

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – SEPTEMBER 20, 2006

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on September 20, 2006. Chairman Santarsiero called the meeting to order at 7:30 p.m. Mr. Caiola called the roll. Mr. Santarsiero noted the Board met in Executive Session since 7:00 p.m. to discuss litigation, real estate, and personnel matters.

Those present:

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

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

Absent: Grace Godshalk, Supervisor

PUBLIC COMMENT

Mr. Richard Adams, 221 Taylorsville Road, stated he asked at the last meeting that the Board of Supervisors respond to the letter he sent to the Board on July 3, 2006. He stated to date neither he nor his mother have had any response to their questions pertaining to the problem with the large developer who is calling their home and mistreating them. Mr. Truelove stated he has been directed to make a response and is in the process of doing so. He stated prior to the Board's next meeting, he will have a response to him. Mr. Adams stated the developer is threatening to close off Prospect Drive either totally or just to the Adams' residence. He stated the language the developer is using on the phone is not appropriate. He stated they have tried to get the developer to meet with all four parties and come to a common agreement on the Shared Driveway Agreement, but they refuse to meet with him. He stated this has been going on for over two years.

Ms. Sue Herman thanked Mr. Fedorchak and Mr. Majewski who gave an update on the status of Stoopville Road which has been closed for roadwork being done in conjunction with a new development. She stated it was scheduled to re-open on 9/18, and they have learned from Toll Bros. that it will not open until 10/16 provided there is good weather. She stated she is very concerned because there is a tight timetable of events to take place. She stated once Stoopville Road was opened, two to three weeks was going to elapse so

that normal traffic patterns could be resumed after which PennDOT was going to take counts on the Newtown By-Pass and area roads for one week and then do the design work to make the lights traffic responsive on the By-Pass. She stated Lower Makefield was then going to go in and construct Phase I of Lindenhurst Road traffic calming. She asked if there is anything that can be done to get Stoopville Road opened sooner. She stated she would also like an update on the timetable for Lindenhurst Road Phase I traffic calming.

Mr. Fedorchak stated he contacted the Manager of Newtown Township and Mark Metil, the engineer from Gannett-Fleming, which has the contract for the By-Pass traffic signal enhancement initiative. He stated they discussed the revised completion date for Stoopville Road and asked how this would impact the next steps. Mr. Fedorchak stated they were not sure; and as a result, Mr. Fedorchak suggested that there be a meeting next week. He stated they hoped to get the same people who attended the meeting in July including PennDOT representatives, to come to the meeting and re-visit what is happening and establish a new timetable. They agreed to do this. He stated Mr. Metil is contacting the people in Harrisburg and will respond back to Mr. Fedorchak.

Ms. Herman stated the residents hope this will not push back for another six to eight months making the lights traffic responsive on the By-Pass or push back the Lindenhurst Road traffic calming into another construction season.

Mr. Fedorchak stated the traffic signal enhancement project is a joint PennDOT/ Newtown Township project which is why he contacted both parties. He stated Lower Makefield Township is doing what they can to push this along, and he will have more information once they have a meeting set up.

Ms. Herman asked that they be asked to do whatever they can to get Stoopville Road reopened earlier, and Mr. Fedorchak stated they can request this.

Mr. Santarsiero asked why there is a delay. Mr. Majewski stated he has been told by a Toll Bros. representative that the delay was created by the power outages experienced a month or two ago when PECO had to pull their crews off who were re-locating the poles. He stated this then pushed back the rest of the work that had to be done. He stated they have started to do some of the work around the poles to the extent possible.

Mr. Santarsiero agreed to raise this issue at the League of Municipalities meeting scheduled for next Thursday in Middletown as the Newtown Township Supervisor will be present at that meeting.

Ms. Herman asked when they will know the timing for Lindenhurst Road traffic calming. Mr. Majewski stated they need to have the Plans to PennDOT next week to be able to get the project done this construction season. He stated he has contacted PCS and is waiting to hear if they will be able to meet this timeframe. Mr. Majewski stated last month he

met with PennDOT after reading their review letter and also met with the consultant who generated the review letter for PennDOT as well as representatives of PCS. He stated they discussed what items of work needed to be altered, and PennDOT did give some relief on some of the requirements which should help push the process along.

Mr. Fedorchak stated he will make a report on the meeting he is trying to set up with PennDOT, Newtown, and Gannett-Fleming as soon as the meeting takes place.

Ms. Marie McGowan, 11 St. James Place, stated she has been a resident of Lower Makefield Township for fifty years. She stated she has attended numerous Township meetings where various items were discussed. She noted the booklet put out by the Historic Commission published in 1992 of all that is in Lower Makefield Township. She stated in the back of the brochure it gives Seniors information on how to get to the Morrisville Senior Center. She stated Lower Makefield Township did provide a room for the Seniors. She stated last spring she heard a discussion on the television installation and was concerned that it would impact the Seniors. She stated not until Monday of this week were the Seniors advised that effective Tuesday morning, all meetings were cancelled until the end of September. She stated if they had warning, they could have made arrangement to remove their equipment, books, etc. so that they would not be exposed to dust, etc. She stated the Seniors are taxpayers and voters and there should have been a courtesy announcement that they could no longer use the room.

Mr. Fedorchak stated he discussed the possibility of the Seniors losing this room due to the installation of the television equipment and the construction activity some time ago and it was communicated to certain officials within the Seniors organization.

Mr. Santarsiero asked if there are any rooms they could use in the interim. Mr. Fedorchak stated they could use Elm Lowne for certain activities. He stated he feels it will only be for a short period of time before they can again use the Township meeting room.

Mr. Smith asked Ms. McGowan if they could use Elm Lowne on a temporary basis, and Ms. McGowan stated she is not an Officer of the group, but they use card tables which they put up and take down and there are no card tables at Elm Lowne. She stated she is also not sure the restrooms could accommodate their needs. She stated they have now called everyone and told them that meetings have all been cancelled. She stated she still feels it should not have been handled the way it was. Mr. Smith asked if the Township could look into the restroom facilities and make arrangements to have their card tables there, could they use Elm Lowne; and Ms. McGowan stated it was not worth it now as the meetings have been canceled.

APPROVAL OF MINUTES

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Minutes of September 6, 2006 as written.

APPROVAL OF SEPTEMBER 5, 2006 AND SEPTEMBER 18, 2006 WARRANT
LISTS AND AUGUST, 2006 PAYROLL

Mr. Caiola moved, Mr. Smith seconded and it was unanimously carried to approve the September 5, 2006 and September 18, 2006 Warrant Lists and August, 2006 Payroll as attached to the Minutes.

DISCUSSION OF EDGEWOOD VILLAGE

Mr. Andy Hamilton of Carter Van Dyke Associates was present with Rae Pinchuk of the Historic Commission. Mr. Hamilton stated they had previously worked on the Edgewood Village Design Guidelines and continued through the process of developing a Traditional Neighborhood Design Overlay Ordinance for the Historic/Commercial area of Edgewood Village. Mr. Hamilton stated the Ordinance is in draft form, and the Township professionals are now making comments. He stated they will discuss this further with the Township professionals and hope to be before the Planning Commission in the next month or two. He stated the Ordinance is an Overlay Ordinance which is designed to create a quality historic town center. He stated they need to consider how a developer may perceive this, and they want to make sure that it is clearly worded in the Ordinance that none of the historic structures can be demolished or removed as the Overlay Ordinance will protect the historic Village.

Mr. Hamilton stated J. G. Park and Mr. Troilo are proceeding with their design process, have had discussions with the Township, and are doing revisions to the Site Plans. He stated at yesterday's Historic Commission they showed one area of the project they are working on, and Mr. Hamilton showed this Plan this evening. He noted the location of three small tenant houses on Stony Hill Road which are currently in marginal condition and need significant restoration. He stated Mr. Troilo is considering taking these houses and organizing them into the community open space which is in the center of the proposed development, the location of which he showed on the Plan. He stated they propose that these three buildings could potentially be used for Municipal functions and activities, Park & Recreation uses, Historic Commission, Senior Center, etc. They felt the buildings could be better used by relocating them into the common green as shown on the Plan. He stated these are not finalized plans, but this is one of the ideas being discussed by the developer and the Historic Commission.

Mr. Caiola asked if it is permissible to move a historic structure within the Historic District, if the historic significance follows with the house, and does it matter whether the house is relocated to an area that is within or outside of the Historic District. Mr. Smith stated he was in attendance at the Historic Commission when this was discussed, and there was a difference of opinion as to how moving the house would impact its historic registry. Mr. Pinchuk stated they are continuing to look into this. Ms. Pinchuk stated

they must consider how this impacts the historic designation of the structures and the District itself. Mr. Smith stated some members of the Historic Commission were very passionate about this subject and the potential of losing the designation. Mr. Hamilton stated Mr. Troilo and J. G. Park were made aware of this concern, and they hope to have an answer on this and other questions by October when he assumes a special meeting will be held to move this matter further.

Mr. Santarsiero asked if the houses were to be moved, assuming the issue can be resolved, what would Mr. Troilo propose to put in their place. Mr. Hamilton stated he was looking at a combination of uses along Stony Hill Road which would be first-floor Commercial and second-floor either apartments or businesses. Mr. Santarsiero stated he assumes that the three existing structures are not suitable for those purposes, and Mr. Hamilton stated they are too small from a marketing standpoint in order to obtain a tenant who would stay at the location long-term which is their goal. He stated Mr. Troilo is looking for flexibility and space options. Mr. Santarsiero asked the age of the houses, and Ms. Pinchuk stated they feel they are between 1840 and 1890. She stated they are considering restoring the houses to how they would have looked, put them in the park-like setting, and use them to house the Historic Society's and Historic Commission's records, photo, etc. She stated Makefield Women's Association has also discussed using one of the structures but nothing has been confirmed.

Mr. Stainthorpe stated if moving these structures is critical to the success of the Village perhaps it is a good idea, but he has serious concerns about moving any structures; and he feels the Village should be developed around what is existing. He stated he does not feel there is a need for additional Municipal space. Mr. Santarsiero stated the Board of Supervisors has not been approached about the possibility of using these buildings.

Mr. Santarsiero asked if there is anything further the Historic Commission would like to report, and Ms. Pinchuk stated they are trying to listen to all the options. She stated they do sympathize with Mr. Troilo's concern with getting a tenant that will stay in the area for an extended period of time. She stated they also recognize that these are small structures. She stated they are working cooperatively with Mr. Troilo.

Ms. Elizabeth Christopher, 363 Richard Road, asked what they will do about traffic in this area. She noted the traffic at 5:00 p.m. is extremely heavy. She feels they will lose property on either side of the Historic District in order to widen the road. She asked if this is why they are proposing to move the three homes being discussed this evening. Mr. Hamilton stated a traffic engineer will be studying this for the Township. He stated the traffic engineer's office also works as a consultant for PennDOT so there have been discussions with them as well. He stated it is too early to know exactly what will occur. Mr. Hamilton stated the traffic calming guidelines that have been put together should slow down the speed of the cars but still allow vehicles to continue to move through. He stated they want to have a continuous flow of traffic although not at the speeds they are

accustomed to. Ms. Christopher stated she feels it is the number of cars in the area that is the problem and not the speed being traveled. She feels they will have to widen the road. Mr. Hamilton stated they will wait to see what the traffic engineer comes up with. He stated they want to make the situation better but still maintain the historic character of the community.

Mr. Santarsiero stated no Plans will be approved without a plan to deal with the traffic issues in that area. He stated any Plan that will be approved will have to improve the situation. He stated he feels it will be in the developers' best interest to come up with a workable plan as this will help "sell" the community.

Mr. Richard Cylinder, 2308 Yardley Road, stated he is a member of the Planning Commission. He stated at the Planning Commission meeting he saw these drawings against the wall but he had never seen them before. He stated he asked other members of the Planning Commission who have been on that Commission for many years about these drawings, and they indicated they had never seen anything presented for this project. Mr. Cylinder stated he is a retired Urban Planner and has never heard of Plans being presented without going to the Planning Commission. Mr. Santarsiero stated when they have what they feel is a workable Plan, they will go through the ordinary Application process with the Township which will include Plans in front of the Planning Commission. He stated they are not at that point yet. He stated at this point they are only discussing conceptually what they are considering and listening to public input so that they can shape what is being proposed before there is an actual Plan that is submitted to the Township for consideration. He stated the only thing that is occurring now between the developer and the Township is a review of an Ordinance that the developer is proposing and a very preliminary discussion between the Township's traffic engineer and the general engineers about various issues that might exist if they propose one idea as opposed to another.

Mr. Cylinder stated he has never worked anyplace where the Zoning Ordinance proposal is presented to a governing body before it goes to the Planning Commission.

Mr. Santarsiero stated what is happening is the developer is working on an Overlay Ordinance, and they are asking for some preliminary feedback from the Township professionals. When they have the Ordinance, they will present it to the Township; and it will go through the review process as would any other Ordinance being considered by the Township. They are not at this point yet.

Mr. Cylinder stated the Township is also working on another project, and the Planning Commission received enormously detailed Plans which were to have been based on a Concept Plan which the Planning Commission never received. He stated the Planning Commission is now in a position where they have to review more than one hundred details reviewed by the Township professionals without the Planning Commission ever having reviewed the Plan itself. He stated he feels the Planning Commission should see

what the overall plan is about so that it will give them a background before all the details are presented. Mr. Santarsiero stated what has been presented in public is what the Township is aware of at this point. He stated the purpose of this phase of the Edgewood Village proposed development is merely to keep the public apprised of what the developer is thinking about doing and to give the public an opportunity to comment on the initial ideas being considered so that if it seems that there is substantial opposition to one idea or another, the developer will have an opportunity to address that. He stated at other meetings that have taken place and at meetings which will occur in the future, they will try to continue to get every party that has an interest to come together so that it can be discussed in whole before any Plan is finalized and sent to the Township to go through the formal process. Mr. Santarsiero stated if the developer is prepared in a month or two from now to come with a more comprehensive plan, and the Historic Commission is ready to give their preliminary recommendations, they will then have a meeting similar to that which was held in January to which anyone who has an interest including the Planning Commission members, Zoning Hearing Board, or any Township resident can come and make a comment. He stated while this does not ordinarily occur, they are doing it this way because this is such an important project. He stated they had an entire meeting devoted to this project in January, have had several lengthy updates including tonight since then, and they will again have a special meeting devoted to this Plan. He added it is inaccurate to state that no opportunity has been given to make comments.

Mr. Cylinder stated he has indicated that it has not been presented to the Planning Commission at all. He stated he is not talking about a Plan that is ready for approval, but is talking about a general concept of what they are proposing. He stated he feels there should be a discussion with the Planning Commission to see if they would like to have an informal review.

Mr. Santarsiero suggested that when they have the next meeting where they devote most if not all of the meeting to this issue, the Planning Commission should attend. He stated if they want a formal invitation to this, it can be provided. He stated this phase of the process is to give everyone the opportunity to comment.

Mr. Matthew DeSanto, 755 Stony Hill Road, asked what new developments they have considered with regard to water retention since there were perc tests taken. Mr. Majewski stated they did have initial results which showed there are some areas of the site which are favorable for recharge back into the soil. No further testing has been done, and currently they are working through their concepts as to how they could lay out the Plan as well as working on the Ordinance. He stated after they proceed further, they may go out and do additional soils work. Mr. DeSanto stated after the last meeting they had 5" of rain in eight hours and this should be computed in as to how water goes back into the ground.

Mr. Jim Keela, 1767 Yardley-Langhorne Road, asked if there are any other discussions going on regarding the District itself other than Mr. Troilo's tract. Ms. Pinchuk stated she would like to talk later about her property at 1761 Yardley-Langhorne Road where her office will be located. Mr. Santarsiero stated when they have a more comprehensive meeting in the near future, they will discuss this as well as the property owned by Mr. Messick. He stated they indicated in January that they hope to have this project viewed in one piece so that there is consistency and so that they do not jeopardize the historic status of the Village.

Mr. Jim Bodnar, representing the Masonic Lodge, stated they asked in January that their property be considered for this Zoning as well; and he has not heard anything further. Mr. Santarsiero stated in the last seven to eight months their main focus has been with Mr. Troilo as he is the largest landowner, and his ideas will probably drive everything else. They have focused on the need for Zoning changes to accommodate what Mr. Troilo may propose. Mr. Santarsiero stated he does recall that in January the issue of the Masonic Lodge was raised; and he personally feels that given its proximity, it does make sense to try to include the Masonic Lodge. Mr. Bodnar asked when they should work with someone on this, and Mr. Santarsiero asked Mr. Fedorchak to set up a meeting with the engineers, Mr. Troilo, Mr. Messick, a representative of the Planning Commission, and a representative of the Masonic Lodge. Mr. Bodnar agreed to contact Mr. Fedorchak about this.

Ms. Joyce Bigley, 1793 Yardley-Langhorne Road, stated Mr. Hamilton indicated that Mr. Troilo was considering re-locating the three buildings, and she felt that in the original proposal the buildings were supposed to be added onto and remain in place. Mr. Hamilton stated Mr. Troilo, in working with his marketing people, was looking at the relationship of the street, retail, and scale of structures. He stated they are still considering a number of options. Ms. Bigley asked about the percentage of percolation. Mr. Majewski stated he does not have detailed analysis from the developer's engineer on this. Ms. Bigley stated she does not feel that they can make any decision until they have good numbers. Mr. Santarsiero stated he agrees and added nothing will get approved unless those numbers are dealt with. He asked when these numbers would be available, and Mr. Majewski stated he can get this information but noted the testing was very preliminary, and they only did random sampling of the site. They will have to do additional testing to get detailed results in the area where they are contemplating doing work.

Ms. Bigley noted that further on the Agenda this evening is consideration of 1761 Yardley-Langhorne Road, and she asked if this matter could be moved up further on the Agenda as those interested are present now. Mr. Stainthorpe stated this is only a discussion of a handicap ramp being put onto one of the homes and does not fit into this more global discussion.

Mr. Santarsiero asked that they try to be in a position to get back to the Board of Supervisors by the second meeting in October or the first meeting in November. He stated they would like to have all the stakeholders, including Mr. Messick and Mr. Troilo, present at that time so there can be a fuller discussion of the entire area. Ms. Pinchuk stated she understands that Mr. Messick was going to wait for the Final Approval by Mr. Troilo. Mr. Santarsiero stated the Board of Supervisors would like to see his ideas come along around the same time as Mr. Troilo's. He added he would be hesitant to start any formal approval process before they have a sense of what Mr. Messick will propose since they do not want to look at this piecemeal. Mr. Stainthorpe stated he is hesitant to rush the process too much noting it cannot go too much further until the Ordinance is created. He feels they should move forward with the Ordinance and have it in front of the Planning Commission since this is the next logical step. Mr. Santarsiero stated while he agrees, he also feels they should consider any conceptual issues at the same time. He stated he does not want the project to continue to lag since the March Associates report came out in 1999. He asked that they come back with some conceptual ideas as well as coming forward with the Ordinance. Mr. Smith stated they should extend an invitation to the Planning Commission as well. Mr. Santarsiero stated he agrees that they should extend a formal invitation to the Planning Commission, Zoning Hearing Board, and any other Township entity that might have an interest in this when the matter is next before the Board of Supervisors. He stated all residents who have an interest in this are also invited. Mr. Smith asked that Mr. Cylinder advise the Chairman of the Planning Commission that they would like them to attend the next meeting when this is before the Board.

A Short recess was taken at this time. The meeting was re-convened at 8:50 p.m.

FLOOD MITIGATION DISCUSSION

Mr. Santarsiero stated RAFT had a meeting at the Township Building last week which he attended along with Mr. Fedorchak, Mr. Caiola, Mr. Stainthorpe and Mr. Hunter from Yardley Borough. He stated during that discussion, they indicated that they know what the Township engineer has proposed for a potential long-term solution and recognize that it will be costly and that the Township will have to seek funding from the State and Federal Government. They recognize that this process will take some time, and they are not assured that they will receive the funding. He stated given these concerns, they were considering what could be done in the interim as a temporary measure to help alleviate any flooding problems that might arise. A number of proposals were made including pumping water across Black Rock Road. Mr. Santarsiero stated he agreed to put this issue on the Agenda this evening so that the Board could consider authorizing the engineer to consider some temporary measures. Mr. Santarsiero stated he also asked RAFT to present a few ideas that the residents were in favor of for the engineer to consider.

Mr. Tim Prior, 342 Richard Road, stated he is part of the Engineering Committee of RAFT, but they have not had an opportunity to discuss alternatives for the engineer to consider. He stated the expertise of their Engineering Committee is not to the level of the hydrologists who did the work on the permanent structures. He asked if those individuals could consider other solutions that would be less costly than the \$15 million previously discussed. Mr. Prior stated he feels they should look into temporary fixes that could move the water or prevent the water from hitting the houses.

Mr. Caiola stated if they are looking to do temporary fixes and the long-term fixes, it will be even more expensive; and he stated they must consider the benefit from temporary fixes and how this fits into the big picture if they ultimately want to put the money toward the long-term fixes. He stated he would be willing to listen to suggestions from the residents.

Mr. Smith stated he would also like to see how much money, if any, that they will get from FEMA and PEMA. He stated he would be in favor of temporary measures to see what reasonable options there are to help out the residents.

Mr. Stainthorpe stated he feels they should have a discussion with the representatives from Schoor DePalma noting they have already paid them \$30,000 and they are also the Township engineers. He stated he would like to know if there are temporary measures that are worth doing. If there are, they should determine what it would cost to put together a proposal. He stated if they do not feel there are any temporary measures worth doing, there would be no reason to proceed further. He stated there may be some temporary steps such as sand bags, etc. and a determination could be made as to where these should go.

Mr. Smith asked Mr. Majewski if there is something they can do on a temporary basis. Mr. Majewski stated as part of their study, they first looked into what could be done which would be inexpensive and fairly easy to implement. In their presentation, they presented the more long-term measures which involved more cost and involved Permitting and obtaining funds. He stated in the short-term, there were not many options they saw that were available to help with the flooding other than some of the back flow valves in areas where water was coming up through the storm drainage system. Mr. Smith stated they are doing some of these back flow preventers already, and Mr. Majewski agreed and stated he was in the area today to look into another area which might be feasible for one of these valves. Mr. Majewski stated he will continue to work with those at Schoor DePalma who are working on this project. He also stated if the residents have an idea they would like them to consider, they could look into that as well.

Mr. Santarsiero asked that this matter be considered again on October 4.

Mr. Burgess stated he will make sure that their Engineering Committee has a meeting in the interim as well.

Mr. Santarsiero stated they did give a scope of work in July which was two part – the first being to come up with structural changes that could be done in the Township to alleviate the problems, and they have come back with a report on that. The second part was to give the Township their best sense of what is causing the flooding problem apart from the heavy rain. He stated whatever regional solution is discussed, the Township wants to be involved in this as well as advocate their position, and they cannot do this until they have some sense from the professionals as to the problem.

Mr. Caiola noted an article in the Courier Times which reported that New York has indicated they feel they are holding too much water, and this may be having an impact on those down River.

Mr. Smith stated he would like to see if something can be done before the winter to help avoid problems in the spring.

Ms. Peg Murphy, Yardley Road, stated they must also get from the engineer information on the management of the Canal and the gates that allow water to go through and whether this is being done properly. She stated those in the northern part of the Township are very concerned about the way, during flood conditions, the gates are managed as they continue to allow water to flow out even though the run off is flowing over the banks. She stated the Army Corps of Engineers run offs are not being used. She stated someone should advise whether the Canal Authority is managing this properly. Mr. Santarsiero stated when they look at the structural changes, they may have considered this, but he asked that Mr. Majewski discuss this with his co-workers as well.

Mr. Burgess stated next Wednesday at 1:30 p.m. the DRBC is having a meeting on State Police Drive in West Trenton which will be a public hearing of the interim spill mitigation measures for the New York City Delaware Basin reservoirs and members of RAFT will be in attendance. Mr. Burgess stated it has come to their attention that the National Guard has sandbags available during times of emergency and asked if the Township is aware of how these can be obtained. Chief Coluzzi stated you would have to call ahead and tell them what you need prior to the emergency, and they will send them out. He stated the request would have to come from the Township. Mr. Smith asked how long it would take to make the phone call and have them delivered, and Chief Coluzzi stated it would take twenty-four hours provided they had the equipment available. Mr. Burgess asked if any communication has taken place with PECO regarding re-gridding so that if an area has to be shut down, they would not have to cut off a whole area. Mr. Fedorchak stated he will follow up on this.

Mr. Burgess asked if there was any progress regarding the Applications for monies from the Army Corp of Engineers year end surplus. Mr. Fedorchak stated there is a process they have to go through, and there are certain eligibility requirements.

Mr. Santarsiero asked if they had a request submitted before the end of the fiscal year, could they possibly get some of these funds. Mr. Fedorchak stated he could try but his experience with the Corps has not been good over the years in terms of getting money for these types of projects. Mr. Smith asked if this would impact their ability to get money from FEMA, and Mr. Fedorchak stated he did not feel it would. Mr. Burgess suggested they apply for funds from this source for dredging of the Canal which is not being considered in the Schoor DePalma proposal. Mr. Fedorchak stated he feels their best opportunity to obtain funds for the flood walls, etc. would be through the Hazard Mitigation Project for which they have made application on September 15. The Letter of Intent requested \$23,268,000, \$18 million of which was for the flood walls, etc. proposed by Schoor DePalma. He stated there is also another opportunity with the State Department of Environmental Protection and their programs which they will look at for next year.

Mr. Burgess stated he feels if there is a possibility of getting some money from the Army Corps, they should consider it; and Mr. Fedorchak stated they will do this as well.

Mr. Burgess asked for the status of the back flow preventers. Mr. Majewski stated they have ordered several of the back flow preventers, and he is working with the vendors now to work out details on the configuration and how they can attach them to the pipes or end wall structures.

Mr. Burgess stated he understands that Bucks County is filing a FEMA Application for seven out of ten River communities. Two are not applying for aid, and Lower Makefield is filing individually. He asked why Lower Makefield decided not to bundle with the County. Mr. Santarsiero stated they discussed this two weeks ago and felt that since they had a plan in place they did not want to be included with everyone else who had not done that. They felt they had a better chance of success if they presented their plan. He stated this does not mean that they are not mindful of the need to coordinate their efforts with the rest of the region, and they will continue to do this.

ALTERNATIVE ENERGY DISCUSSION AND APPROVAL OF RESOLUTION #2124 COMMITTING TO PURCHASE A MINIMUM OF 20% OF ENERGY FROM ALTERNATIVE SOURCES BY 2010

Mr. Stainthorpe stated a few months ago he introduced a Motion that the Township move 10% of their electric purchases to wind energy. He stated at the time gasoline was \$3.25 per gallon and expected to rise even more. He stated the need to move to energy independence for the Country is very clear. He stated the Country's energy supply is very precarious noting that the Country currently buys 20% of its oil from the Mideast. He noted the number of recent incidents in the Mideast and in Venezuela, from whom the Country purchases 16% of their oil supplies, that could disrupt our oil supply. He stated despite a recent drop in the gas of price, we cannot continue to count on this resource.

Mr. Stainthorpe stated while it is not possible to do much as to the Nation's energy supply, he does feel there are things that can be done in the Township. He stated he asked Ms. Kerry Enright, of SmartPower which is a **Connecticut-based** non-profit organization committed to creating clean energy, to speak to the Board this evening about how they might take some next steps to increase Lower Makefield's energy independence. He stated Ms. Enright will also discuss how the Township can turn the premium they are paying for the wind energy from being an expense into an investment.

Ms. Enright stated she is the Program Coordinator for SmartPower and she has provided a packet of information to the Township about their organization. She stated they are a non-profit marketing organization. They do not sell any specific products. She stated they sell the idea of clean energy and do market research to try to determine what the consumers need to hear in order to support renewable energy. She stated they also have the Clean Energy Communities Campaign which they hope will be successful in Pennsylvania as it is in Connecticut where it started. She stated they are funded by private foundations and public benefit funds. They currently have twenty-eight communities who have committed 20% to alternative sources by 2010.

Ms. Enright stated of those twenty-eight communities, twelve have qualified for a one kilowatt solar energy system. She stated since they have less funding in Pennsylvania, they are only providing ten communities within five Counties (Bucks, Chester, Delaware, Montgomery, and Philadelphia) with a one kilowatt solar energy system. She stated this system has a \$10,000 value. She stated the system has minimal maintenance requirements so there are very little continuing costs. She stated there are three thresholds that must be met to get the 1 kilowatt solar energy system. She stated the first is that the Municipal Government must pass a formal Resolution to commit to 20% renewable energy by 2010. She stated the second threshold is that 7% of the population, or two hundred new customers whichever is less, within Lower Makefield Township must sign up for clean energy through PECO wind or two other energy providers. She stated currently Lower Makefield Township is at 2.18%. She stated the third threshold is to begin to purchase actual renewable energy. She stated since the Township is already doing this by purchasing 10%, they have already met this threshold. Ms. Enright stated on-site generation does count which would be a good investment for a Municipality and it could go toward the 20%. She stated they could help the Township in this area noting there is an Energy Harvest Grant put out by the Department of Environmental Protection. She stated other Municipalities she is aware of have capitalized on getting systems through that Grant. She stated the State of Pennsylvania committed to 20% renewal energy two weeks ago, and Lower Makefield Township would be the first Municipality to follow that lead.

Mr. Stainthorpe asked what they could do to help promote this to the citizens.

Ms. Enright stated they are a marketing company and they have done TV, radio, and press ads and will get involved with Web ads as well. She stated they will help the

Township reach their thresholds. In other Townships they have done Press events for the community to build awareness. She stated the Township is receiving the Green Power Award tomorrow, and they would want to publicize this as well. She stated they would send invitations to those already signed up for renewable energy to attend events and to bring a friend or neighbor. She stated they have also found it to be successful to have competition among nearby Townships. She stated they also educate on the environmental benefits noting the more diversification in the energy portfolio, the cleaner the air will be.

Mr. Stainthorpe stated they do have vehicles to promote this in the Township noting the Township Website, Newsletter, and once the meetings are televised, they have the capability of full-motion video on the Community Channel on which they could run some of the commercials. He stated PECO will also contact all their customers to come to Press events. He stated he looked at the value of the \$10,000 solar power system as a way to start recouping their investment, but also feels this is the first building block of moving the Township further into solar energy. He stated through the Energy Harvest Grant there is money available to Municipalities in the amount of \$20,000 to \$100,000 to install solar power systems. He stated a one kilowatt system would power a portion of the Township Municipal Building. He stated they could also consider the office at the Pool, etc, or could use it as a seed for getting a larger system which could in fact power the entire Township Municipal Building. He stated while they may still need to purchase some electricity from PECO in the winter, on a sunny day in June, it would be putting energy back into the grid; and this would result in an investment to help lower the Township's energy costs. He stated even if gas prices fall, energy will not be less expensive in the future. He stated he feels that they will also be able to help new companies get started and they will become more competitive and they will be able to help lower their energy costs.

Ms. Enright stated price caps are going to come off in 2010, and she feels the State will be very surprised about what the costs of energy will be so that on-site generation would be advisable.

Mr. Smith asked how many other Townships in Pennsylvania have signed up for the program, and Ms. Enright stated Lower Makefield would be the first.

Mr. Santarsiero asked the average time it takes for a Township from the time they commit to passing the Resolution to when they get the requisite numbers of households to sign up, and Ms. Enright stated this depends on the commitment of the Township. She stated in Townships which have an Environmental Advisory Council or Task Force that meets monthly with her, they usually reach their goals in six months. She stated they like to work with a group of citizens who are committed to this project and who can come up with good ideas on how to get people to sign up.

Mr. Santarsiero asked if the timeframe to get the solar panels would be after the three thresholds are met, and Ms. Enright stated it is. Mr. Santarsiero noted they have already done one part and if they pass the Resolution and get the required percentage of residents to sign on, the Township would be eligible for the solar panels provided they were one of the first ten, and Ms. Enright agreed.

Mr. Smith asked Mr. Bray, Chairman of the EAC, his opinion of the project. Mr. Bray stated he feels this is a good idea. He noted there are some issues with wind power as it impacts native birds but he understands this is being looked into as to where they can place these facilities.

Mr. Santarsiero stated Lower Makefield Township is a leader in environmental issues and much of this is due to the work being done by Mr. Bray and the EAC. He stated the EAC is currently looking to the Township's participation in the Cool Cities Program, and he feels what is being discussed would fit into that process. He stated the EAC would like to be at a point in the next month or two on the Cool Cities Program to come before the Board of Supervisors with an outline as to what the Township can do. He stated the EAC has also looked into doing a study of the Township's energy efficiency. Mr. Santarsiero stated he agrees that they need to use alternative energy sources not only because of the price of oil and the security risks and risks to International peace that are posed by some of the events that are taking place in the Middle East, but also because they are facing a serious threat of global warming. Mr. Santarsiero stated he feels what they are being asked for is a modest step. He stated he would like to see a report back from the EAC about what their target should be and if it is possible to go higher than 20%. He stated as part of the Cool Cities Program, he would like the EAC to come back with a comprehensive program for what they can do by 2010. He stated he would prefer to wait for that presentation rather than passing a Resolution this evening for only 20%. He stated since it will probably take six months to get the number of residents needed to qualify, he would prefer tabling this tonight and see if a higher number might not be appropriate and see how they can meet that number. He stated they would then have met two of the criteria being asked for and they could then try to sell it to the rest of the residents. He stated he does not feel this will put the Township at a disadvantage since no other Townships have yet signed up. Mr. Santarsiero asked that the EAC come back by November with a percentage they feel they should adopt and how they can meet that goal.

Mr. Stainthorpe stated there is nothing in committing tonight to 20% that would prevent the Township from looking to do further things as well. He stated the additional 10% needed to meet the 20% required does not have to be wind power. He stated if they make the commitment tonight for 20%, he feels they will be set up for the solar panel system and it could also help them with Grant Applications. He stated he does want the EAC to

get involved in this from this point on. He suggested that they change the wording such that they would commit the Township to “a minimum of 20%.”

Mr. Smith stated he agrees they should refer this to the EAC. He stated having heard about the program this evening, he sees no downside in the language of the proposed Resolution and would like to be in the vanguard and move forward.

Mr. Stainthorpe moved and Mr. Smith seconded to approve Resolution #2124 committing the Township to purchase 20% of its energy from renewable sources by 2010 and work diligently to promote the values of renewable energy to all of our citizens.

Mr. Santarsiero moved to amend the Resolution to read “a minimum of 20%”.
Mr. Caiola seconded.

Mr. Bob Slamen, Bedford Place, stated 97.8% of the Township residents have not signed up for this, and he feels they will have a difficult time getting people to sign up. He feels it is an abuse of tax dollars to pay 10% more for energy, he feels PECO should be doing this and not the customers.

Mr. Santarsiero stated the Board feels that this is a major issue they have to address in terms of the cost of oil and with respect to the environment so it is not just what the current costs are compared to what alternative energy might cost but they must also consider the cost which is hard to quantify which is what happens to the environment.

Mr. Stainthorpe stated his intent in the future is he would like to see Lower Makefield be in a better position when the caps come off the energy prices, and he feels being proactive will change an expense into an investment.

Mr. Zachary Rubin, 1661 Covington Road, stated the Township is in the vanguard of environmental issues with their Low Impact Development Ordinances and other issues. He stated Mr. Stainthorpe should be commended for spearheading this effort being discussed. He feels solar panels are an excellent idea. He stated he does have a problem with wind power and the corporate structure of Exelon and PECO. He stated he does not have a problem paying extra for green energy but does object for giving extra money to PECO’s corporate investors and their stockholders.

Mr. Stainthorpe stated the premium does not go to PECO and actually goes back to Community Energy which is the company which operates the wind farms and this helps them build more wind farms.

Mr. Santarsiero stated there is only so much that the Township can control and this should not be a reason not to act in order to do something to help the environment.

Mr. Smith stated the Board members are in some respects role models; and if the Supervisors do not take these steps, they cannot expect their fellow residents or their children to follow this. He feels the Board should take these steps and move ahead with this type of proposal.

Mr. Burgess asked if the Township has done a cost analysis on what this would cost since it appears 97% of the residents do not want it. Mr. Santarsiero stated there is no basis for that comment since they do not yet know how many residents would be in favor of this. Mr. Stainthorpe stated they do know that it will cost the Township approximately \$4500 a year for the wind purchase. Mr. Santarsiero stated they do not yet know how many people in the Township are going to buy into this. Mr. Burgess asked how many have bought into it to date. Mr. Smith stated he does not feel it is a matter that the Township residents have rejected it, but rather a lack of communication of the process at this point. He stated part of the proposal is to promote the value of renewable energy to the citizens. Ms. Enright stated while 97% have not signed up for it yet, it does not necessarily mean they are opposed to it. She stated market research shows that 10% to 20% of the U.S. population would sign up for clean energy if they knew if it was available. Mr. Santarsiero stated he feels in this community, they will be able to reach the percentage required.

Mr. Cylinder stated he recently went to the Golf Course and felt this may be a good location to have a wind farm. Mr. Santarsiero stated while they have not looked into this, there may be properties in the Township which could be used for this purpose. He stated the EAC could look into what else could be done in the Township to promote and create alternate energy.

Ms. Alison Smith asked if the EAC could look into solar power for emergency power such as during flood events. Ms. Enright suggested that they look into fuel cells for emergency power. Mr. Bray was asked to look into this matter.

Mr. Santarsiero stated the EAC is also looking into what they can do by way of the vehicles being used by the Township to promote lower emissions and lower fuel costs. Mr. Bray stated the EAC is involved with a firm which will hopefully do a comprehensive energy audit of the Township. In addition, they are also looking into the Cool Cities Program although he does not want to discuss this in detail as it has not yet been presented formally to the EAC. He stated during their next EAC meeting, they will have a representative from the Cool Cities Program make a presentation. He stated one of the items under the Cool Cities Program includes looking at the Municipal vehicles to see if they can be turned into green vehicles.

Motion to approve the Amendment carried unanimously. Motion to approve the Resolution as amended carried unanimously.

Mr. Stainthorpe stated Lower Makefield Township will be receiving an environmental award tomorrow from Penn Future and is the only Municipality receiving such an award.

REJECT BID FROM PRECISION ELECTRIC SIGNAL FOR THE TRAFFIC SIGNAL MAINTENANCE CONTRACT

Mr. Majewski stated the Township received two bids to perform traffic signal maintenance of the twenty-nine traffic signals and ten pedestrian flashing signals in the Township. He stated the apparent low bidder, Precision Electric Signal, has not complied with the specifications as outlined in the bid documents; and they would therefore recommend that the bid be rejected as non-responsive.

Mr. Stainthorpe moved, Mr. Smith seconded and it was unanimously carried to reject the bid from Precision Electric Signal as it was non-responsive.

AWARD THREE YEAR CONTRACT FOR TRAFFIC SIGNAL MAINTENANCE CONTRACT

Mr. Majewski stated they recommend that a three year Contract be awarded to Armour & Sons Electric.

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to award the three year Contract for Traffic Signal Maintenance to Armour & Sons Electric at a cost of \$13,440.

AWARD THREE YEAR CONTRACT FOR TRAFFIC SIGNAL EMERGENCY SERVICES

Mr. Majewski stated they recommend that a three year Contract for traffic signal emergency services be awarded to Armour & Sons Electric at the rates outlined.

Mr. Smith moved, Mr. Caiola seconded and it was unanimously carried to award a three year Contract for traffic signal emergency services to Armour & Sons Electric at the rates outlined in the information provided by Mr. Majewski.

AWARD BID TO WIDEN MACCLESFIELD PARK ENTRANCE

Mr. Majewski stated the Township received three bids for widening the entrance at Macclesfield Park to provide a right turn lane onto River Road to alleviate some of the

back-up problems exiting the Park. He stated they also recommend that the alternate bid be awarded which is repaving an older section of the bike path at Macclesfield Park.

Mr. Smith moved and Mr. Stainthorpe seconded to award the Bid to widen Macclesfield Park entrance and the repaving of the bike path to S & H Landscaping Contractor in the amount of \$68,148.68.

Mr. Stainthorpe questioned the disparity in the Bids, and asked Mr. Majewski if he is comfortable that S & H is qualified. Mr. Majewski stated they are the original contractors on the Park, and are very familiar with it.

Motion carried unanimously.

DISCUSSION OF PROPOSED VETERANS CEMETERY

Mr. Smith stated one week ago he attended a meeting of the Newtown Planning Commission. In attendance were a number of residents from Upper Makefield as well as Karen Friedman from Lower Makefield's Planning Commission. He stated they were discussing an Ordinance which would permit a Cemetery District, and they recommended to the Newtown Board of Supervisors that they take certain actions to protect them. He stated there was discussion as to the location of the entrance to the Cemetery and the impact this would have on traffic in surrounding Townships. He stated the representatives from the VA indicated that there could be 1,500 to 2,000 burials per year Monday through Friday which would be six to eight per day. The Cemetery could be built out in forty to fifty years. He stated with average processions there could be sixty to eighty cars per day. Burials would be from 10:00 a.m. to 2:00 p.m. Mr. Smith stated even though it was indicated to the Planning Commission that there was no definitive entrance selected, he did get the impression that they were considering an entrance off Highland Road. He stated in looking at the map it appears that most of the traffic coming off of I-95 would find its way onto Lindenhurst Road if the entrance were on Highland Road. Mr. Smith stated the Newtown Planning Commission recommended approving the Ordinance in Newtown Township with the stipulation that Upper Makefield grant Newtown Township and Lower Makefield Party Status in terms of the proposed VA Cemetery.

Mr. Santarsiero stated the Newtown Township Board of Supervisors did advertise an Ordinance without the Stipulation Mr. Smith just referred to. He stated they have been in contact with Upper Makefield, and they are willing to allow Lower Makefield to participate in commenting on that aspect of the Plan. He stated they are still working with them on whether or not there will be a traffic study. He stated the Township is concerned as to where the entrance will be; and until that is determined, it is difficult to quantify what the problem might be. He stated they are mindful of the fact that if the

Township is not involved in the process, the process can proceed and the Township will be left with a situation the residents will have to deal with.

Mr. Smith stated some of the Newtown Township Planning Commission members wanted to get more data, but he felt there was a lot of pressure on them to move this ahead quickly.

Ms. Herman stated there has been extreme Political pressure regarding this for the eight months that she has been attending the Upper Makefield Township meetings. She stated RRTS' position is that a Traffic Study should be done before making any Zoning changes that could impact traffic on Stoopville and Lindenhurst Roads. She stated Highland Road has been discussed as the entrance road at public meetings by a representative for Toll Bros. She stated it is essential that Lower Makefield Township request in writing that they be part of the process and be kept informed as well as to give testimony.

Mr. Fedorchak stated they did send a letter to Upper Makefield, Wrightstown, and Newtown Township. Ms. Herman asked for a copy of this letter, and it was agreed to provide one.

Ms. Herman stated they feel the official entrance route to the Cemetery should be Taylorsville Road to Route 332 since they are arterial highways. She stated there could be an entrance to the Cemetery just north of Dolington Village, and this would take the traffic near historical Washington Crossing Park. She stated they would have to go through seven to eight lights if they went on Lindenhurst Road as opposed to two lights on her recommended route. Ms. Herman stated she feels steps are being taken to effectuate a northern By-Pass. She stated they are not opposed to a VA Cemetery, but they want to be assured that the process will proceed in a sane manner and appropriate steps are taken to handle the traffic responsibly.

Ms. Torbert asked if they know where the Cemetery stands as far as approval. Mr. Smith stated he feels they are still trying to come to an Agreement. Ms. Torbert stated she understands that Toll Bros. has a series of demands that may impact the project. She stated both she and Ms. Herman sit on the Citizens Traffic Commission, and they have a difference of opinion on this issue. She stated she does not feel it matters where the entrance to the Cemetery will be; but assuming it is on Highland, she feels the route to the Cemetery will be either Taylorsville to Woodside or Lindenhurst. She stated she feels the most likely scenario is that the traffic will be directed from I-95 to the Yardley/New Hope Exit and they will then see the sign for Washington Crossing Park. She stated either way the traffic will be on Lindenhurst Road since she does not feel they will bring traffic up to the intersection at Dolington Road unless work is done at the intersection as it is currently too dangerous.

Mr. Santarsiero stated at this point it is only speculation, and he would prefer to defer the discussion until they have had a chance to see what they mean when they state that they will include Lower Makefield; and whether in fact they will do a traffic study, what the parameters will be, and where the entrance to the Cemetery will be located. He stated he feels where the entrance will be is driving a lot of these issues.

Ms. Friedman stated having attended the meeting, she feels Highland Road will be the entrance as it is the most-discussed route. She stated there could be six to eight processions per day which could act as a form of traffic calming. She stated there will also be two events per year with 2,000 people coming per event. Ms. Herman stated she heard there could be 7,000 people per event. Ms. Friedman stated that when they develop the rest of Stoopville Road, this is going to create problems because that traffic will come down Lindenhurst Road during the peak hours to get to I-95.

Mr. Santarsiero stated he feels that the intention is for Lower Makefield to be involved and have some input in the plans going forward with regard to the entire project.

PUBLIC HEARING AND APPROVAL OF CONDITIONAL USE APPLICATION FOR T-MOBILE

Mr. William Benner was present representing the Applicant. Mr. Truelove stated he and Mr. Benner have had a number of discussions on this matter. He stated this is a Conditional Use Hearing required by the Zoning Ordinance.

Mr. Caiola read the Notice which was advertised for this evening's Conditional Use Hearing for T-Mobile Northeast, LLC seeking approval to construct tele-communications facilities on Tax Parcel #20-16-41-5. They will add an additional facility to the current tower and place certain structures at ground level to service the antenna facility. The Conditional Use is pursuant to provisions of Article 22 Section #200-91 of the Lower Makefield Township Zoning Ordinance of 1996 as Amended. The property is located at 6 Stony Hill Road, and the existing tele-communications tower is located on the property identified as the Lower Makefield Corporate Center North Campus located at the southeast corner near the intersection of I-95 and Yardley-Newtown Road (Route 332).

Mr. Truelove stated the Board will hear the evidence and testimony. If there are people who would like to participate, they can do so as interested individuals and/or as Parties.

Mr. Benner stated this Application is to attach antenna to an existing tower. Also present with Mr. Benner were Mr. Christopher Milotich, the Zoning Manager for the site who was responsible for the assembling of the site specific reports filed with the Application on August 1, 2006; Mr. Hooman Parsia and Kemi Unuigee, who are the radio frequency

engineers for Omnipoint who were involved with the design of the site, and Mr. John Rathman who is a Civil Engineer with a specialty in structural engineering.

Mr. Benner stated on 8/1/06 T-Mobile made its formal Application; and accompanying that Application were attachments including the Radio Authorization License, a License Agreement or Lease with the owner of the tower, American Tower Corporation, a Structural Evaluation, an RF report with propagation plots showing existing coverage and projected signal coverage assuming the Application is approved, a Structural Certification, an FCC Compliance Report, and a Removal Bond all as required by Lower Makefield's Tele-Communications Ordinance. Also included with the submission were Decisions issued previously for this property, one being the Decision issued 3/98 for Comcast, now Cingular Wireless, which received approval to develop the facility. Also included was an additional Conditional Use issued 7/01 authorizing Sprint to attach their antennas and place their equipment at the base.

Mr. Benner stated they feel the Plan submitted and the attachments show compliance to the Ordinance requirements for a tele-communications facility. He stated among the exhibits Mr. Truelove included into the record was a report issued by the Lower Makefield Township Planning Commission which reviewed the Application on 9/11/06. They recommended that the Board of Supervisors grant Conditional Use Approval but suggested that the Applicant submit revised drawings to address some technical issues raised by Mr. Majewski. He stated on 9/14/06, T-Mobile filed ten revised Conditional Use Plans, and it is the intention of T-Mobile that the Plans filed under his transmittal letter of 9/14/06 supersede and substitute for the original drawings. Among the points noted by Mr. Majewski and the Planning Commission was the fact that the structural load report submitted with the Application assumed that the antenna configuration would include nine antennas in a triangular array. He stated the Conditional Use Plans formally filed and supplemented show twelve antennas in a rectangular array. He stated they feel it would be appropriate, that if the Board of Supervisors believes that the Application is otherwise conforming, that they grant Conditional Use Approval, authorize the Use, but that a Condition be attached that would require T-Mobile to submit a new structural evaluation based upon the Conditional Use Plans of record that show twelve antennas rather than nine; and that before any Building Permits are issued, that the Township engineer would have to review the structural report and make a finding that the structural report is adequate. He stated he is confident that the revised structural report would continue to show that the Tower has more than ample capacity to accommodate the additional loads associated with more antennas. He stated the structural report made part of the record shows that with the mounting of nine antennas, the tower is only at 63% capacity; and they believe that the additional antennas would be barely measurable. He stated Mr. Rathman can speak to this issue if the Board has any questions. He asked that the Board grant the Conditional Use Approval in a manner similar to that previously given to T-Mobile's predecessors with the Condition he has noted.

Mr. Truelove identified the Exhibits which have been submitted. Supervisors' Exhibit 1 is the 8/1/06 Application letter Mr. Benner referred to. Supervisors' Exhibit 2 is the Notice information which includes a memorandum dated 9/1/06 from Nancy Frick to Mr. Truelove which includes Notice information that demonstrates that the Application was properly noticed and advertised. Supervisors' Exhibit 3a is Section 200-50.1 and accompanying Sections of the Lower Makefield Township Code referring to the Conditional Use process for the Radio and Tele-Communications Facility Overlay District. Supervisors' Exhibit 3b is Section 200-91 of the Lower Makefield Township Zoning Ordinance which refers to general conditions for Conditional Uses. Supervisors' Exhibit 4 is the 9/12/06 memorandum from Nancy Frick to Mr. Fedorchak of the Planning Commission recommendation referenced by Mr. Benner as well as the attached letter from Mr. Majewski that discussed some of the Conditions and concerns the Planning Commission had at their meeting on 9/11/06.

Mr. Truelove asked if anyone wished to be identified as a Party or to ask questions; and no one so identified themselves.

Mr. Truelove asked if this is a co-location facility, and Mr. Benner agreed it is. Mr. Truelove asked if he submitted the supplemental information he has asked to supersede the prior Application but for the final piece which would be the structure report which he is awaiting, and Mr. Benner stated this is correct.

Mr. Smith stated the Planning Commission went through the Application and were satisfied with Mr. Benner's responses. Mr. Benner stated the Planning Commission did note some Plan discrepancies, and the Plan of substitution should have addressed those inconsistencies and the record should be clear that the Plans and materials filed are all internally consistent.

Mr. Truelove asked Mr. Benner if all the information he has presented would have been testified to by the individuals he named to support the information provided, and Mr. Benner stated this is correct.

Mr. Majewski was asked if he had any observations with respect to the Application, and Mr. Majewski stated he has no objection to the request being made.

There was no public comment.

Mt. Stainthorpe moved, Mt. Caiola seconded and it was unanimously carried to approve the Conditional Use authorizing the use with a Condition attached that would require T-Mobile to submit a new structural evaluation based upon the Conditional Use Plans of record that show twelve antennas rather than nine; and that before any Building Permit is issued, the Township engineer would have to review the structural report and make a finding that the structural report is adequate.

APPROVAL OF EXTENSIONS OF TIME TO CLOVER TRACT, LOTUS TRACT,
AND O'ROURKE TRACT SUBDIVISIONS

Mr. Smith moved, Mr. Stainthorpe seconded and it was unanimously carried to grant extensions of time as follows:

Clover Tract Subdivision to 1/7/07
Lotus Tract Subdivision to 1/7/07
O'Rourke Tract Subdivision to 1/21/07

GRANT CERTIFICATE OF APPROPRIATENESS FOR 1761 LANGHORNE-
YARDLEY ROAD

Mr. Caiola moved, Mr. Smith seconded to grant a Certificate of Appropriateness for 1761 Langhorne-Yardley Road for a ramp.

ZONING HEARING BOARD MATTERS

Ms. Truelove noted it has been agreed to leave to the Zoning Hearing Board the Michael and Amy Buondonno, 1382 Colony Way, Variance requests to construct a shed resulting in greater than permitted impervious surface.

With regard to the Richard May, 1270 Creamery Road, Variance requests to remove two dead trees in an easement area within the 100 year floodplain, Mr. Truelove stated Mr. Majewski has indicated that eight trees were removed and they were not dead. The Board has asked that the Solicitor participate in this matter to insure that eight trees are replaced as well as other Conditions outlined in Mr. Majewski's recommendation.

With regard to the Andrew and Lisa McCan, 1201 Wilshire Drive, Variance request to erect a retaining wall to divert flood waters, the Board has directed the Solicitor to participate to ensure that all flood and water run off issues are addressed to the satisfaction of the Township.

APPROVE EXECUTION OF H.U.D. SPECIAL PROJECT GRANT AGREEMENT

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to approve execution of H.U.D. Special Project Grant Agreement in the amount of \$742,500 for the purpose of constructing the Garden of Reflection.

SUPERVISORS REPORTS

Mr. Santarsiero stated there will be a League of Municipalities meeting Thursday, September 28 at Middletown Township at 7:30 p.m. and the public is invited to attend. He stated the Citizens Traffic Commission met on Monday, and the members of the Commission are working on a proposed list of problem spots in their respective Township Zones. He stated the Environmental Advisory Council is still working on the Matrix proposal and coordinating with the Township engineer as well as the Cool Cities Project. He stated the Newsletter will be drafted shortly, and a postcard Newsletter will be sent out in October. He stated they will include information about alternative energy in that Newsletter encouraging residents to participate.

Mr. Smith stated the Historic Commission would like more time to clarify the historical designation if they were to relocate the three structures in Edgewood Village discussed earlier this evening. He stated the Regional Traffic Task Force will meet next month. He stated he did not attend the last Farmland Preservation Corporation meeting as he was asked to attend the Newtown Planning Commission meeting discussed earlier this evening. He stated the Citizens Budget Commission met on Monday, and they are going to review last year's Budget as well as the upcoming Budget for 2007. He stated they will also meet with many of the Township Department Heads to get input on what they require for next year. He stated Mr. Fedorchak is working on this, and they will then report back to the Board.

Mr. Santarsiero stated with regard to the Budget, in October the Board of Supervisors will begin their public workshop sessions, and will try to accommodate the interest they had last year to have these sessions in the evening so the public can attend and participate. He stated hopefully the TV process will be involved in this as well so that these meetings can be televised. Mr. Smith stated there was a concern that the Budget process was not followed to any extent in the media last year, and the hope was the media would follow the process as opposed to only reporting about the end product which last year involved a tax increase but not the justification for same. They hope the Yardley News and Bucks County Courier Times will be in attendance at the Budget workshops.

Mr. Caiola stated CATV did not have a quorum but they did discuss the vacancies on the Board as well as the fact that the Consortium determined that Verizon will now be in the community. He stated the Economic Development Committee is going to start meeting in October on the last Monday of the month.

OTHER BUSINESS

Mr. Rubin asked if the Township needs an Ordinance to bring Verizon in. Mr. Santarsiero stated there is an Ordinance but they still need to sign the Agreement with them, and they are working on this. Mr. Truelove stated they will need a Right-Of-Way Ordinance, and the deadline for completion for this is December 1. They are working on this, and will hopefully have it to the Board of Supervisors by their next meeting.

Mr. Santarsiero noted the Garden of Reflection Dedication will be held on September 30.

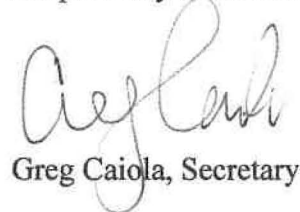
Mr. Smith stated there is a problem with parking on the grass at Macclesfield Park. Chief Coluzzi stated they have issued a number of citations. Mr. Smith stated YMS does send out communications to their members to stay off the grass. Chief Coluzzi stated additional signs have also been posted, but there are still violations. The Board of Supervisors indicated they were in favor of continuing to ticket violators.

APPOINTMENTS

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to appoint Ed Miller and Dave Kelleher to the Cable TV Advisory Board.

There being no further business, Mr. Smith moved, Mr. Caiola seconded and it was unanimously carried to adjourn the meeting at 10:50 p.m.

Respectfully Submitted,



Greg Caiola, Secretary



Township of Lower Makefield

BOARD OF SUPERVISORS
Steven Santarsiero, Chairman
Ron Smith, Vice-Chairman
Greg Caiola, Secretary/Treasurer
Grace M. Parkinson Godshalk, Supervisor
Pete Stainthorpe, Supervisor

**SEPTEMBER 2006 WARRANT LISTS AND
AUGUST 2006 PAYROLL COSTS FOR APPROVAL
SEPTEMBER 20, 2006 BOARD OF SUPERVISORS MEETING**

| | | |
|---------------------------|---------------|-----------------|
| 09/5/2006 Warrant List | \$ 378,745.09 | |
| 09/06 Manual Checks | 255,143.41 | |
| 09/18/2006 Warrant List | 289,756.54 | |
| Total Warrants & Prepaids | | 923,645.04 |
| <u>PAYROLL COSTS:</u> | | |
| AUGUST 2006 Payroll | 401,508.59 | |
| 08/06 Payroll Taxes, etc. | 30,715.40 | |
| Total Payroll Costs | | 432,223.99 |
| TOTAL TO BE APPROVED | | \$ 1,355,869.03 |

