

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

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on July 18, 2007. 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
 Greg Caiola, Vice Chairman
 Steve Santarsiero, Secretary/Treasurer
 Grace Godshalk, Supervisor
 Pete Stainthorpe, Supervisor

Others: David Truelove, Township Solicitor
 Brian McCloskey, Township Solicitor
 James Majewski, Township Engineer
 Kenneth Coluzzi, Chief of Police

RECOGNITION OF JAMES COYNE'S SERVICE AS PUBLIC WORKS DIRECTOR

Mr. Smith stated that many of Mr. Coyne's friends, family and co-workers have joined with the Board of Supervisors tonight to recognize his dedication to the Township. On behalf of the Township, Mr. Smith presented a plaque and proclamation to Mr. Coyne's family which he read aloud.

Mr. Smith commented on knowing Mr. Coyne for the last few years and how Mr. Coyne believed that Lower Makefield was his home and took such good care of the Township and citizens.

Mrs. Godshalk stated she knew Mr. Coyne for as many years as she has been a Supervisor and he served the Township with dignity and pride. He served the people, knew what the Township always needed and made good decisions. He was on the Committee which designed the equipment for the Fire Trucks to improve them. Mrs. Godshalk extended her deepest sympathy to Mr. Coyne's family.

Mr. Stainthorpe stated that Mr. Coyne embodied what it is to be a public employee and we will miss him. Mr. Caiola shared Mr. Stainthorpe's sentiments.

Mr. Santarsiero extended his sympathy to Mr. Coyne's family. He told stories of how Mr. Coyne always did his job above and beyond of what was asked of him and he would be missed.

Ms. Torbert stated the Traffic Commission has been dealing with the residents in Hillside Terrace area, Hilltop Road on the cut through issue. They have been asking us and she wanted to know if we heard anything back from the Delaware River Joint Toll Bridge Commission about the sound barrier issue. Mr. Smith stated on behalf of the Board we have not heard but would have Mr. Fedorchak and Mr. Truelove follow-up at the next meeting. Mr. Truelove stated that he was not dealing with that specific issue and could look at his notes and if he needs to follow-up he will. He stated that Mr. Fedorchak was also looking into it. Mr. Smith stated the DRJTBC were kind enough to come here and make a presentation and gave us lip service and will follow-up on it on Monday or Tuesday.

Ms. Torbert stated she didn't get the opportunity to ask the DRJTBC when they were here, but she believes there was a serious accident on the bridge yesterday or the day before and did not see it in the paper and asked if there were any fatalities. Chief Coluzzi stated there were no fatalities but the person had to be extracted from the car and it was a serious accident. Ms. Torbert stated she has been trying unsuccessfully to get accident information out of the Commission, but several years ago when the Commission first started having these meetings, they had said they would contract a group that would put together interim measures to try to make the current bridge a little safer. She would like to see us follow-up with them somehow because it is looking like between the sound barrier and New Jersey round-a-bout issue that the actual construction of this bigger and better bridge is getting pushed back further and further. Ms. Torbert stated in the meantime, we are having at least once a week, serious accidents on that bridge and we need to do something to make the approach to that bridge a little safer because she doesn't think we will have a new bridge until 2012 or 2013. Please follow-up with what they said they would do five years ago and do some interim measures.

Mr. Smith asked Ms. Torbert if she would be in contact with Mr. Fedorchak on Monday or should we. Ms. Torbert stated she would contact Mr. Fedorchak. Mr. Smith stated we would work it from both sides. He asked when the Board could expect the Citizens Traffic Commission to make a presentation to the Board. Mr. Santarsiero stated he would report on that when we get to the Supervisors Reports because they are going to have a special meeting of the Commission to talk about the prioritization and would talk about that later.

Mr. Zach Rubin, 1661 Covington Road stated he is a member of the Cable T.V. Advisory Board and Mr. Stainthorpe is our liaison and he is aware that we've had discussions about Comcast's lack of televising public affairs. He stated Comcast as you know has a studio on Trenton Road but they laid off all the personnel and do not have the equipment although they have the studio to televise League of Women Voters Meet the Candidates night. He stated he believes an informed electorate is the most important hallmark of a democracy. There is not a better way to reach the voters than television. Why do we have a public access channel to begin with? It is to inform our electorate. Our neighboring township, Northampton has televised Supervisor meetings and they do

televising the Meet the Candidates nights for the 178th legislative District. Our neighbor in Middletown Township televises debates or Meet the Candidates. Mr. Rubin stated he does not think it is partisan to educate the people of this Township, the issues, the candidates and thinks there is not a better reason to use a public access television channel than to get the issues to the public.

Mrs. Godshalk stated that Comcast has facilities because she participated in a debate there at that studio. Mr. Rubin stated they don't have the personnel. Mrs. Godshalk stated the League of Women Voters did that about ten years ago. Mr. Rubin stated the League of Women Voters two years ago contacted Comcast to televise the last Supervisors contest. Comcast stated yes we have a studio but we do not have the means nor the personnel to do so and will not do it.

Mr. Smith closed public comment.

APPROVAL OF MINUTES

Mr. Santarsiero moved, Mr. Caiola seconded and it was unanimously carried to approve the June 20, 2007 Minutes as written.

APPROVAL OF JULY 2, 2007 AND JULY 16, 2007 WARRANT LISTS AND JUNE, 2007 PAYROLL

Mr. Stainthorpe stated to Mr. McCloskey that included in the Board's packet is a report on legal and engineering fees and he asked that the reports be in larger print.

Mr. Santarsiero stated he read the reports and noted the Township is on budget and the pool has taken in more money in June than it has since opening.

Mr. Santarsiero moved, Mr. Caiola seconded and it was unanimously carried to approve the July 2, and July 16, 2007 Warrant Lists and June, 2007 Payroll as attached to the Minutes.

UPDATE ON RAILROAD TRAIN QUIET ZONES – Jim Majewski

Mr. Majewski stated the Township sent letters requesting a partial quiet zone from 10 p.m. to 7 a.m. at the railroad crossings at Stony Hill Road, Edgewood Road and Big Oak Road to CSX, PennDot, the Federal Rail Administration, PA Operation Lifesaver and the local Police. He stated that he heard from CSX and they would need to perform a diagnostic review to determine what crossing upgrades are needed. Mr. Majewski stated the estimated initial costs are to be paid by Lower Makefield upfront. He stated after that is done, the Township must decide how it wants to proceed. He stated that he has some estimated costs that range from \$70,000 up to \$242,000 per crossing to upgrade.

Mr. Majewski stated the first step would be to upgrade the gate circuitry to adjust the speed of the oncoming trains, next upgrade supplemental safety measures, permitting and administration. Mr. Stainthorpe asked if installing the safety measures is included in the costs and Mr. Majewski replied yes. Mr. Santarsiero asked how the numbers relate to Mr. Fedorchak's prior estimates. Mr. Majewski stated the estimates he is presenting tonight are per crossing. Mr. Smith stated the upgrade to all three crossings would cost the Township approximately \$250,000 total. Mr. Santarsiero asked if the costs at each crossing could vary considerably. Mr. Majewski stated he couldn't get an answer to that question.

Mr. Smith asked how old the circuitry is at the crossings. Mr. Majewski stated he doesn't know but it is safe. Mrs. Godshalk stated the Big Oak crossing is only one lane and the other crossings are two lanes. What would happen if there was an emergency at the Big Oak crossing, the road gets backed up and someone needs to get through but there are medians. Mr. Majewski stated the median barriers can be driven over in an emergency.

Mr. Stainthorpe asked what the upfront cost to CSX is. Mr. Majewski stated he does not know that yet. Mr. Stainthorpe stated ultimately the Federal Rail Administration makes the decision if the Township is permitted quiet zones. If CSX says they do not want the quiet zones does the process end there? Mr. Majewski stated that CSX did not have any objections to the Township's original plan. Mr. Smith asked what the next step is. Mr. Majewski stated that CSX will contact the Township to schedule a diagnostic review.

Mrs. Godshalk asked if there are other towns that we could look at as a model for quiet zones. Mr. Majewski stated those towns are not close by.

Mr. Majewski stated if the Township continues to move forward, a construction agreement would need to be signed. The installations recommended are warning system upgrades, install supplemental safety measures at each crossing then lastly provide a 21-day notice of the date of the horns ceasing.

Mr. Majewski stated the Township is also considering Wayside Horns which are horns mounted on the crossings directed towards traffic and pedestrians instead of horns on the trains. He explained where the horns can be used and noted it is the simplest way to reduce train horn noise. Mr. Majewski stated the estimated costs of the Wayside Horns range from \$155,000 to \$365,000 per crossing but the Township could have a 24 hour quiet zone.

Mr. Stainthorpe asked when the Board first considered quiet zones, wasn't the cost a lot less? Mr. Santarsiero replied yes. Mr. Caiola stated he is concerned about the huge gap in estimates.

Mr. George Schott, 652 Leslie Lane thanked the Board and Mr. Fedorchak for keeping this issue moving. He asked if the next step would be to obtain an estimate from CSX.

He stated he is representing many people in his neighborhood who could not attend the meeting tonight. He read an e-mail from his neighbor, Mr. Lee Polski stating that Wayside Horns would not be the better solution.

Mr. Schott stated there is only one manufacturer of Wayside Horns in Texas. He asked if the Township could test the horns before considering. Mr. Majewski stated there are no Wayside Horns installed in the Northeast. Mr. Schott read a letter from his neighbor complaining the horns are so loud that he and his children could not sleep in their backyard while camping recently. Mr. Schott asked when the next update would be. Mr. Majewski stated he would have an update at the meeting in August.

Mr. Zach Rubin stated he supports quiet zones. Recently in Florida, he observed a quiet zone at an intersection which worked very well.

Ms. Patty Young 502 Gail Drive stated her house and windows vibrate from the trains and she is concerned about the long term affects on her house. She asked the Board to continue the momentum on quiet zones within the Township.

James Woods, Heritage Oaks asked if the quiet zone time of 10 p.m. to 7 a.m. is debatable and how was it determined. Mr. Santarsiero stated the Board discussed the times at length and determined those times would be the safest. Mr. Stainthorpe stated the Federal Rail Administration mandates either a 24 hour quiet zone or from 10 p.m. to 7 a.m.

Ms. Torbert stated the Department of Transportation web-site has the mandated requirements for a partial or complete quiet zone and the hours cannot be chosen. The web-site also has a list of quiet zones. Ms. Torbert stated that if chosen, Lower Makefield will be one of only three quiet zones in Pennsylvania. If we don't get approved the Township needs a backup plan and suggested the residents keep records of the length and frequency of train horns and we should discuss the horns not being so loud.

Mr. Pat Frain, 16 Delaware Rim Road stated that he doesn't want this to turn into a witch hunt against train engineers. He stated rail crossings are the number one problem in the train industry for safety. He explained the difference between the Commuter Train horns and Freight Train horns.

Mr. Schott stated that CSX asked that residents get the train numbers and stated that is difficult to do in the middle of the night.

Mr. Scott Finder, Ashley Estates stated when we talk about something that affects safety we need to determine if the quiet zone will be safe during that limited period first then we should implement a 24-hour quiet zone. Mr. Santarsiero stated there is a difference

between the number of cars driving during the day versus the night and residents were more concerned about the nighttime horns.

**APPROVAL OF ORDINANCE NO. 371 CREATING A SPECIAL OVERLAY
ZONING DISTRICT FOR OFF-PREMISES ADVERTISING**

Mr. Truelove stated they were requested by the Board earlier in the year to draft an Ordinance with regard to billboards as a result of litigation in other Townships and at the Supreme Court level in Pennsylvania. The Courts have indicated that if Municipalities do not take some action to set aside an area where billboards would be approved, the possibility would exist that they could proliferate in areas where the Municipalities would not like them to be.

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to enact Ordinance No. 371.

**INTENT TO AWARD BID FOR 2007 ROAD PAVING PROJECT TO GENERAL
ASPHALT COMPANY AT \$158,850**

Mr. Truelove stated this matter would be postponed because the DEP is reviewing the matter and he is waiting for their comments but notice of intent to award the bid could be granted by the Board tonight. This matter has been advertised.

Mr. Majewski stated the Township received 9 bids for paving off of Edgewood Road and General Asphalt was the lowest. He stated there is a 30-day public notice period for the Responsible Contractor Policy and he is asking for a 14-day period because this matter is being postponed. He recommends the Board grant notice of intent to award the bid to General Asphalt Company until the comments are received from the DEP.

Mr. Caiola asked if the paving project is on budget. Mr. McCloskey stated the bid is under budget. Mrs. Godshalk asked when the paving would start. Mr. Majewski stated the paving would start as soon as possible. Mrs. Godshalk stated it would be best if the paving began before school starts and asked when the residents would be notified. Mr. Majewski stated the residents would be notified with door hangers about a week before paving starts.

Mr. Santarsiero moved, Mrs. Godshalk seconded and it was unanimously carried to give notice of intent to award the 2007 Road Paving Program to General Asphalt Company in the amount of \$158,850.

DISCUSSION OF PROPOSED GOLF COURSE CAPITAL IMPROVEMENTS – Frank Draper

Mr. Draper and Mr. Frain were present at the meeting. Mr. Draper informed the Board of the upcoming events at the golf course such as the mass mailing that was sent out to the announcing the 1st annual Ladies tournament in August. The Ladies tournament is an all day event following an outing format and so far 50 women have signed up. Mr. Draper stated the Committee recently met and talked about implementing a recycling program at the golf course. Mr. Draper also contacted Kemper Sports to ask if they would be a sponsor at Community Pride Day and they responded that would do something. Lastly, a very positive article about Makefield Highlands will appear in the August issue of Golf Styles publication. Mr. Draper read the article to the Board.

Mr. Draper said included in the Board's meeting packet is a list of proposed Capital Projects for the golf course. He went over the priority of and described each Capital Project on the list. The list in priority order included permanent bathroom facilities on the golf course; paving of expansion areas; tee expansions on the side of the 1st and 4th white tees; curbing; backup generators; footbridges for 15,16 and 18; re-carpeting the Clubhouse; new entrance signs and landscape modifications; and a long range 5-year Master Landscape Plan.

Mr. Smith asked how much competition is there in the area. Mr. Draper stated there is a lot of competition, but look at what is offered at Makefield Highlands. Mr. Smith mentioned Mountainview in New Jersey and noted they have made improvements and asked if they compete with Makefield Highlands. Mr. Draper stated their golf course does not compare to Makefield Highlands.

Mr. Stainthorpe stated he suggested the Golf Committee appear before the Board at this time with the Capital Improvements list to get some of these items on the 2008 budget especially the bathrooms. He stated that we may not be able to do all of the improvements at once but over the next few years. Mr. Stainthorpe stated there could be a chance to bring public water and sewer to the golf course for the bathrooms through the Chanticleer development for a minimal cost.

Mrs. Godshalk stated that people enjoy our golf course and they come back time after time. We should listen to what the golfers want and need.

Mr. Draper suggested the Township put a certain amount of money aside each year from the surplus to allow the Superintendent and the General Manager the ability to make these Capital Improvements as needed.

Mr. Caiola stated he is concerned how the fee schedule is set at the golf course and if we ever alter the fee schedule for any organization for outings. Mr. Draper stated the golf course has a policy for outings and events. He stated that outings and events generate a

great percentage of revenue for the golf course. A policy in the form of a contract was implemented 2-years ago with a per person fee with add-ons such as the type of food and liquor. Mr. Stainthorpe stated the average outing fee per golfer is \$110 and on an average day the fee is \$63 per golfer.

Mr. Stainthorpe stated that we have charged Kemper to find the most profitable outings for the golf course to generate income. Mr. Caiola asked if the outing business is increasing or decreasing since opening the course a few years ago. Mr. Draper stated the quality and price of the outings is increasing.

Mr. Santarsiero asked for an explanation of the range of the cost per person for an outing or event. Mr. Draper stated the cost per person varies by the type of food and standard of liquor chosen. He stated there is one exception to the standard policy and that is the Garden of Reflection outing because they bring in their own food and liquor. Mr. Caiola asked by allowing an exception does that open the Township up to other groups challenging the outing and event policy. Mr. Draper stated the Golf Committee is presently discussing this issue concerning the Garden of Reflection outing and whether it should be grandfathered in.

Mr. Frain stated any Capital Improvements that are made would please the customers who would continue to return to play the golf course. Mr. Frain stated that Mr. Collins approached the Golf Committee for guidance because he was concerned about groups approaching him for special rates and exceptions and he had to turn them away. Mr. Santarsiero asked where the Committee was on a decision regarding the exception for the Garden of Reflection outing. Mr. Draper stated that the Golf Committee would present their recommendation to the Board sometime at the end of August.

ZONING HEARING BOARD

Mr. Santarsiero moved, Mr. Caiola seconded and it was unanimously carried to grant approval of the Development and Financial Security Agreements associated with the Minehart Subdivision.

With regard to the Studio Gourmet, 635 Heacock Road, approval was granted for the Certificate of Appropriateness for the sign at that location subject to conditions as stated by the Solicitor.

With regard to the Gatherings at Yardley, located next to Octagon, a proposed 55+ community an extension of time was granted until November 3, 2007.

Mr. Smith asked for an update on the Matrix. Mr. Stainthorpe stated he spoke with Ms. Frick and they have not applied for any permits. Mr. Santarsiero stated that he spoke with Russ Tepper and things have been held up because they are talking with Middletown

Township about what they can build in that portion of the property. Matrix wants to build 55+ homes and Middletown is objecting because they already have a large 55+ community within their Township. Mr. Santarsiero stated that Matrix is offering single family housing instead and there is an issue with the entrance into and out that portion of the development because it would connect with the 55+ housing in Lower Makefield and both do not mix well. The extension was granted until November 3, 2007.

SUPERVISORS REPORTS

Mrs. Godshalk stated that Mr. Fedorchak recently asked if one of the Historical Commission members would serve on the Historical Commission and on HARB to fill a vacancy. She suggested that Doreen Albaharry be appointed tonight. Mrs. Godshalk stated the Township is in discussions with Yardley Borough about the sewer upgrades.

Mr. Santarsiero stated the Park & Recreation road tour will be Tuesday and they will discuss needed improvements for the future. The Citizens Traffic Committee will have a working session on July 30th to prioritize issues brought up by residents over the last few months to later present to the Board. The Committee will invite Hilltop Road residents regarding the cut through.

Mr. Smith stated that people have approached him about the conditions of the tennis courts in the Township and asked that they be discussed on the road tour. Mr. Santarsiero stated in planning for the Samost tract, tennis courts have been considered. He stated that rough plans were done to show tennis courts and softball fields. Mrs. Godshalk stated we are bound to keep what we have in good condition before adding new tennis courts. Mr. Santarsiero stated we are doing yearly maintenance on the existing tennis courts. We need to determine should we build new courts if it is too cost prohibitive to maintain the existing tennis courts.

Mr. Caiola stated that HARB met and approved the McCaffrey's Studio **Gourmet** sign. He stated that Southeastern Bucks League of Municipalities will meet this month. The Citizens Budget Committee met on July 9th and they were presented with a packet including the 2006 budget results and the mid-2007 report. The Committee discussed the Township's owned facilities, the golf course, pool and sewer. Mr. Smith asked when the Citizens Budget Committee would like to make a presentation to the Board. Mr. McCloskey replied maybe sometime in October.

Mr. Smith stated the Regional Traffic Task Force would meet on July 31, 2007. Mr. Smith asked if Ms. Herman would like to update the Board about what will be reported at that meeting. Ms. Herman stated the DVRBC consultant is giving their draft recommendations at the July 31, 2007 meeting. Mr. Smith asked Ms. Herman if Newtown is doing anything with the traffic lights on Route 332. Ms. Herman replied yes, the traffic responsive system is being implemented on the lights.

Mr. Smith stated there were many concerned residents at the Zoning Hearing Board meeting last night regarding the Marrazzo Appeal. The Marrazzo Appeal was continued until August 21, 2007. Mr. Smith stated the community has several events coming up such as Community Pride Day and the Veterans Day Parade.

Mr. Smith stated there are several openings on Township Boards and Commissions. There are 2 openings on the Cable Board, 4 openings on Elm Lowne, 3 openings on HARB and 1 opening on the Zoning Hearing Board. He asked that any interested persons send their resumes to Mr. Fedorchak at the Township Building. Mr. Smith also noted the Township needs volunteers for Community Pride Day.

OTHER BUSINESS

Mr. Smith stated the Citizens Traffic Commission requested that the Township send a letter to Newtown Township requesting that Lower Makefield Township be involved in the synchronization of the lights on Route 332. Mr. Smith stated that he would draft the letter on behalf of the Township and the Board agreed.

APPOINTMENTS

Mrs. Godshalk moved, Mr. Stainthorpe seconded to appoint Doreen Albaharry to the Historical Architectural and Review Board while also serving on the Historical Commission. The motion unanimously carried.

There being no further business, Mr. Santarsiero moved, Mr. Caiola seconded and it was unanimously carried to adjourn the meeting at 9:45 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Steve Santarsiero", written over a horizontal line.

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

**JULY 2007 WARRANT LISTS AND
JUNE 2007 PAYROLL COSTS FOR APPROVAL
JULY 18, 2007 BOARD OF SUPERVISORS MEETING**

7/2/2007 Warrant List	\$ 233,932.84	
7/07 Manual Checks	207,290.85	
7/16/2007 Warrant List	1,124,905.86	
Total Warrants & Prepays		1,566,129.55
<u>PAYROLL COSTS:</u>		
JUNE 2007 Payroll	440,245.24	
6/07 Payroll Taxes, etc.	196,751.63	
Total Payroll Costs		<u>636,996.87</u>
TOTAL TO BE APPROVED		\$ <u><u>2,203,126.42</u></u>

