

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – DECEMBER 5, 2007

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on December 5, 2007. Chairman Smith called the meeting to order at 7:30 p.m. Mr. Santarsiero called the roll and noted that the Board met in Executive Session beginning at 6:40 p.m. and discussed real estate matters. Mr. Smith wished those who observe Hanukkah a happy Hanukkah.

Those present:

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

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

Mr. Smith read a letter received from the Veterans of Foreign Wars Post 6393 and the American Legion Post 317 expressing their thanks for the Veterans Day Parade and Ceremony held in the Township on November 11. Mr. Smith thanked the Special Events Committee for their work on this event. Mr. Smith noted that some of the Board members and incoming Supervisor Matt Maloney attended an educational seminar at the Falls Rifle and Gun Club with regard to the archery option for the deer management program which will be considered after the first of the year.

PUBLIC COMMENT

Mr. George Schott, 652 Leslie Lane, stated the train noise is getting worse now that the leaves are down. He stated in November of 2006 the Board approved moving forward on this matter. He understands that the FRA has no objection to the Intent to File for a Quiet Zone and CSX has agreed to a meeting on the wayside horns. He stated at the October 17 Board of Supervisors meeting it was agreed to make this an Agenda item before the end of the year. Mr. Majewski stated the FRA has no objection to the establishment of a Quiet Zone. He stated the Township is waiting for CSX to give a cost estimate for the preliminary engineering to determine how much the Quiet Zone installations will cost. He will follow up on this with a call as it is customary to hear back within thirty to forty-five days. He sent the request for the preliminary engineering after they had the wayside horn demonstration. He stated the Township would have to prepay CSX to do the

preliminary engineering as to the upgrades necessary. Based on this, CSX will then develop cost estimates for the ultimate cost of the installation. This would be for both the wayside horns and the Quiet Zones as in either event it is necessary to upgrade the circuitry for the tracks which is a significant cost item. Mr. Majewski stated in order to establish a Quiet Zone, the FRA requires that there be constant warning time technology which adjusts for the speed of the train so that the gates go down based on the speed of the train rather than at a pre-set time. Mr. Santarsiero asked if it has been determined that the circuitry does not exist at any of the three crossings under consideration, and Mr. Majewski stated it does not as confirmed by CSX and all three would need to be upgraded. Mr. Smith asked that this matter be put on the Agenda for an update on December 19, 2007.

Mr. Neil Flax stated he has lived in Lower Makefield for twenty years and is a small contractor and is concerned about the recently-passed contractor Ordinance. He stated he and others feel the apprenticeship part of the Ordinance is a restraint of trade. He stated he does not feel there is a benefit to an apprenticeship program. He stated if the Township is looking for a guarantee as to performance or quality of work, the Township should request a Performance Bond. He stated the only people who would have an Apprenticeship Program would be a Union. He stated he is not opposed to Unions. He stated his is not a Union shop, he has been in business for twenty years, and he does not have an Apprenticeship Program. He stated he feels everyone should be on a level playing field. He stated he has done work in Pennsylvania in the Townships and School Districts and done some very large jobs involving several hundred thousands of dollars and has the quality and capability to do these jobs. He stated he is certified in what he does, there is training from the manufacturer, and he is licensed by the Municipalities and the National Institute of Civil Engineers and Technology. He asked that the Board take another look at this portion of the Ordinance. He stated prevailing wage is not a problem, and he feels everyone should be able to bid on a job both Union and non-Union.

Mr. Caiola asked the average cost of the jobs he usually does, and Mr. Flax stated they can range from \$2,000 to \$150,000. Mr. Caiola stated the Ordinance only impacts jobs \$75,000 and above. He also noted that the Board recently awarded a bid to someone who did not have an Apprenticeship Program because none of the bidders had an Apprenticeship Program, and the Board does have this option. He stated he still feels it would be best to have those types of programs. He stated the first few times they have awarded a bid under the new program, they came in under Budget. He stated it is not meant to shut people out but to improve the quality of workmanship they have in the Township.

Mr. Flax asked what part of the Apprenticeship Program makes a contractor better. He stated all an Apprenticeship Program is, is that there is a helper who learns the job from doing the job. Mr. Flax stated while he does not have an Apprenticeship Program, he does have helpers who learn the job by being on the job. He stated his concern is that if



they have five contractors bidding on a job including himself and there are four who have an Apprenticeship Program, he would not get the job even though he may be the more qualified contractor. He stated if the Township would not be happy with his work or he failed to perform, the Township would have the Performance Bond and the Township could get their money from them. He feels this would put everyone on a level playing field. He stated if he is certified and has all the qualifications, and he is not sure what the difference would be.

Mr. Santarsiero stated because the Township is a public entity, they are constrained by the law in terms of who they can hire; and they must go with the lowest responsible contractor. He stated they have had problems in the past with this when they found that the lowest bidder was not the most qualified and they went to the next lowest bidder; and in one case when the Township was bidding out the sewer line to Morrisville, and information they had made them question whether this would be best for the Township, it led to litigation and the Court forced them to go with the lowest bidder. He stated they want to give themselves enough legal basis to indicate a particular company is the most qualified even if they are not the lowest bidder. He stated the Responsible Contractor Ordinance is designed to allow them to turn to an objective criteria so that they do not have to give it to the lowest bidder if they do not meet the criteria, and they can then deny giving the Contract to that low bidder and this will then hold up in Court. Mr. Santarsiero stated the requirement for an Apprenticeship Program gives the Township a greater degree of confidence that they are getting a truly qualified contractor because of the training program. He stated while there could be a Performance Bond, this could also lead to litigation, and they want to have as much legal basis up front and flexibility to hire the company they feel is most qualified for the job. Mr. Santarsiero stated if all the other criteria are met, and all the bidders do not have the apprenticeship program, they can choose one of those bidders.

Mr. Stainthorpe stated he was an opponent of this Ordinance; and on the night it was voted on, he suggested that the apprentice piece of it be dropped out and felt they would still have the legal teeth to not necessarily take the low bidder, and it would open up the bidding process to a larger pool of qualified contractors. He stated he knows there are three votes in favor of the existing Ordinance, so he does not feel any Motion he would make this evening would pass. He encouraged Mr. Flax and other contractors to put pressure on the Township, to write letters, and speak up about this matter. He stated there are a number of small, family businesses that have done work for Lower Makefield in the past which are now basically eliminated.

Mrs. Godshalk stated she also voted against the Ordinance and feels they are leaving out a large portion of the small businesses including people living in Lower Makefield. She stated she has been advised that the Unions are pushing to get this in everywhere. She feels they are eliminating many people who are competent workers and could do a good job for the Township.

Mr. Smith stated he agrees that there are some things about the Ordinance which give him pause including the monetary threshold. He stated when he voted for the Ordinance his only concern was insuring that the Township got quality work for the Township and so that they would not have to get involved in litigation. He stated he would be open to discussing this again at a future meeting to discuss waivers of the components in the Ordinance. Mr. Stainthorpe stated he would be willing to do this again as well.

Mr. Flax stated even if they raise the threshold, they would be precluding him from doing larger jobs in the Township as they would still require the apprenticeship program. He stated he has done \$300,000 jobs in the past and has worked alongside the Unions. He stated having an apprenticeship program does not necessarily mean it is a good company. He stated there are good companies both Union and non-Union.

Mr. Smith stated he would be willing to discuss the monetary issues and the quality of performance issue as opposed to discussions that are pro or anti-Union. He stated he feels they have come to a consensus that if there is room on the Agenda for the last meeting of the year, he would be willing to discuss it or they could discuss it the beginning of the next year. Mr. Santarsiero stated he feels stating they have come to a “consensus” is an overstatement.

Mr. Flax stated having a performance bond is not a litigation situation; and he feels if he does not perform, the Township would go to the insurance company. Mr. Truelove stated the bonding company does not always agree with the Municipality against the contractors and there is the potential for litigation.

Mrs. Godshalk stated she was very involved in the construction of the 9/11 Memorial and that contractor did not have an apprenticeship program. She stated he was a small contractor, and there was no reason to have an apprenticeship program in that instance.

Mr. Bob Slamen, Bedford Place, stated he agrees that they are being unfair to the small businesses. He stated Democrats are pro-Union, and they are supported monetarily by Unions. He feels it is wrong what the Board did to the small businesses.

Mr. Santarsiero stated there are non-Union companies with apprenticeship programs. He stated Republican candidates also receive money from the Unions. He stated this was proposed originally as a way to avoid another situation like the one when they had to award the bid to Metra, which was the company which bid to put in the sewer line for the Township; and the Board did not want to put themselves in the position again where they would not have the authority to deny a bid to a contractor that they had legitimate questions about. He stated they had done an investigation on work they had done elsewhere, and the Board had serious doubts that they would do a good job and ultimately come in at the same cost for the Township. He stated it was a unanimous vote of the Board to reject that low bid and go to the next low bidder and ultimately it involved



litigation; and the Court ruled, without a lot of explanation, that they would have to go with the low bidder. Mr. Slamen asked if that contractor was ultimately a problem, and Mr. Santarsiero stated they were not. Mr. Slamen stated he feels the Board caused the litigation by not accepting their bid. Mr. Santarsiero stated based on the information they had, the Board was concerned they would be a problem. He stated having gone through the litigation, you could argue that Metra was on notice and made every effort to make sure that there were no problems on the job. Mr. Santarsiero stated the Board cannot determine what it may be like in the future when they are evaluating a bidder and must go with the information they have. He stated under State law, there is not a good definition of “responsible;” and the Ordinance is an attempt to define what “responsible” means so that if they get in this situation again, and are sued, they can show the Judge an objective list of criteria. He stated this is an attempt to save the Township money and make sure they get the best quality of work possible. Mr. Slamen stated he still feels they are unfair to the small contractors who do quality work at a good price.

Ms. Tracy Rizzuto, Lower Makefield, stated she sent a letter to the Township about the I-95 project. She stated there is a sound wall going up in her neighborhood and she is the only house in her neighborhood which is not getting a wall despite being the only house in the neighborhood which is already at the legal sound limit. She stated the people working on the project did the testing in her yard, and they were the highest in the neighborhood. Mr. Smith asked if she was present at the Township when the Bridge Commission made their presentation, and Ms. Rizzuto stated her husband was in attendance. She stated she has had discussions with the project manager and was unsatisfied with his answer. She stated she showed him that she met the criteria for a wall, and he stated they feel the noise will be swept away from her property by the sound walls being built further down, and the sound will go into the fields. She stated she is currently at 67 decibels and will go to 69 without the wall on her property. She stated there will be a gap on I-95 as there are walls being built on either side of her property.

Mr. Smith stated two years ago he and Mr. Santarsiero attended an Open House on this issue at Pennwood where there indicated it will cost a \$1 million a mile for the wall. Ms. Rizzuto questioned why properties predicted to go to 62 decibels are getting a wall despite the criteria being you must be approaching or exceeding 70 and she is currently at 67 going to 69 and is not getting a wall. Mr. Fedorchak stated he has not received any further information from the Bridge Commission since the meeting at the beginning of the year. Mr. Santarsiero stated when the Bridge Commission was last before the Township, the Township expressed concern with sound and indicated they felt the wall should be inclusive. He stated they were asked to come back with a number as to how expensive it would be to lengthen the wall, and it appears they have not come back to the Township.

Ms. Rizzuto stated they were advised that they are supposed to be coming back to the Township “any day.” She stated they wrote letters to the Senators, the Governor, and the Congressmen, as well as the Board of Supervisors. She stated Senator Specter responded to them and indicated he was advised that they are supposed to finalize everything within the next few days and this was last week. Ms. Rizzuto stated on the other side of I-95 across from her property, the wall is being extended abutting a field so she questions why she is not getting a wall. She is concerned about her property value since hers is the only home which will not have a wall. Mr. Santarsiero stated it is also a problem on the other end going down toward the River as they have cut off the wall too soon. He stated he feels the Mr. Fedorchak needs to contact the Bridge Commission tomorrow about the costs and they should lobby for extending the wall. Mr. Fedorchak expressed concern hearing that they are so far along with the project and have not included the Township.

Ms. Sue Herman stated she does not feel PennDOT has been willing to provide the costs for the additional sound barriers and asked that the Board follow up on this. Mr. Smith stated it seems that noise pollution is a big problem in the Township that needs to be addressed since it impacts quality of life. Ms. Herman stated at the DVRPC Board meeting tomorrow, the Regional Citizens Committee will be presenting a Motion that was passed last week asking that the Executive Director of the DVRPC insure that an Addendum is published to the Bucks County Regional Traffic Study that includes all the Municipalities’ written comments regarding the June, 2007 Draft Study and the October, 2007 Bucks County Regional Traffic Study. She stated the final report did not include any of the Municipalities’ written comments regarding the Draft or the October, 2007 report which she feels is unacceptable. She stated there was only a summary of citizens’ comments. Mr. Smith stated at the last meeting of the Traffic Study this was hotly contested, and several Townships were in favor of Ms. Herman’s position and others did not feel it was necessary. He stated there has been a turn over on the Commission as some members who were Supervisors will not be Supervisors as of the first of the year. He feels the next meeting is scheduled for March, 2008. Ms. Herman stated her Board has this item on their Agenda for December 19, and she feels it is imperative that they put in writing what transpired at the last meeting so that it is on record. She stated she hopes to provide an update on what the DVRPC Executive Director says regarding a request for an Addendum. Mr. Caiola stated some Townships have not yet submitted their comments which should be in the Addendum as well. Ms. Herman stated the Motion from the Regional Citizens Committee requested that all comments through October 29, 2007 be included.

#### DISCUSSION OF PROPOSED USE OF PATTERSON FARM BY THE AARK FOUNDATION

Ms. Mary Jane Stretch, Executive Director, Ms. Leah Stallings, Assistant Director, and Mr. T.J. Walsh, Attorney, were present. Mr. Walsh stated he has been working with the



Aark for two years trying to find them a new home. He stated they are technically not a Foundation, but are a non-profit organization, and their full name is the Aark Wildlife Rehabilitation and Education Center. He stated the Archdiocese has been a wonderful landlord for many years, but is now going to start using the property as an active cemetery; and this has led the Aark to have to look for a new facility. He stated they have seen many properties, and signed some deals; but he feels of all the properties they have looked at, the Patterson Farm is at the top of the list. He stated Mr. Fedorchak and Mr. Truelove have been very helpful in working with them. Mr. Walsh stated the Aark is prepared to make a sizable investment in the property and hope that after they view the presentation, the Board will take some official action to allow them to proceed with fine tuning the details with the staff.

Ms. Stallings stated they want to partner with the Township to make this a unique situation. She stated their Mission is to rehabilitate orphaned and injured native wildlife and return them to their natural habitat as quickly as possible. They also focus on educating the community about living in harmony with the environment and the importance of animals in the environment. She stated they are a 501(c)(3) charitable organization and have been in the community for over thirty years. She stated she and Ms. Stretch are fully licensed by the State and Federal Government. Ms. Stallings stated in addition to herself and Ms. Stretch there are three full-time employees and thirty-five highly-trained volunteer wildlife technicians. They have over 3,000 participating donors and an active Board of Directors. They also train local officers in the animal control field, Police Officers, County pest control officers, and the Pennsylvania Game Commission to make sure they handle wildlife safely. She stated they are committed to community service and are open twenty-four hours for drop offs. They also provide community volunteer service opportunities. They also offer a children's camp which is currently monopolized by Lower Makefield Township children. They also have family education programs at the facility and public outreach programs including Library programs and programs in conjunction with the Schools.

Ms. Stallings stated the Patterson Farm is a perfect location for their use and provides easy access from major roadways, is a good location for continued community involvement, and for the overall growth of their program. She stated the existing buildings provide an excellent foundation for their new facility and the surrounding farmland provides an excellent back drop for their environmentally-sensitive program and their recovering wildlife. She stated the packing house will become their new rehabilitation clinic and will involve a sizable amount of rehabilitation to the building. The storage garage will be used as a classroom and allow them to expand their community programs throughout the year rather than being weather dependent. The two-story garage would be used for storage of vehicles, equipment, and supplies. The corn crib would be converted to two to three flight pens to house recovering birds prior to release. She stated they would be very careful to maintain its historic integrity. The farm house will be updated and repaired for use as the Director's residence adding that on-site

housing is mandated to insure safety and proper care of the animals. She stated there are other buildings on the property which they have decided not to use. She stated the large barn is not needed and it is being used by the Township and the farmer. She stated they plan to live with everyone who already exists on the property, and they would like the farmer to be able to continue to use this barn for storage. She also noted the Cottage which is currently rented, and they will try not to encroach on that tenant too much. She stated they would like to erect a pole barn next to the clinic (packing house) on the field side. She stated at this location it will be almost invisible from the road. She stated inside this pole barn there will be a combination of stalls and open areas. She stated the barn would be built in a style to complement the historical integrity of the farmstead.

Ms. Stallings showed an overview of the entire farm with an area highlighted in yellow which is the proposed Lease area of approximately five acres. She also showed a map with the buildings numbered including existing and proposed buildings. She noted an area on the map which indicates “fenced in” which will be the area where they will locate the RVS compound as opposed to the location where it is currently shown on the map. She stated RVS is the Rabies Vector Species which is a mammal species which is more probable to carry rabies such as bats, raccoons, fox, coyotes, and skunks. She feels this should be moved back from the location shown on the map as it is a fairly large, pavilion style structure with chain link fencing and feels it would look better aesthetically at another location. She stated where they have proposed it to be located, it will be less obvious than the location shown on the map. She noted the proposed location of the 100’ by 40’ pole barn to be on the field side of the packing house. She stated this will result in the view being the same as it is now from Mirror Lake Road. She also noted the proposed location of the 71’ by 20’ RVS enclosure, and the 70’ by 20’ by 25’ “L” shaped flight pen which is essential for their work with eagles and species that need more dexterity in their flight. She noted the proposed location for a sectioned flight pen needed for medium to large raptors. She also noted the proposed location of two other flight pens which will be moved out of the line of sight.

Ms. Stallings stated the Aark is proposing to make a long-term commitment to the Patterson Farm and Lower Makefield Township. She stated they will maintain and pay for the use of the premises. Build-out will require significant outlay from the Aark and they are still in the process of raising that money but added they do have appropriate financial support. Mr. Stainthorpe asked what they estimate to be the investment the Aark will need to make. Ms. Stallings stated she feels it will be between \$300,000 and \$400,000; and they are convinced that they can raise this money.

Mr. Caiola asked when they could look at their current operation, and Ms. Stallings asked that they contact her to set something up.

Mr. Smith asked about their current education program, and Ms. Stallings stated they do have children’s programs currently at their facility. Mr. Smith stated they did have a



Patterson Farm Study Group and they were unanimously in favor of having the Aark make use of the Farm. He stated he is aware of people who need community service hours, and Ms. Stretch stated they do work with churches, Scout groups, and schools. Mr. Smith asked how many animals they treat each year, and Ms. Stallings stated they treat between 4,500 and 5,000 per year. She stated at any one time they could have a minimum of thirty animals on site, and at the highest point there could be several hundred noting that orphans are very tiny and they could have this many baby squirrels and baby birds during certain seasons. Mr. Smith asked if they would be able to see more animals at this location. Ms. Stallings stated they have never turned away an animal because they were full and are the only center in the State which can make this claim; however, she stated their levels have stabilized over the last six to seven years. She stated while she does not feel they would increase their animal volume, they would increase their outreach to people at this location.

Mr. Santarsiero asked about fencing; and Mr. Walsh stated the only place where they are proposing fencing is where it is labeled “fence” on the Plan. Mr. Santarsiero noted an area between the residence and the pond, and it was noted this is a proposed horse paddock. Mr. Santarsiero stated the question was raised about bringing children to the site for educational purposes. He stated he recently visited the Fox Chase Farm in Philadelphia with Mr. Zachary Rubin where they run an educational farm for Philadelphia School children. Mr. Santarsiero asked if they would be amenable to fairly frequent trips by school children. Ms. Stallings stated this is part of what they do. She stated currently they do this on a small scale. She stated they do charge a reasonable fee for their tours and prefer that their tour groups be very small. She stated a school bus of thirty-five to forty children would be difficult for them although they would be willing to work with the Township on this. She stated currently the groups they see are between ten and fifteen people as they need a controlled environment because of the proximity to wild animals where safety is of concern. She stated tours do not include sick animals, and they use their education animals for the tour. She stated they want people to be able to see and hear the presenter. Ms. Stretch stated even the education animals are wild animals, and they do not tame them although they do make sure they are trained so they can be taken out comfortably and safely to the public. She stated they also want to respect their animals.

Mr. Santarsiero stated a Committee has been studying the Patterson Farm for ideas on what they want to do with it on a going-forward basis. He stated what they may ultimately consider for the farm in addition to the Aark’s operation and the continuing farming of the tillable acreage, would be for there to be a local education facility for farming. He stated if they decide to do this for the rest of the farm, he would ask how this would work with Aark’s operation. He stated he did notice the small size of the garage they are proposing for their classroom. Ms. Stretch stated she feels it is important that they keep the groups they bring in to the Aark small so that every child has enough attention. She stated it is also safer and more respectful for the animals. She stated if

other groups are going to utilize the land, the animals would need to be considered and people could not just walk into the Aark area and it must be under heavy control.

Mr. Walsh stated at their current location where they have been for thirty years, they are surrounded by a large farm. He stated they have a good history of working around a large farm that is tilled. He stated he does not believe the farmer that farmed their current location had any educational programs. He stated adding the component Mr. Santarsiero is discussing could make sense for the property.

Mr. Santarsiero stated Ms. Stallings had indicated they would not need the large barn or the adjacent outbuilding, and given the proximity of those two buildings to the proposed operation, he asked what constraints would be on the Township if in the future they wished to use the buildings for something other than what they are currently being used for which is essentially storage. Ms. Stretch stated it would depend on what they decide they want to use them for. She stated noise would be an issue for the animals. She stated the barn is far enough away that the farmer turning on his engines and putting away the tractors would not be an issue and this is why they put the proposed pole barn on the other side of the packing house. She stated wild animals are very sensitive. She stated they have never had an accident or someone getting into an area which is unauthorized and no one is permitted to be in areas where they are not qualified to be.

Mrs. Godshalk stated the pictures they were provided do not show where the fencing ends, and Ms. Stallings advised where fencing would end. Mrs. Godshalk asked about their involvement with treating horses; and Ms. Stallings stated they do not treat horses, rather she personally rescues race horses; and she currently has three which are pets. Mrs. Godshalk asked how large an area would the horse paddock cover. Ms. Stallings stated she showed Mr. Majewski where she wanted the paddock and he drew it in. Mr. Majewski stated he feels the area for the horses is about 40% of the area. Mrs. Godshalk asked if the camp is a fee-based camp, and Ms. Stallings stated it is. Mrs. Godshalk asked how many children they take in, and Ms. Stallings stated they take in twelve children per week at a fee of \$150. Currently they have camp three weeks of the summer, and her plan is to expand this to a six-week period. Mrs. Godshalk asked how they derive their income for living; and Ms. Stallings stated she works at the Aark full time, and they pay her salary. Mrs. Godshalk asked how many people currently live in the house where she is, and Ms. Stallings stated there are four and four are proposed to live in the house if they move to the Patterson Farm.

Mrs. Godshalk stated she feels they should provide financial statements to the Township as this is required of all volunteer groups to whom the Township provides funding. Mr. Truelove stated they do have confirmation that they are a long-standing 501(c)(3) organization and of the licenses that Ms. Stretch and Ms. Stallings have acquired over the years from the several different agencies that have oversight. He stated he understands that they are the only facility of this type permitted in Bucks County because of the



stringent requirements; and Ms. Stallings agreed. Mrs. Godshalk stated she still feels they need to provide financial statements, and Mr. Walsh stated they will provide these.

Mr. Stainthorpe asked their timetable noting they still need to make Zoning changes if they proceed which will take time. Ms. Stallings stated while they would like to be open by April 1, they recognize that they will have to work with whatever timetable can be worked out. Mrs. Godshalk stated she feels the neighbors should be officially notified by the Township. Mr. Truelove stated if this moves forward, it will require a Zoning amendment, and the neighbors would be notified and have the opportunity to speak to this issue.

Mr. Zachary Rubin, 1661 Covington Road, stated he visited the Fox Chase Farm with Mr. Santarsiero and he would like to see Patterson Farm preserved as a farm. He feels there could be a relationship with Aark being there. He stated since the Patterson Farm was preserved as open space, there must be public access to the Farm. He stated he feels it should be an educational facility as a working farm. He feels Aark must be flexible and he would like to have the Pennsbury School children coming to the property on an on-going basis to see a functioning farm and being able to see the work that Aark is doing. He stated the draw for students going to the Fox Chase Farm are the livestock; and he does not feel the Pennsbury School students would want to come and see corn and soybeans growing, and he feels there must be some other attraction. He recognizes that the Aark's work is to rehabilitate animals, but he feels the students should have the opportunity to learn about the preservation of wildlife and the environment. He feels there should be a classroom that could accommodate thirty-five to forty students so they can accommodate trips by the Pennsbury School District. Mr. Rubin stated they did not mention the Satterthwaite House, and if it is an on-going Farm, it is important that a farmer live on the premises so there should be rehabilitation of the Satterthwaite House, and he would like see Aark contribute to the restoration of that house as well.

Mr. Sam Conti, Farmland Preservation Corporation, stated the farmers have a problem with geese, and they employ a mechanism which is a gunshot which is a sound that may disturb the Aark animals. He noted the geese do eat a lot of the crops so it is necessary to have this mechanism. He stated he is also concerned that there may be a need to expand the composting facility, and the area the Aark is proposing to occupy may present a problem with the composting operation. Mr. Caiola asked if the gunshot mechanism is being used on all the Patterson Farm acreage; and Mr. Conti stated wherever the geese go, they take it to that location. Ms. Stallings stated they do not release any animals on their property. She stated they do treat Canada geese, but they have private farms and individuals who will take their geese. Mr. Caiola stated he feels Mr. Conti's concern was with the noise of the gunshot mechanism impacting the Aark animals, and Ms. Stretch stated at their current location there is a shooting range at the rear of their property but agreed that this mechanism could not be right on top of their animals.

Ms. Virginia Torbert, Patterson Farm Stakeholders Committee, stated there are other methods that can be used to control geese other than with the gunshot mechanism. She stated with regard to Mr. Rubin's comments, while the educational aspect of this are important, she feels they should recognize that the Aark is going to be occupying a small portion of the Farm; and she does not feel they should load everything upon their shoulders. She stated she does feel the educational component of the Aark could be part of several components including the environmental component, but added the Patterson Farm is not the Fox Chase Farm, and the Aark is not a zoo or a farm with animals. She stated she feels they need to adapt to the unique characteristics of the Aark which is that it is a rehabilitation hospital. Ms. Torbert stated she would like to see this process move along and asked what the next step will be.

Mr. Santarsiero stated they need to consider further what has been discussed this evening taking in the context of a vision for the entire farm. He stated he feels it is a mistake to do things piecemeal, recognizing the time constraint the Aark has. He does feel they should visit the Aark's operation to get a good understanding as to how their operation works.

Ms. Stretch stated if they decide to make the property a visiting farm and would plan to use the large barn, this would have no impact on the Aark. She stated if there were School buses coming in and out and the School children were not properly supervised, the Aark would have to have their area fenced.

Ms. Torbert asked if there has been contact with the farmer who is farming the Patterson Farm, and Mr. Santarsiero stated there has not, and he agrees that this does have to be done.

Mr. Caiola stated he feels the Board can make arrangements to see the Aark's current operation within the next few weeks. He recognizes that they have a sense of urgency. He stated this is a large piece of property, and they want to make sure that the uses can co-exist.

Ms. Torbert asked if there is something more the Committee should be doing with regard to the Satterthwaite House and asked if they are holding the Aark hostage for a decision on the entire Farm. Mr. Santarsiero stated they need to have a general understanding conceptually of what they are going to do with the Farm so that they do not do something now that will close out options they may want in the future. He stated he generally feels that what the Aark is proposing is a good idea for the Farm, but they need to make sure it fits in well.

Ms. Stallings stated when she was at the Farm, she did have a discussion with Sam Stewart who is farming the property, and they had a brief discussion about what the Aark does and she feels overall that they could work together. She stated she did advise him that they do not release geese onto the property, and told him how they handles releases.



Mr. Steve Autin stated he is a new homeowner in Mirror Lake and this use will be adjacent to his property. He is concerned with noise, traffic, smells, potential for 5,000 animals, and the impact on his property value. He stated a twenty-four hour operation seems like it would be very busy. He asked that they ask the neighboring homeowners at the existing location about their experience with the Aark. Mr. Smith stated if this were to go forward, they would need to have a Zoning change, and the adjacent neighbors within a certain radius would be notified. Mr. Smith stated he feels it would be good to ask those surrounding their current facility if Aark had been a good neighbor. Mr. Autin stated while everyone is in favor of saving and rehabilitating wildlife, this is his backyard so he has questions.

Ms. Stallings stated they could see 5,000 animals over the course of an entire year. She stated one litter could come in with six to eight babies so on their most busy day for receiving patients, they could receive twenty to thirty different litters. She stated those bringing in animals, bring them in and leave so it would not be a significant amount of traffic. She stated during the night it is very rare that someone would bring in an animal and this may occur possibly one day a week after hours and only very rarely after 10 p.m.

Mr. Matt Maloney, 2 Hillside Lane, member of Farmland Preservation and soon to be a member of the Board of Supervisors, stated he feels this is an excellent idea although he encourages due diligence. He feels this is a new opportunity for something different than Fox Chase Farm or the Howell Farm. He stated he is in favor of there being a meeting of the Board of Supervisors, the farmer, and the Aark representatives hopefully before the end of the year. He stated he would also like to visit their current operation. Ms. Stretch was asked to contact the Township Manager with some possible dates for the Board to come and visit their current facility.

Ms. Amy Autin stated she too is concerned with the amount of traffic coming in and out of the property, the duration of the Lease, and the amount of flexibility that would be allowed for increased programs which would result in more people coming to the area which will increase traffic adjacent to their residence. Ms. Stretch stated the way they have proposed the cages, she does not feel they will see them. Ms. Autin stated she is concerned with the use of the land and how it will affect their property values. She stated she would not have purchased the home she did if there was a use of the land adjacent to her that she did not feel would be fitting or a detriment to the value of her home in the future. Mr. Smith stated it is possible this use may add to their property value.

Mrs. Godshalk asked where the horses are held during the night, and Ms. Stallings stated they would be in the pole barn.

A short recess was taken at this time. The meeting was then reconvened at 9:35 p.m.

## DISCUSSION OF TRENTON MERCER AIRPORT AND MOTION TO PROCEED WITH THE LITIGATION

Mr. William Potter, attorney, was present with Mr. Paul Krupp and Ms. Holly Bussey. Mr. Krupp stated in 1995 Eastwind Airlines was contracted to fly commercial planes out of the Trenton Mercer Airport and this became a problem for many residents because of the impact of the airplanes; and BRRAM (Bucks Residents for Responsible Airport Management) was formed. He stated they have been working with the Township for a number of years; and in 2000, the Township passed a Resolution indicating that they supported them in their request for an Environmental Impact Statement that is necessary for an airport to expand. He stated they have been fighting this for twelve years. He stated for the last year they were under a confidentiality restraint for a mediation attempt with the FAA, but this does not appear to be working out so they are present to discuss further litigation.

Mr. Smith asked how many flights are coming out of the Airport currently. Mr. Bernie Goldberg, 1304 University Drive stated there are 40,000 flights a year out of Trenton Mercer Airport. He stated 5% of these are off hours between 11:00 p.m. and 6:00 a.m. He stated this equals six flights a day during these off hours. He stated if they start flying commercial aircraft out of the Airport at night, it will have an impact. Mr. Smith asked the Airport and FAA's position and what are they proposing. Mr. Krupp stated the FAA had passed a FONSI (Finding of No Significant Impact) on an environmental assessment which indicated they could expand the Airport. He stated this means commercial airlines may move in. Mr. Krupp stated at one point they were entertaining Southwest Airlines and that was the purpose of the attempt to expand the Airport. He stated Southwest eventually wrote a letter that because of the community unrest, they did not want to come to Trenton. He stated Southwest is currently flying eighty flights a day out of Philadelphia which could have been out of Trenton if the residents had not resisted at that time. Mr. Smith asked how many flights they propose coming out of Trenton Mercer, and Mr. Krupp stated they need to classify the flights into corporate aircraft and commercial airlines although there are no commercial airlines at the present time.

Ms. Bussey stated when they first established their grass roots operation and then incorporated as a non-profit, one of the charges from the Board of Supervisors was that BRRAM keep the public and the Board of Supervisors informed of all developments. She stated they have attended and participated in numerous environmental reviews, meetings, Hearings, and worked with their Congressional District representatives. She stated they have also done significant fundraising to help cover the cost of the litigation. She stated they have also gotten involved with some of the other outlying meetings such as the Delaware Valley Regional Planning Commission in order to help keep the public informed as best they can. She stated the purpose of this evening's meeting is to bring everyone up to date as to what has happened. She stated for the last year, they were under a "Gag Order" and not able to discuss what had been happening.



Mr. Potter stated he has been representing BRRAM and the Township jointly since 2001. Prior to that, he represented BRRAM and a group in New Jersey called PLANE. He stated he has heard this evening discussion about the impact on property values and noise. He stated he has reports that show that there is an average reduction of 18.6% in property values where there is a significant increase in airport noise. He stated he feels the most important perspective is the future as this is dealing with what could occur should the Airport be expanded without adequate controls. He stated they have spent almost a year trying to negotiate something with the FAA; and he has been informed that he is not to go into detail on the negotiations in this public session, but stated the negotiations were frequent, difficult, and unsuccessful. He stated the negotiations were being chaired by a Federal Mediator appointed by the Third Circuit Court of Appeals. He stated assuming they go forward he would anticipate eight months to a year of Motions, Briefs, and oral argument at the Third Circuit. He stated he has projected costs on this. He stated he also had prepared a chronology since the beginning of his representation. He stated the Board must decide if they want to go forward with an Appeal. He stated this is not a trial, and there will be no witnesses.

Mr. Santarsiero stated he feels Mr. Potter should discuss why it would be important to have an Environmental Impact Statement. Mr. Potter stated an Environmental Impact Statement is mandated by the National Environmental Policy Act prior to any final agency action that has a “significant impact on the environment.” He stated this term is subject to discretion and decision making. He stated they are still hoping to get full disclosure of potential mitigation measures including mandatory curfews, changes in flight patterns, and restrictions on the level of service that can be provided by the Airport expansion. He stated they have no objection to the construction of a building, but do have an objection if it is to be used to attract a high-frequency, low-fare carrier, which was the original position of the County Executive of Mercer and has not changed with the change in the administration in Mercer. He stated his firm has been named as Counsel for New Jersey Citizens Against Airport Noise and they are challenging the Airspace Re-Design Study recently done. He stated this does not address anything dealing with Lower Makefield Township or Trenton-Mercer Airport.

Mr. Krupp noted in the Manual produced by the DVRPC there is a schematic on Page 51 of what the area will look like by 2030. He stated there are three major airports designated in the DVRPC area, one in Philadelphia, one in Mercer, and one in Wilmington and those planes will be International planes, commuter connections, and they will be impacting the Township property values if this happens. He stated this is what they want to stop from happening.

Mrs. Godshalk thanked them for all their hard work over the years. She asked how they can keep the newly-formed carriers from coming into the area. Mr. Potter stated each newly-formed carrier would have to be Certificated by the FAA and have an approved business plan. Each one of these could trigger a supplemental Environmental Impact

Statement. He stated the FAA has a habit of finding No Significant Impact whether they do an Environmental Impact Statement or not so constant vigilance is necessary. He stated there is also a political dimension since the FAA is subject to Congressional oversight and Hearings. He stated they have had meetings with Congressman Greenwood and Congressman Murphy and he has had meetings with Congressmen Rush and Holt in New Jersey. He stated he always recommends that they work with the Congressional Delegation on this as Congress has a possible role to play whatever the FAA chooses to do. Mr. Potter stated with respect to an Environmental Impact Statement they have more than thirty years of Case Law on what is a significant impact and one of the key points to be made is if the Federal Agency is relying on an artificial restriction against usage in order to get to the Non-Significant Level, this has to be legally enforceable. He stated if they are saying that there will not be more than a certain number of flights per day in and out of the Trenton Airport, this must be legally enforceable in order to use it as the basis for saying there is no significant impact. He stated he feels they have a good case at the Federal Courts.

Mr. Smith stated the Township is currently working on their Budget, and there are Budget constraints that the Township must consider as well. He stated they must also consider if they can afford not to proceed with litigation in this matter.

Mr. Potter stated they are hoping that the FAA will go back and re-examine the environmental impacts, noise pollution issues, mitigation possibilities, and cumulative impacts of attempting to have a large-scale presence. He stated they have never done an Environmental Impact Statement. He stated this would put on hold Trenton Mercer's efforts to expand for a long time. He anticipates it would take a year to reach an Adjudication in the Third Circuit. He does not anticipate this would go to the Supreme Court.

Ms. Joanne Giniven, Cultipacker Road, stated it was very disruptive when Eastwind was flying over her home. She stated they were unable to enjoy their property, were woken by planes flying overhead, and had concerns about their property values. She stated taxes in Mirror Lake Farm are approximately \$13,000 per year and there are 100 homes. She stated there at least twenty developments which will be similarly impacted. She stated this could represent an annual tax base of 15 million; and if property values go down 25%, eventually the tax will go down on those houses compared to the other houses so that the Township has a financial stake in this as well.

Mr. Bernie Goldberg, University Drive, stated this issue started because Trenton Mercer wanted to expand from a two-gate to a six-gate terminal. They have cut their request down to a four-gate terminal because of all the debates they have had. He stated in order for an airport to expand and offer regulated commercial service, they have to file an Environmental Assessment; and Trenton Mercer failed to do this when Eastwind started to fly. He stated they went to the FAA and complained and found that as a community



not in New Jersey, they could not talk to anyone or offer any debate. He stated they have been fighting this for twelve years. He stated in the original recommendation, Lower Makefield was described as rural farmland. He stated they are trying to prevent them from expanding Trenton Mercer into a major airport. He stated Trenton Mercer has backed off the size of the number of gates, but not the size of the Terminal; and while they are indicating they will only put four gates in the Terminal, the Terminal is large enough to handle six gates. He stated this will have a future impact. He stated no airport can state they will have a curfew, and they were told the only way they can mandate a curfew is an EIS. He stated the residents want an EIS so the Airport has to mitigate the noise issues they are trying to create over the Township.

Mr. Steve Autin stated he is a Vice President of Litigation so that if cost is an issue, he would be willing to write the Appeal pro-bono.

Ms. Bussey stated she feels what they are doing is wrong and in violation of the law. She stated it requires vision to move forward in tight economic circumstances. She stated on behalf of BRRAM she would like to take the opportunity to thank the Board and the many residents throughout Bucks County for their continued interest and overwhelming support in the pursuit of an Environmental Impact Statement. She stated this is the right thing to do. She feels litigating for an EIS is needed to properly identify the direction of the Airport, to cumulatively evaluate their past, proposed, and foreseeable future actions, to evaluate the actual need for the project, and to design and implement a plan of reasonable mitigation to reduce current as well as future socio-economic and environmental impact resulting from Airport operations. She urged all to stay informed and active since the future of the quality of life is now at stake. She urged the Board to see this through.

Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to proceed with the litigation.

Ms. Bussey stated donations are still being accepted and asked those interested to visit [www.BRRAM.org](http://www.BRRAM.org).

#### PRESENTATION OF 2008 TOWNSHIP BUDGET

Mr. Brian McCloskey, Finance Director, was present with Police Chief Kenneth Coluzzi, to discuss the 2008 Township Budget. Mr. McCloskey stated there will be no sewer rental increases for the third consecutive year and no increase in Pool Membership fees for the eleventh consecutive year. He stated they are recommending a 2 mill increase to be allocated to the Township's General Fund. No other tax increases are proposed for any of the other eighteen funds. He stated the entire Budget is comprised of 19 funds and is projected to increase in total by 1.4% to \$25.4 million. He stated the General Fund is

budgeted to increase by 2.75%. Within this and other funds, contractual salaries are expected to increase by 4%, and there are no new staffing requests within the Budget with the exception of three new Police Officers and one additional Officer to replace an Officer on leave in Iraq. The 2 mill increase, if approved, would affect the average Lower Makefield resident by \$79.80 per year or \$6.65 per month.

Mr. McCloskey showed a slide of the Budgeted millage allocation. He stated there are nineteen funds, six of which whose revenue source are taxes. He stated the General Fund is where they are showing the increase of 2 mills taking it to a total of 9.5. He showed an illustration of the Budget for the last five years showing Budgeted expenses and Budgeted revenues. He stated as seen by the chart, there is a history of budgeting expenses above revenues. He showed a slide showing the General Fund expenses – Budget and Actual which are very close together. He showed another slide showing the General Fund revenues, with the top line being the Actual and the bottom line representing the Budget. He stated the slide shows the expenses coming in slightly under Budget and the revenues coming in ahead of Budget which is why they have been able to maintain sufficient cash balances and operate at maximum efficiency. He stated they are projecting for 2007 to come in slightly under Budget for revenues. He stated the primary factor for their revenue exceeding Budgeted amount in the past ties directly to the housing market and the housing market is currently not doing well. He stated the Township depends on the Deed Transfer Tax which is the percentage received by the Township of the real estate sales and this comes into the General Fund. Prior to 2007, the housing market in Lower Makefield was robust, and the Actual revenue far exceeded the Budgeted revenue. He stated the real estate market has turned south and is not expected to rebound for at least another year. He stated there was a decrease in Building and Development-related fees to the Township for Permits, etc. He stated in 2005 the Township received approximately \$1.9million from the Transfer Tax on a Budget of \$1.3 million; in 2006 and 2007 this has changed drastically, and the Township has recognized a 24% decrease this year over the 2005 levels. This takes into consideration the recent sale of a large property which allowed the Township to project their 2007 levels to \$1.466 million. He stated in the five year period noted, the Township recognized \$1.5 million in excess of Budget due to the Transfer Tax.

Mr. McCloskey stated in 2008, the General Fund Budget is scheduled to increase by 2.7% within which salaries will increase by 4% as fixed by Contracts. He stated non-salary and benefit-related expenditures are projected to decrease in 2008. He stated the inflation rate for 2006 was 3.5% so the General Fund is trending below the rate of inflation. He also showed a Chart showing the Budgeted lay out of the 2008 General Fund expenditures, and they have the same components, most of which have stayed the same or within 1% of the 2007 levels. He stated the Police are at 40% and he asked that Chief Coluzzi discuss the Police Budget for 2008.



Chief Coluzzi stated they are requesting \$3,809,322 for 2008 which is a \$231,805 difference from the 2007 Budget. He stated the Police Department has traditionally come in under Budget. He showed an organizational chart and noted one Officer left in mid-2007 for Iraq and is expected to return by mid-2008. One Detective Sergeant is expected to retire in 2008. He stated total current staffing is thirty-five Officers. Taking away the Officer who will retire in 2008 and the Officer currently serving in Iraq, they have thirty-three Officers. He stated they are requesting permission to hire four Officers in 2008 bringing the total staffing levels to thirty-eight officers. He stated of the thirty-three current Officers, only twenty-three uniformed Patrol Officers are on the street 24/7. He stated this equals .68 Officers per 1,000 residents. He showed a chart showing the history of the Police protection in Lower Makefield over several years. He stated in 1990 they had twenty-five Police Officers, and in 1996, they grew to thirty Officers. He stated between 1995 and 1996 the Giant and McCaffrey Shopping Centers were built. In 1998 there were twenty-six Officers and at that time Floral Vale came to Lower Makefield. In 1999 they had twenty-eight Officers, and the Hampton Inn came to Lower Makefield. In 2000 Corporate Center North was built and in 2001 Corporate Center South was built. He stated total commitment of Officers at the current time is thirty-four. He showed an Organizational Chart which was prepared in 1995 and was a ten-year projection to show what the Police Department should look like and they showed that by 2005, they should have a Chief, a Captain, and two Lieutenants (currently there is one) and shows thirty-nine sworn Police Officers.

Chief Coluzzi stated there are several ways to gauge the number of Police Officers needed in a community. He stated one way is number of Police Officers per 1,000 residents. He stated in the Northeast Region, the average is 2.7 Officers per 1,000 residents; and in communities with populations under 100,000 it is normally 1.8 Officers per 1,000 residents. He stated they must also consider the infrastructure of the community, proximity to malls, major highways, and cities. He stated in Lower Makefield there is proximity to Philadelphia, New York, and Trenton. He stated you must also consider the pro-active community policing initiatives that the Police Department has under way and the response to emergency services and crime. He stated they also need to consider the non-emergency demands by the citizens and Officer safety which is to provide sufficient Officers to back up other Officers when they respond to calls. He stated supervision and accountability must also be considered. He stated they also need to consider the Policing philosophy which is the philosophy and level of Police services which is set by the Township Officials and by the demands of the community. He stated in Lower Makefield there is a community policing philosophy such that they respond to 98.9% of calls that a citizen puts in for a Police Officer, and they do not deny the right for any citizen to speak to an Officer at any time.

Chief Coluzzi stated there has been a dramatic increase in calls since he came to the Township as Chief in 2000. He stated at that time there were 9,626 calls for assistance

and in 2006, there were 12,561 calls for assistance which is a 23% increase and does not include people who come directly to the Police Station and require Police services. He stated their Detectives investigate an average of 600 cases per year compared to 400 to 500 cases in 2000. Chief Coluzzi stated Police productivity and arrests have increased as well noting that in 2000 there were 193 arrests and 1,184 traffic violations were issued. In 2006 there were 363 arrests and 3,448 violations were issued. Chief Coluzzi stated Falls Township has approximately fifty-one Officers and their population is 34,800 according to the 2000 Census. He stated Northampton has forty-five Officers, Middletown fifty-four Officers, and Lower Southampton thirty-one Officers.

Chief Coluzzi showed a slide of the five Patrol Zones which are patrolled by the Officers every day and their goal is to have one Officer patrol each one of the rather large Patrol Zones with a Supervisor supervising the Officers and roaming the entire Township. He stated there are 730 shifts each year, and their minimum manpower requirements are three Officers per shift. He stated there are a substantial amount of shifts each year when there were only three Officers patrolling the entire Township.

Chief Coluzzi stated when he came as Police Chief in 2000, there was one active Town Watch and they now have over twenty-four Town Watch groups. He stated Town Watch is an extremely helpful tool to the Police; and over the years, they have provided information which led to a narcotics arrest, a DUI arrest, and numerous calls for illegal solicitors in the neighborhoods. He stated the Police Department also has Mutual-Aid Agreements with other Police Departments, are part of a Regional SWAT Team, are part of a Major Incidence Response Team, and provide traffic enforcement through the Motor Carrier Task Force. He stated they have also instituted an Alarm Fine which has reduced Police and Firefighters responding to alarm calls by 13%. He stated they are also members of the County Narcotics Task Force and have acquired substantial Grants through the Department Justice, Pennsylvania Commission on Crime and Delinquency and various other Grants. He stated Lower Makefield Township was awarded approximately \$527,000 in Grants which subsidized the salaries of two Officers, one in 2002 and one in 2006. He stated they also have Federal Appropriations on the way which will allow for the purchase of three mobile data terminals in the Police cars so that they can access the Internet and do criminal record checks directly from the vehicles.

Mr. Coluzzi stated they will use the additional Officers for safety issues, traffic enforcement, and undercover operations. It will provide additional Officers to back up existing Officers, and they will have the flexibility of putting Officers in plain clothes to address various criminal activities such as burglary patterns and car break-ins. They will also address the selective traffic enforcement areas in the Township. He stated the three additional Officers they are requesting will impact the Budget by \$80,000 in 2008 as they will not be able to get the Officers on the street until the third quarter of the year.



Mr. McCloskey stated the other Township funds where tax revenue is the primary source of revenue such as the Fire Fund, Hydrant Fund, Park & Recreation, Debt Service, and Ambulance are not requesting any tax increases and all are projected to have a positive Fund Balance at the end of Fiscal 2008.

Mr. McCloskey noted the Chart showing the projected millage allocation for the Lower Makefield Township resident whose taxes are comprised of three sources – Township, County, and the School District. He stated using 2007 levels for the School District and County and 2008 levels for Lower Makefield it shows that even with a 2 mill increase, the average residents tax bill related to Lower Makefield taxes would be 8.5% in 2008 and is currently 7.5%.

Mr. Caiola stated he is pleased that the Board and Administration worked to take the increase down by a full mill to where it is now. He feels this is a responsible Budget and is realistic in assessing what the real estate will bear over the next year. He stated while they could cut down on the increase and hope they make more on the Transfer Tax, if that is not the reality, they would have to use surpluses again next year which he does not feel is appropriate. He feels they are also maintaining levels of service in all areas and enhancing levels of service in the public safety area which is critical to the community.

Mr. Smith stated the Citizens Budget Advisory Committee were able to fully examine the Budget this year. He noted the letter received by the Committee and Mr. Fedorchak stated four of the five Committee members weighed in on the matter and those four are signing the letter to the Board. Mr. Smith read the letter which indicates that they have reviewed the Preliminary Budget and recommend that it be accepted by the Board of Supervisors. He stated they indicated they feel the 2 mill General Fund increase is necessary to maintain Lower Makefield Township services at acceptable levels. He stated they also support the hiring of the additional Police Officers. He stated they did express concern that Fund Balances in the Township Funds have declined over the last few years; and while they appreciate there is pressure on the Board of Supervisors not to raise taxes, they feel it is important to maintain a balance above the 5% Safe Harbor benchmark as suggested by the Auditors.

Mr. Stainthorpe stated at the last Budget Workshop, they were looking to find another \$100,000 which could be taken out of the Budget, and he asked if this had been done. Mr. Fedorchak stated he has gone through the General Fund Budget twice and has been able to cut out \$51,000 out of the \$100,000 requested. He will continue to look into this to see if he can make this goal. Mr. Stainthorpe asked if they received an answer from Berkheimer as to what a Municipal Services Tax might produce; and Mr. Fedorchak stated they indicated they did not know as they do not have the data base readily available for them to draw from to make this determination. Mr. Fedorchak stated a Municipal Services Tax is a tax that Municipalities can levy on individuals working within their community. He stated you can levy up to \$52 per worker. This would affect both

residents and non-residents working within the community. He stated they do not really know how many workers there are within Lower Makefield Township. He stated they could put out a survey to see if they could get an honest answer from the employers. Mr. Smith stated he is concerned that because of the increase of professional and commercial buildings that have been built in the Township over the last ten years, there are now significant people who work in the Township to whom they supply public services such as road, Police and Fire protection; and they are not paying for the support of these services.

Mr. Caiola asked if it is realistic to find the \$100,000 noted and still get to the 5% Safe Harbor. Mr. Fedorchak stated he will try to get to this point but noted it would probably be exclusively with respect to reducing expenditures. He stated he is also going to look at the revenue side based on the fact that they have eleven months of experience and possibly there are a few revenues they can increase for 2008.

Mr. Stainthorpe stated he has been trying to consider ways to find other cuts and is not satisfied that they have looked as hard as they could with regard to savings. He stated while it may be too late to impact this year's Budget, he stated a large portion of what is spent is on the professional fees paid to the lawyers and engineers; and he feels these fees amount to approximately \$500,000 which is one mil of taxation. He suggested that they consider bidding the Municipal consultant services out on a bi-yearly basis. He stated there was discussion during the Campaign that people should be chosen on merit, and he feels there is a lot to this. He stated this idea was recently suggested in Middletown, and he would suggest that as a regular exercise if they put these services out to bid every two to three years, it would let the current professionals know they need to be efficient and the Township might find an engineering firm which would charge an annual fee as opposed to an hourly basis. He stated the professionals would still need to have all the capabilities to handle a Township the size of Lower Makefield. He feels this may save the Township a significant amount of money as he feels this will bring in competition, would be good for the taxpayers, and would be good management and good Government.

Mrs. Godshalk stated during the Budget meetings she noted that when they purchased the Patterson Farm in 1999, they wanted to spin off the two houses to bring them back to private ownership for residential living. She stated she has asked Mr. Fedorchak what the debt service was for Grand Manor House which could probably be sold for \$1.5 million with five acres of land, and the Debt Service alone could be reduced by \$150,000. She stated these would have to go out to public bid, and they could place on conservation easements so that they reduce the Township debt. She stated they are now offering this to the Aark, and the taxpayers will be subsidizing this in the amount of \$150,000 a year.

Mr. Santarsiero stated with regard to Patterson Farm, he has continually stated that he is opposed to any sale of any part of Patterson Farm as he feels it is important from a historical perspective and from the perspective of the heritage of the Township not to



break up that property. He stated after the initial discussion about this, the Township hired the Heritage Conservancy who did a report which suggested that they keep Patterson Farm together and suggested that perhaps if they were looking to sell some of the historical properties, they look elsewhere such as Elm Lowne and this is something they may re-visit next year. He feels they should find other ways to balance their Budget. He stated Patterson Farm is a jewel for the Township and Mrs. Godshalk and the other Board members who voted to purchase this property should be commended, and the property should be preserved.

Mr. Santarsiero stated with regard to the comments regarding professionals, he stated the increase this year is 2.75% for the General Fund and 1.4% for the entire Budget. He asked how this compares to the increases over the last five years, and Mr. McCloskey stated over the last five years, the average increase in the General Fund was 5.5%. Mr. Santarsiero stated he feels they are doing well trying to hold the line on expenditures. Mr. Santarsiero asked about the comparison to inflation, and Mr. McCloskey stated the inflation for the last complete year was 3.5%. Mr. Santarsiero stated based on that year, the Township is below the inflation rate as well. Mr. Santarsiero stated Mr. McCloskey indicated contractual salaries will increase by 4%. He asked Mr. McCloskey what other increases are in the General Fund, and Mr. McCloskey stated aside from the salaries, there is the health insurance which is expected to increase between 8% and 9% and noted as the salaries go up so do employer taxes. He stated there is also a slight increase in professional fees in next year's Budget. He stated this projected preliminary Budget is at a 2006 level. Mr. Santarsiero stated they are also taking in less revenue because of the Transfer Tax. Mr. Santarsiero stated two years ago they hired an attorney who had lower rates than the previous attorney and there has been a lot of work over the last two years; and while he has no problem looking at other professionals, he feels it is important to have the best people working for them, and he does not feel they want to get in a situation where they are always going with the least common denominator because they want to save money particularly when that is not what is driving the Budget. He stated he feels the increase in professional fees has been in keeping with the rest of the Budget and feels they have been at the rate of inflation or below. He stated he feels the Board of Supervisors has looked carefully at every line item, and he does not feel there are many places where they can make additional cuts. He stated he feels the Township runs a very bare-bones Budget. He stated there are 35,000 residents who expect a certain level of service which has been provided consistently over the years, and the residents expect it to continue. He stated the Police Budget was discussed and they saw an increase in arrests and calls and what is driving this is what it happening not only inside but also outside of Lower Makefield. He stated the region is changing, and the Police must be equipped to address those changes. He challenged those who have a problem with the Budget to look at it and advise the Board where they could make cuts. He stated none of the Board members are happy to have to impose a tax increase. He stated he feels they have very reasonable Budgets in the Township. He stated they cannot provide Police protection, good athletic facilities, roads they expect and traffic calming without spending money.

Mrs. Godshalk stated the homes at the Patterson Farm are now “tarnished” and the Township cannot afford to “polish” them. She feels private people would be able to upgrade them. She stated she wanted them sold to families and put them back on the tax rolls. She stated the Satterthwaite House is a disgrace to the Township. She stated people have approached the Township about buying this house, and she feels it should be put out to bid with restrictions on it. She stated she is in favor of what is proposed in the Budget as they need protection and the people working for the Township, but feels they should review holding onto these properties.

Mr. Smith stated he agrees with Mrs. Godshalk and feels in 2008 they do need to consider a long-range plan for Elm Lowne and the Satterthwaite House. He stated he does not feel if they did something with the Satterthwaite property, it would interfere with the integrity of the Farm as the farmlands are separate from the buildings. He feels the Satterthwaite House is a tragedy, and there is a question as to whether or not the Township can afford to keep it. He stated he feels the Budget shows they are living within their means aside from the built-in Contract items. He stated with respect to the Police Budget, he feels there is a need for additional Officers. He noted the Weekly Police Activity Report received by the Board of Supervisors; and since they have added the number of businesses and offices, there are increases in the patterns of crime. He stated quality of life begins with public safety. He stated the Citizens Budget Commission gave them a different group to look at the Budget, and they have been looking at this for the entire year and gave their recommendation which he read earlier this evening.

Mrs. Godshalk reminded the Board that they are entertaining a long-term Lease with the Aark, and the Township already had a problem with a long-term Lease at Elm Lowne. She stated with the money that could be saved with the Debt Service, they could hire two more Police Officers. She stated this does not include the maintenance for the house, and is only the Debt Service. Mr. Smith asked what the costs are currently to maintain Elm Lowne, and Mrs. Godshalk stated it costs \$90,000. Mr. Fedorchak stated he feels the average over the last three years was \$100,000 and this included Debt Service. With regard to Patterson Farm, Mr. McCloskey stated without Debt Service, it is \$60,000 and with the Debt Service it is \$580,000 a year for the Patterson Farm. Mr. Smith stated there was a line item for Elm Lowne this year which was \$20,000 for windows only. He stated when they looked at the Heritage Conservancy Report, they considered economics and whether or not the Township could afford to keep the property in the condition it should be in; or as Mrs. Godshalk has indicated, would it be better in private hands with families who may be able to do the work more affordably than the Township. Mrs. Godshalk stated she is warning the Board about going into a long-term Lease at the Patterson Farm. She stated the Township would still be responsible for the roof and all the outside while the Leaseholder would be responsible for the inside. Mr. Smith stated this will be discussed again when the issue comes before the Board.



Mr. Gary Gilman, Chairman of the Citizens Traffic Commission, stated for a year they have been holding Public Hearings and heard from numerous citizens about their complaints and suggestions as to how they can have safer patterns of traffic, repairs, and re-design of certain roads. He stated universally the theme has been about doing something about the speeding in the neighborhoods. He stated he is present to speak on behalf of the Citizens Traffic Commission to urge the Board to adopt the Budget specifically with regard to the additional Police Officers so that they can do selective enforcement and make the neighborhoods safe.

Mr. Ethan Shiller, Citizens Budget Advisory Committee, stated they unanimously supported the Budget as presented after going through the Budget line item by line item. He stated the Township has an open process that invites the public and a readable line item Budget. He thanked the Board for inviting them into this process. Mr. Smith thanked the Citizens Budget Committee for their work.

Ms. Virginia Torbert stated when the Budget is put on-line for the public, she feels it would be helpful if there were Actual numbers included. She stated there should also be historic Actual numbers going back one to two years. She stated other Townships do this, and she feels Lower Makefield could do this as well. She added she is a member of the Traffic Commission and would reiterate what Mr. Gilman stated noting that enforcement has been the prime concern of residents, and she feels the Budget proposed by the Police Department is reasonable. She stated she hopes that they will pursue with the Police Department as many Grants as possible for traffic enforcement. Mr. Smith stated at the Regional Traffic Commission meeting, enforcement was often discussed; and the Chief was recognized as one of the leaders in Bucks County in the area of traffic enforcement.

Mr. Bob Slamen, Bedford Place, stated he feels they are spending more money on things they should not be spending money on. He noted particularly Edgewood Village which he does not feel will be built by 2030 and a lot of money was spent for a study and hiring experts. He stated he disagrees with Mr. Stainthorpe on the \$500+ a month being spent on electricity since PECO is the third costliest in the United States. He stated if PECO wants to buy wind power, they should normalize it in. He stated he also feels they should control the fees being paid to the experts.

Mr. Bruce McClish, American Drive, stated he is a member of the Citizens Traffic Commission, and the main thing they heard from the people at all their meetings was the excessive speed being traveled by people driving through the residential neighborhoods. They want to see traffic calming, engineering re-design, and enforcement. He stated they also hope to address education of the public next year. He urged the Board to support the Budget and bring on additional Police Officers.

It was noted this matter will be considered for adoption by the Board on December 19. Mr. Santarsiero stated he would like to get a sense as to how the Board members will vote assuming Mr. Fedorchak can find \$100,000 to cut on the 2 mill increase that would still have them within the Safe Harbor. Mr. Caiola stated he supports the Budget noting the increase to the Budget is not just for the Police Officers, and there are other items as well. He feels this Budget will set them up well for next year, and they will not be perpetually going into surpluses which he feels is a very dangerous trend. Mr. Smith stated he agrees and hopes they can make some additional cuts and would be in support of the Budget. Mr. Smith stated he recognizes some of the suggestions made by Mrs. Godshalk which he feels were good, and they will look into these in the future. Mr. Stainthorpe stated he would like to see them find the \$100,000 to cut. He stated at the Budget Workshops he suggested that they needed to look at over-time; and if they are hiring three new Police Officers, they should see a reduction in over-time. He stated he wants to have a level of comfort that they have looked carefully for every savings they can find.

#### PRESENTATION OF THE 2008 GOLF COURSE BUDGET

Mr. Tom Saathoff, Regional Director of Operations of KemperSports Management, was present with Mr. Mike Collins, General Manager, and Mr. Frank Draper, Golf Committee. Mr. Saathoff noted the proposed Operating Budget for 2008 along with the Marketing Plan. Mr. Collins stated they were able to meet their Debt Service for 2007 despite some inclement weather and should meet the 2008 Budget numbers as well. He stated they have increased each year in revenues since they have been open. He stated there have been increases in outings from year to year. He stated they have also shown a modest increase in payroll and expenditures from year to year.

Mr. Smith noted the November 27 letter which is the Business Plan for 2008 which discusses the weaknesses and indicated Makefield Highlands is the price leader in the public sector of the marketplace which means they are the most expensive; and the only discounts they offer are for Township residents, Juniors, and Seniors. He asked if they are looking to have more discounts, and Mr. Collins stated they are not, and noted this is a comment that has been brought to their attention as opposed to a weakness. Mr. Smith noted the Marketing Section and stated it appears they are projecting for fewer rounds to be played in 2008 which should help the condition of the Course. Mr. Collins stated there is a nominal increase to the rate structure across the board in season which is April 1 through October 31. He stated this should cover the reduction in rounds and keep up with continuation of gross revenue. Mr. Smith stated in the Marketing Plan they looked at the public courses in the immediate vicinity. Mr. Smith stated he often hears about Mountain View which has significantly lower fees. He asked why those outside of Lower Makefield would come to Makefield Highlands as opposed to Mountain View.



Mr. Collins stated Makefield Highlands offers an excellent product, services, and amenities inside and outside. He stated their practice facilities are excellent, and it is a destination for families and the community. He stated they are also looking to have the Clubhouse used for various functions. He stated they are able to offer “a day in the life of a private country club” without having to buy a membership. Mr. Collins stated using their past history and numbers, he feels people would choose Makefield Highlands over Mountain View. Mr. Smith stated it appears that they are on pace with respect to the Debt Service, and Mr. Draper agreed.

Mr. Smith stated other Courses have banquet facilities, and he asked if they are looking into any enhancements of the Clubhouse and whether this would interfere with the general experience at the Golf Course. Mr. Saathoff stated they are always looking to expand operations; but before they would make a recommendation, they would look at the return on investment. He stated while they have already discussed enlarging the kitchen area, he assumes that what Mr. Smith is suggesting is more of a private dining area where they could do outside business such as parties and meetings. Mr. Smith stated they would not want there to be anything that would interfere with the surrounding neighborhood. Mr. Saathoff stated this year is where the Debt Service peaks, and they tried to be sensitive to rate increases. They feel the Course has stabilized as far as the number of rounds it can handle without affecting the condition of the Course.

Mr. Stainthorpe thanked the Golf Course Committee and KemperSports for all their work. He stated when this was only a vision, there were concerns expressed by many people that this would be a burden on the Township; and he feels they have created a great golf experience for people. He stated once this is paid off, it will become a “gold mine” for the Township.

Mr. Zachary Rubin stated several months ago members of the Golf Committee came before the Board of Supervisors to discuss using a percentage of the capital funds to put in certain improvements such as construction of a restroom and asked if there is a proposal in next year’s Budget to construct a restroom. Mr. Collins stated in 2008 there is a recommendation section for capital improvements and the construction of a restroom on the Course is one of the recommendations. It was noted that the Board of Supervisors would have to appropriate the money to do this. Mr. Rubin asked that they re-examine the incentive of a free cart rental for January, February, and March for completing an on-line survey.

#### DISCUSSION AND DEFERMENT OF AWARD OF CONTRACT FOR TOWNSHIP WELCOME SIGNS

Mr. Majewski stated the Township received three bids for Township Welcome Signs and would recommend that it be awarded to the low bidder, iSign, at a cost of \$10,350.

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Mr. Caiola moved to award the bid to iSign in the amount of \$10,350.

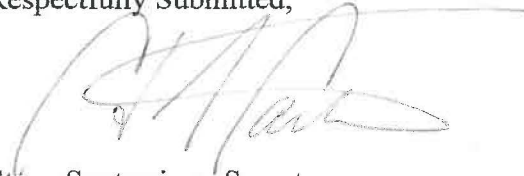
Mr. Stainthorpe stated it is indicated that installation is not included, and Mr. Fedorchak noted the Public Works Department will install these. Mr. Majewski stated the two other Bids were for \$16,020 and \$27,300.

Mr. Santarsiero asked where this money would come from, and Mr. Fedorchak stated it would be done in 2008 so he assumes he will now have to find \$110,000. Mr. Santarsiero stated while he feels they should have these signs, he feels they should defer this if they are looking to cut the Budget. Mr. Smith stated he feels these signs will enhance the Township. Mr. Santarsiero suggested that they defer this to the next meeting when they will know if they can cut costs in the Budget. It was agreed to defer this for two weeks. Mr. Truelove asked if the bids will still be in effect, and Mr. Majewski stated they are well within the timeframe.

Mr. Santarsiero suggested that Supervisors' Reports be deferred until the next meeting.

There being no further business, Mr. Caiola moved, Mr. Smith seconded and it was unanimously carried to adjourn the meeting at 11:35 p.m.

Respectfully Submitted,

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

Steve Santarsiero, Secretary