smith asked that they do so as soon as possible.

APPROVAL OF CANAL INTERCEPTOR RELINING PROJECT BID

Mr. Hoffmeister stated this is for Phase II of the Canal Interceptor Project.

Mr. Caiola moved and Mr. Stainthorpe seconded to award the bid for the Canal Interceptor Relining Project to En-Tech Corp. at a cost of \$773,245.20.

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

APPROVAL OF BID FOR ENGINEERING SERVICES FOR CANAL INTERCEPTOR PROJECT

Mr. Hoffmeister stated this would be the last item that CKS is involved in. He stated the entire Canal Interceptor project was considered to be CKS's purview last year. He stated considering what they have seen with Metra, he does not feel they will come close to the "not to exceed" amount.

Mr. Stainthorpe moved and Mr. Caiola seconded to award the bid for engineering services for the Canal Interceptor to CKS Engineers at a cost not to exceed \$67,500.

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

Mr. Smith stated a number of Supervisors received e-mails from a resident concerned with the appearance of the construction area at the Canal Interceptor project.

Mr. Hoffmeister stated this is a construction site. He stated approximately one and a half weeks ago, the contractor started the rehabilitation/restoration of the towpath and Canal area. He stated he did see an e-mail from someone asking when the fencing would be taken out. Mr. Hoffmeister stated this was put in at the insistence of the Pennsylvania Fish and Boat Commission to protect the red-bellied turtles. He stated it is being removed as they complete the towpath restoration. Mr. Hoffmeister stated it is not being removed as yet from the wetlands side of the easement as they need approval from Soil Conservation to do that. He stated the next phase will be to continue south to the comfort station in Morrisville Borough to restore the towpath. He stated with Phase II and the fact that there will be some trucks on the towpath, they may need to have that contractor do some additional restoration. Mr. Hoffmeister stated Black Rock Road will be restored and this includes the parking area where there is stone which will be spread. This will also occur on Ferry Road on both the DCNR parking area and the Township easement leading to the Ferry Road meter pit. He stated the weather conditions have caused some delays. They expect that the full towpath restoration, given good weather, should be completed by the middle of May.

Mr. Hoffmeister stated he has been contacted by DCNR relative to the Black Rock culvert and also the culvert that goes over the little creek east of the Canal. He added that as part of the restoration of Canal Towpath, the Township is in discussions with Metra to provide an emergency spillway in Morrisville Borough which would lead into a current pipe that goes underneath River Road. They anticipate this will have a cost factor but this is in conjunction with DCNR, Morrisville Borough and with the contractor. He feels this ties in with the hazard mitigation that was submitted by Schoor DePalma several months ago to PEMA and FEMA.

Mr. Caiola noted the \$2.8 million that had been released, and asked for a timeline as to when work would begin. Mr. Fedorchak stated DCNR has had their engineer on site and

have toured the Canal. He stated they are paying a great deal of attention to the aqueduct located in Yardley Borough by the Grist Mill, and it would appear that tentatively they are making that the number one priority. He and Mr. Majewski have been in discussion with them; and while this is all preliminary, he and Mr. Majewski are concerned that if they repair that aqueduct first, it will exhaust a great deal of the \$2.8 million. He stated they have started to have discussions on this and have reached out to Mr. Steil for his assistance. Mr. Santarsiero stated that money was not intended for that work and was intended for the dredging, the culvert, and work on Lock 5. Mr. Fedorchak stated that is their position so it was a surprise to them that they established that tentatively as their number one priority.

AWARD BID FOR INSTALLATION OF TRAFFIC SIGNAL AT YARDLEY-NEWTOWN AND CREAMERY ROAD

Mr. Majewski stated the Township received one bid for installation of the traffic light at Yardley-Newtown and Creamery Roads. Together with the coordination with the traffic signal at the intersection of Yardley-Newtown and Mirror Lake Road, Armour & Sons Electric is the low bidder. Mr. Majewski stated this is also funded by a Grant from the Delaware River Joint Toll Bridge Commission.

Mrs. Godshalk moved and Mr. Stainthorpe seconded to award the bid for the installation of a traffic signal at Yardley-Newtown and Creamery Road to Armour & Sons at a cost of \$98,276.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road and 1029 Creamery Road, asked if the traffic light will have sensors so that if there is no traffic on one of the other roads, the light will change; and Mr. Majewski stated it will. Ms. Torbert asked if there will be any road widening, and Mr. Majewski stated there will not. Ms. Torbert asked if Mr. Majewski is handling this project, and Mr. Majewski stated the design was done by PCS and approved by PennDOT, and his office only handled the bidding process.

Ms. Torbert stated she feels the problems they currently have at the corner will only be exacerbated when the light goes in. She stated cars are lining up on Creamery to make a left onto Yardley-Newtown Road; and since a right turn on red will be permitted, cars will be beeping their horns because they want to make the right onto Yardley-Newtown Road and want cars making a left to get out of the way. She stated the cars will not be able to make a left because they have a red light. She stated there is only room for one or two cars to squeeze by to make the right; and since there is not going to be any road widening, she is concerned that there will be back ups and additional honking of horns. She stated she has a tenant living in the small house right on the corner, and this will be very problematic for their tenant.

Mr. Caiola stated he feels that there will be less horn honking since there is a light. Ms. Torbert stated she would hope there would be some fresh road markings and possibly a sign. Mr. Smith noted Ms. Torbert is on the Citizens Traffic Commission, and once the light is installed, the Commission could look at it to see if there is a problem; and if so, possibly they could recommend a solution to the Board of Supervisors. Mr. Majewski stated they do plan to have the markings refreshed and/or revised to fit the new traffic pattern.

Ms. Torbert asked if anything will need to be installed on her side of Yardley-Newtown Road, and Mr. Majewski stated the one traffic signal pole for the signal on Yardley-Newtown will be on her side of the road. It will be installed within the right-of-way back a sufficient distance that PennDOT feels is safe. They typically spot the pole in the field where they feel the best location will be. Ms. Torbert stated she has had a problem with Armour locating electrical equipment in the past. She stated they installed the light at Mirror Lake, and there was a problem with them locating their electrical lines right on the right-of-way. She stated they asked them to relocate them, and they refused. Mr. Majewski stated they will advise them to say within the right-of-way.

Motion carried unanimously.

APPROVE CONSORTIUM FUEL OIL BIDS

Mr. Fedorchak stated the staff recommends award of fuel oil bids as presented.

Mr. Stainthorpe moved and Mr. Santarsiero seconded to award the Consortium Fuel Oil Bids as presented by Mr. Fedorchak.

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

UPDATE ON MARRAZZO'S MANOR LANE FLORIST AND GARDEN CENTER

Mr. Smith stated at the last meeting there was discussion on the Garden Center, and the Board indicated the Township would look into this further. Mr. Fedorchak stated at the conclusion of the last meeting, he provided his staff with the DVD of the last Board meeting and both Nancy Frick and Robert Habgood were asked to review thoroughly all the comments made by the residents and to provide a response to every item.

Mr. Truelove stated Ms. Frick and Mr. Habgood have been very busy discussing this matter with Marrazzo's and addressing some of the other issues related to this.

Mr. Truelove stated he also researched the Township records and reviewed the 1957 and 1972 Zoning Hearing Board Decisions which the Township does have in its possession with respect to prior Applications at this same property. Mr. Truelove stated Ms. Frick and Mr. Habgood have worked extensively on this project and continue to do so. He stated they met with Mr. Mike Marrazzo shortly after the last meeting and again since that first meeting. Mr. Truelove read portions of the letter from Nancy Frick, Zoning Officer and Director – Zoning, Inspections & Planning and Robert J. Habgood, Code Enforcement Officer, dated 4/16/07 listing the different complaints, the response, and the Township commitment where applicable (Attached to the Minutes).

Mr. Truelove stated with regard to trucks at the facility, if they are on a location on Sutphin Road or some other location where they should not be located and are blocking traffic or making sight lines difficult, the Police could be called under those circumstances. With regard to the lawn mowers on the property, Mr. Truelove stated as part of his review of the history of the property, it was noted as early as 1957 that the sale of lawn mowers was a permitted use in this non-conforming area. With regard to piles of stone and mulch, Mr. Truelove stated if there were peat moss or mulch which could emit noxious odors, certain actions have been taken in the past; and if this occurs, the Township should be notified and they would follow up on this as has been done in the past. With regard to the lights at the property, Mr. Truelove stated they have not been advised or seen that the lights are on at inconvenient times. With regard to impervious surface, the Marrazzo's are being required to submit plans, and the Township cannot make a specific determination at this time until they see what the Plans demonstrate. He stated they will follow up on this. With regard to the complaint about garbage on the site, Mr. Truelove stated while at the time the staff visited the site a determination was made that no garbage existed on the site; as time goes on they will monitor this and take appropriate steps if necessary. With regard to the rocks/stone being stored, Mr. Truelove stated it has been determined by the staff that there is no Zoning violation. He noted his research also showed that this was a long-standing practice according the prior Decisions he read.

Mr. Truelove stated Marrazzo's is now required to submit an As-Built Plan and will have to appeal to the Zoning Hearing Board for a Variance with respect to the greenhouse encroachment to the 100 foot setback if the As-Built Plans so demonstrate.

Mr. Majewski stated they will need to supply sufficient information to evaluate what relief might be needed. Mr. Truelove stated the Township cannot predict what kind of Variances may be required until the As-Built Plans are submitted.

Mrs. Godshalk stated generally an As-Built is for a new property that is brought in to the Township to be approved to make sure it conforms with the lot that was approved in the original Plans. She stated this has been added onto for so many years, she feels it would be hard to come up with this. She stated they need a complete plan of the property showing what they intend to do.

Mr. Truelove stated Marrazzo's is now required to submit engineering and architectural plans in support of whatever Variances they may need and submit the Application necessary. He stated he did review the 1957 and 1972 Zoning Hearing Board Decisions noting a Garden Center and Nursery have been on the property for decades; and in fact, the property has been used to some extent for some of these activities since 1767, and was part of the Moon Nurseries area. He stated the building was added onto with the approval of the Zoning Hearing Board. In 1957 it was increased by 100% of the then existing space; and in 1977, it was increased several thousand square feet. Mr. Truelove stated the Township will continue to be vigilant. Mr. Truelove noted the Township has one Director of Licenses and Inspections – Ms. Frick, who is very busy with numerous projects and one Code Enforcement Officer – Mr. Habgood, who is likewise busy; but they have spent a substantial amount of time on this and will continue to do so to monitor this situation.

Mrs. Godshalk stated while Mr. Truelove has referred to Applications for 1957 and 1972, she knows that this has come before the Board in the last fifteen years; and there are further Decisions which have been made especially on the greenhouse that has been now removed. She stated there has been a lot of action on this before the Zoning Board, and she questions where this is. Mr. Truelove stated in 2004 Mr. Koopman, the prior Township solicitor, had met and discussed some of these issues at the request of Mr. Santarsiero; and attached to his letter of October 20, 2004 which was a historical reference, it included the 1972 Decision, letters to Marrazzo's in 1984 from Peter Petrino, who was Ms. Frick's predecessor, a letter from Joseph Marrazzo dated September, 1992, a letter from a representative for Sutphin Pines dated November, 1992, and a letter dated 1990 specifically about moving peat moss that was within the right-of-way, and a request by Ms. Frick to relocate the pile to a storage area elsewhere on the property, but no other specific formal Decisions. There has been communication among the Township, Marrazzo's, the neighbors, etc. Mrs. Godshalk stated she feels something is missing. Mr. Stainthorpe stated there was an Appeal before the Zoning Hearing Board for the cell tower. Mr. Truelove agreed but added that was not related to these issues. Mrs. Godshalk stated the expansion to the greenhouse was very much on the Agenda. She stated before that, there was only a little extension. Mrs. Godshalk stated Mr. Marrazzo may have these records.

Mr. Mike Marrazzo and Mr. Anthony Marrazzo were present. Mr. Mike Marrazzo stated they were 100% wrong not to have a Permit. He stated the greenhouse was not taken down, although glass was taken off. He stated they went out 12'; and they have discussed this with the Township, and are following the direction to get the As-Built. They have two architects and they should have one copy coming back tomorrow or Friday. He stated another engineer is working on a handicap access and on parking so that 20% of their parking is handicap accessible. With regard to the impervious surface, they will answer this in the As-Built that is being prepared by All-County.

The calculations will be submitted. He stated they do have blacktop and a lot of stone area, and from what he understands the stone area is an impervious area.

Mr. Truelove stated 92 parking spaces were approved years ago, and Mr. Mike Marrazzo stated he does not feel they have 92 parking spaces.

Mr. Smith stated no one wants to put anyone out of business, but they want them to be good neighbors. He stated they have been at this location longer than anyone present, but they still want them to be good neighbors.

Mr. Caiola asked the direction of the 12' expansion, and Mr. Mike Marrazzo stated it was 12' from the back of the property toward Yardley Road. Mr. Caiola stated this is a substantial mistake when they are building something this big.

Mr. Stainthorpe stated he feels they run a good business and are an asset to the community, but they need to follow the Permit process; and he feels this is the start of working out this process.

Mrs. Godshalk noted the schematic that was provided by the Township engineer, and she stated when the new road was put in, there was no stop sign so this is probably a few years old as there is now a stop sign. She stated this Plan shows trees in the front and some grass and it looked nice and fit in with the neighborhood. She stated there is currently no room to park because of all the piles. She stated they have evolved from Manor Lane Florist in Morrisville and turned more from a neighborhood gardening shop into something that is more commercial. She stated it was always commercial but it is now more of their landscaping and outdoor business which seems to be on this property. She stated when the greenhouse was approved it was for hanging plants. She asked when this was approved, and Mr. Marrazzo stated it was in 1985. Mrs. Godshalk stated that approval was given as a certain percentage increase of the current business. It was suggested that they might not have had to go before the Zoning Hearing Board; and Mrs. Godshalk stated they did have to because it is a non-conforming use. She asked if it is true that the Township cannot find this. Mr. Truelove stated nothing about this was in the material he was provided, and in Mr. Koopman's 10/04 letter there is no reference to any 1984 Decision. He stated the only Decision he referenced and the last formal Decision Mr. Truelove saw was the 1972 Decision. He stated in October of 1984 there is a letter from Mr. Petrino. He stated they would have to look at Township meeting Minutes. Mrs. Godshalk asked if they have Zoning meeting Minutes, and Mr. Truelove stated they did have Minutes for the 1957 and 1972 Decisions. Mrs. Godshalk stated it appears they have not looked in 1985, and Mr. Truelove stated he will ask the staff to follow up on this.

Mr. Caiola asked about the 92 parking spaces and asked who felt there were that many spaces. He stated he does shop there and feels they do need parking as it is nowhere near what it should be. He asked if they have taken any parking spaces out in the last few years because of the installation of more pallets of material or trees; and Mr. Mike Marrazzo stated the back parking area is where the employees park and they have put in bins and park the trucks inside the bins. They have not taken out any parking from the front parking lot. He stated he agrees that they do not have 92 parking spaces as that would take up all of the property. Mr. Truelove stated in the 1972 Decision and Findings of Fact #16 states "Appellant proposes parking for 92 cars," and Mr. Truelove stated he feels it was approved for that at the time with the compromise Decision. Mrs. Godshalk stated it was completely retail in those days, and the whole business has turned around from retail to commercial. Mr. Truelove stated in 1972 the Findings were for Garden Center, Landscaping, and Nursery; and the Garden Center and Nursery operations were allowed to expand, but the landscaping was not.

Mr. Mike Marrazzo stated they have done landscaping for the last twenty-five years, but they have no landscaping trucks parked at the Garden Center, and do all their landscaping from their Morrisville location. He stated they have no landscaping trucks parked at the Garden Center. He stated they have ten trucks which are run out of Morrisville and fifteen mulch bins. He stated the trucks do come to the Garden Center to pick up plants but do not pick up bricks, mulch or employees from the Yardley Road property.

Ms. Cynthia Osofsky, 1308 Yardley Road, noted the issues raised by Mr. Truelove. She stated with regard to the neon lights and the comment made that lights have not been used since November, 2006; she stated neon lights are on every night all night, although they are not technically outside. She stated they are inside; but it is a fully glass wall in the front, and she can see the neon lights on at 5:30 a.m. She stated there is much more lighting in the original nursery part as well. She stated someone will have to go to the location in the middle of the night on an ad hoc basis to verify that what she is saying is true. Ms. Osofsky stated in terms of the area being cordoned off, that is not true. She stated while she has not been on the property, it is possible that when you go into the flower shop, you cannot go into the big greenhouse. She feels it is much more than 12' larger than it was previously. She stated it had been hardly noticeable and now it is a huge structure. She stated there is no cordoned-off area, and there is merchandise all in the area; and on the weekend she saw individuals in there. She stated since there was no Permit approved, and no inspections done, she is concerned that people are shopping there, and the roof may collapse, and the Township could be sued.

Ms. Osofsky stated with regard to the water issue, one of her neighbors has not had water in her basement for twelve years; but had water in her basement on Sunday. Ms. Osofsky stated the water comes from Marrazzo's property and goes into her own driveway and into her basement. She stated when the arborvitae was in front of where the sod is currently located, it did soak up something. She stated she does not feel that in 1957 they

had the huge mowers that they are selling now. She stated there is advertising in the Philadelphia Inquirer which lists it as Marrazzo's Power Equipment. She asked where the Township will draw the line. She stated the machines are not put in the back at night; although they are taken off the right-of-way and put in front of the "eyesore" building. She stated the issue of public safety is the primary concern as there is a building that was not inspected. She stated her property values have also gone down.

Mr. Kundra stated he personally is not looking to put them out of business. He stated he has been a good customer of Marrazzo's for years. He stated they are looking for them to be good neighbors. He stated they have indicated there are no landscaping trucks or landscaping operation there but he saw a dump truck parked in the mulch bin for the last three to four days with the back up so the water drains out. He stated he feels these trucks could be pulled around back at the end of the day. He stated the business has grown substantially; and while this is part of being in business, he feels they should work together in the neighborhood. He does not feel there is a need to have five to seven large tractors out front in the green space. He stated he feels a fence would be better than looking at all these tractors and neon signs. Mr. Kundra stated there is a document that is missing that spelled out what they can do. He stated for a while they also had large banners up front which were unsightly. He stated they have also put up tents. He stated at the end of the day the Marrazzos go home to their own homes where there is no mulch, signs, etc; but this is their neighborhood, and their property values have decreased.

Ms. Osofsky stated when she moved to the neighborhood two and a half year ago, her daughter worked at their store at Christmas. She stated she has also used them in the past for snow plowing, and purchased all her plants there. She stated it was a totally different look when she first bought her property. She stated in the last two years it has gone from a nice neighborhood nursery with a little bit of commercial stuff to an industrial supply company.

Mrs. Godshalk stated they are asking no more from Marrazzo's than they ask from people coming into their other Commercial areas regarding buffering and setbacks, and she feels they should follow the rules.

Mr. Smith stated they will have to go through the approval process. He also feels the Township may want to go out and inspect the building since there has been no inspection. Mr. Fedorchak stated they will follow up on the concerns raised. He stated they will visit the site tomorrow and make sure that the public cannot access the section that was not inspected. He stated the Code Enforcement Officer will be asked to take pictures of this section. Mr. Smith asked that the Marrazzos give consideration to what they can do to reasonably address some of the concerns raised by the neighbors. Mr. Smith stated they will reconsider this in the near future and provide an update.

Ms. Betsy Arnell stated she lives across the street, and there is concern with the noise and the lights. She stated the lights are on all night and are coming into her home. She stated there is also noise all day. Ms. Osofsky stated the sweepers are also there at 6:00 a.m.

Mr. Truelove stated Mr. Kundra indicated a document was missing, and Mr. Truelove stated it is the Notes of Testimony from the 1972 Hearing (the stenographic record) which are unavailable, but the Decision and Order (Findings of Fact) are available.

Mr. Mike Marrazzo stated if he had a problem with his neighbors at his home he would try to meet with them; and he would be willing to meet with everyone tomorrow to look at all these items as neighbors along with the Township at the same time. He also offered to provide lunch. Mr. Smith stated they appreciate this offer. Ms. Osofsky stated she did not feel this was appropriate since they are a business. She feels the Township needs to take care of things and Marrazzos needs to correct what they have done. Mr. Smith stated he feels they can do both and work together.

Mr. Smith agreed to provide an update on this in the future and will make sure that the residents are advised when they have this on the Agenda.

APPROVAL OF REVISED LAND DEVELOPMENT PLAN FOR LIBERTY PROPERTY TRUST

Mr. John Fenningham, attorney, was present with Mr. Tony Nichols. Mr. Truelove stated they will present alternatives that were presented to the Planning Commission.

Mr. Fenningham stated the Application before the Board of Supervisors was filed on January 19, 2007. It is an Application for a Revised Final Plan. He stated this building and the site have been improved; and the Final Plan was approved in July, 2004. A Plan was shown of the site as it exists. The Approval granted in 2004 allowed for 132,000 square feet. A Record Plan was filed and recorded in August, 2005 because the Applicant did not build to the size that was approved; and in fact, reduced the size to 116,000 square feet as is shown on the Plan this evening.

Mr. Fenningham noted the north end of the site which is relative to the Zoning Hearing Board's grant of a Special Exception. He stated they wish to install a driveway or drop-off area; and a number of Alternative Plans have been presented. He stated the Applicant filed this because the building, though constructed since 2005, has not been occupied. He stated they went before the Zoning Hearing Board for a Special Exception to allow for joint use. He stated General Office had been approved under an O/R Zoning classification. On January 3, 2007, the Zoning Hearing Board granted the request for a Special Exception to allow the joint use with two Conditions: one was that the Medical Office Use would be limited to 30,000 square feet, and the second was that it would be at the north end of the building.

Mr. Fenningham stated the Applicant then filed the Application currently before the Board to complement the Medical Office Use to bring the patients to the door at the north end. Mr. Fenningham stated a circular drive was proposed to allow patients on the passenger side of the car to be dropped off at the door. The Plan depicting the circular drive was shown. This Plan was reviewed extensively with Mr. Majewski, and what resulted from that review was referred to as the JRM Plan, and that Plan was presented to the Planning Commission with some modifications on 3/20/07. Mr. Fenningham stated the Planning Commission asked that they consider further issues dealing with the configuration of the driveway. They did this and returned to the Planning Commission on 4/9/07. Two Plans were addressed at that time including a revised JRM Plan and an Alternate Plan which was proposed to the Applicant by the Planning Commission; and this Plan is referred to as the Option 1A Plan. This is a different configuration of the effort to bring patients and the disabled closer to the north end door. Mr. Fenningham stated the Revised Option 1A Plan was revised to complement the original Option 1A Plan, and this is the Plan that the Planning Commission approved with a vote of four to one on April 9. Mr. Fenningham stated the Applicant indicated to the Planning Commission, and indicates tonight, that they are ready to go forward with either configuration but prefers, for the purpose and benefit of the patients, to have approval for the circular driveway or the Revised JRM Plan.

Mr. Fenningham stated they would like to go forward with the tenant occupants that will include two medical practices moving to the location. He stated Ms. Frick has advised today that the Building Permits to allow for the tenant improvements inside have been approved and are ready for pick up.

Mr. Fenningham stated the Planning Commission did recommend that there be a reversal of the Waiver that was approved in 2004 for sidewalks on Township Line Road. In lieu of the sidewalks, the Applicant paid the Township close to \$24,000. The Planning Commission recommended that this be rescinded, although the Township solicitor has indicated that the Waiver was perpetual. If it is rescinded, the Applicant's position would be, and he feels the law would require, that the Fee and accrued interest should be refunded to the Applicant who would then install the sidewalk on the front of 777 Township Line Road, recognizing that the sidewalk would not connect to anything on either side.

Mr. Fenningham stated their proposal is a Use by right with a Special Exception for the joint use. He added that the tenants' existing Leases expire June 30.

Mr. Stainthorpe stated he does not feel rescinding the Waiver for the sidewalks makes sense since this is not a walking road, and there are no sidewalks on either side. Mr. Stainthorpe stated he would be in favor of approving Option 1A. He stated he assumes the drop-off spots are just that and you could not park there for more than ten minutes; and Mr. Fenningham agreed with one exception, noting there is a disabled

parking area in this location as recommended by Mr. Majewski. Mr. Majewski also recommended two paths from the perimeter parking into that drop-off area, and these are included in the proposed Plan.

Mr. Smith asked why they wanted to change it from a circular driveway to what is shown in Option 1A. Mr. Majewski stated the Planning Commission voiced concern with the circular drop-off plan as you come in from the main entrance off Township Line Road, you would have to make a right into one parking lot, then a left, and another left before you get to the drop-off. They felt the pattern was convoluted. Mr. Fenningham stated the reason the Applicant had proposed this was to drop the patients off at the passenger side of the door.

Mr. Smith asked the type of Medical Offices, and Mr. Fenningham stated it is Yardley Medical and Bucks County Internal Medicine, both associated with the University of Pennsylvania.

Mr. Stainthorpe moved and Mr. Santarsiero seconded to grant Approval of the Amended Final Land Development Plan dated 7/14/03, last revised 4/12/07 otherwise known as “Amended Plan 1A,” subject to the following Conditions:

- 1) Compliance with the grant of Special Exception and Conditions related to same from the 1/3/07 Lower Makefield Township Zoning Hearing Board Decision, which is incorporated by reference in its entirety;
- 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, authorizations and/or approvals from all agencies with jurisdiction where applicable, including, but not limited to PennDOT, NPDES, PADEP, the Bucks County Planning Commission, the Bucks County Conservation District, and the Lower Makefield Township Environmental Advisory Council;
- 4) Compliance with the review letter of James V.C. Yates, Fire Protection Consultant, dated 3/6/07;
- 5) Compliance with review letter of Schoor DePalma dated 2/15/07, with reference specifically to references to storm sewer design report prepared by Fore Site Land Services, Inc., dated 7/14/03,

last revised 1/12/07, and Erosion and Sediment Pollution Control Narrative and Storm Water Management Report, also prepared by Fore Site Land Services, Inc., dated 7/14/03, last revised 1/12/07;

- 6) Where not otherwise specified herein, compliance with the Lower Makefield Township Planning Commission letter memorandum dated 4/10/07, from Nancy R. Frick, Director of Zoning, Inspection & Planning;
- 7) Compliance with Traffic Impact Review report prepared by Captain Thomas Roche of the Lower Makefield Township Police Department, dated 3/27/07;
- 8) Compliance with all applicable Ordinances and regulations where required and not otherwise referenced herein;
- 9) Funding and execution of Development and Financial Security Agreements;
- 10) Where applicable, Applicant shall comply with all comments from the appropriate authorities responsible for approval of the proposed utility; and
- 11) Waivers to be granted to the extent referenced in the respective review letters and reports, noted above.

Mrs. Godshalk stated when this property was originally granted its use, it was a water-bottling plant which had nothing coming into the location other than their trucks and a few employees. She questions whether they have looked at the traffic patterns on the road as they now may have thousands of people a day coming to this location, and there are no traffic signals coming in and out of here. Mr. Fenningham stated there was a letter from Captain Roche indicating that from looking at the Plan, there were no additional concerns with traffic along Township Line Road. Mr. Fenningham also noted Page #8, Paragraph #30 of the Development Agreement which sets a Condition that five years after full occupancy, there would be a review of incidences along Township Line Road and an analysis at that time whether there should be some traffic controls, berms, etc. Mr. Santarsiero stated that issue was a major one in 2004 when this first came before the Planning Commission. Mr. Santarsiero stated the road currently has traffic problems, and this facility will add to that as will the facility across the street and any future office buildings in the area.

Mrs. Godshalk stated the Planning Commission wanted the sidewalks to go in, and they need to look at this in a regional way. She stated there is going to be a restaurant put in across the street to service people in their building; and possibly people from this side may want to go over to that as well. Mrs. Godshalk stated depending on what happens in the future, a sidewalk might be a good idea recognizing that at the current time, it would not go anywhere. Mr. Smith stated the restaurant she has referred to is more akin to a **cafeteria/commissary** with 48 seats to service the people in the building which should help alleviate some of the traffic by people not going out for breakfast and lunch. It will have limited hours, and will not be open on weekends. He questions if they would want to put in a sidewalk which may encourage people to walk across the street, noting he would prefer to leave it as it is.

Ms. Karen Friedman, Planning Commission, stated the Planning Commission felt a sidewalk would be useful since the age-restricted community is nearby, and they might make use of this new medical facility and use them as their physicians. The sidewalk would provide an access to this use. Mr. Smith asked if there are any areas where they would have to walk to get to the sidewalk. Mr. Fenningham stated he feels the installation of this sidewalk could promote pedestrians going onto the shoulder of the road to get to the sidewalk. Mr. Santarsiero asked the distance from the age-restricted community to where someone could reasonably enter the property were they to walk; and Mr. Majewski stated the age-restricted property is the area west of the triangular portion and the nearest units are a few hundred feet away and is the yard area between the units. He stated if they were to put in a sidewalk, they would have go between the units to get to the sidewalk which would enter somewhere near the pond. He noted it is also another Municipality.

Ms. Virginia Torbert, Citizens Traffic Commission, stated they were not involved in this but she was at the March Planning Commission meeting; and she asked if they are approving the version that the Planning Commission recommended, and Mr. Stainthorpe stated they are. Ms. Torbert stated she agrees that the circular drive plan was a very convoluted set up. She stated she does not feel they should install a sidewalk at this time with this development and get involved in rescinding the Wavier, but noted the Citizens Traffic Commission is going to look into sidewalks throughout the Township to make them pedestrian friendly; and she does feel there is merit to the idea of putting a sidewalk on this street and talking to Middletown about having them install one as well.

Mrs. Godshalk stated that on approval, the money they have already given should be put into a special escrow account for future sidewalks. Mr. Truelove stated since the developer has already paid the money, it would be up to the Township how they would allocate those funds. Mr. Truelove stated this would not be something that is part of the development approval.

Motion carried unanimously.

Mrs. Godshalk moved and Mr. Stainthorpe seconded that the money that was already paid to the Township be put into a separate account and take the suggestion of the Citizens Traffic Committee and other people coming in there that could be coming in so that someday they will have access.

Mr. Stainthorpe asked if the funds have already been spent. Mr. Fedorchak stated he is not certain how much was received and whether there were any restrictions placed on that money. He stated he would like to research this and report back to the Board.

Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to table.

APPROVAL OF EXTENSION FOR FIELDSTONE 496-N (HARRIS FARM) FIELDSTONE 549 (HARRIS FARM), AND GATHERINGS AT YARDLEY SUBDIVISION

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to grant an Extension for Fieldstone 496-N (Harris Farm) to July 19, 2007.

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to grant an Extension for Fieldstone 549 (Harris Farm) to July 19, 2007.

Mr. Santarsiero moved, Mr. Caiola seconded and it was unanimously carried to grant an Extension for Gatherings at Yardley Subdivision to 8/2/07.

ZONING HEARING BOARD MATTERS

With regard to the Darthea Muth, 1258 Woodthrush Road, Variance request to construct an addition resulting in encroachment into the side yard setback, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Mr. & Mrs. Dane Springer, 615 W. Melissa Circle, Variance request to construct a portico resulting in encroachment into the front yard setback, it was agreed to leave the matter to the Zoning Hearing Board.

SUPERVISORS' REPORTS

Mr. Santarsiero stated the Park & Recreation Board is going to move forward with putting together a Plan for the Samost Tract. He stated the Environmental Advisory Council is working diligently on the Global Warming Conference. He stated the Citizens

Traffic Commission had its most recent Public Hearing primarily about issues in the southeastern part of the Township, and there were discussions with respect to Ferry Road and Pine Grove Road. He stated participation at the Hearings has been good. The third Hearing will be the third Monday in May.

Mr. Caiola stated the Citizens Budget Committee met and discussed the earned income tax question which will be on the ballot in May. He stated all five individuals felt that for Lower Makefield's purposes, and in general for Pennsbury purposes, it is a tax that will negatively impact the residents.

Mr. Smith stated the Elm Lowne Committee is still looking for interested residents to serve on this Committee. He asked that those interested submit a letter of interest to the Township Manager. Mr. Smith stated the Special Events Committee is moving ahead on plans for the Spring Fling to be held on Sunday, May 6. It will be held at the Elm Lowne property. He stated the Elm Lowne Committee has been working with the Special Events Committee on this as well.

OTHER BUSINESS

Mr. Dave Shoneman, 198 Cinnabar Lane, thanked the Board of Supervisors for their continued support for the re-Districting effort that the parents are continuing to fight. He stated the vote is tomorrow. He stated he is very pleased by how seriously the Board of Supervisors takes Zoning issues, and he is concerned about the impending renovations at Makefield School. He stated the various plans of the District include moving the Administrative Offices and special classes to the basement, noting special classes could include a media center, art, music, the cafeteria, and possibly the library. Mr. Shoneman stated it could involve an expansion of up to 6,000 square feet. He stated he is concerned about the impact on taxes of this plan. He stated he was encouraged by the way the Board of Supervisors handled the Marrazzo's issue, and stated possibly the Board could suggest to the Pennsbury School District that they get together with the Township including the Supervisors, Zoning Commission, and the residents around the Makefield School before they eventually come up with a Plan that may someday be submitted to the Township to decide what the issues are before they occur.

Mr. Stainthorpe stated there are some legal issues with that suggestion that could possibly negatively impact the Board of Supervisors' ability to direct this. He stated the Supervisors are not permitted to comment on any Plan before it is submitted; and to do so could prejudice their judgment, and they could become less effective and lose some leverage. He stated the Pennsbury School District could be encouraged to come before them with Sketch Plans, and this would then be open to public comment and would go through the regular process with the Planning Commission.

Mr. Smith stated in Lower Makefield Township when they work on things, they start from the bottom up; and at the School District it seems to come from the top down with limited citizen input. He asked when it does come to the Township, will it go to Zoning or Planning first; and Mr. Majewski stated they could take either path. He stated they could choose to get Zoning relief first and then apply for Land Development; however, the preferable option would be to come to the Township with a Sketch Plan before they get too far along in the process. Mr. Smith stated when this does happen, anyone in the effected area would be notified. Mr. Smith asked Mr. Fedorchak to notify not only the residents surrounding the Makefield School, but the other School PTOs as well when this does come in.

Mr. Shoneman stated he is concerned with the spot re-Districting Plan that may be voted in tomorrow night. He stated the Pennsbury School District presently has three regions, and there are three Board members in each of the three regions. He stated when they put the Plan into place people who live in Region 1, their children will go to a Region 3 School. He stated while they are all Pennsbury Schools, the Board members report to their constituency; and a person living in Region 1 would have no impact on a Region 3 Election. He stated everyone should be aware of this recognizing that there is a Primary in approximately one month.

Mr. Smith stated Mr. Truelove is an expert on School District Law. Mr. Truelove stated he is familiar with the Decision by Judge Biehn in 1992 which established the Regions as they currently exist. Mr. Smith did forward Mr. Shoneman's e-mail but he has not yet reviewed this completely. If directed by the Board, he would agree to look into this further. Mr. Stainthorpe stated he is not sure directing the Township solicitor to look into this is proper. Other Supervisors agreed.

Mr. Shoneman asked how they feel about the earned income tax, and Mr. Smith agreed to answer this during Public Comment at the next meeting.

DISCUSSION OF "WELCOME TO LOWER MAKEFIELD TOWNSHIP" SIGNS

Mr. Smith stated a number of residents have expressed concern that when coming off I-95 there is no identification that you are in Lower Makefield. Mr. Smith stated they could consider the type of signs they want at the various entry points.

Mr. Stainthorpe stated Ms. Liney has some expertise in buying signs for the various Parks, and he feels the Township Manager should be directed to have his staff recommend locations and come back with potential costs.

Mrs. Godshalk stated she agrees they should come up with a proposal for a simple welcome sign with an "Established" date.

APPOINTMENTS

Mr. Caiola moved, Mrs. Godshalk seconded and it was unanimously carried to appoint Nancy McHenry and Doreen Albahary to the Historic Commission; Joe Grohowsky to the Special Events Committee; Rick Ewing as an Alternate to the Environmental Advisory Council; Gerry Gruen to the Zoning Hearing Board, and Scott Weaner to the Citizens Traffic Commission.

Appoint Representative to the Bucks County Delaware River Flood Task Force

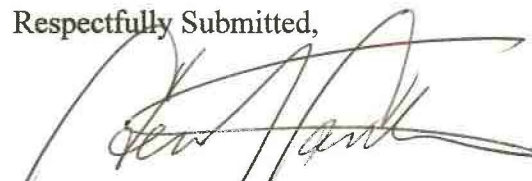
Mrs. Godshalk moved to appoint Scott Burgess as the representative to the Bucks County Delaware River Flood Task Force. Mr. Smith stated he feels they want someone from the Municipality; but Mrs. Godshalk stated in the letter it indicated it could be a citizen.

Mr. Dave Ripka, 681 River Road discussed the Delaware River Conservatory which is made up of civilians and stated many of the members have been ill treated by their Supervisors in their Townships; and he was pleased to be able to tell them how well the Lower Makefield Supervisors treat their residents. He stated he feels it would be good to have a flood victim on the Bucks County Delaware River Flood Task Force. Mr. Smith stated since Mr. Burgess is not present at this point this evening, he feels they should have a list of those willing to serve; and they can appoint someone at the next meeting. Mr. Ripka stated he discussed this with Mr. Burgess earlier this evening, and he indicated he would like to do it.

Mr. Santarsiero seconded the Motion, and the Motion carried unanimously.

There being no further business, Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to adjourn the meeting at 10:55 p.m.

Respectfully Submitted,



Steve Santarsiero, Secretary



Township of Lower Makefield

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

**APRIL 2007 WARRANT LISTS AND
MARCH 2007 PAYROLL COSTS FOR APPROVAL
APRIL 18, 2007 BOARD OF SUPERVISORS MEETING**

4/2/2007 Warrant List	\$ 253,469.26	
4/07 Manual Checks	235,220.18	
4/16/2007 Warrant List	669,127.09	
Total Warrants & Prepaids		1,157,816.53
<u>PAYROLL COSTS:</u>		
MARCH 2007 Payroll	276,925.26	
3/07 Payroll Taxes, etc.	127,985.98	
Total Payroll Costs		<u>404,911.24</u>
TOTAL TO BE APPROVED		<u>\$ 1,562,727.77</u>



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