

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – AUGUST 2, 2006

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on August 2, 2006. Chairman Santarsiero called the meeting to order at 7:38 p.m. Mr. Caiola called the roll. Mr. Santarsiero stated the Board held public interviews at 6:30 p.m. for two Board vacancies and then went into Executive Session and discussed real estate and litigation matters.

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
 James Majewski, Township Engineer
 Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Mr. Sam Conti advised the Board that he filed an Appeal on behalf of Farmland Preservation to the County Board of Assessment Appeals and received within two weeks a favorable response for the total property exemption status for all ten Farmland parcels effective July 1, 2006. Mr. Conti was congratulated for his work on this matter by the Board. Mr. Conti stated he had discussed the availability of this exemption with the Township Tax Collector while inquiring about the taxes paid for the Patterson Farm in relation to its lease revenue. He learned that the Township filed an Exempt Status Appeal signed by Mrs. Godshalk in September, 1998. The exemption was granted and then followed up with Appeal exemptions for the Vargo Farm and the Golf Course. He stated he feels the applicability for Farmland Preservation was clearly evident when he read the pertinent Pennsylvania Statutes enacted in 1967 regarding the Conservation and Open Space lands. He stated Farmland Preservation should have had Exempt Status since the first properties were dedicated in 1989 and yet the Township Supervisors made no attempt to advise the Farmland Preservation Corporation that they had positive knowledge of this in September, 1998. He stated since 1998 the Farmland Preservation Corporation has needlessly paid property taxes amounting to approximately \$45,000. He stated one of the purposes of the Supervisor Liaison position is to communicate and share information and this did not occur in the past, and does not occur today in some cases. He stated he previously reported that Scott Fegley who was their Supervisor

Liaison failed to attend any of their Board meetings and did not advise them that he would not be able to attend.

Mr. Conti stated with regard to the management of the Patterson Farm, based on what he has learned since his visit to the site, he feels the Patterson Farm needs the advocacy of the Farmland Preservation Corporation for its proper maintenance and protection. He stated the Heritage Conservancy was engaged on May 17, 2006 to develop a Plan, and he asked when they expect a response. Mr. Santarsiero stated he did speak to Mr. Marshall today on another matter, and he advised him that they need to have him come into the Township at one of their first meetings in the fall to get this done.

Mrs. Godshalk stated with regard to the Patterson Farm coming under the jurisdiction of the Farmland Preservation Corporation, she has previously stated that they cannot do this because of the Resolutions set up for the establishment of the Farmland Preservation Corporation which is through developer contributions. She stated the Patterson Farm was bought with taxpayer money. Mr. Conti stated it can be bequeathed to the Farmland Preservation Corporation if the Board desires. Mrs. Godshalk stated she would not be in favor of this. Mr. Santarsiero asked that they discuss this at the meeting in the fall when the Patterson Farm is discussed as an Agenda item.

Mr. Zachary Rubin, 1661 Covington Road, stated he is a member of the Executive Board of the Makefield Glen Homeowners Association. He stated they are having a problem with Comcast who has put cables in, taken cables out, and dug some trenches, but has not adequately addressed the problems of disturbing their community. He stated much of this disturbance is on common ground and does not belong to individual homeowners but to the whole Association. He asked if the Township has any leverage through the Franchise Agreement to get satisfaction from Comcast. He stated the Association has notified Comcast numerous times, but Comcast has not adequately addressed their problems. Mr. Santarsiero stated there are provisions in the Franchise Agreement which give the Township certain rights with regard to those types of situations. Mr. Fedorchak agreed to look into this matter.

Mr. Geoffrey Goll, 5 S. Homestead, Mr. David Grimm, 1605 S. Crescent, Mr. Ben Kaplan, 1607 S. Crescent, and Mr. Jerry Riley, 1603 S. Crescent, were present. Mr. Goll stated Mr. Grimm, Mr. Kaplan, and Mr. Riley live around a Township-owned pond. He is present on their behalf as a professional engineer and was asked to look at their stormwater pond. He stated Mr. Santarsiero and Mr. Caiola also visited the area this summer. He stated the pond is on Township-owned property behind a number of homes in the area and has fallen into neglect over the past few years. He provided photographs of how the pond looked in 1992. He stated there are two sets of stormwater pipes – a 250' pipe going into the pond and a 250' pipe going out of the pond which discharges into a tributary of Silver Creek. He stated both of the pipes have collapsed, and Mr. Coyne did place a construction warning light in the area because of a sinkhole.

Mr. Goll stated there is significant sediment, and they are experiencing significant algae blooms. There are no longer fish in the pond, and this has resulted in a significant amount of mosquitoes and insects in the area. Mr. Goll stated he has arrived at a possible solution.

Mr. Riley stated he has lived in his residence for twenty-one years, and the pond was environmentally-friendly in appearance when they moved in. There were fish in the pond and children ice skated on it in the winter. He stated it was a very attractive addition to the residential area. He stated the neighbors have taken care of the property for many years, cutting the grass, removing weeds; but the pond has now become a problem which the residents can no longer handle, and they need professional help. He stated there are algae, mosquito, and sinkhole problems.

Mr. Kaplan stated there are sinkholes behind the pond and in the woods.

Mr. Grimm showed a picture where the Township in November installed a warning cone to indicate that there was a sinkhole. He stated he now has sinkholes in his backyard and the collapse of the pipes is causing problems in the area. He is concerned with the safety issues involved with these sinkholes.

Mr. Santarsiero stated when he was on the property last fall, he did ask Mr. Coyne and Mr. Majewski to look into this matter. Mr. Majewski stated the pond does need to be de-silted, and the pipes need to be replaced.

Mr. Goll stated he also works with the Makefield Lakes Association at Silver Lake and those individuals did meet with the residents from this area to discuss what they could do. Mr. Goll stated they would like the pipes to be replaced and to dredge the pond. Once it is dredged, they would like to install an aerator which keeps the water quality healthy. He stated the aerator is a very inexpensive piece of equipment to run. He stated the pond can be seen in a 1937 aerial photograph so it is part of the Township's history and provides the homeowners with an amenity to their property. There is a right-of-way so people can access the area.

Mr. Santarsiero stated he would like the Township engineer to look into the costs and put this matter back on the Agenda for the first meeting in September. He stated they also need to have someone out to the area to look into the sinkholes immediately so no one gets hurt.

APPROVAL OF MINUTES

Mr. Smith moved, Mr. Caiola seconded and it was unanimously carried to approve the Minutes of the July 17 Special Meeting to interview candidates for volunteer Boards as written.

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Minutes of the July 19, 2006 meeting as corrected.

UPDATE ON FLOOD RELIEF EFFORTS

With regard to the installation of backflow devices in storm sewers in the River Glen/River Road area, Mr. Majewski stated they reviewed the feasibility of installing such devices and have located four areas where there is a potential for retrofitting with a backfill device valve. He stated the rest of his staff is looking into other areas.

Mr. Majewski stated the backfill device would prevent water in a heavy storm from backing up from the River or Canal through the pipe system. He added that when the water is down, the water can get out through the storm sewer system and out to the Canal and the River as it always has. He noted one proposed location for the valve is along River Road coming from Macclesfield Park where there is an 18" pipe behind Field F where water backs up from the River through the pipe in the Park and makes its way through the Park and out down past the end of the fields into the wetlands area that runs parallel and adjacent to the Canal. The cost to install this device would be between \$2,500 to \$5,000. Another location is on Manor Lane West where there are twin pipes that could be retrofitted at a cost of between \$4,000 and \$7,000. There is also a 30" pipe that drains the Ivy Lane and Black Rock Road area, and that pipe discharges to the stream that runs parallel to the Canal on the south side of Black Rock Road. This would cost between \$6,000 to \$10,000. There are also twin elliptical pipes that discharge from Glen Drive into the wetlands and the Canal, and the cost to retrofit those pipes would be between \$5,000 and \$8,000.

Mr. Caiola moved and Mr. Smith seconded that the work be undertaken pursuant to the 7/28/06 Schoor DePalma letter.

Mr. Stainthorpe asked if there are funds available to do this, and Mr. Fedorchak stated there are funds in the Street Projects Fund to cover these four projects. He stated in order to speed the projects along, he would like to break these into four different projects, and they would then only have to go out for three proposals for each of the projects; and assuming that there are enough contractors available at this time of year, they may be able to divide the projects into four different contracts or some other combination depending how the proposals come in. Mr. Majewski stated he feels this approach would work. He noted that the lead time for some of the devices is six to eight weeks. Mr. Stainthorpe asked if Mr. Majewski feels this will be a good solution that will not have any impact on some of the other items they are looking into. Mr. Majewski stated he does not feel this will have any negative impact.

Mr. Phil Smith, Nancy Road, stated he feels one of these devices was used in Morrisville, and the area flooded because of debris. Mr. Majewski stated these are designed to be low maintenance, although they will have to be checked periodically to make sure debris does not get caught. He stated generally the way the newer devices are designed, they work better so there is less chance of debris getting caught.

Mr. Barry Wood thanked the Board of Supervisors for addressing this project so quickly. He stated they are supportive of the proposal. He stated they also want to make sure that Lower Makefield is communicating with the other communities particularly Morrisville and Yardley. He stated they have organized a new group, known as RAFT, elected officers, formed committees, and have block leaders for all of their streets. They will provide Minutes of their meetings to the Board of Supervisors and ask that the Board continue to communicate with them.

Mr. Smith stated he did send them an e-mail about another individual who resides on the north side who also had problems, and Mr. Wood stated he is aware of this individual and she is an active participant of their group and has brought some of her neighbors to their meeting. Mr. Wood stated he is concerned that a spokesperson for the Army Corps of Engineers stated the solution is to move people; and Mr. Wood stated he does not feel this is a solution, and there must be a way for them to control the water.

Mr. Scott Burgess, 15 Glen Drive and President of the newly-formed group, stated he has been in contact with representatives of the Township engineer's office; and they will set up a meeting and provide a map of the area where there are problems. He provided to Mr. Santarsiero this evening a copy of the Minutes from their meeting as well as an updated punch list. He stated he would like to find some way to communicate with the Township on the punch list items. He stated they have an Engineering Committee; and there are four to five engineers who are members of their group, and they would like to have them work with the Township engineer on a regular basis. Mr. Burgess asked about the Glen Drive backflow device discussed earlier this evening, and Mr. Majewski stated one is on Black Rock Road west of Glen Drive where there is a 30" pipe and the other is behind Mr. Burgess' house.

Mr. Santarsiero asked if the point of contact for the Township should be Mr. Burgess, and Mr. Burgess stated he feels for the most part this would be appropriate. Mr. Santarsiero stated Mr. Fedorchak and the Township engineer should be the contacts at the Township for Mr. Burgess' group; although they can contact the Board of Supervisors if they have questions or concerns. Mr. Santarsiero stated there will also be regular updates at the Board's public meetings. Mr. Fedorchak asked that he and Mr. Burgess meet once a week at a time convenient to Mr. Burgess.

Ms. Elizabeth Christopher, 363 Ritchie Road, asked when the engineer's report will be available to the public. Mr. Santarsiero stated they have asked the engineer to provide it to the Board of Supervisors by their first meeting in September and copies will be available to the public that evening. Copies will also be provided to Mr. Burgess when the Board receives it.

Motion carried unanimously.

UPDATE ON COORDINATION EFFORTS WITH YARDLEY BOROUGH

Mr. Santarsiero stated Yardley has been advised of what Lower Makefield is doing by way of the survey. The Township engineer has also toured areas in Yardley Borough. Yardley Borough has not asked Lower Makefield to expand the scope of the study to include Yardley Borough, but Lower Makefield is coordinating their efforts with Yardley Borough so that nothing is done that could adversely effect them. They will contact the engineer from Morrisville. They discussed this matter at the last League of Municipalities meeting, but the Morrisville representative was not present at that meeting. Mr. Santarsiero stated he has discussed the issue with Mr. Hunter; and both he and Mr. Bill Winslade, the Yardley Borough Manager, have invited Mr. Santarsiero to look at the problem areas in Yardley Borough tomorrow at 4:00 p.m. Mr. Santarsiero invited the other Board members to attend as well.

Mr. Santarsiero stated the matter was discussed at the last League of Municipalities meeting. The Chairman of the Board of Supervisors from Upper Makefield discussed what they are doing, and they are only now getting money from the Federal Government for buy-outs for houses where the owners made application after the first flood in the fall of 2004. He stated one of the requirements of the Federal Government is that the house must be completely restored before they will buy it to demolish it. He stated two properties in Upper Makefield have qualified for this. He stated last year five households in Lower Makefield applied for FEMA elevation grants, and this year they are up to seventeen. Mr. Santarsiero stated he feels Yardley Borough will have many more. He stated for those interested in elevation, they should advise the Township and get the Application process started.

Mr. Santarsiero stated he was invited to a meeting to be held by the County Commissioners who invited the Chairman and the chief Emergency Management person in each Municipality along the Delaware River, which for Lower Makefield will be himself and Chief Coluzzi. Mr. Hoffmeister will also attend this meeting which will be held Friday morning in Upper Makefield. The Agenda was not specific other than they will discuss flooding problems. He is hopeful this will begin a dialog with the County on more regional coordination. He stated he will provide an update after that meeting.

Mr. Santarsiero thanked the residents for taking the time to show the Township, from the residents' perspective, what needs to be done. Mr. Santarsiero reiterated that the study will take into consideration the northern end of the Township as well.

INTRODUCTION AND AUTHORIZATION TO ADVERTISE THE LOW IMPACT DEVELOPMENT ORDINANCE

Mr. Bray was present and stated the Task Force has been working on a Low-Impact Development (LID) Ordinance. He introduced Mr. Majewski, Mr. Goll, an environmental engineer, and Mr. Closser who are also on the Task Force. He stated Mr. Rich Watson, who was unable to attend this evening, is the Township environmental engineer and was also on the Task Force. Mr. Bray stated in March, 2005, Karen Friedman, liaison from the Planning Commission to the Environmental Advisory Council, advised the EAC of a Low-Impact Development seminar she had attended. The EAC agreed to have the LID consultant from Maryland make a presentation in Lower Makefield Township, and this was done in May, 2005. He noted the State of Maryland has many progressive Ordinances regarding stormwater management. Mr. Santarsiero was in attendance at that presentation along with a number of Lower Makefield residents and administration as well as administrators of other Municipalities in Bucks County. The information was then brought to the EAC which was enthusiastic about the proposals. In January of 2006, Mr. Santarsiero, in his State-of-the-Township message, discussed the importance of a Low-Impact Development Ordinance for Lower Makefield. In March, 2006, Mr. Bray was asked to set up a Task Force to prepare such a Low-Impact Development Ordinance.

Mr. Bray stated there are two main principles of Low-Impact Development – the first being that water is treated as an asset and not a nuisance; and the second is the rain that falls on a property, stays on the property. He stated LID stresses the use of natural terrain devices and results in less flooding and a higher quality water supply. Mr. Bray stated they culled sources from all across the United States including the Pennsylvania Best Management Practices (BMP) Manual, ACT 167 - the Stormwater Management Plan, information from the States of Washington, Maryland, and New Jersey, and Solebury Township in Bucks County. He stated they also needed to make sure that the Ordinance would be legally defensible, and Mr. Closser has reviewed the proposal and feels everything that has been included is legally defensible. Mr. Bray stated the Ordinance has also been extensively reviewed by the EAC and the Planning Commission. Mr. Bray stated they feel the Ordinance is one of the most progressive in the State, is innovative and comprehensive. Mr. Bray thanked everyone for their cooperation during the process.

Mr. Majewski stated the definition of Low-Impact Development in the Ordinance is a land use development strategy that emphasizes protection and use of on-site, natural features integrated with engineered, small-scale hydrologic controls at the parcel and

subdivision scale to manage stormwater and more closely mimic pre-development watershed hydrologic functions. He stated the intention is to keep things as natural as possible and maintain the land as closely as possible to pre-development conditions even after development. He stated LIP techniques may be considered an alternative to traditional, structural stormwater management solutions.

Mr. Majewski stated Low-Impact Development is beneficial because it implements many of the Township goals which have been mentioned in the Township Open Space Plan, the Comprehensive Master Plan and a number of studies which have been done along the River. It also helps implement the Pennsylvania Comprehensive Stormwater Policy and includes many features of the Pennsylvania BMP Manual. He stated it also helps the Township to comply with a variety of State and Federal laws which the Township is obligated to comply with.

Mr. Majewski stated benefits of LID include preservation of land for open space, protects water quality and quantity, helps mitigate flooding and reduces erosion. LID also protects natural resources which prevents the generation of stormwater which needs to be handled by detention basins and other facilities.

Mr. Majewski stated some of the key components identified came out of the Zoning Ordinance which needed to be revised. He stated they identified the need to reduce the building setbacks which are currently required to be set back 35' to 75' depending on the Zone, and their goal was to shift the building envelope closer to the road. He stated by moving the homes and the disturbance closer to the road, it will result in less disturbance to woodlands in the rear of the property, less water run off since less woodlands are cut down, will reduce the length of driveways which will save developers and future costs to the homeowners, and also reduces the generation of stormwater. This will also provide more usable rear yard area for the homeowners.

Mr. Majewski stated they also recommend clustering open space. He stated currently the Township allows clustering only in the R-1 Zoning District under Farmland Preservation. They felt this was a good idea to offer this benefit to all lots even if it was not usable for farmland, and to set aside half of the land as open space and make the house and lot sizes smaller on the remaining land to be developed. He stated this will provide open space opportunities, reduce the amount of impervious surface, and shorten roadways. This reduces infrastructure costs both short and long-term. He stated they propose this cluster option be permitted in the RRP, R-1, R-2, and R-3 Zoning Districts.

Mr. Majewski stated they also identified wetland and water course buffer protection as needing to be extended. He stated currently the buffers range from 25' to 100'. They propose increasing the minimum buffer to 50' which is in accordance with State guidelines. He stated this will help reduce erosion and improve water quality as well as help wildlife and reduce the amount of water that ultimately gets to the stream.

He stated they do allow for flexibility in the Ordinance to accommodate a more efficient site design and have allowed for buffer averaging.

Mr. Majewski stated they also identified steep slope protection and have created a new category of steep slopes called Class I steep slopes which range from 8% to 15% grade. This requires a 50% protection ratio. They made no change to the 70% protection ratio for slopes that range from 15% to 25% but strengthened the protection for Class III slopes which are slopes that are greater than 25% which is a four to one slope. They have allowed flexibility in this area as well through a Conditional Use procedure before the Board of Supervisors which could be followed if there was a need to disturb areas of Class III slopes. In this case, they could disturb up to an additional 10%.

Mr. Majewski stated they identified a number of regulations in the Subdivision and Land Development Ordinance (SALDO) which needed to be addressed. They have recommended increasing the notification to surrounding property owners. Currently they notify those who surround the property and they have increased this to notify those within 1,000 feet of the land to be developed.

Mr. Majewski stated they also propose involving the Township early on in the review process by encouraging Applicants to go through a Sketch Plan process to discuss the proposal prior to proceeding with engineering the whole site and then learn that the Board of Supervisors may have other beneficial ideas as to how to design the property. He stated this would result in a savings to the developers as opposed to paying for useless engineering. He stated they have also added a four-step design process which provides a more streamlined process requiring developers to identify resources on the land before they begin the development as opposed to only maximizing the number of units without taking into account the natural resources. They will require an environment impact assessment as part of Subdivision/Land Development for Subdivisions with more than three lots. Currently the guidelines only require an environmental impact assessment in certain instances, and they felt this needed to be expanded.

Mr. Majewski stated they are also recommending reducing cartway widths for new streets, increasing street grades to follow the natural terrain, allowing planted bio-retention islands in the middle of cul-de-sacs which could be used to plow snow into during the winter. He stated they also recommend that curbing be discouraged along streets and parking areas to allow stormwater to flow off onto the side of the streets and into natural swales where it can be more readily absorbed during smaller storms rather than running off downstream. They have also looked into making sidewalks on both sides of the streets discretionary. This would be a matter for discussion between the Board and the developer as well as the residents of the area as to where they feel sidewalks would be appropriate.

Mr. Majewski stated the Ordinance also allows porous pavement in parking areas, landscaped bio-retention areas, which are areas which are sunk in a few inches to allow stormwater to be absorbed rather than handled by piping, and installation of areas to encourage use of native plants which are generally hardier and require less water. He stated they have tried to encourage tree protection by requiring tree replacement for trees removed during development, and have defined standards for open space lay-out. Mr. Majewski stated they also felt the need for developers to physically delineate open space areas better so the homeowners know where the open space is which is not be disturbed by the residents.

Mr. Majewski stated they will reconcile SALDO with the Act 167 Stormwater Ordinances which were adopted last year.

Mr. Majewski stated they also required zero net discharge for stormwater run off. He stated for a storm of three inches of rain over twenty-four hours or less, all of that water or as much as is feasibly possible will be kept on the property and not run off. This would be done through infiltration of the water into the soil. They have also defined soil and infiltration testing procedures. They are now requiring use of non-structural before structural Best Management Practices (BMPs). He stated this means they are trying to prevent the generation of stormwater wherever possible. He stated the basins will therefore not have to be built as large as in the past, if at all.

Mr. Majewski stated the Four Step Design Process includes 1) Identification of conservation areas where developers are required to map out the areas on a Plan; 2) Preparation of a Plan showing what resources they intend to conserve; 3) Aligning the houses and the roads; and 4) Drawing in the Lot Lines.

Mr. Majewski stated the cartway widths they have proposed would reduce the roadway width from the current 36' width to 26'. He stated this width has been recommended by the Bucks County Planning Commission and the DEP as being a suitable width to allow vehicular access and minimize the amount of impervious surface. They also propose to reduce the width of commercial and industrial roads from 40' to 36'. This reduces impervious surfaces on sites which reduces maintenance, repaving, and snow-plowing costs. Mr. Majewski stated they also propose to increase street grades from the current 8% maximum allowed up to 12%. He stated in some areas due to the steepness of the existing grade, by requiring the 8% grade a lot more land disturbance and tree clearing occurs. They have also increased the maximum street grades allowed for collector roads from the current 6% to 8% but at intersections they still require flattening out the grades so it is safe. They also want to discourage curbing where possible with idea being that if the water is allowed to flow off into the grass adjacent to the road, water has an opportunity to slow down and go back into the ground through soil rather than speeding up into the stormwater systems and then out to the streams. Sidewalks would be at the discretion of the Township where it is felt necessary for safety or to promote a sense of community.

Mr. Majewski showed an example of a cul-de-sac with a bio-retention island in the center. He stated it is a landscaped, open area in the middle of a cul-de-sac as opposed to a large diameter of blacktop/pavement. He stated stormwater can be directed into the bio-retention area and snow can be plowed into it in the winter.

Mr. Majewski stated for commercial/industrial areas and for off-street parking, they propose eliminating curbing and trying to create opportunities for water to be handled more locally into smaller areas where water from parking lots can flow off into landscaped areas or flow off directly to the detention basins as opposed to a piping network to pipe the stormwater into the detention basin. This has short-term savings as they do not have to build extensive storm sewer systems, and in the future the cost of replacing the systems is less as pipes would not need to be replaced. Mr. Majewski stated the intention is to distribute water around the area being developed which slows down stormwater run-off and ultimately reduces the amount of stormwater run-off in the area. Mr. Majewski stated the run-off reduction can also be utilized through the use of alternative paving technologies including grass pavers, paving stones, porous asphalt, and porous concrete. He stated when these are used, you do not need detention basins which result in less costs in construction and maintenance. This could only be used where the soils are suitable to allow water to seep through.

Mr. Majewski stated they have also increased tree protection standards by requiring that developers replace trees that are removed which are over 10" in caliper. This is meant to encourage the preservation of mature trees on sites. Developers must identify these ahead of time and encourages them to develop in areas that are not wooded or less densely wooded.

Mr. Majewski stated one of the goals of zero net discharge is to control run-off volume. He stated currently they require that developers control the peak rate; however, this results in water coming out of the pipe for a much longer period of time than it would before development which creates a larger volume of water which could result in flooding. He stated approximately 99% of all rainfall in Pennsylvania is less than 3" of rain. He stated the storms which occurred recently which involved flooding, are rare events and only occur 1% to 2% of the time. He stated this new requirement will primarily help control flooding for small streams and neighborhoods.

Mr. Santarsiero thanked Karen Friedman for setting up the initial seminar in the spring of 2005. Mr. Santarsiero stated he was at that seminar and was astounded at what was possible for Municipalities to do through a low-impact development program to eliminate some of the stormwater problems they have and to build in the future in a more environmentally-friendly way. He stated he is proud of the EAC, particularly Jim Bray, as well as the members of the Task Force, for all the work they are doing for the Township.

Mr. Santarsiero stated while he would have liked these techniques to have been known about and incorporated previously, and despite the limited open land left to be developed, there is still approximately 1,000 acres of land left which could be developed. He stated there is also the potential for future re-development in the Township. He stated this Ordinance will prevent changing the character of the Township in the future and prevent a severe negative impact on the environment. He stated he is hopeful that other communities in Bucks County and elsewhere will follow this as well. He stated he would like the Task Force to make this presentation to the League of Municipalities in the fall. He stated there are a number of developments coming in including Matrix, who has already agreed to comply with the LID standards.

Mr. Santarsiero noted the comments from the Planning Commission under Section 178-93A1 the words, “and re-development” were struck; and he asked why this was done. He stated he would like to know that there are assurances that this is something that will apply for re-development. Mr. Closser stated this was an issues that was discussed at the Planning Commission; and after reviewing the existing Ordinance and the definition of Development as contained in the existing Ordinance which states “Development is defined as any man-made change or improvement including but not limited to buildings or other structures, placement of mobile homes, streets and other paving, utilities, filling, grading, and clearing of vegetation, excavation, mining, dredging, or drilling operations or demolition,” he feels this definition would cover any type of development or re-development activities in the Township.

Mr. Stainthorpe stated he feels this is an outstanding job and very comprehensive. He stated early on they stated LID would help the Township be in compliance with current environmental laws, and he stated he hopes the Township is not currently in violation of any current standards. Mr. Majewski stated the Township is currently in compliance with standards; however, in the coming years, the standards will get tougher and increase, and this will help the Township meet those future issues.

Mr. Stainthorpe stated he feels the cluster for open space is outstanding as is the change in the front yard setbacks. He stated he questions if an EIA for a development of three or more is too strict a standard and asked what an EIA costs. Mr. Goll stated they did discuss what the correct number of lots would be. He stated an EIA could be waived if there is a lot where it is obvious that there are not a lot of significant issues.

Mr. Stainthorpe stated they previously discussed requiring all developers to go before the EAC and be approved by the environmental engineer so that this requirement for an EIA may not be necessary particularly on a smaller development.

Mr. Stainthorpe stated while he can see the benefit for not having curbs, he does feel the sidewalks play an essential part in a sense of community. He stated they do want people to walk rather than drive everywhere, and this could be a safety factor if there are not sidewalks. Mr. Santarsiero stated he does not feel that they are discussing the total

elimination of sidewalks, and there will be flexibility. Mr. Stainthorpe noted the discussion on the widths of the roads and sidewalks and asked Mr. Fedorchak how much money is brought into the Township in terms of fee-in-lieu since currently most developers do not build 36' wide roads and are then required to pay the Township the difference in savings by not building to this width. He stated he would like to know the financial impact to the Township if they make these changes.

Mr. Stainthorpe asked the life of porous concrete and porous asphalt since this may impact costs in the future. Mr. Goll stated they are not proposing this for streets, but would recommend this in certain areas such as expansion parking areas which are parking spaces not usually needed. He feels this would be for low-impact traffic areas. Mr. Caiola asked where this type of material is used currently; and Mr. Goll stated he is aware that it is being used in Pennsylvania. Mr. Bray stated there is an example on River Road in Upper Makefield where it is being used in Parks. Mr. Caiola asked if residents could put this type of pavement in their driveway if they were trying to reduce the impervious surface. Mr. Santarsiero stated this would be an issue regardless of this Ordinance. Mr. Goll stated he does not feel most people would use this type of paving being discussed by Mr. Majewski in areas other than commercial areas. Mr. Majewski stated if people did try to pave their yard with pervious pavement by definition it would still be classified as impervious because it does not absorb water.

Mr. Stainthorpe asked if there was any input from any developers. He stated he would like to get their side on this as well. Mr. Goll stated he works for both developers and Municipalities, and the developers he has discussed this with are looking at this from a bottom-line standpoint; and the reduction in road width, reducing fee-in-lieu, etc are appealing to them. He stated some of these communities are also more marketable than traditional developments. Mr. Caiola stated the developers may not be in favor of the clustering as they may not be able to build homes of a certain size. Mr. Goll stated the Ordinance does not reduce the intensity of homes which can be built, although it does cluster the development. He stated they were careful to insure that units were not lost, although less of the land is being used if they cluster the development.

Mrs. Godshalk stated developers love Cluster Ordinances since they can build and install the infrastructure for approximately half the cost of what it would cost to construct a conventional development. She stated this has been discussed for a number of years. She stated the Township has a Cluster Ordinance with the Farmland Preservation Ordinance and this probably developed the R-1 land much earlier than it would have under convention R-1 Zoning. She stated a number of residents were opposed to this when it was passed. She stated the narrower streets and shorter driveways should be considered further as to how it may impact parking since people will not be able to park as many cars in their driveway and will have to park in the street. She is concerned that emergency equipment will not be able to function as efficiently if there is more parking on the street. She stated there are now more cars in each home than previously.

Mrs. Godshalk asked if a cluster option is permitted in R-2 which is currently 15,000 square foot lots, will they still require this size lot. She also asked the impact on the building envelope if they are permitting houses to be built closer. Mr. Majewski noted Section 3 of the proposed Zoning Ordinance. Mrs. Godshalk stated they are going from 15,000 square feet to a 10,000 square foot lot which is fairly small. Mr. Majewski stated 10,000 would be the minimum net lot area, and there will be some instances where there may be an easement on the lot which cuts into the net lot area. He stated they did look at potential building envelopes and what size buildings could be constructed to make sure that it was something that could be done. He stated there are house sizes that could fit on this size lot. Mrs. Godshalk stated current R-1 could conceivably turn into the current R-2 in minimum size. Mr. Majewski stated this is comparable to the Farmland Preservation option. Mrs. Godshalk stated R-2 and R-3 will be basically the same. Mr. Majewski stated they can only go so low with setbacks, etc. to make a house that would be marketable.

Mrs. Godshalk noted areas she is aware of elsewhere in the County where homes are built ten feet apart, and all the downspouts go into the storm sewers so that nothing comes onto the property. She noted her own property is 22,000 square feet and water from one property is going onto adjacent properties. She stated this is a problem in the areas where there was recent flooding as drainage is coming off one home onto the adjacent home. She stated if they are now proposing building homes onto smaller lots, she feels the water should not be allowed to go onto adjacent properties and should go out into the storm system. Mr. Goll stated he feels when they design the developments, they will take the roof run-off and rather than take it to a stormwater drainage system, it would discharge to the open space behind the house.

Mrs. Godshalk stated many of the soils in the Township do not hold the water. Mr. Stainthorpe stated he feels they need flexibility because in certain soils in the Township, these techniques will not work. Mr. Goll stated one of the requirements of the Ordinance is to have a sub-surface investigation; and if the water cannot infiltrate, they could pay a fee-in-lieu which they could apply to a development where they need stormwater improvements elsewhere in the Township depending on the legality of this.

Mrs. Godshalk noted the RRP, three acre Zoning between the River and Canal which she previously implemented. She stated they are now proposing changing this from three acres to one acre. She stated she feels the three-acre requirement should be maintained in that area. Mr. Majewski stated these lot sizes would only be reduced if they maintain half of the land as open space. Mr. Goll stated it is voluntary. Mrs. Godshalk asked who would have the option to do this – the Township or the developer; and Mr. Majewski stated it is basically the developer's option; however, this is why certain provisions of the Ordinance were strengthened to try to encourage developers to come in early at the Sketch Plan stage to discuss a property that may be a prime candidate for open space clustering, or if they want to force open space clustering in an area where it does not

work, and the Planning Commission or Board of Supervisors would be able to steer them in what the Township feels is the right direction. Mrs. Godshalk stated she feels they need to be careful using the term “developer’s option.”

Mr. Stainthorpe stated he does not feel they should permit any further development in the floodplain and the RRP is essentially the floodplain. Mrs. Godshalk stated they did consider this years ago and they were advised you cannot tell someone you cannot build there, so they had a three-acre minimum. Mr. Goll stated they are not increasing density in those areas. He stated if there are nine acres, they could still only put in three houses, but they could all be put on three of the acres with the remaining six acres left as open space. He stated this would reduce the storm water run off. Mr. Majewski stated the average area is still one and a half acres as one of the lots could be one acre, but others would have to be larger to compensate for this. Mr. Bray stated with clusters, the Township would have flexibility as to where the open space will be located. He stated according to the Ordinance, they will now have a four-step approach where the developer must come in and discuss the natural terrain, the natural flows of water, and the proper placement for the houses. Mrs. Godshalk stated they are already required to come in and show the trees of certain caliper, rock formations, slopes, historic homes, etc.

Mr. Smith stated Mr. Majewski made an expanded presentation of this to the Planning Commission at their meeting. He asked Mr. Bray about the background of the other people who worked on this. Mr. Bray stated Lisa Zygmunt is a publicist for an environmental organization, Joe Sundeen is a former chemist, Geoffrey Goll is an environmental engineer and is one of the principals in an environmental engineering firm in New Jersey, Christine Neely is an environmental attorney working for a large manufacturing company in New Jersey, and Alan Dresser is a meteorologist working for a firm in New Jersey.

Mr. Smith stated they discussed this several times at the Planning Commission and many of the questions raised this evening were discussed there as well. He asked that Ms. Friedman comment on how this was received by the Planning Commission. Ms. Friedman stated the Planning Commission received this very enthusiastically and were very impressed with the effort that went into creating this. She stated the Planning Commission went through this almost word by word to insure it would stand up to a challenge. She stated they are anxious to get started implementing this. Mr. Smith stated he felt the entire Planning Commission was in favor of moving this ahead.

Mr. Smith asked how the LID Ordinance would affect property values in the Township. Mr. Bray stated he feels they will improve overall. He noted a community that promoted a strenuous LID Ordinance, and the housing values in the LID area were approximately 25% higher than comparable houses in other areas.

Ms. Friedman stated the Planning Commission feels that this program will need a lot of community education so that people are aware of the fine details and how the community and people individually can implement these ideas. She stated people should visit the Website to see what they can do individually.

Mr. Smith stated the EAC worked very well with the Planning Commission in getting this before the Board of Supervisors. Mr. Bray stated the EAC members and the Planning Commission members made numerous recommendations and as a result of the review process, he feels they now have a better document.

Mr. Scott Burgess asked about the impact on existing property values if an LID development is constructed adjacent to an existing development. Mr. Majewski stated it would not have a negative impact. He stated if an LID development is adjacent to an existing development, and they cut down less trees on the new development, that would also help the adjacent development's property values.

Mr. Zachary Rubin stated he is concerned about run off from adjacent property owners. He stated he had a recent discussion with a farmer who had farmed a portion of the area where his own home is located and asked him how he had grown anything on the property as the current homeowners have difficulty growing shrubs, etc. Mr. Rubin stated the farmer indicated that he had 18" of topsoil on the property and when Toll Bros. purchased it, they took 17" off and sold it. He asked how they can prevent developers from doing this. Mr. Majewski stated that the Ordinance requires that they do comprehensive testing of the entire property to determine the capacity to absorb water prior to development. Mr. Goll stated the preservation of open space for clustering actually reduces the disturbance area. Mr. Santarsiero stated "prior to development" would be before a shovel is put into the ground.

Ms. Alison Smith asked what they mean by "Option" as it appears that while this is an Ordinance, it does not have to be followed. Mr. Santarsiero stated only the clustering portion is optional. He stated there are many aspects to the Ordinances, but the main idea is that surface water is required to stay on site. He stated the clustering option aids this effort and has other environmental benefits, but is not the main driving force of LID.

Mr. Bray stated the concept of LID is to take the rainwater and put it back into the aquifer and in so doing, you get a cleaner water supply. He stated in the past when water came onto the property and ran off quickly, the contaminants went quickly into the water which quickly went into the stream where the sides were eroded and then went into the River and had to be chemically treated before it becomes part of the water used by the residents.

Mrs. Godshalk stated she feels they should be careful on the Cluster Option, and it should be a Developer and Township Option including where the open space is actually placed.

She added they had problems with this under Farmland Preservation and noted particularly Heather Ridge where the developer wanted the open space in the back as opposed to in the front along Lindenhurst Road where the Supervisors wanted it so that the people who paid the money for this could see the open space. Mr. Bray agreed to look into this.

Ms. Virginia Torbert stated the developers always remove all the topsoil and many people in the Township have advised that they have difficulty planting trees and bushes which would help in retaining water on the property and help prevent erosion. She asked that it be included in this Ordinance that the developers are prohibited from removing any topsoil from the property, or if they remove a certain amount, be required to replace it so there is a net effect of zero topsoil removed from the property. Mr. Santarsiero stated the way the Ordinance is structured, it gives the Township the option of doing this on a case-by-case basis. He stated there does need to be flexibility for something they may not foresee until they look at a particular property. Mr. Goll stated he feels the Township may need a Soil Removal Ordinance so that Permits are required if soil is being removed.

Mr. Santarsiero stated this Ordinance as written would require the analysis to take place before any soil was removed and give the Township the ability to stop this if they determine that in order for the development to meet the requirements for LID, the soil would have to remain. Mr. Goll stated a lot of the infiltration structural measures will actually go well below the topsoil. He stated when a development takes place because there are homes and driveways, there is excess topsoil. Mr. Santarsiero stated he recognizes that they may need to have a more generalized Ordinance to prevent the removal of topsoil, but in order to have an LID work, this Ordinance, as written, would give the Township the ability to stop removal of topsoil if it was determined that it would impact the ability of an LID Plan to work for a development; and Mr. Closser agreed. Mr. Santarsiero agreed there may be other reasons they do not want a developer to take the topsoil off as well. Ms. Torbert stated she feels those other reasons directly relate to what the Ordinance is stating and feels such a prohibition of removing topsoil should be included in this Ordinance. Mr. Santarsiero stated this may not be helpful in every case to LID. He suggested that they look into this further as they are only voting for advertisement this evening. Mrs. Godshalk stated the grading is what takes away the topsoil and it makes it easier for the developers to just take away the topsoil. Mr. Bray stated under the terms of the Site Assessment portion of the Ordinance, he feels they can prevent this from happening.

Mr. Caiola moved, Mr. Smith seconded and it was unanimously carried to authorize advertisement of the Low Impact Development Ordinances – Ordinance #363 and Ordinance #364.

A short recess was taken. The meeting was reconvened at 9:55 p.m.

ELM LOWNE/CAPS DISCUSSION AND APPROVAL OF LEASE

Ms. Jo Norum, Chairman of the Elm Lowne Preservation Committee, and Cynthia Groya, Director of CAPS were present. Ms. Groya stated the last few weeks they have held their program at Elm Lowne, and she presented pictures this evening. She stated their facility in Yardley was recently flooded out for the third time. She stated it does not appear that it will be ready for use soon. She stated the facility at Elm Lowne has provided them with a lot of opportunities, and the parents of the children in the program have been very pleased with the property. She has made a proposal for use of Elm Lowne from September 1 through December 30 for classes. She stated they conduct classes for ages five through adult which usually have an art history base. She felt this would also be a good opportunity to promote Bucks County historic sites. She stated they could also hold historic Bucks County Art Shows as well. Ms. Groya provided an outline of how much time they would spend in the building. She stated there is a maximum class size of ten students as they are very concerned with preserving the integrity of the building and the grounds at Elm Lowne.

Mr. Stainthorpe stated he was pleased to have them use the facilities for the summer and felt it was the right thing to do as neighbors. He would be happy to have the program as a permanent resident. He stated the emergency arrangement they entered into permitted use of the property for \$1; and while this was the proper thing to do for the summer, if the relationship is going to be extended, there needs to be compensation for the use of the facility which is commensurate with what was being paid to Yardley Borough.

Ms. Groya agreed noting she recognizes that it takes money to maintain a facility. She stated when she first went into Yardley Borough they only charged \$1 a year rent; but since the roof and furnace needed repair/replacement, the Lease was re-negotiated to determine how much maintaining the building would cost which is how they arrived at the fee she paid.

Ms. Groya stated she and Ms. Norum have discussed some increased needs such as for electricity and phone lines, and CAPS would assume those costs. Ms. Norum stated they would also require that she hire a trash service as there is currently none for the property. The current system requires the users to take out the trash they generate. She does not feel this will be feasible as art does generate a good deal of waste. She stated if there is electrical upgrading that needs to take place such as for a kiln in the garage, she would suggest that Ms. Groya contact PECO and have a separate line run which would be billed directly to CAPS. She stated this is how it works with Open Aire Affairs as well and those bills never come to the Township. Ms. Norum stated they also need to recognize that Open Aire Affairs has priority rights to Saturday bookings, etc.

Mr. Smith asked the number of families which will have been accommodated through the CAPS program this summer. Ms. Groya estimated it to be 250 families. She noted a number of the families in her program help with the program as well and are from the

area near Elm Lowne. Mr. Smith stated this is the type of program he feels should be at the property and wants this Township facility to be used.

Mrs. Godshalk stated she has been involved with running the house since 1999; and they have encouraged community use including Makefield Women, Edgewood School, etc. She stated there are other utilities that must be considered such as plumbing and heating. She stated they have been keeping the heat at 55 degrees, and it will be extremely expensive if it is utilized on a daily basis. She stated they must determine the actual costs of running the house. She stated in 2000 the Historic Society wanted to use one room of the house upstairs as an office and made an offer of \$250 a month for use of that one room, and the Township denied them of this use as they did not want someone there all the time and wanted to leave it open for other people. She stated she would like to see some of the upstairs remaining open if some other group wanted to come in during that time. Ms. Groya stated they did discuss this particularly noting that Open Aire Affairs needs the use of the Bride's room. Mrs. Godshalk asked if they use the second floor, and Ms. Norum stated she has allowed Ms. Groya to store some of her supplies in the Maid's room which is over the kitchen addition. Mrs. Godshalk stated she also tried to involve the Seniors at the house and feels there are Seniors who could meet there. She stated the Seniors did not want to use Elm Lowne since they wanted the Township to build them their own facility. She stated she feels some Seniors would like to go to Elm Lowne.

Ms. Groya stated with CAPS using the facility, there have been a number of people who have just become aware of it; and possibly with the increased exposure, more people will be interested in meeting there. Mr. Smith stated this is why he was interested in knowing how many families were being exposed to the facility. He asked how the Elm Lowne Committee feels about this use. Ms. Norum stated she did send out an e-mail about this; and of eight Committee members, seven replied with some questions but with an overall approval rating. She stated the Elm Lowne Committee is discussing a somewhat different approach than they have taken over the last five to six years as to how the facility should be used. They will finalize this next week and come before the Board of Supervisors with it once it is voted on.

Mrs. Godshalk stated there are three non-profit groups who have rented the house over the last few years and they paid \$250 an evening and they will have to be accommodated as well. She stated if CAPS is in the house, they must be flexible in this regard.

Ms. Groya stated she recognizes that there are other groups that are meeting there now, and she is very flexible. Mrs. Godshalk stated every group that the Township provides benefits to such as the Fire Department and the Rescue Squad, are required to give the Township a Financial Statement, and they will need this from CAPS as well.

Mr. Santarsiero asked if there is a set policy as to what is charged for use of Elm Lowne. Ms. Norum stated there has been an ever-changing Fee Schedule which was first based on using the facility for parties, weddings, etc. She stated the usage of the facility for

those kinds of activities has been minimal. She stated there are regular groups that meet there for social functions on an annual basis. She stated they have also had other non-profits interested in using the facility. She stated it has been difficult to establish something that was equal as they have different types of activities taking place at the facility. She stated they must also recognize that nothing of what they are doing can impact on the continuing efforts Open Aire Affairs is making. Mr. Santarsiero stated he feels it would be helpful to write up a Fee Schedule and discuss it with the Board of Supervisors. Ms. Norum stated she will provide them with the Fee Schedules they have in effect now, but what they are currently discussing at their Committee would be completely different. Mr. Santarsiero stated he does feel they need to have a fair Fee Schedule.

Mrs. Godshalk stated she feels the heating costs will have to be carefully considered. She feels they need to look at the heating bills from last year and determine how much it will cost to heat the house on a more consistent basis. She stated they must also consider the plumbing as the septic system needs to be cleaned out as there are not public sewers.

Mr. Caiola stated he feels it is up to the Committee to make sure the scheduling works out if CAPS is to use the facility.

Mr. Stainthorpe stated she does have to advertise her fall classes and feels they should proceed with this request at a specific dollar amount for September through December; and once they get an idea about the heating costs, they can consider if they want to do this past December.

Mr. Smith stated he feels they should proceed with approval of the program and consider the costs at a later time. Ms. Groya stated if they are the main occupants, she would assume that they would be mostly responsible for the heating costs.

Mr. Santarsiero stated he would like to consider an equitable charge tonight that they can agree on for a limited time with the expectation that they will revisit this as a long-term commitment. Mr. Truelove suggested that the Lease be approved in concept with an agreed upon amount for September only which would give them time to consider the actual costs and CAPS' usage. Ms. Groya stated her first class in the fall would be held September 11.

Mr. Stainthorpe asked what they paid Yardley Borough, and Ms. Groya stated they paid \$350 a month. Mr. Stainthorpe suggested they proceed with this at \$350 a month through December. Mrs. Godshalk stated she feels this is too low.

Mr. Stainthorpe moved and Mr. Smith seconded to lease Elm Lowne to the CAPS organization, September 1 through December 31 in the amount of \$350 a month and any improvements such as electric or telephone would be at their sole expense.

Mrs. Godshalk stated she does not feel the proposed fee is sufficient to cover the heating and plumbing expenses. She stated the home is five times larger than the facility she was using in Yardley.

Motion did not carry as Mr. Caiola, Mrs. Godshalk, and Mr. Santarsiero were opposed. Mr. Santarsiero stated he voted against this as he would prefer what Mr. Truelove outlined or would consider charging \$350 for September and October and then considering it further after that time. Mr. Caiola agreed. Mr. Caiola stated he feels the key heating bills will begin in November and December, and they will need to reassess the fee. Mrs. Godshalk stated the cesspools also need to be cleaned, and this costs a few hundred dollars each time, and they do not hold much.

Mrs. Godshalk moved that CAPS pay \$350 for September and October plus the cesspool cleaning charge to be paid separately by CAPS.

Mr. Caiola asked the fee for cleaning the cesspools, and Mrs. Godshalk stated it is a few hundred dollars. Mr. Caiola asked how often these have been cleaned out in the time they have been there. Ms. Norum stated she has found that there is no use of the bathroom facility other than washing their hands. Mr. Stainthorpe stated the Township has a \$24 million Budget and they are arguing about whether a facility that is basically empty and not bringing in any revenue during these hours, whether the fee charged should be \$350 or \$350 plus cleaning the sewers. He suggested they proceed with \$350 and reassess once they are in the facility.

Motion died for lack of a Second.

Mr. Smith moved, Mr. Caiola seconded and it was unanimously carried that Elm Lowne be leased to CAPS under the conditions that have been indicated tonight for \$350 for September and October and revisit the matter in the fall for November and December recognizing usage will be through the end of December as requested.

Mrs. Godshalk stated they will need to have their financial statement.

UPDATE ON STATUS OF LEGAL ACTION REGARDING TRENTON MERCER AIRPORT AND AUTHORIZATION OF ADDITIONAL FUNDS

Mr. Paul Krupp, President of BRRAM was present with Ms. Holly Bussey, Vice President. Mr. Krupp stated while Mr. Potter is not available this evening, he has advised that the FAA had put up roadblocks for the Petition he submitted to the Third Circuit Court of Appeals on the FAA's decision for a FONSI (Finding of No Significant Impact). Mr. Krupp stated they initially indicated the Petition was untimely and that it was not in the correct Court. Mr. Potter responded to the Attorney for the Department of

Justice in Philadelphia in this regard, and they concurred with Mr. Potter's opinion that it was proper. Mr. Krupp stated a September 18 Hearing is scheduled in Philadelphia at the Department of Justice. He stated it is important that the Township continue with this matter to ensure that sixty to seventy flights a day are not taking place over the Township. Mr. Krupp stated they have discussed fundraising so that they can help the Township with the expense of defending the Petition that has been filed.

Ms. Bussey thanked the Township for their continued support. She stated they are trying to maintain their quality of life. She reviewed the goals of BRRAM which are to provide public education and awareness, obtain an Environmental Impact Statement taking into consideration all of the Trenton Mercer Airport's past, proposed, and foreseeable future changes, to obtain a part 150 study for noise compatibility planning, to mitigate the Trenton Mercer Airport's air traffic by achieving a reasonable level of mitigation for present-day operations through the enforceable noise abatement program, and to proactively participate with the Trenton Mercer Airport Advisory Committee. She stated for almost eleven years BRRAM has been operating to keep the public and the Board of Supervisors informed of these developments noting if the Airport expansion is accomplished, it will impact the quality of life in the Township including the tax base, property values, and health of the residents. Ms. Bussey stated BRRAM was charged by the Township Board of Supervisors in the mid-1990s to keep abreast of the issues and act as an information clearinghouse for the Board of Supervisors and the rest of the community.

Ms. Bussey stated on June 6, 2006, the Board of Supervisors and the Executive Committee of BRRAM filed an Appeal to the FAA's FONSI with the Third Circuit Court. In that Appeal it was cited that numerous standard procedures had not been used in the development of the Airport. With the help of the Board of Supervisors, they retained the services of an excellent environmental lawyer – Bill Potter, and expenses have been covered by the Township, and to a smaller degree, support through neighboring Municipalities including Yardley and Upper Makefield and monies that BRRAM has collected. She stated until now the Executive Committee of BRRAM has absorbed most of their expenses but feel they are now at a crossroads as an organization. She stated while they have collected the names of concerned citizens, their appeals for funding have been modest. She stated they have canvassed the community, distributed flyers, and asked for contributions. She stated they feel they need to identify those who can donate funds to help partially match any additional funds that the Township Board of Supervisors will post for the suit. She stated they need to determine a Budget and timeline for needed funds and create a case for support while building their list of potential donors to raise the majority of the funds. She stated they will next create a letter and Press Campaign to include as many community members as possible, using Public Access Cable TV, phoning, e-mails, Community Days, and face-to-face meetings so they can engage the community in their fundraising. She stated while they do not yet have a formal plan in place, they hope the Board of Supervisors will remain in conversation with

them as their organization grows. They ask that the Board spread the word about this with other Municipal leaders, and see what would be needed for other Municipalities to assist in this cause as well.

Mr. Smith asked if there is an estimate as to how much money they will need from Lower Makefield. Mr. Krupp stated to get to the next few steps, he would estimate it to be approximately \$10,000. Mr. Smith asked how many steps he feels there will be.

Mr. Krupp stated Mr. Potter has provided information to the Executive Board on this and they could look at this. Mr. Smith stated he would be in favor of providing additional funds, but he is concerned that they are only now after eleven years getting to this point. He asked how much BRRAM has been able to collect. Ms. Bussey stated the past year they have raised approximately \$1,000. Mr. Smith asked if most of this was through fundraisers as opposed to from other Municipalities, and Ms. Bussey stated it was primarily through fundraisers. The total they have raised over the last eleven years is between \$2,000 and \$3,000. Mr. Smith stated while he appreciates their efforts to communicate with other communities, he does not feel they will get any money from them unless the flight paths are changed and impact those other Municipalities.

Mr. Smith stated he wants to help all Township residents with their problems but they need to have BRRAM be proactive raising funds as well and communicating the issues to other Township residents. He stated the Lower Makefield Community Day will be held on Labor Day and they should set up a booth at that event. Mr. Smith stated they also need to know how much it is going to cost the Township going forward.

Mr. Krupp stated BRRAM was never a fund-raising organization and started as an Ad Hoc group working with Congressman Greenwood, who after a few years of trying to help them through the Federal agencies, indicated to them they would have to go “grass roots.” Mr. Krupp stated they have done this and had people come out to support them when the planes were flying over their homes; but when planes were not bothering anyone, they did not come out. He stated for the last four to five years, there has not been much happening; however, the FONSI has indicated that they can expand the Airport, and they will now be facing the problem of commercial carriers or transport planes possibly going into the Airport. Mr. Krupp stated they have distributed flyers providing information but did not get involved with fundraising. He stated now it appears they will have a problem funding the pursuit of keeping the planes out of the community, and they will now have to get involved in fundraising which has been added to their mission.

Mrs. Godshalk asked if the additional \$10,000 they feel they will need will be sufficient to go to Federal Court. Mr. Krupp stated Mr. Potter has provided some information on this.

Mr. Santarsiero stated the Board did have a Special Executive Session where they met with Mr. Krupp and Mr. Potter to discuss the litigation and during that time, Mr. Potter laid out in more detail information which would not be appropriate for Public Session.

As part of that discussion, Mr. Potter did give some sense of the money that was necessary for the next steps which could result in a potential resolution. What he provided was a range and there was some uncertainty in this as there is in any litigation issue. Mr. Santarsiero stated in the context of that discussion, they also discussed amounts that the Board of Supervisors had previously authorized and Mr. Fedorchak indicated that \$6,000 had been authorized which had not yet been used. Mr. Santarsiero stated they must also consider to what extent BRRAM is capable of raising money itself to contribute toward this so that it is not only the Township funding it. He stated they all recognize that this is a worthwhile cause, but they must consider what is an appropriate amount for the Township to contribute. He stated since there is \$6,000 which has been authorized and not yet used, and BRRAM has \$2,000 this would equal \$8,000. The range they were given was \$10,000 to \$16,000 so they are already close to that range. He stated the Board must consider how much more they are willing to authorize this evening and on a going-forward basis, and they need some sense as to what BRRAM will do itself to raise money.

Ms. Bussey stated there are steps they are taking to identify how to raise funds. Mr. Santarsiero stated in his involvement with RAM, they did do fundraising. Ms. Bussey stated she is aware of tenets to fundraising and BRRAM has not worked on this prior to now as this was not their charge nor was there a need since there was no issue previously.

Mrs. Godshalk moved and Mr. Stainthorpe seconded to authorize an additional \$2,000 to equal \$8,000 from the Township and issue a challenge that BRRAM match this Township money of \$8,000 to come up to the \$16,000.

Mrs. Godshalk asked if they are a 501C3, and Ms. Bussey stated they are.

Mr. Bernie Goldberg, University Drive, stated he was part of this from the beginning and the only reason they do not have Spirit Airlines flying over their homes is because of BRRAM. He stated the attorney needs to go to Court on September 18, and he does not feel BRRAM will have time to pay for it. Mr. Santarsiero stated the attorney has provided information already; and what is being provided tonight should cover not only this Hearing, but also the next phase of the litigation as well. Mr. Santarsiero stated the Township has authorized as of now \$20,000, \$6,000 of that has not yet been used and the Township will now provide \$2,000 additional. When added to the \$2,000 BRRAM has on hand, it means there is \$10,000 if the Motion passes to be used for the next Phase. He stated they are therefore within the range Mr. Potter provided already. He stated after that point if more funds are needed, the Board may consider matching dollar for dollar what BRRAM is able to raise.

Ms. Sue Herman stated she feels BRRAM is asking the Board to protect the health, safety, and welfare of the residents and she is uncomfortable with bargaining for their

fundraising. She stated she feels this is bigger than the residents can handle since it will take politicians to fight other politicians. Mrs. Godshalk stated she does not feel the New Jersey politicians care about Lower Makefield Township politicians. Mrs. Godshalk stated she feels the fundraising challenge aspect will bring the issue to the people of the Township.

Mr. Santarsiero stated he feels they are open to helping further but are saying at a point where they have already authorized \$20,000, they want to look to the residents to contribute as well. He stated he feels many of the Board of Supervisors will personally contribute as well. Ms. Herman asked if the Township Newsletter could be used to make the residents aware of this issue, and Mr. Santarsiero agreed. Mr. Smith stated they will help the BRRAM group and they are only asking that BRRAM continue to help as well. Mrs. Godshalk stated this will also be a thermostat of the interest of the community.

Mr. Barry Wagner, 393 Cobbler Court, stated he is concerned with what happens if the amount needed is more toward the upper range. Mr. Santarsiero stated he feels they will consider this at that point. Mr. Krupp stated the fact that it is moving fast could help make it less expensive. Mr. Smith stated Federal Court matters can last for many years.

Motion to approve carried unanimously.

Mr. Krupp stated they are a non-profit so a donation would be tax deductible. He asked that people go to BRRAM.org where there is a form for donations. Mr. Smith reminded them to set up a booth at Community Pride Day.

AWARD CONTRACTS FOR TOWNSHIP'S ANNUAL STREET RESURFACING PROGRAM

Mr. Majewski stated the Township received six bids for Contract No. 1, and he recommended the award of the bid to the lowest responsible bidder.

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to award Contract No. 1 to Arawak Paving Company in the amount of \$198,993.91.

Mr. Majewski stated they received one bid for Contract No 2. They would recommend award of the bid for the base bid and the alternate bid.

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to award Contract No. 2 to Asphalt Industries, Inc. in the amount of \$66,035.74.

APPROVE FIVE YEAR CONTRACT WITH PENNDOT FOR SNOW REMOVAL SERVICES

Mr. Fedorchak stated this is a new five year Agreement between the Township and PennDOT. They have had an Agreement similar to this for the last twenty years. This will allow the Township to provide snow removal services for approximately nineteen miles of State roads. He stated last year they received \$31,410 for the first year of this five year Contract, and they will receive \$33,121.44 this year. He stated they can get out of the Contract if they provide PennDOT written notice by September 15 of any year of the Contract. Mr. Fedorchak stated normally what they are given does cover their costs although there have been times over the years when there were significant ice storms when it did not cover all their costs.

Mr. Stainthorpe moved and Mr. Smith seconded to approve the Contract with PennDOT for plowing State roads.

Ms. Torbert stated she does not feel the increase appears to be covering the increase in gas costs. Mr. Fedorchak stated PennDOT does have a set price per category of road. Mr. Fedorchak stated he feels comfortable with the number for the first year; and if they see a problem, they can reconsider the second year of the Contract. Mr. Santarsiero asked if five years is their minimum, and Mr. Fedorchak agreed. Mr. Stainthorpe noted they do have the bail-out clause.

Motion carried unanimously.

REJECT BIDS FOR THE BROCK CREEK AT YARDLEY MEADOWS STREAM STABILIZATION PROJECT

Mr. Majewski stated the Township received two bids for this project, and the prices were significantly higher than the amounts budgeted for the work. They recommend that all bids be rejected. Mr. Fedorchak stated they received a Grant from the DEP for this work in the amount of \$58,000. He stated he feels they will be able to get an extension until September, 2007. This will allow the Township time to redefine the scope of work and get it down to an amount that more closely matches the Grant they will receive, and they will then move forward.

Mr. Caiola moved and Mr. Stainthorpe seconded to reject all bids.

Ms. Alison Smith asked about the project. Mr. Majewski stated there is an area of Brock Creek behind Yardley Meadows that has some severe erosion on the stream banks. They wanted to restore these embankments and make the stream flow more naturally.

Motion carried unanimously.

APPROVE LEASE BETWEEN THE MUNICIPAL SEWER AUTHORITY OF THE TOWNSHIP OF LOWER MAKEFIELD AND THE TOWNSHIP OF LOWER MAKEFIELD

Mr. Truelove stated in the Board's packet is a copy of the proposed Agreement prepared by Mr. Closser. This is similar to prior Leases which have been in effect for years. He noted Section 2.04 which allows the Township to opt out in the event the sewer system is sold.

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to approve the Lease.

CONSIDERATION OF BIDS FOR PAINTING OF THE SATTERTHWAITE HOUSE

Mr. Santarsiero stated this was previously before the Board and there was some confusion with regard to the Bid. Mr. Hoffmeister noted the documentation for this was provided previously. He stated the individual who owns Barnology also owns Residential Restorations which was the name he had provided last month. He stated the price of \$21,000 is the same as was previously discussed. He stated the lowest bid from Pinnacle Painting, Inc. was \$15,000; however, they have not been in existence the minimum time required by the Federal Government for doing restoration of historical properties.

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to reject the bid from Pinnacle Painting, Inc.

Mr. Caiola moved and Mr. Stainthorpe seconded to award the bid to Barnology, Inc. in the amount of \$21,700.

Mrs. Godshalk stated she asked that this matter be tabled previously because the name Residential Restoration was not on the bid sheet; and she was concerned that if there was a technical problem with Pinnacle for rejection of their low bid, she wanted to insure that all the documentation was correct. She asked if the documentation is now correct, and Mr. Hoffmeister stated it is. Mr. Truelove noted the memo from Mr. Hoffmeister dated 7/26/06 with that information.

Motion carried unanimously.

APPROVE RESOLUTION TO SUBMIT FOR THE TOWNSHIP TO BE PART OF THE PEMA RELIEF PROGRAM

Mr. Hoffmeister asked that the Board authorize the Township to be part of the PEMA Public Disaster Relief Program. He noted a meeting he attended last Wednesday where he submitted the Township's preliminary Application; and this evening as required by the Commonwealth of Pennsylvania, the Board needs to appoint a point of contact who is going to be the person to receive the information so that the Township can formally submit to the Commonwealth. Mr. Hoffmeister stated he will then set up a Kick-Off meeting with them in approximately two weeks so that the Township can get their money back from both PEMA and FEMA. These monies are due the Township for work done by the Township staff.

Mr. Smith moved, Mr. Stainthorpe seconded and it was unanimously carried to approve a Resolution to submit for the Township to be part of the PEMA Relief Program and appoint Mr. Fedorchak as the point person.

APPROVAL OF THE FINAL PLAN FOR THE MINEHART TRACT

Mr. Minehart was present with Mr. Eric Tobin and Mr. Mark Buckwalt, engineer. Mr. Tobin stated the Planning Commission recommended Final Plan Approval and he feels all issues have been resolved for this seven-lot Subdivision. It was noted Mr. Majewski has a conflict with this project; but no one was present representing PCS. Mr. Truelove stated they did receive a review letter from PCS, and he would recommend that they include this in any Approval.

Mr. Stainthorpe moved and Mr. Caiola seconded to approve the Final Plan for the Minehart Tract, Plans dated 8/8/03, last revised 5/3/06 subject to the following Conditions:

- 1) Compliance with the Lower Makefield Township Subdivision and Land Development Ordinance, the Lower Makefield Township Zoning Ordinance, all applicable local, State, and Federal Ordinances, Statutes, or Laws;
- 2) Compliance with Lower Makefield Township Impact Fee Ordinance where applicable;
- 3) Receipt of all permits, authorizations, and/or approval from all agencies with jurisdiction including but not limited to PennDOT, PaDEP, and the Bucks County Conservation District;

- 4) Compliance with the PCS review letter dated 6/28/06 with the notation that the Waivers referenced therein were previously granted;
- 5) Compliance with the Remington, Vernick & Beach review letter dated 6/23/06 which in turn references the CKS review letter dated 5/4/05;
- 6) Compliance with Lower Makefield Township Planning Commission Final Plan Approval recommendation memorandum and letter from Nancy R. Frick, Director of Zoning, Inspection & Planning dated 7/25/06;
- 7) Applicants agreement to pay the Township of Lower Makefield a fee in the amount of \$160,000 in lieu of road widening, curb, and sidewalk improvements;
- 8) Compliance with all comments from appropriate authorities responsible for approval of proposed utilities;
- 9) Continued compliance with the Conditions of the Findings of Fact, Decision, and Order of the Lower Makefield Township Zoning Hearing Board dated 3/15/05 which would be incorporated in its entirety by reference and which would be continued for one year;
- 10) Continued compliance with the Conditions of the Preliminary Plan Approval to the extent not resolved, which said Approval occurred on 2/16/06 and as amended on 6/16/06;
- 11) Applicant to pay a Fee-In-Lieu of Recreation in accordance with the applicable Ordinance;
- 12) Applicant to pay the requisite Traffic Impact Fee in accordance with the Ordinance;
- 13) Funding and execution of Financial and Development Security Agreements.

Mr. Art Cohn, Spruce Mill Drive, asked where the road comes out in relation to Lindenhurst Road. Mr. Buckwalt showed the location of the two driveways which come out onto Lindenhurst Road. Mr. Cohn asked where children will wait to get the bus in this area, noting the hazardous conditions. Ms. Herman stated most parents in this area now drive their children to School. Mr. Santarsiero stated they did discuss this previously and felt there was a need to install a cut-out in the area. Mr. Majewski stated this is included in the Traffic Calming Permit Plans before PennDOT. Mr. Buckwalt stated they did move the driveways closer together and pulled them in somewhat.

Motion carried unanimously.

GRANT EXTENSION OF TIME FOR THE FERRI TRACT SUBDIVISION

Mr. Smith moved, Mr. Stainthorpe seconded and it was unanimously carried to grant an extension to the Ferri Tract Subdivision to 11/6/06.

ZONING HEARING BOARD MATTERS

Mr. Truelove stated with regard to the Robert Nawalinski, 56 Sutphin Road, Variance requests to construct an addition resulting in greater than permitted impervious surface, it was agreed to leave this matter to the Zoning Hearing Board.

With regard to the Craig and Barbara Radvany Variance request to retain an existing screened-in porch resulting in encroachment into the side yard setback in conjunction with a two-lot Subdivision of the parcel, it was agreed that the Solicitor should participate to insure that protections are received when the property is developed to insure that the side yard setbacks are consistent with the applicable Township Ordinances.

With regard to the Robert and Esther Hilzer, 404 Lenape Lane, matter which is an Appeal of the determination of the Zoning Officer and request for Variances to construct an addition resulting in greater than permitted impervious surface and also to permit encroachment of an existing patio into the special setback of Oxford Valley Road, the Solicitor has been asked to participate to clarify and insure that the additional Variances, if necessary, are requested.

SUPERVISORS' REPORTS

Mr. Santarsiero stated the EAC met Monday which was not its regular meeting night; and while he had to attend the Southeastern Bucks League of Municipalities meeting that night, he understands that a number of different projects are proceeding. The Council was briefed on the Brock Creek issue and the reason the Board of Supervisors was not able to accept the bids. He stated they have also found out through the work of Alan Dresser, an EAC member, that a number of different businesses in the Township were not complying with the Recycling Ordinance. Mr. Dresser has tracked these businesses down, and they are now complying and the Township has brought in another \$8,000 by virtue of his work. Mr. Santarsiero stated Ms. Langtry will no longer be able to work with the Township on writing the Newsletter as she will be pursuing a career opportunity. He commended her for the work she has done in the past. He stated the individual who puts the Newsletter together is still willing to work with the Township so he feels for the next Newsletter, which will be another post card mailing in the fall, he will work with that individual himself. For the final Newsletter, which will be lengthier, he feels they will have to find someone to take on this project. He stated the Pension Committee will

meet at 4:30 p.m. on August 10 at the Township Building. He stated the Southeastern Bucks League of Municipalities met on Monday and discussed the flooding. They will continue to work with the other Townships in the League on that issue to hopefully fashion a regional approach.

Mr. Smith stated the Regional Traffic Task Force meets on August 30 at 7:30 p.m. in the Lower Makefield Township Building.

Mr. Caiola stated the Park & Recreation Board held their Annual Road Tour. He stated the Economic Development Committee will meet on the fourth Monday of the month beginning either August or September.

Mr. Stainthorpe stated the Golf Course beat its Budget for July by 10%. He stated the Disabled Persons Advisory Council has completed a brochure about the Council and the services they provide and it will be available at the Township.

Mrs. Godshalk stated the Zoning Hearing Board met last evening and did not approve the two cell towers. She stated work is progressing at Memorial Park and the trees have been installed. Mr. Majewski stated the framing on the restroom facility is up.

OTHER BUSINESS

Discussion of Lower Makefield Community Day

Mr. Smith stated plans for the Lower Makefield Community Day are proceeding. He thanked Mr. Fedorchak and Ms. Liney for the work they are doing on this. He hopes all Supervisors will be in attendance. He stated he received an inquiry from the Makefield Women's Association who are interested in having a Pie Eating Contest and have asked if they will need a release to be signed by those entering the Contest. He advised them that he will have the Solicitor look into this. Mrs. Godshalk stated the Bucks County Board of Health must also be contacted, and Mr. Fedorchak stated he is aware of this. Mr. Smith stated they can still use volunteers. He stated this is also a good opportunity for organizations such as BRRAM to get their information out to the public.

Approval to Cancel August 16, 2006 Board of Supervisors' Meeting

Mr. Santarsiero stated he did discuss with Mr. Fedorchak Agenda items for the next meeting and since they have in the past taken a meeting off in the summer, it is possible that they may cancel the next meeting.

August 2, 2006

Board of Supervisors – page 32 of 32

Mr. Santarsiero moved and Mr. Stainthorpe seconded to cancel the August 16, 2006 Board of Supervisors' meeting. Motion carried with Mrs. Godshalk and Mr. Smith opposed.

APPOINTMENTS

Mr. Caiola moved, Mrs. Godshalk seconded and it was unanimously carried to appoint Suzanne Materese to the Special Events Committee and the following to the Citizens Budget Commission: Anthony Spisto, Michael Garry, Kenneth Martin, Ethan Shiller, and Martin Healey.

There being no further business, the meeting was adjourned at 11:45 p.m.

Respectfully Submitted,

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

Greg Caiola, Secretary