

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – FEBRUARY 16, 2011

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on February 16, 2011. Chairman Caiola called the meeting to order at 7:35 p.m. Mr. Smith called the roll.

Those present:

Board of Supervisors: Greg Caiola, Chairman
 Pete Stainthorpe, Vice Chairman
 Ron Smith, Secretary
 Dan McLaughlin, Treasurer
 Matt Maloney, Supervisor

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

PUBLIC COMMENT

Alan Dresser, EAC, stated the EAC is interested in promoting recycling which is good for the environment and has economic benefits. He stated the EAC has been trying to increase the recycling rates in the Township; and over the years they have provided information about recycling to the Township businesses and schools, and identified a number of commercial establishments that were not recycling and have since started recycling. He stated they also assisted the Township in revising the Recycling Ordinance to expand the list of items to be recycled. Mr. Dresser stated the EAC has also been proactive in its efforts to increase the revenue coming to the Township through recycling from State Grants. Mr. Dresser stated the amount of residential and commercial materials that are recycled is totaled each year and sent to DEP, and the Township then gets \$23 per ton that is recycled. He stated since 2006 the EAC and the Public Works Department has been working together to identify all the sources of recycling in the Township. He stated last year they received \$115,000. Mr. Dresser stated he recently found a source that was missing in 2009; and he will submit this to DEP, and he feels it will bring in an additional \$2,800 to the Township. Mr. Dresser stated the other source of income to the Township is from Otter Recycling/Waste Management who has an agreement with Bucks County to pay Municipalities for each ton of residential recycled material brought to the facility. Mr. Dresser stated between 2000 and 2007 the Township did not get any of this money as it all went to the haulers. Mr. Dresser stated in 2007 he was talking to the Bucks County Recycle Coordinator who asked him why Lower Makefield was the only Municipality in Bucks County that was not receiving money

from Otter. Mr. Dresser stated he contacted the owner of Otter at that time who advised him that Otter and the other haulers had agreed to follow an Agreement that the Township had made in 1990 and ignore the Agreement from 2003. Mr. Dresser stated he then contacted Mr. Fedorchak with this information who worked with Mr. Truelove, and the Township started receiving the money soon after that. Mr. Dresser stated for the last three years, they have since received a total of \$136,000 from that source.

Mr. Caiola thanked the EAC for their work on behalf of the Township. Mr. Caiola stated there seems to be a shift to a single stream, and he asked if they feel this will help people recycle more if they do not have to separate the recyclables. Mr. Dresser stated he feels the recycling rates will go up. He stated currently the Township has a recycling rate of 18% which is in the upper half of the Municipalities. He stated it is easier to recycle with single stream recycling. He stated this should also help increase the amount of money that the Township receives from Otter.

Ms. Bobbie Moore, Yardley Business Association, stated they have heard that the Yardley Borough Post Office will be shut down, and they are asking everyone to call or write Representative Fitzpatrick and voice their concerns over this. Mr. Stainthorpe expressed his concern with this possibility, since the Yardley Post Office is part of the character of Yardley Borough. Mr. Maloney asked if they could write a letter on behalf of the Board of Supervisors, and this was acceptable to all Supervisors. Mr. Smith stated some years ago, the Lower Makefield Board of Supervisors discussed their desire to have a self-service Post Office at some location in Lower Makefield.

Mr. Russ Davidson, Commander of VFW Post 6393 was present with Mr. Ed Torres, a World War II Veteran, and Veteran Kevin Treiber, from the Veterans Committee. Mr. Davidson stated they wanted to publicly thank Mr. McLaughlin for his contributions to support the 2011 Veterans Day Parade, adding they feel this goes far beyond any citizen responsibility. He also thanked the Board of Supervisors and those in the community who have worked to keep their activities going. Mr. Smith was thanked for his previous organizational efforts as well as Mr. Caiola for the funding contributions he was able to secure through donations in the past. Mr. Davidson presented a plaque to Mr. McLaughlin.

APPROVAL OF MINUTES

Mr. McLaughlin moved, Mr. Smith seconded and it was unanimously carried to approve the Minutes of 2/2/11 as written.

APPROVAL OF FEBRUARY 7, 2011 WARRANT LIST AND JANUARY, 2011
PAYROLL

Mr. McLaughlin moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the February 7, 2011 Warrant List and January, 2011 Payroll as attached to the Minutes.

OTHER BUSINESS

Mr. Truelove stated the Board met in Executive Session starting at 6:40 p.m. and items of litigation and real estate were discussed.

APPROVE RESOLUTION NO. 2227 AMENDING THE SUBDIVISION AND LAND
DEVELOPMENT FEE SCHEDULE

Mr. Majewski stated this is a Resolution to amend the Fee Schedule for the review and filing of Subdivision and Land Development Plans. He stated the fees were last revised in October, 1987 and need to be updated. He stated they compared the Lower Makefield rates with adjoining Municipalities and looked at the level of effort expended by Township staff and consultants in reviewing Applications for Land Development and came up with a Fee Schedule that they feel is more in line with the actual costs.

Mr. McLaughlin asked how much they are increasing the Fees from the 1987 levels, and Mr. Majewski estimated that it is slightly more than double.

Mr. Caiola asked what Townships they looked at for comparison, and Mr. Majewski stated they looked at Northampton Township, Upper Makefield, Solebury, Falls, Middletown, and Newtown.

Mr. Stainthorpe moved to approve the Resolution. He also suggested that they look at this every few years.

Mr. Majewski added that there is a minor Amendment to the Resolution so that it reads “per lot and/or dwelling unit basis.”

Mr. Stainthorpe accepted the Amendment. Mr. McLaughlin seconded.

Mr. Smith stated a developer recently dropped off twenty boxes of documents/plans, and he asked if other Townships are requiring that this information be put on disks rather than on paper. Mr. Majewski stated some Townships are moving toward allowing for electronic submissions.

Mr. Maloney stated most developers bring in more copies than required by the Ordinance since they are anticipating the fact that the Township will ask for more. He stated if they had been provided electronic copies, they would not ask for more since they would circulate them electronically. Mr. Maloney stated there are some entities involved in the review process that do not want to accommodate the electronic format, and he noted specifically the Bucks County Planning Commission.

Mr. Smith asked that this matter be considered again on a future Agenda.

Mr. Maloney stated they do have the file serving capability to host the document Mr. Truelove stated the Ordinance would have to be amended to require electronic submission. Mr. Smith stated he feels it would be easier for the developers as well, and Mr. Majewski stated they would save money on reproductive costs.

Motion carried unanimously.

VETERANS SQUARE – APPROVAL OF WAIVER OF FORMAL LAND DEVELOPMENT

Mr. Majewski stated those involved with the Veterans Square project would like to get started on the construction of the monument itself this summer; and in order to accomplish this, they are requesting that the Board waive the formal Land Development approval process for the Veterans Monument. He stated at this time they do not have a parking lot lay out that everyone has agreed upon, and they still have not been able to do soil logs because of the snow. Mr. Majewski stated in order to save time and costs to the Township in preparing a full set of Land Development Plans, they would like to waive the formal Land Development approval process; however, they would still go to the Planning Commission to have them look at the various parking lay outs. He stated this would allow the Veterans Committee to go ahead and continue their fundraising and possibly break ground this summer on the monument itself.

Mr. Stainthorpe stated once parking lot decisions have been made this will go through the process, and Mr. Majewski agreed. Mr. Stainthorpe stated he would be in favor of this. He noted when they developed the Golf Course, the Board had the ability to waive the Land Development, but chose not to because they felt it was very important to have input from the public. He stated provided there is an informal Hearing and there is an opportunity for public input, he would be in favor of waiving the formal Land Development process. He stated he does not want the public cut out of this in any way, and Mr. Majewski agreed.

Mr. Stainthorpe moved, and Mr. Maloney seconded to waive the formal Land Development process for Veterans Square.

Mr. Maloney asked the percentage of the monument relative to the acreage of the entire parcel, and Mr. Majewski stated it is approximately 5% to 10% of the property.

Mr. Smith stated they do have a Master Plan, and Mr. Majewski stated the only real issue is the parking lay out and which one works out best for the Veterans Committee, the Farmer's Market, etc. Mr. Caiola stated they do have other functions in this area, and they need to make sure the parking can handle all of the different functions recognizing that the Church in the area also uses the parking on occasion. Mr. Smith stated there is an informal arrangement with the Church, and they have allowed the Township to use their facility, and the Township has allowed the Church to use their parking as well.

Motion carried unanimously.

INDOOR BATTING FACILITY – APPROVAL OF WAIVER OF FORMAL LAND DEVELOPMENT

Mr. Majewski stated this is a similar situation to the prior item. He stated PAA would like to begin construction on the facility this spring; however, because of the weather, they have been unable to do soil logs. Mr. Majewski stated they are requesting that the Board waive the formal Land Development process for the batting facility; however, they would still like to have the Plans go to the Planning Commission for their input and to invite the neighbors to have an opportunity to comment one more time. Mr. Majewski added that the Samost Tract Plan was presented at the Park & Recreation Board meeting, and the public was invited to that meeting. He stated the members of the public present at that meeting did not have any objection to the batting facility at that time. He stated there is a significant buffer between the houses and the proposed facility. He stated when the overall Park is ready, the entire Park will go through the Planning process. They will go to the Planning Commission just for the batting facility on February 28 for their comments. Mr. Majewski stated the indoor facility is approximately 1% of the entire site.

Mr. Stainthorpe moved, and Mr. Maloney seconded to approve Waiver of the formal Land Development for the indoor batting facility.

Mr. Smith asked what comments were made about the facility when this matter went before the Park & Recreation Board; and Mr. Majewski stated approximately six residents from the surrounding properties came to that meeting, and their primary concern was what was going to be in the back of the property where the tennis courts are shown on the Plan and the proposed walking paths. Mr. Majewski stated the nearest home is approximately 500 feet from the location of the proposed indoor facility, and 400 feet of that is heavy woods.

Mr. Caiola asked the proposed height of the indoor facility, and Mr. Majewski stated it is approximately 29 feet.

Mr. McLaughlin stated he wants to make sure that there are no concerns from an aesthetic standpoint, and that it is properly shielded. Mr. Majewski stated this is one of the things they want to present to the Planning Commission to get their comments about including the color scheme. He stated he feels they would be in favor of a color scheme similar to the Municipal Building or the concession stand.

Mr. Bo Birkhead, PAA, thanked the Board of Supervisors for bringing this matter forward. He stated the Bensalem facility is identical to what they are proposing, and he suggested that they visit that building. Mr. Birkhead thanked Mr. Majewski for all of the work he has done on this project. Mr. Smith stated he wants to make sure that not only the travel teams are able to use this facility, and Mr. Birkhead stated the focus is on Township residents.

Mr. Birkhead stated PAA Opening Day is scheduled for Saturday, April 2, and they will have a ceremony similar to last year.

Motion carried unanimously.

APPROVAL OF RESOLUTION NO. 2226 AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH THE SALE OF ELM LOWNE

Mr. Truelove stated this is formalizing the vote that was taken in December and is necessary to accomplish the Settlement with the buyers. He stated Settlement is scheduled for Monday.

Mr. Stainthorpe moved and Mr. McLaughlin seconded to approve Resolution No. 2226.

Mr. Smith asked where the money will go recognizing that they do have to pay off the debt service. Mr. Fedorchak stated they will pay off the debt service which is approximately \$450,000; and the remaining amount would be unrestricted, and it would be up to the Board of Supervisors to determine what they want to spend this money on. Mr. Smith stated they could put this back in the General Fund, and Mr. Fedorchak agreed. Mr. Smith asked if they would have this matter put on a future Agenda, and Mr. Caiola stated they could do this once everything is finalized. He stated they could also have the Budget Committee review this as well.

Motion carried unanimously.

APPROVAL OF EXTENSIONS – DOGWOOD DRIVE, FLOWERS FIELD AT YARDLEY, FREEMAN’S FARM AT MAKEFIELD

Mr. Maloney moved, Mr. Smith seconded and it was unanimously carried to approve an Extension for Dogwood Drive to June 7, 2011.

Mr. Smith moved, Mr. McLaughlin seconded and it was unanimously carried to approve an Extension for Flowers Field at Yardley to May 20, 2011.

Mr. Maloney moved, Mr. Stainthorpe seconded and it was unanimously carried to approve an Extension for Freeman’s Farm at Makefield to June 5, 2011.

APPROVAL OF ACCEPTANCE OF PENNSBURY WALK/AKA WOODFIELD ESTATES AND ISLAND WOODS ESTATES FOR PERPETUAL MAINTENANCE

Mr. McLaughlin asked what is meant by perpetual maintenance, and Mr. Fedorchak stated the Township takes over ownership of the road and all responsibility for future maintenance of the road.

There was discussion on Pennsbury Walk, and Mr. Majewski stated currently the Township is taking care of this, but they do not receive Liquid Fuels money to help defer the costs. He stated the developer went bankrupt and is out of business, and the Development was never taken through and finalized in the Dedication process. He stated the Township would like to have the process started to have the part of the Development that is not on the Township rolls dedicated to the Township so that the Township can start the process to get the Liquid Fuels money. He stated there is approximately one mile of roads within the Development that they did not get credit for, and this is over \$2,000 per year that the Township is currently not receiving.

Mr. Stainthorpe asked if there is a Bond still being held, and Mr. Majewski stated he does not feel there is a Bond. Mr. Fedorchak stated all the infrastructure was in place and the road was constructed according to Township specs. Mr. Stainthorpe stated it indicated in the notes that the attorney for Wendy Rothstein asked for release of the original Bond, and he asked if this was released. Mr. Fedorchak stated he does not know.

Mr. Majewski stated this was not able to be located, and they are not sure what happened. He stated the road is in acceptable condition, although there were some minor punch list items. He noted this matter was in litigation for a number of years.

Mr. Smith stated if there was a Bond through a reputable bonding company, it should still be in existence somewhere. He asked if they could contact the prior Township solicitor to see where the Bond may be. He stated since the Township is going to take over maintenance, the Township should be entitled to something since they have been taking

care of it over the years. Mr. Fedorchak stated typically the Bonds cover deficiencies in the workmanship that appear for some period of time after the road is formally dedicated to the Township. He stated his understanding was that the road was in acceptable condition, and Mr. Majewski agreed. Mr. Smith stated he still feels the Bond would cover a situation where the party that was to maintain and plow the road was no longer in existence. Mr. Fedorchak stated they will have to look into this.

Mr. McLaughlin moved, Mr. Stainthorpe seconded and it was unanimously carried to accept for perpetual maintenance Pennsbury Walk/AKA Woodfield Estates and Island Woods Estates.

There was discussion on Island Woods Estates, and Mr. Majewski stated in this instance there was a minor amount of money owed to Falls Township for their Sewer Department, and Falls Township did not want to sign off on the Dedication so the Lower Makefield Board of Supervisors tabled this approximately four to five years ago to try to work out that situation. He stated the issue was never resolved.

DISCUSSION OF 2011 SNOW REMOVAL PROGRAM

Mr. Hoffmeister stated he feels the crews did an excellent job considering the amount of snow. He stated he hopes that the residents understand that they cannot get to everyone first adding that they do try to rotate. He stated they will continue to provide the best snow plowing and snow removal in this end of the County.

Mr. Smith thanked them for doing such a good job. He stated the Board is contacted by some residents expressing their concerns after each snow storm, and a number of residents questioned why their development is the last to be plowed. Mr. Hoffmeister stated they do have a rotation schedule. Mr. Smith stated they also receive concerns from individual homeowners about being plowed back in after they have dug out the driveway/mailbox, etc. Mr. Smith stated he understands that not only the Public Works employees do snow removal, but that there are also independent contractors; and he asked if there is a policy in effect to review the job done by the independent contractors. Mr. Hoffmeister stated he does review the work done, and he has made some changes.

Mr. McLaughlin asked what they do in terms of staging when there is a snow storm coming. Mr. Hoffmeister stated he listens to commercial TV stations and NOAA weather radio, and he then makes a determination when to have the crews come in. He stated he likes to have the crews come in earlier as it is easier for them to get to work in order to be ready to do the job. He stated they do not normally start plowing until there is at least 2” to 4” of snow. Mr. McLaughlin stated two residents have approached him questioning the efficiency of having crews out far in advance and sitting idling. Mr. Hoffmeister stated their crews do not sit out idling far in advance

of a storm. He stated during the January 26th storm, the crews started at 10:00 p.m. He stated the State does have crews on site at certain roads a lot longer than the Township stages people. He stated there are times when they do go out earlier to do salting in advance of plowing. He stated typically the State does go out two to three hours prior to a storm, but the Township does not do this. He stated the State uses State trucks and private contractors.

Mr. Smith asked how many hours the Department was out during the last snow storm, and Mr. Hoffmeister stated they started at 10:00 p.m. and they worked continuously until 5:00 p.m. on the 27th and then came back on the 28th to do clean up and salting. He stated they do provide the crews with food and breaks.

Mr. McLaughlin asked about the potholes that result from the storms. Mr. Hoffmeister stated certain roads are maintained by the State and others are maintained by the Township. He stated in the past the Township has put down “cold patch” on some of the potholes on State roads, but if they keep doing this, the Township will then take all of the State’s responsibility. He stated they have done cold patching since February 4, and have already used up four tons of cold patch. He stated when they receive information from residents about a particular road, if they know it is a State road, they fax that information to the State so they can take care of it. If it is a Township road, the Township takes care of it.

Mr. Caiola stated in his travels to surrounding areas, he has noticed that the Township roads were in much better shape with regard to being cleared in a timely manner than many of the surrounding communities in Pennsylvania and New Jersey. He stated while he recognizes that it is difficult to get to all the developments quickly, the fact that they have comments from six different people from six different neighborhoods indicating that their development was the last one to be plowed, suggests that they cannot all be the last neighborhood. He stated he feels they do a very good job and they also received many positive e-mails from Township residents.

Mr. Jeff Benedetto, 22 Green Ridge, asked the dollar amount spent to date for snow removal, and Mr. Fedorchak stated he feels it is approximately \$190,000 since the first of the year. Mr. Benedetto asked how this compares to other Townships in the area, but Mr. Fedorchak stated he does not know. Mr. Stainthorpe stated there was an article in the Courier Times where other Townships reported numbers of \$40,000 and \$50,000; and he feels they are probably underreporting or do not know what their numbers are. Mr. Maloney agreed and stated you could not clear a Township of similar size to Lower Makefield for \$40,000. Mr. Fedorchak stated salt alone cost approximately \$78,000.

SUPERVISORS REPORTS

Mr. McLaughlin stated the Veterans Committee will hold a Texas Hold'em fundraising event on Saturday, February 26th at 7:00 P.m. with doors opening at 5:30 p.m. at the Yardley American Legion Post, 215 S. Main Street, Yardley. The entry fee is \$75; however, if you pre-register, you receive an extra 2000 tournament chips which is a \$25 value. Pre-registration is available by visiting the Veterans Square.org Website or by calling the Tournament Hotline at 267-566-2056.

Mr. Stainthorpe stated EMAC met and are proceeding with the proposals approved previously by the Board of Supervisors.

Mr. Maloney stated the EAC had a joint venture with Park & Recreation to plant a number of trees along the Woodside Road frontage of Memorial Park for a very inexpensive sum. Mr. Maloney stated the Park & Recreation Board also discussed the transfer cost from the overhead calculation of the General Fund, and he feels the Board of Supervisors need to discuss this in the spring as it relates to the business entities including Park & Rec and the Golf Course.

Mr. Caiola stated Farmland Preservation discussed signage. He stated the Bucks County Performing Arts Society recently had 160 children in attendance at the Yardley Community Center for a puppet show.

APPROVAL TO RETAIN TRAFFIC ENGINEERING FIRM WITH REGARD TO ARIA LITIGATION

Mr. Truelove stated for purposes of the Aria litigation remanded to the Zoning Hearing Board, they have investigated the possibility of retaining a traffic engineering firm to testify if necessary; and they discussed in Executive Session retaining Phillip Wursta, PE from Pennoni Associates.

Mr. Stainthorpe moved, Mr. Maloney seconded and it was unanimously carried to retain Phillip Wursta, PE from Pennoni Associates as traffic consultant for remanded Aria matter before the Zoning Hearing board Conditioned upon investigating the possible contribution from the other Parties in the case – Newtown Township and RAFR.

OTHER BUSINESS

Mr. Smith asked that the Eagle Scout who did the Welcome Signs be invited to attend a public meeting to thank him publicly.

Mr. Maloney stated that March 2 was the meeting they had scheduled for Gary Cruzan to come in and give an update, and he asked if there have been any follow-up conversations. Mr. Fedorchak stated he had a brief conversation with Mr. Cruzan recently, and he will ask that he come to the March 2 meeting of the Board of Supervisors.

Mr. McLaughlin asked if Representative Santarsiero had indicated that he would be available for the next meeting, and Mr. Caiola stated he had indicated he would come in March to provide an update on the two Grants. Mr. McLaughlin asked if Mr. Fedorchak has an update on the Grants. Mr. Fedorchak stated they had a meeting last week with a consultant working for the State and they reviewed the Grant Application. The State representative indicated what additional information the Township needed to submit, and the Township has submitted this information. He stated the State is continuing to process the Applications for both Grants.

Mr. Caiola stated the Township did what they had to do within the timeline afforded them. He added that even with this Mr. Santarsiero indicated that there is no guarantee they will get the money under the new Governor. Mr. Stainthorpe stated it is a very convoluted process; and even though the money is approved, it still has to be released. Mr. Smith stated the Township had to do everything very quickly prior to the end of the year, and a number of people were anticipating the Township getting this money; and now they are finding that the money may not come in. Mr. Maloney stated the reason they had to do this quickly was because if they had filed after a certain date, they would definitely not get the money. Mr. Fedorchak stated the deadline was January 14, 2011. He stated they have been submitting information to the State relative to the Application since the first week of January on a constant basis. He stated they did get the preliminary Application in advance of that date and subsequent to that, there were certain State agencies that reviewed the preliminary Application. He stated he understands that the Township is ahead of some other Grant Applications that have been submitted.

There being no further business, Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried to adjourn the meeting at 8:55 p.m.

Respectfully Submitted,

Ron Smith Secretary

