

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – JUNE 21, 2006

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 21, 2006. Chairman Santarsiero called the meeting to order at 7:35 p.m. Mr. Caiola called the roll. Mr. Santarsiero stated the Board had been meeting in Executive Session since 7:00 p.m. discussing litigation and real estate matters.

Those present:

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

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

SPECIAL RECOGNITION OF THE MATRIX SETTLEMENT

Mr. Santarsiero stated the Matrix Agreement was signed by all parties approximately one month ago and present this evening are members of the community who the Board would like to recognize, particularly the attorney for RAM, Bob Sugarman.

Mr. Gary Cruzan, President of RAM, was present with Michael Upton and Dana Weyrick, members of RAM. He introduced Bob Sugarman, their attorney. He stated he feels Mr. Sugarman was the only attorney in Bucks County who could have done the job that was done. Mr. Cruzan presented to Mr. Sugarman a plaque for his six years of dedication on this project.

Mr. Santarsiero stated he previously worked with RAM, and they all relied heavily on Mr. Sugarman's counsel and stated he was always their voice of hope and good counsel. He stated Mr. Sugarman has worked throughout his career fighting for grass-roots organizations trying to make a difference. He stated his work with Matrix was only one example of the work he has done.

Mr. Sugarman stated the credit goes to the people of Lower Makefield Township and particularly to the members of the RAM and those who supported them as it demonstrates

that when things need to be changed, the people can make it happen. He stated while he was the attorney who helped with the technical items, it was the people who made it happen. He stated he appreciated the opportunity to work with this group of people.

Ms. Dana Weyrick stated she has been a resident of Lower Makefield for most of her life. She stated she was the only individual homeowner on the lawsuit against Matrix and also on the Settlement Agreement. She stated in March, 2001 she received a flyer about the Plan to develop 168 acres near her home. She was concerned that the Plan had been approved in 2000, and she only heard about it in March, 2001. She noted her concern with existing traffic congestion in the area which would be increased if the approved Plan were constructed. She attended a RAM meeting and learned from Mr. Cruzan about the impact the development would have on the Township. She stated RAM hired Mr. Sugarman, and the fight continued to the Supreme Court of Pennsylvania and eventually Settlement discussions began. She stated if the Township is to grow, she feels it should be smart growth. She stated even Matrix's attorney recently formed the Delaware Valley Smart Growth Alliance. She stated she feels that as a result of the Matrix matter, the Township Supervisors have learned that if you forget about the taxpayers who put you in office, they will soon become a part of Township history. She stated the residents expect their interests and concerns to be heard above that of the out-of-town developer. She stated she and others in RAM also learned that if you believe in something strong enough, and work hard, you can succeed. She stated she feels all parties have come out winners with this Settlement Agreement. She stated she hopes Matrix will keep to the letter of the Agreement and promises they have made.

Mrs. Godshalk stated she takes issue with remarks made by Ms. Weyrick relating to the Board of Supervisors as a whole, noting that she voted against the original Octagon Center and even advised RAM as well.

Mr. Gary Cruzan stated he started RAM because he could not envision the project proposed in that area with all the traffic that was already in existence. He stated RAM started with seven people in attendance at a meeting and it spiraled into hundreds of people and thousands of participants and contributors from all over the Township. He thanked all those who helped them. Mr. Cruzan stated the old Plan proposed three big boxes which would have generated 8,000 trips a day per box. The 600,000 square feet of office building would have added 2,500 employees. This does not include the proposed hotel. The new project proposing 600 age-restricted housing units will house approximately 1,000 people. He stated many of them will not be commuters as they will be retired. He stated there may be 2,500 car trips a day from this use which is a dramatic improvement. Mr. Cruzan stated there will also be a dramatic improvement as it will remove the gigantic parking lot, run off, and all the environmental impacts. He stated the new project will be low-impact development. He stated they also negotiated a park for the community which will include picnic facilities. He stated the paved width of Big Oak Road will be doubled in size, and they also negotiated \$1 million to improve the bridge.

Mr. Cruzan stated Matrix on a per-house basis is contributing \$1,600 per unit to be an incentive for others to contribute to expand that bridge so it will be as wide as the road once the road is widened. Mr. Cruzan stated the Township will get the same dollars in terms of fees that it was getting originally. In terms of taxes, they will get approximately the same in real estate taxes; and the impact in terms of fire protection and other Municipal services will be much less than it would have been from the big boxes and office buildings. He stated the School system will also get \$1.2 million more than the original project, annually; and hopefully, this will reduce the impact on the School taxes going forward although he is not optimistic. He stated he feels this is a great compromise; and while it took a long time and is not a perfect plan, they feel that they got most of what they wanted, and it will be more compatible to the area and much better than the original Plan. He stated they were successful because many people throughout the Township helped them.

Mr. Michael Upton stated he has been involved in RAM since 2000 when he first received a flyer. He stated he is a passionate environmentalist. He stated before he was involved in this issue, he did not know any of the people involved in this and collectively the entire group, including members of the Board of Supervisors, are some of the finest people he has ever worked with. He stated there is a lot in the Agreement, and they are looking forward to implementing it and working with the Board of Supervisors on this. He stated he feels additional credit needs to be given to Mr. Cruzan who from the beginning has been the “sparkplug” of the organization and is one of the best negotiators he has ever met.

Mr. Santarsiero thanked all the members of RAM and the members of the public who supported RAM to make this a reality. He asked that they continue to be involved in the planning process.

PUBLIC COMMENT

Mr. Mark Sanford, 879 Big Oak Road, asked about the possibility of having a handicap parking place near Field M at Macclesfield Park. Mr. Smith stated he received an e-mail from Mr. Sanford to which he responded. He stated Mr. Sanford was concerned because he had a game at Field M at Macclesfield Park which is a very long walk from the parking lot; and his mother, who has physical difficulties, was not able to walk from the parking lot to that end of the Park. Mr. Sanford had therefore parked his car on Oak Hill Lane, and as a result received a citation. Mr. Smith stated he has asked that they try to accommodate people who have physical difficulties to be permitted to park in that area. Mr. Sanford stated apparently the residents of that neighborhood have made that area unavailable for parking for access to Macclesfield Park. He stated he is requesting that reasonable accommodations be made for handicap parking in this area for which he feels there is ample space.

Mr. Stainthorpe stated there is a Disabled Persons Advisory Board in the Township and they have had as a project making sure that there is adequate handicap parking in all of the commercial, Schools, and Township properties. He stated they have done a survey, but he is not sure what the recommendations were for Macclesfield Park. He feels they should be able to accommodate this request.

Mr. Fedorchak stated over the last month, they have been re-lining parking spaces and adding more handicap spaces; but only within the parking lots within the facilities. Mrs. Godshalk stated this location being discussed is not within the Park. Mr. Smith stated this is a neighborhood which abuts the Park; and Mr. Sanford is asking that a few spaces be open for those with a handicap sticker, and Mr. Smith feels they can consider this. Mrs. Godshalk noted there is an entrance to the Park at the end of the street; and if they could make a few spaces as you go in, they would not therefore be in front of anyone's home.

Mr. Santarsiero asked that the engineer look into this along with the Police Department.

Mr. Santarsiero noted that the discussion on the Ferri Tract will not be heard this evening and will be postponed since the Township engineer just issued his review letter, and the developer wanted time to go through this and make responses.

Mr. Santarsiero acknowledged the fact that the Fire Company recently took First Place in all but one category in a competition held in Quakertown. He stated the one category in which they took Third Place was for the old truck that they are going to sell. On behalf of the Board, he congratulated the Fire Company on the job they did.

Mr. Santarsiero also announced that Mr. Closser, one of the Township solicitors, was recently elected President of the Lower Bucks Chamber of Commerce. He asked Mr. Truelove to pass along the Board's congratulations.

APPROVAL OF MINTUES

Mr. Caiola moved and Mr. Smith seconded to approve the Minutes of June 7, 2006 as corrected. Motion carried with Mrs. Godshalk abstained.

APPROVAL OF THE JUNE 7, 2006 AND JUNE 21, 2006 WARRANT LISTS AND MAY, 2006 PAYROLL

Mr. Caiola moved and Mr. Smith seconded to approve the June 7, 2006 and June 21, 2006 Warrant Lists and May, 2006 Payroll as attached to the Minutes.

Mr. Stainthorpe stated according to the print out the Board received, through May their legal expenses are already at 109% of the yearly Budget. He stated they Budgeted \$90,000, and they are currently at slightly more than \$98,000. He stated engineering fees were budgeted for the year at \$90,000, and they are currently at 81% of Budget. He stated he agrees there has been additional litigation, and they have also been paying Begley Carlin; and while there have been legitimate expenses, he feels they need to look very carefully at this. He stated at the pace they are currently on, they will spend \$235,000 in legal fees which is almost triple what was Budgeted. He stated through June of last year, they spent \$54,000 in legal fees. He stated there are still seven months to go in the year; and if they stay on the pace they are, they will spending \$500,000 on professional services which equals a mill of taxation. He stated while they cannot sacrifice quality, if they are on this pace going forward, they will have to find savings elsewhere in the Budget and consider very carefully how they spend money going forward.

Mr. Santarsiero stated with respect to the legal fees, the Budget amount they put in for 2006 of \$90,000 was the same number they put in for 2005; and they probably should have set a higher Budget since last year the Budget went over by approximately 30% in legal fees. He stated they had \$120,000 in legal fees last year when they had only budgeted \$90,000. He stated this year they have had a number of pieces of litigation and they have also enacted a number of Ordinances which have required legal work as well as work by the engineer; all of which has contributed to the higher numbers this year. He stated he is not sure whether this is a function of having to be more realistic about the cost of the professionals in this era in which they are a mature community with much to do or whether it is an issue of certain things which happened this year which is causing an increase in the cost of these various services. He stated he does agree that they are going to have to look into this. He stated if it seems there is a way they can save on some of these costs, they should do so. He stated he feels at the Township level there is not a lot of "fat," and he feels the Township is run very responsibly and most of the credit for this goes to Mr. Fedorchak. Mr. Santarsiero stated he feels they may need to reassess what an appropriate Budget is for these services on a going-forward basis. He stated hopefully the Budget Review Commission will be up and running shortly with people appointed sometime in July. He feels this will be the forum and time to assess these issues. Mr. Santarsiero stated he feels the Board is doing what they feel is in the best interest of the Township and which the residents will support which will make the Township a better place in the long run.

Mr. Caiola stated when they took office in January and made some professional changes, they did keep some people on so there are meetings when there are professionals from both sides; and he does not feel this was anticipated when the Budget was put together last year for 2006. He stated they will have to look at this strongly; and once some of the transitions pan out, they will not have this issue nearly as much in the future.

Mr. Santarsiero stated he has looked at the bills because he had a similar concern as Mr. Stainthorpe; and they have realized some savings by keeping Begley Carlin on to finish up those files they had been working on for a number of years, and they were not in a situation where Mr. Truelove's firm was going to have to relearn the entire file which would have involved additional expense. He stated they will continue to look into this, and this should be one of the first things the Budget Commission has on their Agenda once they are up and running.

Mrs. Godshalk asked about the Pool membership numbers. She stated it appears they are \$21,000 below last year as of May 31. Mr. Fedorchak stated they are slightly below last year, but slightly ahead of the prior years. He stated he would recommend that they wait until the end of June to look at this. Mrs. Godshalk stated they want to consider this as it relates to the study being done on year-round swimming. Mr. Santarsiero stated they will have the numbers in hand for the year before they make a decision on an indoor facility. Mr. Stainthorpe stated the numbers could be lower because of the impact of the School strike as many people do not pay their Membership until the children are out of School.

Motion to approve carried unanimously.

STATUS REPORT ON THE LOW IMPACT DEVELOPMENT ORDINANCE

Mr. Smith asked when it is anticipated that the televising of the meetings will be implemented, and Mr. Santarsiero stated assuming they award a Contract this evening, they hope the meetings will be televised in October.

Mr. Smith stated the Environmental Advisory Council and Mr. Majewski made a presentation to the Planning Commission on the Low Impact Development Ordinance. Mr. Smith stated he feels this is consistent with the situation discussed about neighborhood notification. He stated Mr. Majewski made a tremendous presentation and all present were very enthusiastic about the matter. The Planning Commission did ask to discuss this again after further review of the documents received, and it will be on their Agenda again on Monday, June 26. Mr. Smith stated the matter will then be presented to the Board of Supervisors; and he feels while they would not want to delay the presentation, it may be best to wait for one of the early televised meetings to consider this matter. He stated due to the length of the subject, they may need to have a special meeting just to consider this matter. He stated this subject is as important as the RAM/Matrix situation and will impact the Township for the next several decades if it is passed. He stated it will require a lot of discussion and requires that it be communicated to the broadest segment of the community.

Mr. Santarsiero stated he agrees it is very important which is why he has been pushing this for the last six months. He stated between now and the second meeting in July, he

will discuss this matter with Mr. Majewski, Mr. Bray of the EAC, and the Planning Commission to see where they are in the process. Mr. Bray had indicated that he felt they would be ready to come before the Board of Supervisors with input from the Planning Commission in August. He agrees they should consider having a special meeting. He stated while he agrees it would be good to have this matter televised, he is hesitant to push it to October as there are some developments coming up, including Matrix who has agreed to abide by the low-impact development plan as much as they can as part of the Settlement. He stated he would like to get this done as quickly as possible so they are not in a situation where developers are coming in and the Ordinance is not yet on the books.

Mr. Smith stated possibly the power point presentation made by Mr. Majewski could be put on the Township Website so that it can be reviewed by the public. Mr. Santarsiero agreed and suggested that once they are ready to present the matter to the Board of Supervisors, it could be published.

Mr. Michael Upton asked for an explanation of low-impact development. Mr. Majewski stated the Ordinance includes provisions for extended notification of surrounding homeowners up to 1,000 feet from a site. It also involves the Township earlier in the process by encouraging **pre-Application** meetings with the developer and site visits by the Planning Commission to walk the site with the developer before they develop the full-blown Plans.

Mr. Santarsiero stated the point of low-impact development is to do the best they can to insure that stormwater stays on site and it not routed off-site as it would in traditional development. He stated when you channel surface water off site it goes downstream and ultimately to a River which ultimately exacerbates a flood event. As a way to mitigate flooding and reducing water problems, they want to adopt an Ordinance that would look at new development and any **re-development** and try to keep the water on site, recharge it back into the ground. He stated there are a number of technologies and approaches by which this can happen. He stated the EAC sponsored a seminar slightly over a year ago, and he feels the Township needs to do this particularly given the many water issues there are in the Township and in the neighboring **community**, Yardley Borough. He stated the Low Impact Development Ordinance is a way to reduce that problem.

Mr. Smith stated the word "**development**" also includes "**re-development**," which is why this will impact the next several decades. He stated he has been advised that there will be a great deal of **re-development** in the years ahead.

Mr. Majewski stated other features are to limit the amount of disturbance by bringing houses closer to the road, limiting disturbance behind the rear of the house, and allowing for an open space cluster options in more Zones and not just for Farmland Preservation.

Mr. Majewski stated it also proposes increasing protections of the wetlands, water course buffers, and steep slope areas. It also requires a four-step design process as part of the Subdivision and Land Development process where instead of lotting out a piece of property, they first consider the environmental constraints, decide the best way to preserve those, decide the best location for houses and roads, and finally putting in the lot lines. They will also require an environmental impact assessment for Subdivision and re-development. He stated currently this is only required under certain limited conditions. They also propose reducing cartways for streets so that with less wide roads, there is less water that needs to be managed through detention basins or other means. They also propose limiting the amount of pavement within parking areas, trying to channel water into smaller areas where it can seep into the ground as opposed to having a very large detention basin at the low point of the site. Mr. Majewski stated they are trying to spread out water from the development that is generated so there is a more natural balance of stormwater management

Mr. Santarsiero stated timing is important, and he noted the potential development of Edgewood Village where it is important to have the Low Impact Development Ordinance in place before that begins. He stated when they discussed Edgewood Village at the special meeting in January, one of the major engineering challenges they indicated they will have is stormwater management; and hopefully this Ordinance will help that situation.

Ms. Virginia Torbert, Yardley-Newtown Road, suggested that they consider putting out a special Newsletter about this issue which might encourage the public to come to the special meeting. Ms. Torbert stated she feels there are many people in the Township interested in the environment. Mr. Smith stated the Historic Commission is very concerned about the historic aspects of Edgewood Village, but are also concerned about the environment as well. Mr. Santarsiero stated a special Newsletter might be too expensive, but there may be other ways to heighten public awareness about this matter.

EDGEWOOD VILLAGE DISCUSSION

Mr. Carter VanDyke was present and stated he has been working with the Historic Commission on a Master Plan for Edgewood Village. He stated they made a presentation to the Board last January. He stated Mr. Troilo's representative and Mr. Messick are present this evening, and they are the two key developers of Edgewood Village. He stated after the presentation in January, the Board Chairman reached out to the developers and asked if this was something they would accept. Mr. VanDyke showed the location of Edgewood Village on a map. He noted the location of the existing historic homes along the road frontages. He stated the proposal is to infill with additional buildings of the same scale as those presently in existence and these would be commercial structures.

Mr. Van Dyke stated inset inside of the development area would be a combination of townhouses, manor houses, twins, and singles. He stated they propose this mixture as this is what Villages are composed of. He also noted the Village Common area, greens, and mixed use of commercial, residential, and office development. He stated this includes the existing building abutting I-95 and some long buildings shown on the Plan which can also function as a noise barrier as the Village is up against I-95.

Mr. VanDyke stated Mr. Troilo had indicated he wanted to make sure that small buildings were marketable, and there was a meeting set up with a marketing consultant who specializes in this "boutique-type" development. After that meeting, Mr. Troilo felt confident that this was marketable. Mr. Troilo stated the marketing consultant also indicated it is important to have buildings with some flexibility so that if a tenant wanted to expand, they could expand into an adjoining space. They also suggested that what drives a community such as this is the need for restaurants and banks which are two of the key anchors. He stated they also suggested a small Inn of eighteen to twenty rooms which would support the area businesses and the community as a whole. The Inn rooms would be on the second floor above some of the commercial establishments. They also felt the scale of the project was marketable.

Mr. VanDyke stated there has also been discussion on the capacity of the site for stormwater management given the new low-impact development. Mr. VanDyke stated the Township engineer asked the developer to do some perc tests to insure that the site does perc and there can be stormwater recharge on the site. This testing has been done and there has been some preliminary reviewing of that with the Township engineer.

Mr. VanDyke stated they also consulted with the Township traffic consultant to review the Master Plan for traffic improvements and secondly to look at where the driveways and intersections are proposed on the site. It was concluded that both elements looked sound, although in some instances they may need to have right-hand turn in and right-hand turn out. The traffic consultant also provided advice on shared parking to ensure that there was sufficient parking. Mr. VanDyke stated some of the parking is on-street and some is off-street in order to meet the parking needs. Mr. VanDyke stated looking at the mixture of uses, there is an efficiency in parking as the restaurant use could share the parking in the evening which is used by an office use during the day. He stated the way the Plan is proposed, they feel they can meet or exceed the shared parking criteria.

Mr. VanDyke stated they also considered sewers noting this area currently does not have public sewers, and the Township Manager has been looking into the sewer opportunities for this tract. Mr. VanDyke stated they have opportunities to go in two different directions, and there are studies being done to see which is the most feasible.

Mr. VanDyke stated Mr. Troilo reviewed the five existing buildings on the site. These will have to be reviewed by HARB, and they have set up a meeting with the Historic

Museum Commission to review the Plan and see how it will enhance the National Historic District.

Mr. VanDyke stated they have also prepared a Traditional Neighborhood Development Overlay District as well as a District that would expand the Historic Commercial District. He stated this is based on comments made by the public at the last meeting by those living on Yardley-Langhorne Road who indicated they would like their lots zoned accordingly, and they have prepared a preliminary Draft Ordinance that includes this as well as the Traditional Neighborhood Development District. He stated this would be an overlay District to the existing underlying District, and this would provide another option for a developer and would raise the bar in order to meet this.

Mr. VanDyke stated they met yesterday with the Historic Commission to review the draft, and they have three pages of comments from the Historic Commission. He stated the Historic Commission expressed concern that the Overlay District not become an incentive for people to want to take down existing structures as maintaining the integrity of the existing structures is key to preserving the integrity of the National Historic District. Mr. VanDyke stated the Historic Commission stated they did not want this to become an incentive for someone to feel they could import a use such as an Applebee's into this kind of framework as this is not what this is designed for. Mr. VanDyke stated the State Historic Museum Commission will be able to advise them and review the District to make sure they are on track. Mr. VanDyke stated the goal of the Historic Commission is to work closely with HARB and make sure that there are no loopholes, and that they have anticipated everything in the future development so that future development, when it does take place, will not require any Variances.

Mr. VanDyke stated there are two developers in the area, but they cannot submit Plans until the new Ordinances are in effect. He stated there is still work to be done. He stated the Historic Commission will also need to work with the Planning Commission before they come to the Board of Supervisors.

Mr. Edward Murphy, attorney for Mr. Troilo, stated he has not been actively involved to date although Mr. Troilo has. Mr. Murphy stated Mr. Troilo could not be present this evening. Mr. Murphy stated he is generally aware of the progress and what Mr. VanDyke reported this evening accurately reflects Mr. Troilo's view as to where the project is headed. He stated Mr. Troilo is generally comfortable with the different elements and is very much aware of the need as the site is developed to implement the new low impact development standards. Mr. Murphy stated he is also aware that Mr. Majewski is actively looking into these issues as they relate to this particular site. Mr. Murphy stated he has seen the Ordinance recently and feels there will need to be some further discussion on the Plans. He stated Mr. Troilo wants to ensure that the Ordinance marries well with commercial reality as they do not want to have a project that does not succeed. Mr. Murphy stated he is interested in trying to keep the project going forward in a positive direction so that the Township can achieve their ultimate goal.

Mr. Chris Messick was present and stated they are very excited about the project, but they are going to let the Troilo group take the lead as they do not want to duplicate what he is planning so they are not competing with each other. Mr. Santarsiero stated it is still important that Mr. Messick is kept in the loop so this is done as a whole and not in a piecemeal fashion.

Mr. Smith asked what they feel would be the next benchmark so that they continue on a path to getting this done. Mr. VanDyke stated the next step is to get the Ordinances done; and he feels that they will work on this through the summer, and hopefully by September, they will have something to look at.

Mrs. Godshalk stated this has been going on for fifteen years. She stated from the beginning when the Village was Zoned Historic Commercial, they wanted to insure that the types of businesses would lend themselves to a Historic District. She stated the home aspect is very important with smaller homes, condominiums, apartments, townhouses in the historic architectural design because a lot of these businesses will be small and they need the people that can walk to the Village as this is a new way of life in the Country. She stated this Historic Village has survived because they have not intruded on it, possibly because they did not have sewers and it was not favorable for development with the narrow streets. She stated they do not want to ruin the Village. She stated there are a number of homeowners present this evening, and they want to make sure that they stay involved.

Mr. Santarsiero stated this is why they had the special meeting in January and the current discussion. He asked that by September they have a status update regardless of where they are on the Ordinance. They can then let the public know what is happening.

Mr. Smith stated he hopes that they will be able to capture the vibrancy that can be seen in Newtown Borough.

Mr. Caiola stated they do want to get the support of the people who live in the Village who can be customers of the businesses in the Village.

Ms. Virginia Torbert stated she understands that the Zoning is currently Historic Commercial, and there is a limited list of types of business which they can have. Mr. VanDyke agreed. She asked if the list will be significantly enlarged, and Mr. VanDyke stated it will not. He stated the type of uses is critical to maintain the economic and cultural chemistry of the Village. He stated they will actually be a little more specific as they are stipulating what uses can be on which floor. He stated they are trying to discourage office uses such as Realtors on the first level so that there is a continuation of store fronts which are retail related or restaurant related.

Ms. Torbert asked if banks are on the list, and Mr. VanDyke stated they are on the list but they are not allowed to have drive-in windows. Ms. Torbert asked if Gift Shops are on the list, and Mr. VanDyke stated they are. He stated Inns are not on the list, and this is something they would like to include. He stated fast-food restaurants are not on the list and will not be on the list. Mr. Truelove stated he does have a list of the permitted uses which he can make available to Ms. Torbert.

Mr. Santarsiero stated the intent is that they ultimately comply with what Mrs. Godshalk has discussed. He stated they do intend to protect the interests of the people who live in the Village and will make sure that whatever is done is appropriate for the Village as well as for the rest of the community. He stated it is important for them to stay on this and keep it moving and have periodic updates, but it is also important to insure that it is done right and they carefully need to consider stormwater, traffic, and uses.

Mr. David Miller, Yardley-Langhorne Road, noted the Master Plan of twenty years ago called for a few basic things to be done by the Board of Supervisors such as lighting, parking, sidewalks, streetscape, sewer and water to be done for the entire Village as a Plan and not just for one project. He asked what the Board of Supervisors sees regarding implementing those ideas Village-wide all at one time.

Mr. Santarsiero stated the reason they wanted to have the Kick-Off meeting in January when they brought everyone together was because they did not want this done in a piecemeal fashion. He stated if Mr. Troilo is going to lead with his proposed development, they also need to have Mr. Messick involved as another significant property owner who has an interest in further development so the improvements can be made through the Village at the same time. He stated if it is done right, uniformly, and in one piece throughout the Village, this will help make it more attractive, and more likely that it will become a vibrant part of the community.

Mr. VanDyke stated the Historic Commission has asked them to look into Grants to help facilitate what has been discussed. Those Grants will be coming up the end of this year, and they will be making application for those Grants.

Ms. Joyce Bigley, Yardley-Langhorne Road, stated she understands that they have been having trouble getting it to perc. Mr. Majewski stated part of the site is conducive to groundwater recharge or infiltration and results for part of the site were marginal, and so it will have to be a combination of groundwater recharge, underground storage, and other methods of stormwater management to handle this site. Ms. Bigley asked for an explanation of recharge, and Mr. Santarsiero stated it is putting the on-site water back into the ground so it does not flow off site onto another property. He stated the methods they are considering would be compliant with low-impact development, and Mr. Majewski agreed. Mr. Santarsiero stated they are very aware that they must

consider stormwater management and traffic, and these must be solved before anything is approved.

Mr. Smith stated he assumes this will be submitted to the Traffic Commission, and Mr. Santarsiero agreed noting it will also be reviewed by the Planning Commission and the Environmental Advisory Council.

Ms. Gayle Freedman, 699 Rose Hollow Drive, stated there was a Master Plan done in 1998, and she asked if this Plan keys off of that Master Plan. Mr. VanDyke stated it does. Ms. Freedman stated she hopes the proposal they are showing this evening will be put on the Township Website, and Mr. VanDyke stated on the Website there is a copy of the power point presentation which was made in January. It also refers to the March report and there are copies of the documents being shown this evening as well.

Ms. Freedman stated the Master Plan proposed **interconnection** to the existing shopping center. Mr. VanDyke stated the Plan he is showing is not directly adjacent to the shopping center. He stated there has been discussion with Mr. Messick who has discussed an **inter-connection** through his property; but when they discussed this with the traffic engineers, it was found that where the **inter-connection** would take place, it is not feasible from a traffic safety point of view. To do so, they would have to widen the road, install large left turn lanes, and accel/decel lanes; and they would destroy the character of the Village. Ms. Freedman asked for an estimate of the square footage in terms of commercial development and the number of residences. Mr. VanDyke stated he feels there are sixty-four dwelling units proposed, approximately 30,000 square feet of offices, and approximately 30,000 to 40,000 square feet of retail. Ms. Freedman stated the Matrix project will also impact this same quadrant of the Township, and they should be looking at traffic patterns for both of these developments in their entirety. She stated the March Associates Study also called for marking the entrances of the Village and creating a defined Village. Mr. VanDyke stated this is mentioned in the power point presentation and is part of the Traffic Master Plan they are showing.

Mr. Michael Upton, Cornerstone, stated he felt the original concept was to create a Town Center for Lower Makefield. Mrs. Godshalk stated she does not feel this is correct and despite people using this word, this is not the reason that Edgewood Village, thirty-five years ago, was named on the National Historic Register. She stated it is the old center of the Township, but it will not be the Town Center. Mr. Upton stated he felt the idea was to create something like Newtown and/or a gathering space. Mr. Godshalk stated they did want it to be small-scale with smaller buildings to service the people of the Township and the people who are living in the Village. She stated it is a small-scale Village in the historic vein. Mr. Upton stated he feels the residential component is essential, and Mrs. Godshalk stated she feels the residential component is essential to a viable Village, as this is the Township's historic Village. Mr. Upton asked where the actual building will take place, and Mr. Santarsiero stated it is adjacent to Heston Hall. Mrs. Godshalk stated that is just one parcel that was just sold and was not in the old Plans, although it is

in the new Plans. She stated prior to that all the historic buildings that remained were included in the Village Zoning Plan. She stated now a new parcel has been added which seems to be running the Village. Mr. Santarsiero stated he does feel this could be considered a Township center and will be a focal point for the community.

Ms. Bigley asked how much the homes will cost. Mr. VanDyke stated he cannot speak for the developer. Mrs. Godshalk stated they can look at what Toll Bros. is charging in Newtown for their Village homes which is \$1 million.

Mr. Jim Keebler, Yardley-Langhorne Road, asked about the new Zoning Ordinance, and Mr. VanDyke stated based on the input from the meeting held in January, they intend to expand the mass of the Historic Village.

Ms. Bigley asked when this Ordinance will go into effect and will the residents' taxes be raised because of this. Mr. Santarsiero stated they first need to draft an Ordinance which will then go through the review process including the Planning Commission and most likely the EAC and the Traffic Commission before it comes to the Board of Supervisors. He stated there will be ample opportunity for comment from the public, the members of the various Commissions, and ultimately from the Board of Supervisors. Ms. Bigley asked if their taxes will be raised as a result of this, and Mrs. Godshalk stated the County does not spot re-assess. This would only happen if there was a County-wide re-assessment.

Mr. Santarsiero stated this mater will again be put on the Agenda probably for the second meeting in September.

A short recess was taken. The meeting was reconvened at 9:15 p.m.

APPROVE ENACTMENT OF ORDINANCE NO. 361 TO REGULATE THE HOURS AND DATES OF WASTE AND RECYCLABLE MATERIAL COLLECTION

Mr. Truelove stated this matter was discussed several times and has been reviewed by the required Commissions, was properly advertised, and is ready for approval and signature. He stated he feels that the waste haulers have already been adhering to the regulations.

Mr. Stainthorpe moved and Mrs. Godshalk seconded to approve Ordinance No. 361 to regulate the hours and dates of waste and recyclable material collection.

Ms. McCullough, McCullough Rubbish, stated they currently start at 6:00 a.m. on Saturday. Mr. Truelove stated on weekends the starting time is 7:00 a.m. for residential areas and 6:00 a.m. for commercial and Municipal. Ms. McCullough asked if they could make it 6:00 a.m. on the weekends for all collections as they have been doing this since

1972 and have never had a problem. Mr. Santarsiero stated they did discuss this when they considered the hours, and the idea was that for residential on Saturday morning people are not necessarily going to work and they felt 7:00 a.m. was reasonable for residential areas.

Motion carried unanimously.

DISCUSSION OF REQUIREMENTS FOR ESTABLISHING QUIET ZONES AT RAILROAD CROSSINGS

Mr. Majewski stated approximately one year ago the Federal Railroad Administration required that locomotive horns be sounded at all grade crossings before they get there which made them sound the horns louder and longer than they had previously. He stated as part of the rule, they gave the opportunity for communities Nationwide to mitigate the effects of the train horn noise by establishing quiet zones. The quiet zone designation allows a community to have the trains silenced at each grade crossing provided that they maintain certain safety standards. He stated the quiet zone can be established twenty-four hours a day or just during the overnight period of 10:00 p.m. to 7:00 a.m.

Mr. Majewski stated in Lower Makefield Township currently there are three crossings which are entirely within the Township – one at Edgewood Road by the Township Building, one at Heacock Road, and one at Stony Hill Road. There are approximately one thousand houses within a quarter mile of a railroad within the Township. He stated in order for the risk index to be below what is considered a safe threshold, these three intersections would have to be retrofitted with medians with reflective barriers that stick up which prevent people from driving around the gates when they go down.

Mr. Majewski stated if the Township wished to create these quiet zones, they would first need to decide on whether it would be for twenty-four hours, or limit it to the overnight hours. Secondly a notice of intent to establish a quiet zone would have to go out to all entities involved with highway and railway safety including the Federal Railroad Administration, SEPTA, CSX, PennDOT, and the Police Department; and all of these agencies would have sixty days in which to submit comments. If approved by the Federal Railroad Administration, they would then prepare plans for PennDOT since Stony Hill and Heacock Roads are PennDOT roads to allow 60' to 100' long medians to be installed. If this is approved, they would then go out to bid. There would also be a sixty-day notice which would have to be sent out to everyone to let them know that the horns would be silenced.

Mr. Caiola asked Mr. Majewski if he was aware of any communities that have done this in the area. Mr. Majewski stated he received a report yesterday from the Federal Railroad Administration; and since they started this a year ago, they have had 247

Applications submitted many of these being from communities where they currently do not blow the horns and are interested in keeping it that way. He stated there are also a number of communities where the horns did sound and they have applied for a quiet zone. Mr. Caiola asked how many of the 247 Applications were approved and how many were defeated and why; but Mr. Majewski did not have this information. He stated there has been only one Application submitted in the State of Pennsylvania.

Mr. Santarsiero noted the information provided from Mr. Majewski where he has indicated the aggregate cost of the three medians would be \$39,000 according to the FRA; and Mr. Majewski stated he feels that estimate is low. Mr. Santarsiero asked what the medians look like physically. Mr. Majewski stated there were pictures provided in the Board's packet, and it would be a low median with mountable curb and on top there would be a reflectorized barrier. He stated emergency vehicles would be able to go through it and knock them over and turn around. Mr. Santarsiero stated one of the early decisions they would have to make would be whether they wanted a twenty-four hour quiet zone or the more limited quiet zones for the overnight hours. Mr. Santarsiero asked what, if any, distinction there was with regard to cost depending on that decision. Mr. Majewski stated there would be no difference in cost. He stated the primary complaint he has heard about the trains is the freight train coming through at 3:00 a.m. He stated SEPTA also runs their trains from 6:00 a.m. to 10:00 p.m. and these are the trains that go faster – sixty miles per hour versus the freight trains which go approximately forty miles per hour or less.

Mr. Stainthorpe stated he feels the overnight restriction makes the most sense since there are very few cars in Lower Makefield that late in the evening. He stated he has received a number of calls from residents complaining about this, and it does impact their quality of life. He stated he would be concerned about a quiet zone during the day as there is a significant amount of traffic on those roads, and the horns during the day would make it safer.

Mr. Smith concurred with Mr. Stainthorpe. He asked about accidents in areas where these have been installed. Mr. Majewski stated he does not feel there is enough data, but they estimate that these safety measures would be very effective in limiting people from driving around the gates when they go down.

Mrs. Godshalk stated she would like to see these at a location where they have been installed noting that by viewing the picture provided, it is not very attractive. Mr. Majewski stated there is only one in the State of Pennsylvania. Mrs. Godshalk stated she is concerned about the liability of someone hitting these. Mr. Majewski stated you can go over them. Mrs. Godshalk asked if they come back up again if someone drives over them or will it involve someone having to go out and put them back up. Mr. Majewski stated he will have to look into this.

Mr. Santarsiero stated he feels they need additional information on how the barriers operate. He also asked that they look into seeing if these have been installed nearby, possibly in New Jersey, so that they can look at them in place. He also asked Mr. Majewski to get a better estimate on the cost. Mr. Majewski estimated that it would cost a total of \$100,000 for all three crossings including fees for preparing the Highway Occupancy Permit to PennDOT.

Mr. Santarsiero stated he understands that they are not considering the Big Oak crossing which is shared with Middletown, and Mr. Majewski stated they are not considering that location.

Mrs. Godshalk asked how many complaints have been received. She stated she has only received one and this was years ago. Mr. Stainthorpe stated he has received a number of calls about the whistle in the evening. Mrs. Godshalk stated she feels what is proposed is also changing the look of the community. Mr. Smith stated he has received a number of calls, and people are concerned about this impacting their quality of life.

Mr. Santarsiero suggested that Mr. Majewski go back and get more data on the safety issues, see if there are examples nearby, and to consider the Budget issues.

Mr. Zachary Rubin, 1661 Covington Road, stated he is adjacent to the Heacock Road crossing. He stated his community has eight hundred homes so he feels more than 1,000 homes are impacted by this. He stated at the Heacock Road crossing there are large turnstiles, big X's, etc, so he does not feel a barrier will impact the aesthetics. He stated he has never seen a car go across the grade when the turnstile is down. A number of other people present indicated they have seen this. Mr. Stainthorpe stated he has seen this when the gates are not operating properly. Mr. Rubin stated he feels they should proceed with this noting the \$100,000 could be mitigated by utility bills of people who will then be able to open up their windows rather than running their air conditioners to drown out the train horns.

Mrs. Godshalk stated she is concerned that the barriers could be a liability for the Township if someone were to hit them and have an accident; which is why she is asking if they will come back up if they are hit.

Ms. Virginia Torbert stated \$100,000 can buy a lot of professional services, and she feels this proposal being discussed would be a waste of money. She stated she is familiar with the train that goes through the Township at 3:00 a.m., and she feels it is minor and people get used to it. She stated she is concerned if there is not a horn in the night a young driver or an inebriated driver will go around the gates when a horn might have stopped them. She stated if there is a way for emergency vehicles to go around these barriers, it also means a driver can do so as well. She stated there are other disruptive sounds in the evening such as planes and birds.

Mr. Ron Schneider, Quarry Commons Drive, stated he feels the issue of not blowing the horns at night is ridiculous, noting the Railroads have been in the Township for years. He stated he has lived in the Township for over twenty years, and he does not mind the horn at night. He stated he does not turn his air conditioner on to try to drown out the sound of the trains. He stated he has seen these barriers and it creates another hazard. He stated in the winter when there is the need to remove snow, these barriers will also create problems since snow will not be able to be removed from the middle of the road unless they use a hand shovel.

Mr. Majewski was asked to look into the questions posed this evening, and the Board will discuss this again at a future meeting.

Mr. Smith asked Chief Coluzzi his opinion. Chief Coluzzi stated he would have to look at the statistics on the risk reduction. He stated he does feel the horn is something that is worthwhile at night particularly for someone who is not paying attention or attempting to try to beat the gate at the train. He stated people often do not realize that these structures are put up in place of a horn, and they may initially have accidents or a death because of this. Mrs. Godshalk stated they are also depending on the gates to work all the time; and since gates are mechanical, there is the possibility that they may not work. Chief Coluzzi was asked to consider this further as well.

DISCUSS STATUS OF ORDINANCE NO. 362 TO PERMIT THE SALE AND STORAGE OF FIREWORKS WITHIN THE C-3 INDUSTRIAL DISTRICT

Mr. Truelove stated this matter was previously discussed and they have drafted an Ordinance which has been reviewed by the Township's Planning Commission, the Bucks County Planning Commission, and the Fire Marshall. He stated the Bucks County Planning Commission had a number of concerns about a definition that they felt was vague, and this has been revised to their satisfaction. He stated the Bucks County Planning Commission also felt that the distances that were recommended by the Fire Marshall were too expansive and would have made this type of business operation impossible which would be illegal. He stated they have therefore modified this, and submitted a revised draft which they feel will be acceptable to the Bucks County Planning Commission. Mr. Truelove stated he hopes that with their review, they will be able to advertise and have the Ordinance ready for passage on July 19, 2006.

Mr. Santarsiero asked if they have defined the word "Park," noting that the Ordinance indicates that "such use shall not be located within 3,000 feet of any local or State Park." Mr. Truelove stated while "Park" is not defined in the Ordinance, he feels it was borrowed from the State law. He stated much of the information in the Ordinance is borrowed from the State statutes. He will consider whether this needs to be defined further.

Mr. Smith stated he is concerned with the billboards he has seen on major highways promoting the sale of fireworks. He also noted temporary structures such as tents selling fireworks. He asked if the Township is protected under the proposed Ordinance from preventing this type of temporary structure being erected in order to bypass the language in the Ordinance. Mr. Truelove noted Section 3, Sub-Section 47F which indicates “no temporary structures including but not limited to tents, canopies, or travel trailers shall be erected or used for the sale and/or storage of fireworks at any time.” Mr. Smith also noted the words, “competent individual,” and asked how this relates to this Ordinance. Mr. Truelove stated this was one of the concerns of the Bucks County Planning Commission, and they did revise this to provide a more specific definition. He stated he feels they referenced a review by the local officials including, but not limited to, the Emergency Management Coordinator, who in this case is the Chief of Police. Mr. Smith stated he assumes this will make sure that the individual selling the fireworks can be located with an address and not a P.O. Box. Mr. Truelove stated this is correct.

Mr. Caiola stated he feels the State does not seem concerned by the fact that these individuals are not advertising legally as they are sending information into New Jersey, to people who are not permitted to come to Pennsylvania and purchase them and transport them back into New Jersey. He stated he has had discussions with the Mayor of Hamilton Township who was solicited directly by a fireworks company in Pennsylvania. Mr. Caiola assured him that Lower Makefield Township is trying to make this more stringent, and hopefully other Municipalities will follow suit. Mr. Caiola feels they will need to look into going after the State to look into this Law. He stated since residents of Pennsylvania cannot purchase the fireworks in Pennsylvania, and residents of New Jersey cannot take them back into New Jersey, he feels they need to discuss this with the Governor and the legislators. Mr. Truelove stated one of the issues that may be raised have to do with Inter-State Commerce issues. He agreed to look into this.

APPROVAL OF RESOLUTION NO. 2119 STATING OPPOSITION TO PROPOSED STATE AND NATIONAL CABLE FRANCHISING LEGISLATION

Mr. Elliott Paul, Chairman of the Township Cable Board, was present. He stated the telecoms are now interested in getting into video services because the cable companies are getting into voice-over Internet and phone services. He stated while the Cable companies do not have to apply for a franchise to get into the phone business, the telecom companies have to apply for franchises on an individual basis to roll out video services. Verizon and the other major companies have indicated this is a hindrance to them getting into the competition and are proposing either a State-wide franchise or in some cases there is Federal legislation pending for a National franchise to parcel out the Country for National franchises or State-wide franchises. Mr. Paul stated they are concerned that if there is a State-wide franchise, this may impact the collection of the Township's franchise fee. He stated all the legislation that is pending indicates they will continue to

have the Township's five percent franchise fee; but the question is how they will define what is the gross amount. He stated currently since there is local control, the Township can control the right-of-way, and the Township may lose control over this as well as the potential of losing control of asking for free cable service in the Municipal Building, Police Department, and the Fire Department. He stated everyone wants cable competition. He noted currently there is voice-over Internet competing with Verizon's phone service, and Verizon has been forced to cut their prices for voice services. He stated cable competition will do this as well; however, there could be an impact on the Township's bottom line if there is State-wide franchising.

Mr. Santarsiero stated the reason Lower Makefield entered into the Consortium with other Townships in Bucks County to negotiate a franchise with Verizon was because of these reasons in terms of the revenue stream from Verizon and the fear that they would try to characterize their services as something other than cable and get beyond the requirement of entering into Franchise Agreements with the Municipalities. He stated while having competition is something the residents want, and is why the Township allowed Verizon to come in and install the fiber-optic cable lines, giving up the control is an issue. He stated they are concerned that they will not have the same amount of control if the control instead goes to Harrisburg or the Federal Government, and he feels the Township will not have the same control they do now and it will make it harder for their residents to deal with problems which may arise.

Mr. Fedorchak stated as far as the Bucks County Consortium is concerned, he feels the situation with Verizon is at a stalemate. He stated they believe that this pending legislation has chilled Verizon's desire to enter into a Franchise Agreement with the Consortium, and they are probably waiting to see what will happen.

Mr. Stainthorpe stated this matter was brought up at the Convention; and while he will vote in support of the Resolution, he feels they need to engage at the PSAT level and with the individual legislators. He stated he would also like to move forward on a proposed Ordinance to allow the Township to charge rent or fees for use of the Township right-of-ways, regardless of which direction the Bucks County Consortium goes. He agrees they should continue to support and participate with the Consortium, but also feels they need to look out for Lower Makefield. Mr. Santarsiero stated Middletown Township was the first to pass an Ordinance that gave them the equivalent of rent for using the right-of-ways. The Township now has a copy of that Ordinance; and at the next League of Municipalities meeting, Middletown will make a presentation on this. He stated this was discussed at the Consortium as something that should be considered. Mr. Santarsiero agreed that this Resolution is good, but they must also be proactive and contact their State and Federal representatives as well.

Mr. Smith asked if the Township could still enter into their own agreement apart from the Consortium; and Mr. Fedorchak stated while they could, he would not attempt to do so at

this time. Mr. Stainthorpe stated he would still like to move forward with this Resolution.

Mr. Zachary Rubin stated in 1996 when the **Tele-Communication** Act was passed by the Federal Government, they effectively took away the regulations of the Municipalities of the monopolies. He stated the House of **Representatives** last week passed a National Franchise, although it has not gone to the Senate. He stated he is not aroused over National and State Franchises because the big issue is the franchise fees. He stated the franchise fees from the point of the customer and a resident of Lower Makefield is diametrically opposed to the interest of the Board of Supervisors since the franchise fee is a revenue stream which is a pass through going to the customers of the Township. He stated if the franchise fee is lowered, the customers will benefit although he recognizes the Township will not. He stated the biggest opposition to a State or National Franchise comes from rural communities where there is nothing to prevent these monopolies from not trying to service communities that do not have large concentration of population. He stated Lower Makefield is fairly densely populated for a suburban community. He stated he is not sure that this is a big priority as a resident of the community versus a Supervisor looking for a revenue source.

Mr. Santarsiero stated with respect to the Township's ability to control how they operate within the Township, it is a big issue. He stated he feels it is better to have local control so that if a resident has an issue with what they are doing in the neighborhood, a resident can come to the Board of Supervisors and have a better chance of redress than if they had to go to Harrisburg. Mr. Stainthorpe noted the way the Board of Supervisors was able to handle the complaints and problems with the installation of the fiber optics by Verizon. Mr. Paul also noted the problems with Time Warner when the pedestal boxes were installed and the way the Township was able to handle this because they had the control.

Mr. Smith moved, Mr. Stainthorpe seconded and it was unanimously carried to approve Resolution No. 2119.

DISCUSSION OF USING CONFLICT ENGINEER FOR THE MATRIX PROJECT

Mr. Santarsiero stated in February, the Board appointed Remington, Vernick & Beach as their Conflict Engineer so that if one of the other engineers had a conflict on a particular project, Remington, Vernick & Beach would step in and do the work. He stated Schoor DePalma has done work for Matrix, and therefore a potential conflict exists with having Schoor DePalma serve as the Township's engineer in the review of the Matrix project. It has been confirmed that Remington does not have a conflict. No action was required this evening.

AWARD CONTRACT FOR THE INSTALLATION OF A MEDIA PRESENTATION AND BROADCAST SYSTEM IN THE MEETING ROOM

Mr. Fedorchak stated in May they put the project out to public bid and seven companies picked up bid documents. On June 5 they opened bid proposals from four companies. Mr. Fedorchak reviewed the bids received, with the low bidder being Lerro Corporation in the amount of \$77,523. Mr. Fedorchak stated they were concerned about the difference in the bids between the low bidder and the three other bidders which were fairly close together as Lerro was \$13,000 to \$14,000 less. The consultant, RJC Designs, did spend a considerable amount of time reviewing the bid documents and the itemized costs with the Lerro representatives making sure they understood fully the scope of work, prevailing wage requirements, etc. and whether they were able to do the job as required. The consultant has indicated that they will be able to handle the work.

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to award the contract to Lerro Corporation in the amount of \$77,523.

Mr. Smith stated his concern with Lerro is whether they have a track record that has been researched; and Mr. Fedorchak stated they do, and this has been reviewed by the consultant. Mr. Fedorchak stated the consultants did go through all the pieces of equipment which are necessary. They also were reminded of the prevailing wage constraints and they indicated that they were going to comply with this requirement.

Mr. Stainthorpe asked about the cost for microphones, and Mr. Fedorchak stated the consultant feels they do not have to replace the microphones. He stated the microphones were supposed to be an add-on, but they felt replacing these was not necessary. Mr. Fedorchak stated there will be two monitors, one for the audience and one for the front table, three cameras, two of which will be fixed and one will be mobile. They will also have improved lighting. The \$77,523 does not include improvements to the room such as draperies which will provide a suitable backdrop or new tables, etc.

Motion to approve carried unanimously.

APPROVE COMPLYING WITH COURT ORDER AND DECISION OF JUNE 7, 2006, WHICH DETERMINED THAT THE CANAL INTERCEPTOR PROJECT BID AWARDED TO JOAO & BRADLEY SHOULD BE REJECTED AS NOT BEING THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER

Mr. Stainthorpe moved and Mr. Caiola seconded to approve complying with the Court Order and Decision of June 7, 2006.

Mr. Truelove stated in March bids were submitted and reviewed **comprehensively** by CKS who determined, based upon information they had obtained, that JOAO & Bradley should be awarded the bid even though they were not the lowest bidder and were \$88,000 higher than Metra. There had also been discussion at the Sewer Authority meeting on this. He stated as a result, Metra filed an injunction in the Court of Common Pleas in Doylestown. Judge Rubinstein issued a Decision, Findings of Fact, and Conclusions of Law contrary to the Township's position. Mr. Truelove stated the Township has until July 6 to file an Appeal if desired; however, the Board has decided to comply with the Court Order. Mr. Truelove stated the choices were to file an Appeal, re-bid the project, or work with Metra to insure that the work be done correctly. The Township has been assured by Metra's counsel that they would be willing to agree to an additional retainage withholding over the course of the second half of the performance of the Contract which would give the Township comfort for the restoration piece of the project which was the largest concern going into the project. Based upon that representation, and the Court Order, the Motion for award of bid is in order.

Motion carried unanimously.

**AWARD CANAL INTERCEPTOR PROJECT BID TO METRA INDUSTRIES, INC.
AS THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER, CONSISTENT
WITH FINDINGS OF FACT AND CONCLUSIONS OF LAW SET FORTH IN JUNE
7, 2006 COURT DECISION**

Mr. Truelove asked that any Motion include items set forth in the 6/16/06 letter from Metra's counsel.

Mrs. Godshalk moved and Mr. Caiola seconded to award the Contract to Metra in the amount of \$2,288,859 and amended to include the items set forth in the 6/16/06 letter from Metra's counsel to Mr. Truelove.

Mr. Smith asked if they were not to award this tonight, what the concerns could be. Mr. Truelove stated because of the time of year and contractors having projects under way, to re-bid the project would delay it substantially and the bids would also most likely come in at a higher number.

Mr. Richard Gauck stated the Sewer Authority has not yet totally discussed this Award as they do not meet until tomorrow evening

Motion to approve carried unanimously.

Mr. Truelove stated he did communicate with Mr. Koopman, the Sewer Authority Solicitor, about this so he is aware of this and did not have a problem with what they were proposing to do this evening.

POSTPONE APPROVAL OF PRELIMINARY PLAN FOR THE FERRI TRACT

Mr. Santarsiero noted the time for this matter expires on August 6, 2006. Mr. Fedorchak stated they will need an Extension if the matter does not come back before the Board of Supervisors before August 6, 2006.

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to postpone this matter until July 19, 2006.

APPROVAL OF EXTENSIONS FOR CLOVER TRACT, LOTUS TRACT, O-ROURKE TRACT, FIELDSTONE (496-N), FIELDSTONE (549), AND FIORELLO GROVE

Mr. Smith moved, Mrs. Godshalk seconded and it was unanimously carried to grant the following Extensions:

- Clover Tract, Big Oak Road, Preliminary Plan -10/07/06
- Lotus Tract, Big Oak Road, Preliminary Plan -10/07/06
- O-Rourke Tract, Washington Crossing Road, Preliminary Plan - 10/21/06
- Fieldstone (496-N), Edgewood Road, Preliminary Plan - 10/31/06
- Fieldstone (549), Edgewood Road, Preliminary Plan - 10/31/06
- Fiorello Grove, Big Oak & Derbyshire, Preliminary Plan - 10/21/06

DENY REQUEST FOR DEDICATION FOR ESTATES OF PROSPECT MANOR

Mr. Majewski stated his office conducted an inspection of the property, and there are still some outstanding items. They recommend that the Board not accept Dedication at this time.

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to deny the request for Dedication for Estates of Prospect Manor

SUPERVISORS REPORTS

Mr. Santarsiero stated the Newsletter has been mailed out. He stated he will be setting up the first Citizens Traffic Commission meeting for some time in July. The Southeastern Bucks League of Municipalities will meet on July 31 at 7:30 p.m. at Falls Township.

Mr. Smith stated the Farmland Preservation Corporation met last week and they are involved with improved signage and have concerns with encroachment into the buffers. He stated the Regional Traffic Task Force will meet on August 31 at 7:30 p.m. in Lower Makefield Township.

Mr. Caiola stated Park & Recreation met at the Pool. They discussed the Softball Tournament which occurred recently as well as a brief discussion on the Pool bubble project. Mr. Santarsiero stated they did receive a complaint from someone that the Pool parking lot was crowded on Sunday, and they suspected that people attending the Softball Tournament were using the Pool parking lot. Mr. Caiola noted there were signs that there was to be no parking in this area and there were some people in attendance to oversee this, although he was not sure they were there on Sunday. Mr. Smith stated there were numerous teams in the Township over the weekend, and they frequented the numerous Township establishments.

Mrs. Godshalk stated they do need members for the Zoning Hearing Board, and she urged those interested to send a letter of interest to Mr. Fedorchak. Mrs. Godshalk stated she e-mailed a letter to the Board of Supervisors about extending the Open Air Affairs Contract at Elm Lowne and they would like to meet with the Township. Mr. Smith stated he did respond to an e-mail from Open Air Affairs and agreed to meet with them. Mr. Santarsiero asked that they be asked to come in to a meeting. Mrs. Godshalk stated they are waiting for the electric and water to be brought to the site of the Memorial.

OTHER BUSINESS

Mr. Caiola stated he discussed with the Chief the possibility of adding a fifth civilian slot to the Emergency Management Board. An individual is interested in serving, and Chief Coluzzi has indicated that there is sufficient work for a fifth person particularly when someone may not show up for meetings. He would like the individual to be interviewed at the next opportunity. Mr. Santarsiero stated he feels they need to have a Resolution to add this spot. Mr. Stainthorpe stated while he is in favor of this if the Chief feels it is important, he would be wary about creating positions for individuals.

Mr. Smith stated with regard to Emergency Management, he feels the Board needs to take the continuing education course. Mr. Fedorchak stated he did take the class last Saturday which was a five-hour class. Mr. Smith stated he has been advised that they can

do this online. Mr. Stainthorpe stated he feels the deadline to be certified is September. Mr. Stainthorpe stated he will look into doing this on-line and report back to the Board. He stated if they are not all certified, they are not eligible for certain Federal Grants. Mr. Fedorchak stated the course he took was sponsored in part by Bucks County Community College and another agency. The class was held at Council Rock North High School from 8:00 a.m. to 1:30 p.m. H stated there are two levels of certification, and he would recommend that they take the course in person. He will check again to see when the course will be offered. He noted the instructors were excellent.

Mr. Santarsiero stated the Board needs to schedule a meeting to interview the remaining people to be appointed to the various Boards and Commissions. After discussion it was agreed to schedule an Interview Meeting for Monday, July 17, 2006 at 5:30 p.m.

Mr. Smith stated the Lower Makefield Community Pride Day is gathering momentum. He stated the location has been changed to Edgewood Road between Mill Road and Oxford Valley Road. He stated they plan to close the road as they will have a bike race and other activities. He stated he is reaching out to others and the response has been great. Mrs. Godshalk asked if there is a Rain Date, and Mr. Smith stated this has not been considered at this time.

There being no further business, Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to adjourn the meeting at 10:30 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Greg Caiola". The signature is written in a cursive, flowing style.

Greg Caiola, Secretary