

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
SWEARING IN OF ELECTED PUBLIC OFFICIALS  
&  
2006 ORGANIZATIONAL MEETING  
MINUTES – JANUARY 3, 2006

SWEARING IN OF ELECTED PUBLIC OFFICIALS

Mr. Stainthorpe announced that the official meeting will begin at 7:30 p.m. Ms. Rebecca Cecchine was sworn in as Tax Collector. Mr. Ron Smith and Mr. Greg Caiola were sworn in as Supervisors. Mr. Stainthorpe welcomed the new Supervisors on behalf of the Board.

2006 ORGANIZATIONAL MEETING

The Organizational Meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on January 3, 2006. Mr. Stainthorpe called the meeting to order at 7:30 p.m. noting that the Board did not meet in Executive Session prior to the meeting.

Those present:

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

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

PUBLIC COMMENT

Mr. Bill Gibney stated he represents the Lower Makefield Seniors. He noted his article on the need for a Senior Center in Lower Makefield which appeared in the Bucks County Courier Times and the Yardley News within the past two weeks (a copy of which had been provided to the Supervisors). He stated the new Supervisors ran on the platform that they would represent all the citizens and he reminded them of the need for a Senior Center.

Mr. Bob Slamen, Bedford Place, stated he feels the Seniors are already getting a lot of services from the Township including Police and Fire protection and use of the Parks for their children and grandchildren. He stated he does not feel there is a need for a Senior Center and is concerned with the costs involved with its construction and maintenance. Mr. Gibney stated there are 5000 residents of the Township who are sixty years old or older. Mr. Slamen stated the Township previously went out for a Referendum on a Community Center which was defeated. He is concerned with the impact a Senior Center could have on taxes.

Mr. Gibney stated at the present time there are 9,000 homes in Lower Makefield and to run a \$2.5 million loan, it would cost \$90,000 a year which would cost every resident \$10 a year to build a Senior Center.

Mr. Gary Cruzan, 729 Stewart's Way, stated in the recent Newsletter, Mr. Stainthorpe indicated that the Township had reached an Agreement with Matrix; and he does not feel this is a fair statement as there is no written Agreement. He stated RAM, the Township, and Matrix reached a verbal Agreement sixteen months ago but nothing has been put in writing. He stated he does not feel it was right to make the statements made in the Newsletter and it should be rescinded. Mr. Stainthorpe stated they did reach an Agreement on all major points and from the Township's perspective they have reached an Agreement. Mr. Stainthorpe stated the Township's portion is in writing, but it has not been signed by RAM. Mr. Cruzan stated they do not have a copy of this Agreement. Mr. Stainthorpe stated Mr. Cruzan has seen this but chose not to comment on it. Mr. Stainthorpe noted Mr. Cruzan also ran on a platform that he settled the Matrix deal, and the same pieces Mr. Cruzan used in his campaign are what Mr. Stainthorpe referred to in the Newsletter. Mr. Santarsiero stated the Matrix issue is on the Agenda and they will discuss this later on in the evening.

Mr. Jerry Mayes stated he feels it is audacious what the Board did with the Newsletter as on the back page it indicated the names of the new Officers. He noted the Reorganization meeting is this evening, and the Newsletter was received last week. Mr. Santarsiero stated this is done every year, and the Newsletter last year also shows the Officers for 2005.

#### ELECTION OF CHAIRMAN OF BOARD OF SUPERVISORS FOR 2006

Mr. Caiola nominated Steve Santarsiero as Chairman. Mr. Smith seconded. There were no further nominations. Motion carried with Mrs. Godshalk opposed.

The meeting was turned over to Mr. Santarsiero who stated they are embarking on a new phase in the history of Lower Makefield as this is the first time there has been a majority of Democrats on the Board of Supervisors. He stated in many ways this does not matter



as they represent the whole Township not as Democrats and Republicans but as fellow residents in Lower Makefield committed to do the best they can to serve the interests of the residents and move the Township forward. He stated there will still be a real change in that he, Mr. Caiola, and Mr. Smith campaigned in their respective Elections for certain things they want to see the Township achieve. They will work with Mrs. Godshalk and Mr. Stainthorpe to achieve these things. Mr. Santarsiero stated they want to improve the quality of life in Lower Makefield, create more financial stability, and insure open and accessible Government.

With regard to quality of life, Mr. Santarsiero stated they want to move forward with Edgewood Village which is a historic Village in Lower Makefield for which there has been a plan on the books for several years to turn it into a “downtown.” He stated they feel this is an excellent idea; and if Edgewood Village becomes this, it will provide a place for residents to come together for civic interaction and create a feeling of community. Toward this end, they are going to push for a special meeting later this month to bring everyone involved together to move it forward as one piece.

Mr. Santarsiero stated they also wish to quickly pursue expanding the recreational facilities. There was discussion during the recent campaign about a “bubble” over the Township Pool in order to make it a year-round facility. He stated they are committed to doing a Feasibility Study on this possibility to see if the Township residents would use it, how much it would cost, and would they be able to pay it off and have the Pool continue to make a profit. He stated a survey has gone out under the auspices of the Park & Recreation Board, and they will be getting the responses back within the next few months. They would like to have a meeting with those interested in doing this sometime in February. He noted the Pool currently does make a profit for the Township and this increased by approximately \$60,000 this year due to the new slides. He stated if the “bubble” can lengthen the amount of time that the Pool is used, it is possible that it will bring in more revenue into the Township.

Mr. Santarsiero stated he feels it is clear that there is a continuing need for more soccer and baseball fields. He stated this is a priority because the Township children need the fields to play on. He agreed that this is costly so it will be incumbent on them. given the Budget situation, to try to find alternate funding whenever possible to pay for these fields.

Mr. Santarsiero stated he feels the Township should create a Community Center which would have an area for the Seniors to use and they should do so as quickly as possible. He stated they must also be respectful of the voters of the Township who twice voted this down. To this end, they must find either alternate funding to pay for it or find some alternate facility to use as a Community Center whether it is an existing building or some other deal with a developer. He stated this will take compromise to get this done.

Mr. Santarsiero stated another quality of life issue in the Township is traffic in the Township which has frustrated Township residents. He stated they need to do better to

solve the traffic problems in the Township. He stated one year ago he proposed the creation of a Traffic Committee for the Township to be made up of Township residents, the Township engineer, and other Township officials to first identify the traffic problems and then prioritize those problems so they can create a Master Plan. At the same time, they will need to move forward and look for funding to deal with these issues. He noted Grants and other entities they can go to for funding and they should pursue this aggressively. He stated the Township residents must be brought into the process.

With regard to open space preservation, Mr. Santarsiero stated there is currently approximately 1,000 acres left of open land in the Township that is subject to development. He stated the Township has done a good job of preserving open space and he thanked Mrs. Godshalk and Mr. Stainthorpe for their work on this over the years. He stated they need to work aggressively to try to preserve additional open space.

Mr. Santarsiero stated they would also like to make Lower Makefield the first low-impact community in Bucks County within a five-year period. This means that they will have to pursue new technologies and new designs for existing Township property and new properties that are being developed to be sure that the water stays on site and goes back into the ground. He stated this is important to help with flooding. He stated Karen Friedman, Chair of the Planning Commission, ran a successful seminar on this issue last year. He stated he attended this and saw what can be done to pursue new technologies. He stated much of the money to become a low-impact development community is available in Grants from the State. He stated this will make a huge difference for the environment and the quality of life.

Mr. Santarsiero stated the people in the Township have come together over the past few years as evidenced during the McCaffrey's fire and with the two floods. He stated in order to expand on this, they need to have more civic celebrations. He stated they would like to pursue having Civic events once each season. He stated money could be raised for charity and a sense of community would develop. He stated if there is a "downtown" which Edgewood Village promises to be, this would be a good location for such events. He stated he feels the summer celebration should be held on the 4<sup>th</sup> of July.

Mr. Santarsiero stated financial stability means trying to bring in new streams of revenue and toward this end they will be aggressive about Grant-writing programs so that they can bring money into the Township without having to raise taxes any further. He stated they also need to bring in more business; and with the Edgewood Village concept coming together, there is an opportunity to be able to bring in business. Toward this end, they will create an Economic Development Committee made up of residents to be part of the solution of finding more economic development and more revenue coming into the Township so it does not burden homeowners. He stated they also need to look at the spending portion. He stated while they had to recently approve a tax increase for the second year in a row, the Board was not happy about this despite it being the responsible



thing to do. He stated they want to make a better effort to bring in more public and will therefore create a Citizens' Budget Commission to be made up of interested citizens who will work with the Township over the Budget process for a longer period of time than just the last few months of the year to see where they can reasonably save money.

Mr. Santarsiero stated with regard to the concept of open Government, he feels it is important for the citizens to know the facts. In order to foster open Government, they plan to televise the Township meetings. He stated they are about to finalize a contract with Comcast that will result in an additional approximately \$90,000 that will go toward the capital costs of the equipment to televise the meetings. The only cost they would have to pay on a yearly basis would be operational costs, and most other Townships which televise their meetings have indicated that this cost is fairly minimal. He stated this will enable those residents who cannot come to the meetings on a regular basis to be informed. He stated other Township meetings can be televised besides the Board of Supervisors' meetings. Mr. Santarsiero stated this will be discussed further in February when the consultant comes in to explain what needs to be done. Mr. Santarsiero stated he hopes that the system will be running by mid-year.

Mr. Santarsiero stated they also need to do a better job of notifying the residents of items which affect them. He stated they need to expand the geographic area of people being notified when there is a Zoning or Building change in the Township so that people are advised of items that may impact their property values.

Mr. Santarsiero stated they will also expand the use of the Township Website to make it more user friendly. He stated they have already created direct dial lines and e-mail accounts for each Supervisor and these will be listed on the Website.

Mr. Santarsiero stated with regard to Appointments to the various Boards and Commissions he has repeatedly been in favor of opening up the interview process so that it takes place in public. He stated he feels those who serve do a great deal of work and receive no compensation and should be applauded for this; however, he feels appointments for those Boards and Commissions should be considered in public to ensure the public that the best people are being chosen. He stated when a term on a Board or Commission comes to an end regardless of whether the individual who is serving wishes to continue to serve, that position should be opened to public applications; and while that current member may be the most qualified and will be chosen, they should still open it up to the public.

Mr. Santarsiero stated they will continue to cooperate regionally both on the Traffic Task Force and in the Southeastern Bucks League of Municipalities which was created a few years ago.

Mr. Santarsiero stated they will work together as a five-member Board. He stated he is committed to respect the viewpoints of all Board members and to make sure that the residents are given a fair hearing as well as to make sure they make the best decisions for the residents of the Township. Mr. Santarsiero presented to the Supervisors this evening pens which he hopes they will use to sign Resolutions,, Ordinances, etc. in a spirit of cooperation and as a reminder they are pledged to work together for the people of the Township.

#### ELECTION OF VICE CHAIRMAN OF THE BOARD OF SUPERVISORS FOR 2006

Mr. Caiola moved, Mrs. Godshalk seconded and it was unanimously carried to appoint Ron Smith as Vice Chairman.

#### ELECTION OF SECRETARY/TREASURER OF THE BOARD OF SUPERVISORS FOR 2006

Mr. Smith moved, Mr. Stainthorpe seconded and it was unanimously carried to appoint Greg Caiola as Secretary/Treasurer.

#### APPOINTMENT OF ASSISTANT SECRETARY/TREASURER FOR 2006

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to appoint Terry Fedorchak as Assistant Secretary/Treasurer for 2006.

#### APPOINTMENT OF CHAIRMAN OF THE VACANCY BOARD

Mr. Caiola moved and Mr. Smith seconded to appoint Jason Simon as Chairman of the Vacancy Board.

Mr. Stainthorpe asked if this individual has to be an elected official as part of the Second Class Code, and Mr. Santarsiero stated they do not. He stated under Pennsylvania law the individual must be an elector of the Township – a resident who is a registered voter.

Mrs. Godshalk noted Mr. Santarsiero's comments about public interviews, and stated she has never seen Mr. Simon. Mr. Santarsiero stated Mr. Simon is present this evening, and he feels this will be the first time that the Vacancy Board Chairman being appointed was actually at the meeting when the appointment was made. Mr. Simon, 514 South Ridge Circle was present this evening and stated he is ten-year resident of the Township.

A member of the audience asked the purpose of this position. Mr. Santarsiero stated in the event there is a vacancy on the Board of Supervisors, the remaining four members of



the Board would have to appoint a replacement. The Vacancy Chair would chair the process to the extent that if there is a two-two tie, the Chair would break the tie.

Motion carried with Mrs. Godshalk abstained.

#### APPOINTMENT OF TOWNSHIP SOLICITOR FOR 2006

Mr. Caiola moved and Mr. Smith seconded to appoint Curtin & Heefner as Township Solicitor for 2006.

Mr. Stainthorpe stated this issue was discussed at length at the last meeting. He stated he has known Mr. Truelove for a long time and has the utmost respect for him. He has reviewed the proposal and the hourly rates are in line; however, he does have concern with the amount of experience the firm has in Municipal Law.

Mr. Santarsiero stated with respect to the rates, he understands the quoted rates were lower than those of Begley Carlin. Mr. Santarsiero reviewed some of the work Curtin & Heefner has done in the past and stated he would not have a **problem**, given the reputation of Curtin & Heefner, retaining Curtin & Heefner at the same rates that they had retained Begley Carlin since they will be getting the same level of service.

Mr. Stainthorpe stated Curtin & Heefner had an opportunity to present their rate package which they gave as \$125 an hour. He stated in the interest of saving taxpayer money he feels they should accept that proposal. He stated because they are new professionals coming on board, they will have to do more research and he feels the expenses will go up. He feels as good stewards of the taxpayers' money, the Board should accept the proposal as presented.

Mr. Smith stated he feels Curtin & Heefner is a very competent firm, and they have a great deal of civility as well.

Mrs. Godshalk stated she is aware of Curtin & Heefner's fine reputation but noted in Lower Makefield they are facing tremendous challenges because they are almost built out. She stated any land that is left is open for challenge from Zoning, curative amendments, etc. and she always felt comfortable having one of the best Municipal attorneys in Bucks County in Begley Carlin. She stated while she does not dislike Curtin & Heefner, she feels they need a firm which has more Municipal experience.

Mr. Santarsiero stated he would not vote for someone whom he did not feel was competent.

Mr. Stainthorpe moved and Mr. Caiola seconded to amend the Motion to include that the rates are to be as set forth in their proposal. Amendment carried with Mrs. Godshalk abstained.

Ms. Karen Friedman asked if they considered any other firms. Mr. Santarsiero stated they did consider retaining Begley Carlin as well but felt they needed a fresh perspective. Ms. Friedman asked if others were interviewed and Mr. Santarsiero stated they were not.

Mr. Sam Spera asked if there was a public meeting on this so that the public could be advised; and Mr. Santarsiero stated they are having the public meeting now. Mr. Santarsiero stated he, Mr. Caiola, and Mr. Smith met with Curtin & Heefner prior to Mr. Caiola and Mr. Smith being on the Board. Mrs. Godshalk stated she received the prospectus on Saturday evening. Mr. Spera stated he does not feel what has been done has been out in the open. Mr. Santarsiero stated in the two years he has been on the Board, he has never received any prospectus from Begley, Carlin and was never asked, other than at the **Reorganization** meeting, to give any input into the Township Solicitor position. He stated he did notify Mrs. Godshalk and Mr. Stainthorpe by e-mail one month ago that he, Mr. Caiola, and Mr. Smith were interested in changing Solicitors and retaining Curtin & Heefner. Mrs. Godshalk disagreed with the length of time of the notice. Mr. Santarsiero stated they also discussed this at the last Board meeting in 2005.

Motion as amended carried with Mrs. Godshalk abstained.

Mr. David Truelove and Mr. Ernest (Bucky) Closser from Curtin & Heefner were present and joined the Board. Mr. Santarsiero stated while both Mr. Truelove and Mr. Closser will initially attend the meetings, they will not be charging double rates. He stated they want to use this as an opportunity to get to know the Township and the various Boards better. Mr. Truelove and Mr. Closser reviewed their experience and indicated they were looking forward to working with the Township and the residents.

#### INTERIM APPOINTMENTS OF TOWNSHIP ENGINEER AND SEWER ENGINEER

Mr. Santarsiero stated given the list of initiatives they would like to undertake for the Township, they feel it will require more specification on the part of the engineers. He stated they would like to break up the engineering services they currently have to include a main Township engineer as well as a sewer engineer, a full-time environmental engineer, and a traffic engineer. They would like to open up a process to see what different firms are available and the services they have to offer and invite a number of firms to interview including PCS and CKS the current engineers. Tonight they would like to appoint PCS and CKS on an interim basis until a final decision is made. They will then schedule an open meeting and invite different engineers to come in to interview so that they can make an informed decision.

Mr. Caiola moved and Mr. Smith seconded to appoint PCS as the Township engineer and CKS as the sewer engineer on an interim basis until a decision is made once the interview process is complete and a decision is made on a final engineer to be hired.



Mrs. Godshalk stated the engineering firms are involved very deeply in many projects in the Township and she does not feel they can let them go if they hire someone else. She feels a Motion should be made that whatever projects they are currently involved in are completed even if another firm is hired.

Mrs. Godshalk moved and Mr. Stainthorpe seconded to amend the Motion to include whatever projects the present engineering firms are involved in, if they are chosen not to be re-appointed, whatever projects they are involved in are completed.

Mr. Santarsiero stated the Motion is to keep the current engineers to the extent that they are not chosen ultimately to stay on in their capacities to serve the Township that they would continue to serve the Township on whatever projects they are currently working on.

Mr. Stainthorpe stated he recognizes the right of the Board to change professionals, but feels there should be a vigorous debate on whether they need four firms. He stated they do currently have an environmental engineer, Skelly & Loy, even though it was not mentioned whether or not they would be retained. He stated he is very concerned about replacing CKS as they have been very much involved on a huge project – the Canal Interceptor that has to be rebuilt – and they have been intimately involved in both the design and permitting of that project and to change firms would have a disastrous financial effect. He stated you face the same problem with replacing engineers as you do with attorneys as the first year they are on, it will take them more time to get up to speed. He stated PCS has also been working on traffic calming for Lindenhurst Road, and he feels it would be beneficial for them to complete that project. He stated the process that has served the Township best is what they did at Memorial Park. He stated originally they had Pennoni, and they did Phase I. He stated for Phase II, the Township Manager prepared a Request for Proposals; and they received four to five bids and the successful bidder was half of what Pennoni was charging and did an excellent job. He feels specific Requests for Proposals should go out and it be an open process for any engineer who wishes to apply. The Board can then review the proposals and pick the best firm.

Mr. Santarsiero stated if they were to pass the Motion as amended, they would be locking themselves into keeping PCS and CKS on for everything they are doing now which would make the purpose of considering different firms a useless exercise.

Mr. Stainthorpe suggested that they vote on the interim appointments tonight and CKS and PCS can then come back at the next meeting with a list of current projects and they can consider whether they should be continued or not. Mr. Caiola stated possibly not all of them would need to be continued depending on how deeply they are in the project. Mrs. Godshalk stated for many of them, they have already awarded the Contracts.

A vote was taken on the Amendment and Mr. Caiola, Mrs. Godshalk, and Mr. Stainthorpe voted in favor. Mr. Santarsiero and Mr. Smith did not vote.

Mr. Caiola asked that they restate the Amendment. Mr. Santarsiero stated the proposed Amendment is if they decide to appoint PCS and CKS on an interim basis only and ultimately they decide to hire different firms, they would stay on for every project that they are currently working on. Mr. Caiola noted the comments made by Mr. Stainthorpe regarding a list of the current projects and a discussion of what may be continued and what would not have to be continued.

The vote was re-taken on the proposed Amendment and the Amendment did not carry as only Mrs. Godshalk and Mr. Stainthorpe were in favor, and Mr. Caiola, Mr. Santarsiero, and Mr. Smith were opposed.

Mrs. Godshalk stated she is concerned with the expenses that will be incurred by hiring someone new to work on projects which are underway and for which there are already contracts. She stated they could also be liable for penalties for breaking contracts.

Mr. Jason Simon stated he has not heard that by looking at other firms that they may not continue with the projects going forward. He stated they could pick another firm, but still chose to follow through on projects that are under contract. Mrs. Godshalk stated her concern is which engineering firm would continue with the project. Mr. Simon stated if they look at other engineering firms it does not preclude them from also ensuring that the contracts are completed. Mrs. Godshalk stated she feels it is important that the firm that started the project follows through with it.

Mr. Bob Slamen stated he feels they are going to be wasting a lot of money.

Ms. Virginia Torbert stated on a previous Township project the engineer was replaced with no problem. Mrs. Godshalk stated that was a different phase of the Park when that was done.

A vote was taken on the original Motion without amendment and the Motion carried unanimously.

Mr. Stainthorpe moved and Mrs. Godshalk seconded that the interview process be such that it is open and transparent and that the Township Manager put together a Request for Proposal that should be open to any firm interested in participating.

Mr. Smith stated he feels this will be done open and transparent by scheduling interviews. Mr. Santarsiero stated the proposed Motion is to send out a general request for proposals which will be reviewed and they will then decide who they want to interview. Mr. Caiola asked how long the RFP would be in the public and the timeframe for receiving them



back and starting the interview process. Mr. Fedorchak stated since it is professional services, they are not bound by advertising requirements or procedure set forth in the Second Class Township Code. He asked if he should advertise in the paper or come up with an acceptable list of potential firms. He stated for Memorial Park he came up with a list of firms they had worked with over the years. Mr. Stainthorpe stated he would be in favor of advertising as the more competition they get, the better. Mr. Santarsiero stated he is concerned with the timeframe and wanted to move this forward. He stated he would like to schedule interviews next week if possible. He stated he feels they can come up with a list of qualified firms that would give a wide range to choose from. Mr. Fedorchak stated for Memorial Park an RFP was sent out specific to the project and a scope of work required, and the proposals were submitted and reviewed. A short list was created and interviews conducted. Mr. Caiola stated what they are trying to do would be more difficult with regard to the specifics. Mr. Stainthorpe stated he feels they should take the time to get the best qualified people. Mr. Santarsiero stated he feels they can be deliberate but still try to find an expeditious way to get this done. He stated the sooner they move forward with this, the sooner they can proceed with the initiatives they have outlined.

Ms. Sue Herman stated for engineering firms, the rate will not be the only thing they look at, and the Board agreed.

The Motion was re-read, and Mr. Santarsiero asked if Mr. Stainthorpe envisions that there would be an advertisement, and Mr. Stainthorpe stated he feels the best way would be to advertise. Mrs. Godshalk stated they could also mail out letters to known firms. Mr. Caiola stated he would prefer that they send out letters to known firms.

Mr. Stainthorpe stated his Motion is that they advertise as opposed to writing to known firms.

Motion did not carry as only Mr. Stainthorpe was in favor.

Mr. Caiola moved that the Township Manager send an RFP to known firms familiar with Lower Makefield Township and who have done work here before in a similar way that was done for the project at Memorial Park. The response time should be two weeks. It should be an open and transparent process. Mr. Stainthorpe seconded.

Mr. Santarsiero restated the Motion as follows – to commence an interview process of known firms that can interview for the engineer positions and that process be held open to the public and interviews take place within the next two weeks. The Township Manager should prepare an RFP pursuant to this Motion.

Mr. Jeff Gaul, 5 Homestead Drive, asked if this will be general firms or firms known for specialties in the areas mentioned. Mr. Santarsiero stated he feels it will have to be broken down into the various areas.

Motion carried unanimously.

**APPOINTMENT OF DELEGATE TO THE ANNUAL CONVENTION OF PENNSYLVANIA TOWNSHIP SUPERVISORS**

Mr. Stainthorpe stated typically the Chairman is appointed as the Delegate; however, Mr. Santarsiero stated he did not feel he would be able to attend the entire Convention.

Mr. Santarsiero moved, Mr. Caiola seconded and it was unanimously carried to appoint Pete Stainthorpe as the Delegate to the Annual Convention of Pennsylvania Township Supervisors to be held April 23 to 26 at the Hershey Lodge.

**ESTABLISH AMOUNT OF TREASURER'S BOND AT \$2,000,000**

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to establish the amount of the Treasurer's Bond at \$2,000,000.

**ESTABLISH MEETING DATE FOR TOWNSHIP SUPERVISORS PUBLIC MEETINGS**

Mr. Santarsiero stated there has been discussion about moving the meetings from the first and third Monday of every month to the first and third Wednesday of every month which would avoid numerous Monday holidays that in the past has forced them to cancel meetings. He stated this will also give the Township Office more time to prepare for the Supervisors' meetings. He stated they will continue to have the Agendas out on Friday which will give the public more notice of Agenda items.

Mr. Caiola moved and Mr. Smith seconded to establish the meeting date for Township Supervisors public meetings to the first and third Wednesday of every month. Motion carried with Mrs. Godshalk opposed.



ESTABLISH A SPECIAL MEETING DATE TO REVIEW EDGEWOOD VILLAGE PLAN

Mr. Santarsiero stated they would like to move forward with the Edgewood Village Plan and bring all those involved to one meeting to discuss how to move the Plan forward as one piece as opposed to it being done piecemeal.

Mrs. Godshalk stated she was the liaison to the Historic Commission and they had already set a date which was to be in December; however, Mr. Fedorchak asked that it be changed because of the new Board. She stated all the residents of the Village have already been invited to meetings and they have a Master Plan which was reviewed this morning and they will make it more of a **three-dimensional** scheme. Mr. VanDyke will be at the Board of Supervisors meeting on January 18. Mr. Santarsiero stated he feels there should be a special meeting to deal only with Edgewood Village as he feels it is important to bring everyone together at one time. Mrs. Godshalk stated they already had all the residents present and there are now only two principal players in the scheme as Mrs. Flowers has sold her property to Mr. Troilo. Mrs. Godshalk stated she has been working on Edgewood Village for twenty-five years. She stated Mrs. Flowers was a proponent of not changing Edgewood Village as it is a National Historic treasure. Mrs. Godshalk stated the proper developer came along that Mrs. Flowers agreed with, and they reviewed all phases with the Historic Commission, HARB, the Township Planning Commission and the Board of Supervisors and they have come up with a Plan for a multi-use National Register Village with residential, small shops, businesses, commercial, and professional. She stated at this point she is in favor of pushing it forward.

Mr. Santarsiero stated he understood the meeting in December included Mr. Troilo but did not include Mr. Messick or the other residents in the area. Mrs. Godshalk stated Mr. Messick has been present at every meeting they had. Mr. Santarsiero stated he does not feel this is the same as what they are now discussing. He stated he would like bring in every potentially-interested party to come together at one time with the Board of Supervisors to discuss where they are and how they can move it forward as one piece. Mrs. Godshalk stated the Planning Commission and Board of Supervisors have already approved a Master Plan. Mr. Santarsiero stated he would like to have one meeting devoted only to this subject and would also like to bring the two new Supervisors up to speed.

Mr. Smith stated there was confusion in the fall about what was going to happen with Edgewood Village and he feels it is important to have a special public meeting to review what is on the books and get public input.

Ms. Helen Heinz of the Historic Commission stated they discussed a meeting date of Wednesday, January 25 at their meeting this morning.

Mr. Caiola moved and Mr. Smith seconded to hold the Edgewood Village Special Meeting on Wednesday, January 25 at 7:30 p.m.

Ms. Friedman asked that a special memo be sent to the Planning Commission members so that they are included as well. She also suggested the Zoning Hearing Board be invited. Ms. Heinz asked that HARB also be invited. Mr. Santarsiero stated the intention is to include not only the public but also those in the Township such as Planning Commission, Historic Commission, HARB, and Environmental Advisory Council.

Ms. Amy Bodnar, 175 Cinnabar Lane, stated she is not in favor of rebuilding the Village. She stated she is concerned with the traffic already in the area and the traffic impact this will have for traffic traveling to and from the By-Pass. She also questioned where funds will come from for this as she does not want taxes to increase. She does not feel there are benefits to this as she feels they are trying to duplicate Yardley Borough and Newtown Borough. Mrs. Godshalk stated the Plan has been proposed for some time. She stated they do have plans for traffic calming measures that will help slow down the traffic. Ms. Bodnar stated if the speed limit is lowered, it will now take even longer to get from their homes to the By-Pass. Mr. Santarsiero stated these are the kinds of decisions they are going to look at during the meeting. Ms. Bodnar stated the first time she heard about this was during the campaign, and she feels the public should have a chance to vote on this. Mrs. Godshalk stated they have had public meetings on this for five years. Mr. Caiola stated these are commercial developments and it would be difficult to allow residents to vote on commercial businesses which are done with private dollars. He stated they are having the special meeting so that they can advise the public of what is proposed and to receive input.

Mrs. Godshalk stated the largest landowner in the Village sold her property because a developer came forth with a plan which was pleasing to someone whose family has lived in Edgewood Village for three hundred years and had faith in the Plan that was put forward. Mrs. Godshalk stated she feels those who have worked on this for five years are committed to this type of plan.

Motion to hold the special meeting carried unanimously.

**AUTHORIZE EXECUTION OF GRANT AGREEMENT WITH DELAWARE RIVER  
JOINT TOLL BRIDGE COMMISSION BY RESOLUTION #2108**

Mr. Fedorchak stated on December 19, the Delaware River Joint Toll Bridge Commission approved the Township's Grant Application to fund the installation of a traffic signal at the intersection of Creamery and Yardley-Newtown Roads. The Commission authorized funding to the Township in an amount not to exceed \$125,000 which should cover approximately 90% of the projected costs of the signal.



Mr. Fedorchak stated he did provide the information to Mr. Closser who reviewed the Agreement. Mr. Closser stated this a fairly typical Governmental Grant Agreement and the Township will be obligated to adhere to the Commission requirements with respect to the project.

Mr. Stainthorpe moved and Mr. Caiola seconded to approved Resolution #2108 authorizing execution of the Grant Agreement with the Delaware River Joint Toll Bridge Commission.

Ms. Virginia Torbert stated this is next to her property and this is the first time she has heard about this. She asked if this will involve road widening, and Mr. Majewski stated it will not. He stated they will install the traffic signal at the intersection together with timing adjustments and coordination with the traffic light at Mirror Lake Road and Yardley-Newtown Road. The signal will be on the opposite side of Creamery Road adjacent to the Wil'o Wisp Farm Development. Ms. Torbert asked if they will be putting anything on her property, and Mr. Majewski stated he does not believe so; but if they did, they would need to acquire an easement for that. Mr. Stainthorpe stated this was discussed at prior public meetings. Mr. Majewski stated they will decide if a right turn on red will be permitted based on sight distance. Ms. Torbert stated there is very little sight distance unless they pull out into the road. Ms. Torbert asked when this will occur, and Mr. Fedorchak stated he anticipates the design phase could take three to four months. He added he understands that PennDOT is in support of this.

Mr. Sam Spera stated he does not feel there is a need for a traffic light at this location.

Chief Coluzzi stated he feels the light will be a great improvement at this location.

Ms. Torbert stated there is also a problem with traffic going east on the road. She stated when people are stopped trying to make a left onto Creamery, drivers are passing on the right while some traffic continues forward.

Motion approved unanimously.

#### APPROVE RESOLUTION SUPPORTING LEGISLATION REGARDING NEW VOTING MACHINES

Ms. Robin Stelly, 4 Pennsbury Court, stated the Legislation will provide for voting machines that provide a voter verified paper ballot and mandatory 5% voter recount.

Mrs. Godshalk moved, Mr. Caiola seconded and it was unanimously carried to approve the Resolution supporting Legislation regarding new voting machines.

APPROVE ALLEGHENY VALLEY SCHOOL FEDERAL LITIGATION  
SETTLEMENT AGREEMENT

Mr. Santarsiero stated Allegheny Valley School has purchased three homes in Lower Makefield Township one on N. Crescent, one on Big Oak Road, and one on Yardley-Morrisville Road and they intend to turn these into group homes for mentally-retarded adults. Their Application for Special Exception and other Zoning relief took six to seven months through the Zoning Hearing Board and the Zoning Hearing Board made a decision on those Applications on December 6 granting relief pursuant to certain conditions. The time period in which to Appeal that Decision of the Zoning Hearing Board is now pending. While the matter was before the Zoning Hearing Board, Allegheny Valley School sued the Township, the Supervisors individually, the Zoning Officer, the Building Officer, and others, seeking various relief under the Federal Fair Housing Act and claiming the Township was engaged in discrimination among other things. That lawsuit has been settled in principal. The parties have come together with the aid of the Federal District Magistrate Judge where the case was brought and they now need to finalize the Settlement document. Mr. Santarsiero stated if the Board votes to finalize the settlement of the Federal lawsuit whereby AVS sued the Township, they are in no way impacting the right of the citizens who may wish to file an Appeal of the Zoning Hearing Board Decision. This is only a Settlement of the discrimination suit brought by AVS against the Township. He stated they have been advised by Begley Carlin, who continues to represent the Township in this matter, that there is little recourse for the Township at this point; and if they continue with the Federal lawsuit, they face potential liability including money damages and attorney fees. Given this fact, it has been recommended that they enter into the Settlement. The Judge has asked that this be brought to a vote tonight; and if they do not vote for the Settlement, he feels the Judge will order the litigation to move forward in an expeditious way.

Mr. Caiola stated while he served on the Zoning Hearing Board, he is no longer a member of the Zoning Hearing Board and has given his resignation. He asked if he should vote on this matter. Mr. Truelove stated as he was not a Party to the prior litigation even though he was an Alternate Member of the Zoning Hearing Board from the Township's perspective, he does not feel there would be a conflict of interest at this point. Mr. Truelove stated he has also reviewed the Settlement document and would agree that it is in order and an appropriate document for the Township to enter into, noting it does reserve the rights of the Township residents.

Mr. Stainthorpe moved and Mr. Caiola seconded to approve the Settlement Agreement negotiated by Mr. Koopman on the Township's behalf.

Mrs. Godshalk stated she feels the rights of the Township residents are being discriminated against. She stated no taxes will be paid on \$2 million worth of property. She stated the people living in these homes will have children within our School District.



She stated there will be twelve to fourteen employees working at these residences on various shifts. She stated the homes are also located on streets where there is no public parking. She would recommend that they put in that no parking is permitted on these streets. She stated she has already heard that they feel they are going to be able to park cars on Edgewood Road and Yardley Road where the current homeowners do not park. She stated she feels they are being forced to do this because they are suing the Township.

Mr. Santarsiero stated he was the Liaison to the Zoning Hearing Board and sat in on the Hearings which were very lengthy. He stated while the Township did not take an official position in those Hearings with Mr. Koopman's assistance they did a significant amount of work in trying to determine exactly what AVS was trying to do with the houses. He stated Begley Carlin also did a significant amount of research to determine the Township's options under the Fair Housing Act and they did try to get on the table all the facts that pertained to the request. He stated the Zoning Hearing Board made its Decision and now they are left with this result and this lawsuit that was brought against the Township. He stated it is the nature of the Federal case law that has come down that the Township is exposed to liability if they do not settle. He reiterated that this does not prohibit the Township residents from appealing the Decision of the Zoning Hearing Board.

Mr. Jeff Gaul stated he lives near the N. Crescent property and he asked if the Township is now required to approve the use of the properties and asked how they can meet the Zoning Ordinances with regard to parking, etc. Mr. Santarsiero stated the Zoning Hearing Board has already made a decision on those issues. Mr. Gaul asked if they are going to be permitted to park on Edgewood Road. Mr. Caiola stated the testimony they provided was that they would not have as much impact as a large family would have. They did not indicate whether or not they would park on the street. Chief Coluzzi stated they would have to look at each street individually to see the signs posted, type of street, etc.

Mr. Lee Seglum asked the terms of the Settlement. Mr. Truelove stated it settles the litigation initiated by AVS against the various Defendants including the individual Supervisors. There is also an Agreement that there will not be an Appeal by the Township or the Plaintiffs from the Zoning Hearing Board's Decision, but it does reserve the rights of other persons who were granted Party Status to take an Appeal. There is also resolution of non-Building Code Claims raised in the Zoning proceedings, but the Township is allowed to proceed further with any kind of enforcement of other Codes that may not have been considered or contemplated at the Zoning Hearing Board. The Township does reserve the right to properly regulate according to the remaining provisions in the Township Code. There are restrictions on the number of people who can be in the homes including the number of **non-ambulatory** individuals. Building Permits and inspections will be conducted in accordance with the applicable Law. The Magistrate is retaining jurisdiction; and if other issues are raised, he can be approached by either Party.

Mr. Smith asked if the use becomes a nuisance inconsistent with the testimony given at the Zoning Hearing Board, then they are not precluded from taking some action, and Mr. Truelove stated this is his understanding if it exceeds the scope of what was discussed at the Zoning Hearing Board.

Mr. Santarsiero stated the number of residents that can be at each of the homes has been set by the Zoning Hearing Board. Mr. Santarsiero stated at Big Oak Road there can six clients and up to four house workers employed by AVS. At the Yardley Road property there can be six clients and two AVS employees. He stated at the Yardley Road property they would be precluded from having non-ambulatory residents unless AVS were to come in and seek to have changes made to the house to accommodate them, and the Township does not waive any of their rights with that process. Mrs. Godshalk stated beyond the permanent residents serving the clients, there are also shift workers coming into the home, so there could be up to fifteen people at the house at one time.

Mr. Seglum asked if this Settlement disarms the Township's ability to litigate the basic issue, and Mr. Santarsiero stated they have been advised that they should not litigate because of the exposure the Township would be at risk of and the damages they would have as well as the poor chance they would have to prevail at any such litigation.

Mr. Truelove stated the fact that the Zoning Hearing Board made its decision substantially disarms the Township from litigating this. He stated he feels what is proposed is a reasonable way of restricting this so that there is some control maintained by the Township in the process.

Ms. Marilyn Huret, Kings Road, asked if acceptance of the terms of the Agreement relieves the Township and residents of any liability that may result of AVS doing something that is not something that other people do, but they need to let them do it and if as a result there is injury or something else, will the Township be liable.

Mr. Santarsiero stated this only settles existing claims and does not settle potential claims in the future by either Party.

Mr. Smith stated he understands that the damages would be ongoing if they did not agree to the Settlement. Mr. Closser stated this is true and under a discrimination theory they could be accruing for as long as the so-called discrimination continues including attorney fees for the opposing counsel.

Motion carried unanimously.



**AUTHORIZE ADVERTISEMENT OF ORDINANCE TO REPEAL AGE-QUALIFIED ZONING ORDINANCE**

Mr. Santarsiero stated at the last meeting in December, the Board of Supervisors considered a Zoning Ordinance that would allow for age-qualified housing in the C-2 and C-3 Zoning Districts. This Ordinance had been put together largely to allow the proposed settlement related to the Matrix site. At the time there was some discussion as to whether that was the appropriate time to pass that Ordinance, the question being whether they had yet finalized a settlement with Matrix and RAM. There was also some question as to whether they could have a written agreement and then do a Zoning change and whether this would constitute Contract Zoning which is prohibited in Pennsylvania. He stated there was also discussion as to whether there was some other vehicle by which they could get further assurance that all of the aspects of the agreement in principal that the Township, Matrix, and RAM agreed on in the spring could be put into some kind of enforceable document. He stated the Board voted three to two to approve the Age-Restricted Ordinance. Mr. Santarsiero stated they are now going to consider whether they should begin the process to repeal that Ordinance. This process would take forty-five days. The idea behind repealing it is not so much that they are going back on the potential deal to have age-restricted housing at the Matrix site in lieu of the original proposal which included big-box retail stores; but that they proceeded too quickly and they should stop and meet with RAM and Matrix and finalize a written settlement agreement that they can enforce.

Mr. Santarsiero stated he received a call from the CEO of Matrix who assured him that **Matrix intends** to abide by all of the terms of the oral agreement that they reached in April, but Mr. Santarsiero advised him that he would be remiss as a public official if he did not do all he could to make sure that that oral guarantee is turned into a written enforceable contract. He is concerned that if they do not do this, they will expose themselves to the risk that Matrix could build the alternative development which is better than the original proposal, but may not follow through on other things they have promised the Township including paying the Township a significant amount of money for various issues. Mr. Santarsiero stated this is why they are considering starting the process to repeal the Ordinance. He stated if they take this step, they would still move to meet with Matrix and RAM within the next week or so to try to finalize the Settlement Agreement. He stated there is a draft Agreement in writing that was prepared months ago and there are a few outstanding issues. Mr. Santarsiero stated he has discussed this matter with Mr. Garton, who continues to represent the Township in this matter, and he agrees that they should be in a position to resolve those issues in short order. Mr. Santarsiero stated to insure that there is something that the Township can enforce, he feels they need to repeal the Ordinance.

Mr. Smith moved and Mr. Caiola seconded to authorize advertisement of an Ordinance to repeal the Age-Qualified Zoning Ordinance.

Mr. Stainthorpe stated while he is for settling the matter, he does have reservations about repealing an Ordinance that was recently passed and what it does to their credibility as a Board and their ability to negotiate in good faith with future developers. He is also concerned about being in violation of Contract Zoning. He understood that in order for this settlement to take place, they had to put an Ordinance in place to permit this use and this is what was done.

Mr. Caiola stated he does feel this is a rare exception. He asked if Matrix were to come in next week with a written plan as to what they wanted to develop with their project, where would this put them with respect to the forty-five days it would take to have this repealed. Mr. Santarsiero stated they would be grandfathered at that point if they came in, and Mr. Truelove agreed. Mr. Stainthorpe stated this would then protect the Township from the Contract Zoning issue, and Mr. Truelove agreed.

Mr. Santarsiero stated they are not voting to repeal the Ordinance this evening; they are only voting to advertise it. He stated by voting for this tonight, they are not binding themselves forty-five days from now to vote to repeal the Ordinance. He feels they are only giving themselves more room in which to negotiate and get the deal done.

Mr. Syd Lehman stated it appears that by authorizing advertisement they are trying to preserve their leverage in the negotiations although Matrix could negate this by putting in an Application and getting the benefit of the existing Ordinance even if it were subsequently revoked. Mr. Santarsiero stated while this is true, there is a practical issue as to how long it would take for them to get their Plans together.

Ms. Dana Weyrick asked why they were put in this position after all their hard work.

Ms. Karen Friedman asked if an Amendment could be added to the Ordinance that would put in certain requirements to help them achieve their goals rather than negate the Ordinance which was just passed. Mr. Santarsiero stated they could do this but the drafting of this would take more time; and if Matrix came in before that were completed, they would still be grandfathered in.

Motion carried with Mr. Stainthorpe opposed.

#### DISCUSS EFFECT OF DECEMBER APPOINTMENT TO ELM LOWNE PRESERVATION COMMITTEE

Mr. Santarsiero stated at the last meeting in December, they appointed a number of people to fill vacancies as well as re-appointed people whose terms had expired. The re-appointment of Janet Smith to the Elm Lowne Preservation Committee was made but it was noted her term was to end on December 31, 2005. Mr. Santarsiero stated the



policy of the Board from now on will be to open up the process when terms end so that anyone, including the current occupant, can apply for a position on a Board or Commission. Mr. Santarsiero stated he objected at that time, not as to the appointment of Mrs. Smith, but because that Board, on its way out, was making an appointment to a vacancy that did not yet exist. He stated he feels that Board also made “midnight” appointments which, while lawful under Pennsylvania law, are something they should in the future avoid which is appointing someone to a position that they will hold through the term of a new Board of Supervisors and not give that new Board of Supervisors a voice in making that determination. He stated the Board will now have a policy that when there is an Election and the composition of the Board of Supervisors changes, they will not make any appointments to Boards or Commissions until the new Board has been put in office in January. He stated they are not required to do this by State law but feel this is the right thing to do so that the new Board has input as to the people who will be serving on the Boards or Commissions during their tenure.

Mr. Santarsiero stated the question that is currently before the Board deals with this particular appointment which was made before the vacancy actually occurred. He stated it is his understanding that under Pennsylvania law a Board of Supervisors does not have the authority to do that; and if this is the case, then the question becomes whether or not there is still a vacancy and if there is, the proposal would be to have Mrs. Smith come in and interview for that vacancy and open it up to advertisement for anyone else who has an interest. If there is no one else who has an interest, Mrs. Smith would be re-appointed. If there are other people and she is the most qualified candidate, she would still be appointed. He stated it is nothing personal with respect to Mrs. Smith, but is an issue of procedure.

Mr. Truelove stated they did find a Commonwealth Court decision which indicated that “Appointments to public positions such as those in the case presented to us here, where no vacancy existed are invalid regardless of the past practices of the local Municipality because an incumbent governing body lacks the power to appoint to positions where vacancies will not occur until after the present governing body’s term in office expires.”

Mr. Santarsiero asked Mr. Truelove if there is a specific action the Board needs to take with respect to the proposed appointments. Mr. Truelove stated technically there is still a vacancy existing since the Court indicates it was invalid. He stated the Board could also move to rescind the prior appointment. He feels if the Court rendered the decision which indicates that it is invalid, there is still a vacancy.

Mrs. Godshalk stated she does not feel it was invalid while the others were in office as they technically served in office until today when the new members were sworn in. She stated the vacancy took place December 31. She stated she feels they had the right to re-appoint. Mr. Truelove stated there would have had to be a special meeting of the outgoing Board between 12/31 and this evening to take that action. Mrs. Godshalk stated

traditionally in the Township, the Township Manager writes a letter sometimes six weeks in advance of the expiration of the appointment asking them if they wish to be re-appointed. Mrs. Smith's letter was on the table in the Board room the first meeting in December that she was interested in being re-appointed. She stated people are re-appointed before their terms expire if the Board feels they are doing a good job. She added Mrs. Smith has done an excellent job, and the Board of Supervisors voted to re-appoint her.

Mr. Stainthorpe stated he feels this has been done a lot in the past and he does not feel that they intended to do anything criminal or illegal. Mr. Stainthorpe stated if they are going to make an issue of this, he would move that Mrs. Smith be re-appointed this evening.

Mr. Santarsiero stated he feels the law is the previous Supervisor's terms ended on 12/31/05; and while Mr. Smith and Mr. Caiola were sworn in this evening, they could have been sworn in on 1/1/06. He stated this is not a reflection on Mrs. Smith, but is an issue of whether or not they are going to abide by the law. He stated he feels they should open these positions up to others in the Township when the terms end.

Mr. Stainthorpe moved and Mrs. Godshalk seconded to re-appoint Janet Smith to the Elm Lowne Committee.

Mr. Smith stated he does not feel a bad tradition makes it right. He stated they are trying to correct a bad tradition and do the right thing for any position. Mr. Stainthorpe stated he does not feel it is a bad tradition and it has served them well. He stated people who participate, do a good job, and come to meetings should be re-appointed if they wish. He stated it is already difficult to fill the Boards they have, and now they are considering creating three more Boards with all interviews to be conducted in public. Mr. Smith stated they are trying a different track and if it does not work out, they will consider it further.

Mr. Caiola stated if this is a tradition, they could push the re-appointments back even further and they could be re-appointing people a month or two before their term ends. He feels they should address this now and feels that with Mrs. Smith's experience she will do quite well when she comes before them. He feels they should start the process now.

Mrs. Godshalk stated in some cases, they cannot wait until the person's position expires. She stated on the Zoning Hearing Board a term might expire on 12/31 and the Board of Supervisors may not meet until 1/3; and if that person has to be at a Zoning Hearing Board meeting, they would not be able to take part in the discussion and they could be liable for a lawsuit.



Mrs. Godshalk stated she would like to withdraw her Second as she feels that Mrs. Smith has already been appointed.

Mr. Santarsiero stated someone could pass away and the Board of Supervisors could still go through a deliberate process as to who they will put on a Board or Commission. Mrs. Godshalk stated she does not feel Mr. Santarsiero is answering the point which she raised. Mr. Santarsiero stated with regard to the Zoning Hearing Board, they already have Alternates.

Ms. Janet Smith, 15 Ivy Lane, stated the policy, which she assumes would exist until 12/31/05, has been that they need to re-apply if they want to be re-appointed. She stated there are nine members on the Elm Lowne Committee and every year, three terms expire. She stated two other members of the Committee were re-appointed after receiving the same letter that she did. She stated she sent hers in a little later. She stated she assumes that politics is not part of this appointment even though there was an Election.

Mr. Santarsiero stated when they have applicants for Boards or Commissions, they will analyze them based on the merits of the people applying for them. Ms. Smith stated if she goes with the precedent, as of 12/31/05 if she wished to be re-appointed, she would send in her letter which she did. She stated she does have a letter which she received from the Township indicating that she has been re-appointed. She stated she does not feel they should rescind any Motions that were made under the previous Board as she does not feel this is Democracy. Mr. Santarsiero stated the point is that the policy was not legal under Pennsylvania law. He stated the Board did not have the authority under State law to re-appoint Mrs. Smith. Mrs. Smith noted the two other appointments which were made who had the same term.

Ms. Helen Bosley asked if, now that they have determined that the appointment was illegal, is the Solicitor now going to go through all the actions taken by the prior Board to see if anything else was done illegally. She asked if all of those who were appointed prior to their terms expiring 12/31/05 illegal appointments. Mr. Santarsiero stated if an appointment was made to a position that was not yet vacant, it would have been illegal under Pennsylvania law. Mr. Santarsiero stated while it is legal under Pennsylvania law for an outgoing Board to fill a vacancy which exists and that position will go well into the term of the new Board, as a matter of policy in order to show respect to the new Board that may have been elected, the Board on a going-forward basis will have a policy that they will not fill those positions until the new Board takes office in January.

Ms. Bosley stated there were two other Elm Lowne positions which expired on 12/31/05 and they were re-appointed as well. Mr. Santarsiero stated if this is true, anyone who was re-appointed whose term did not expire until 12/31/05, this was also not a legal appointment. Mr. Santarsiero stated he feels they will need to research what other appointments were made which were not legal appointments.

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Mr. Stainthorpe stated Mrs. Smith has been an outstanding member of the Elm Lowne Committee, and an outstanding member of the community who gives of her time in many ways. He stated he is disappointed that they are not re-appointing her. He stated while he understands Mr. Santarsiero's point, he asked how much money was spent in legal fees to research this matter and questions if this was a smart use of the Solicitor's time.

Mr. Santarsiero stated if there were other appointments made for terms that did not expire until the end of the year, they need to reconsider those as well. Mr. Truelove stated they should invite Mrs. Smith and any other applicants to the open forum as it appears there is a vacancy because the prior appointment was invalid. Mr. Santarsiero asked Mr. Fedorchak to check into the vacancies on the Elm Lowne Committee.

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to adjourn the meeting at 10:15 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Greg Caiola".

Greg Caiola, Secretary