

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – DECEMBER 19, 2005

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on December 19, 2005. Chairman Stainthorpe called the meeting to order at 7:30 p.m. noting that the Board had been meeting in Executive Session since 7:00 p.m. discussing legal matters.

Those present:

Board of Supervisors: Pete Stainthorpe, Chairman
 Scott Fegley, Vice Chairman
 Grace Godshalk, Secretary/Treasurer
 Frank Fazzalore, Supervisor
 Steve Santarsiero, Supervisor

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

PUBLIC COMMENT

Ms. Robin Stelly, 4 Pennsbury Court, stated she would like the Board to consider a Resolution supporting the immediate passage of two Bills currently under consideration one for Voter Verified Paper Ballots and a 5% mandatory recount. She stated the Bills have Bi-Partisan support and a number of surrounding Townships have already passed Resolutions in support of these Bills. She stated they would like to have this considered immediately so that it can be required for the May Primary. Mr. Stainthorpe stated in general he is opposed to using Township meetings to endorse or not endorse State and National issues. Mr. Santarsiero stated with the electronic voting machines being considered they will leave no trace so it is difficult to verify what the vote was. Ms. Stelly stated the electronic machines leave another layer of insecurity and they could be tampered with system wide. Mrs. Godshalk asked how the paper ballots would be counted. Ms. Stelly stated they are not sure how it could be counted yet. She stated the counts would not occur until after the Polls close. Mr. Garton stated he assumes the paper ballots would not be counted unless there was a challenge, and Ms. Stelly stated this is true except for the 5% which would be counted by virtue of the Bill currently pending. Mr. Stainthorpe stated he understands they are currently considering three different machines and only one of these has a paper ballot. Ms. Stelly stated there is a feeling that they would not even be able to consider a paper ballot machine unless the Bill is passed.

Mr. Santarsiero moved to pass a Resolution supporting this measure for machines that would entail some kind of paper ballot and a count of a randomly selected 5% of the Precincts to determine the accuracy of the machines. The Bills are S977 and HB2000.

Ms. Stelly was asked if she had the actual Bills which the Board could review, and she stated she could get them to the Board by the next meeting.

Mr. Santarsiero withdrew his Motion.

Mrs. Godshalk stated she would like to see something prior to the next meeting so it can be reviewed.

RECOGNITION OF FRANK FAZZALORE AND SCOTT FEGLEY

Plaques were presented this evening to Mr. Frank Fazzalore and Mr. Scott Fegley in recognition of their service to the Township. Mr. Stainthorpe thanked them for their outstanding contributions to the Township through their years on the Board of Supervisors adding that they have been major participants in what has occurred in the Township over their terms.

Mr. Fazzalore thanked the citizens of Lower Makefield for the opportunity of serving them.

Mr. Fegley stated he wanted to make the Township a great place in which to raise children and he is stepping down now in order to be able to spend more time with his own children. He noted the importance of public service.

Mrs. Godshalk thanked Mr. Fegley and Mr. Fazzalore for their service to the community and commended them on being fair and open.

Mr. Santarsiero stated while he is new on the Board, he recognizes that being a Supervisor takes effort and commitment to do it right; and as a resident of the Township, he appreciates their commitment over the years.

Mr. Stainthorpe stated they should also acknowledge Begley, Carlin & Mandio who have been the Township Solicitors for forty years; and with a regime change, the new members of the Board of Supervisors have decided to bring in a new law firm. He thanked Mr. Garton, Mr. Koopman, and the other members of their firm for their good counsel over the years.

A member of the Public asked the name of the new Solicitor. Mr. Santarsiero stated the new Solicitors will be announced in January.

Mr. Stainthorpe stated that with the transition to the new Board, Mr. Santarsiero and the two new Supervisors have campaigned often on a theme of open government and what they have now seen with the Solicitor change is not open government. He stated there was no consultation made with Mrs. Godshalk or himself, no interview process took place, and there was no discussion of hourly rates. He stated changing Township professionals is very expensive as they will now have to look up information that the prior Solicitors were very familiar with and they had, in fact, written many of the Ordinances. While they are doing this research, it will involve billable hours. He stated while he does not challenge their right to do this, as they move forward he hopes this will be a Board of five Supervisors and not three. He stated open government is more than televising meetings and he is concerned if decisions are going to be made in a back room before a public meeting. He encourages the future Supervisors to be inclusive of all the Supervisors and the public to make sure decisions which are made are made for the benefit of the taxpayers and not for partisan, political purposes.

Mr. Stainthorpe stated he is also disappointed that the incumbents have chosen to do away with a long tradition in the Township which is rotating the Chairmanship. He stated Syd Lehman, the last Democrat to serve, was rotated through the Chairs and there was true, bi-partisan rule. He stated if they continued with their usual rotation, Mrs. Godshalk would serve as Chairman in 2006 and Mr. Santarsiero would have served as Vice Chairman. He stated this tradition has served the Township well and prevented partisan politics and divisiveness and encouraged inclusiveness giving everyone a voice. He encouraged the new Board members to carry on that tradition if not in 2006, then to do so going forward.

Mr. Santarsiero stated he is heartened that the Republican colleagues are now in favor of open government. He stated in November of 2005 and in November of 2003, the voters of Lower Makefield voted for change, and they are going to give them change. He stated with respect to the Solicitor, they felt it was time to go into a different direction. He stated Begley Carlin has been the Solicitor for forty years and they felt it was time to get a new perspective and bring in people who had more local connection to the Township. He stated when they discuss this on January 3, it will be shown that this is the case. He stated most of the Townships in Bucks County are controlled by the Republican Party and for years firms like Begley Carlin and other professional firms with connections to the Republican Party have been hired by Republican-dominated Boards. Now there will be a Democratic majority, and this will change.

Mr. Santarsiero stated with respect to the Chairmanship, there was one Democratic Supervisor who was made Chair at some point during his six year tenure on the Board. He stated people have voted for change and there will be three Democrats on the Board and they will set an Agenda which they will discuss on January 3. He stated for them to pursue this Agenda, it is appropriate for one of them to be the Chair. He stated they do not intend to exclude Mr. Stainthorpe and Mrs. Godshalk from discussions and they want

to lead the Board as a five-member Board. He stated he was never included in any discussions about who would be hired in the Township and it was always presented at the Re-Organization meeting with no choices given. He is concerned that he is now hearing these objections when this has been done this way for years. Mr. Santarsiero stated he feels had there been a different result in November, he would not have been in line to become the Vice Chairman of the Board of Supervisors for 2006. He stated he is also unclear about the rotation being discussed as he feels if there was some kind of rotation, he would have served as one of the Officers in 2005 and this did not happen and there was no discussion about this prior to his entering the Re-Organization meeting in 2005.

Mr. Santarsiero stated they will be an inclusive Board and they will provide open government. He stated from now on whenever there are vacancies on the various Boards and Commissions, they will interview people in public. He stated when Board terms come to an end, they will also stop the current practice of “rubber-stamping” the people whose terms have come to an end and re-appointing them. He stated it will be open to them if they wish to continue to serve, but they will also solicit other members of the Township to bring in new ideas. They will then choose the most qualified candidate. He stated he does not feel that there has been open government in Lower Makefield Township for years or in Bucks County but feels this will now take hold not only in Lower Makefield but throughout Bucks County as well.

Mr. Fazzalore stated in the thirteen years he has been on the Board he has never heard the Township Solicitor discuss politics.

Mr. Fegley stated it is disturbing that on his last night serving on the Board that it ends with such partisanship. He stated in the two years that Mr. Santarsiero has been on the Board, he felt that he had treated Mr. Santarsiero with respect and not viewed him as a Democrat but as a fellow Supervisor and Board member. He takes exception to the statement that they have not been open with the public. He stated he respects the right of the new Supervisors to try different things; but he feels that by not choosing Begley Carlin, they are losing a substantial amount of knowledge and experience. He stated with regard to the rotation of the Chairmanship, if he were on the Board when it was Mr. Santarsiero’s turn to be Chairman, he would have fought for his right to be Chairman as that is the tradition that the Board has always followed; and it gives every Supervisor, regardless of Party, the opportunity to serve as Chairman. He noted that the Chairman really only has a single vote as do the other Board members. He asked that the Board avoid the partisan bickering that has disgusted the public across the county. He stated he feels what is best for the people is what should be done regardless of party affiliation.

Mrs. Godshalk stated she feels that whatever she has done has been non-partisan. She stated eighteen years ago she was the Supervisor who initiated the Chair rotation, and they have followed this for years. She stated Mr. Santarsiero knows that she has not

always sided with the Republicans and at one point had been asked by Mr. Santarsiero to speak before his group to try to advise them. She stated it was her turn to be the Chairman in 2006 and she discussed this with Mr. Santarsiero following the Election and was told that they were in control and had an Agenda. She stated she feels what they have done over the last twenty-seven years that she has been involved has been good for the Township and this is why people want to move to Lower Makefield. She stated she feels they should look at people and not the Party.

Mr. Santarsiero stated the voters have spoken for a change, and this is what they will do. He stated he did not want this to be a partisan evening as it was Mr. Fazzalore and Mr. Fegley's last evening. He stated he did not inject partisan politics into this, but he will respond to it. He stated he hopes when they begin in 2006, they will work in a true Bi-partisan effort on both sides to do what is right for the people of Lower Makefield and make Lower Makefield even a better place to live.

Mr. Stainthorpe stated there is an easy solution and it is that they should ask for all of the Supervisors' advice and this is what was missing with respect to the Township solicitor. Mr. Santarsiero stated this was not done in the past either.

Mr. Zachary Rubin stated he was present the first week in January when the Board engaged Begley Carlin for a one-year term and he assumes they are still the Solicitors until the first meeting in January when he is sure rates and other issues will be discussed. Mr. Stainthorpe stated technically and legally this is correct and Begley Carlin will remain the Solicitors until December 31, 2005.

Mr. Jerry Mayes, 911 Lanyard Road, stated he feels the actions of the Board this evening are disgraceful and degrading to the community and he would hope that he would never see anything like this on television.

Ms. Carolyn Fegley, 12 Delaware Rim Drive, stated she works for a major law firm in Philadelphia. She asked why they chose to no longer retain Begley Carlin as the Township solicitor. She stated she has no allegiance to Begley Carlin but feels they are an excellent law firm. She stated it seems that a decision has already been made to change firms which she does not feel is right. She asked if Mrs. Godshalk and Mr. Stainthorpe have been notified of the firm they plan to retain. Mr. Santarsiero stated they have been notified. Mr. Garton stated the Board has the right to choose the Township Solicitor. He added it has been a pleasure to serve the Township.

APPROVAL OF MINUTES

Mr. Fazzalore moved, Mr. Santarsiero seconded and it was unanimously carried to approve the Minutes of December 5, 2005 as written.

CONFIRMATION OF EAGLE SCOUT PROCLAMATION FOR GABE CALVIN

Mr. Stainthorpe stated he presented this to Mr. Calvin on Saturday. Mr. Santarsiero moved, Mrs. Godshalk seconded and it was unanimously carried to confirm the Eagle Scout Proclamation for Gabe Calvin.

DISCUSSION AND TABLING OF APPROVAL OF SETTLEMENT AGREEMENT AND RELEASE AND REQUEST FOR TAX-FREE FINANCING

Mr. Garton stated the Board is aware of the litigation involving Allegheny Valley School with respect to Zoning Applications and the treatment the facilities were to receive under the Building Code. He stated there have been discussions in Federal Court and while there appears to be a tentative Agreement subject to the preparation of a Release, he is not satisfied with the Release at this time.

Mr. Stainthorpe stated this is a legal matter which was discussed in Executive Session and since the Release is not satisfactory, he feels they should table this matter.

Mr. Santarsiero moved and Mrs. Godshalk seconded to table Approval of the Settlement Agreement and Release.

Mr. Santarsiero stated hopefully by the first meeting in January they will have some resolution as to the Release issue.

Motion carried unanimously.

Mr. Santarsiero moved, Mr. Fegley seconded and it was unanimously carried to table consideration of the request by Allegheny Valley School for Board of Supervisors to approve Allegheny Valley School's application for tax-free financing.

PUBLIC HEARING AND APPROVAL OF ORDINANCE NO. 355 AMENDING THE ZONING ORDINANCE TO ESTABLISH A USE ENTITLED AGE QUALIFIED COMMUNITY AND RELATED STANDARDS

Mr. Garton stated he advertised for consideration this evening an Ordinance which would permit an additional use within the C-2 and C-3 Zoning Districts of the Township that use being an age-qualified community which would include some retail and office space as well. The Ordinance arises from issues related to the Matrix development which have been the topic of discussion with the public, Township Supervisors, RAM and the Courts for over two years. He stated the Board has been provided comments which have been

received from the Lower Makefield Planning Commission and the Bucks County Planning Commission. He added that Mr. Fries, who provided expertise as to the preparation of the Ordinance, is present this evening.

The matter was opened up for public comment, and there was no public comment at this time.

Mr. Santarsiero stated they have been in Settlement discussions for approximately two years, and he feels all parties were working in good faith to try to resolve the matter. In the course of the discussions, various Court actions took place. The **Commonwealth** Court overturned the local Court of Common Pleas which was a victory for the residents. A request for review was made to the Supreme Court; and while it was pending, discussions continued to take place; and they had hoped that they would be able to effect a written Settlement in the context of the litigation and settle the case. The Supreme Court denied the request for consideration and would not re-initiate the litigation in any way despite being advised that they were trying to resolve the matter toward a negotiated settlement. Mr. Santarsiero stated they are now at a place where they cannot execute an Agreement, but he feels they could reach a written understanding between the parties. While he feels the Ordinance is appropriate in general terms for what they want to do as part of the settlement with Matrix and RAM, he does not feel the timing is appropriate for this evening. He would prefer that this Ordinance be considered at the second meeting in January which would give the parties an additional month to reach agreement on the final details of the Memorandum of **Understanding**. He stated they have not had in the last few months any meetings to discuss the last few open issues.

Mr. Fazzalore moved and Mr. Fegley seconded to approve Ordinance No. 355.

Mr. Gary Cruzan stated they expected Matrix and the Township to honor the Agreement and he does not feel the Ordinance should be passed until there is an Agreement. He **stated** if they pass the Ordinance without an Agreement RAM may be forced to appeal it.

Mr. Michael Upton, 13303 Cornerstone Drive, stated they have worked with Matrix for many months but noted there will be a change to the Board in January, and he feels it should not be considered this evening.

Mark Brookman, attorney on behalf of Matrix, stated the reason there has not been the ability to finalize a Settlement Agreement is due to the fact that under Pennsylvania law, to have such an Agreement as a Condition Precedent to any re-zoning effort would constitute Contract Zoning which is prohibited under the laws of the **Commonwealth** of Pennsylvania. He stated they have evidenced their interest in working with the Township and will continue to do so. He would encourage them to approve the Ordinance adding that the Board has their assurance that they will continue to work with all the parties involved until everyone is satisfied. He stated they recognize that re-zoning the property

is the first step in a Land Development Approval process. This Ordinance approval will enable the process to begin.

Mr. Garton stated he did advise the Board of Supervisors to this affect in the past as well as this evening with regard to the issue of Contract Zoning.

Mr. Santarsiero stated in light of that advice, he does not feel what they are proposing is a written Agreement as they had originally contemplated. He stated the problem is the Courts decided to end the litigation. He stated he would like there to be a written Memo of Understanding that would not rise to the level of putting them at risk of some claim of Contract Zoning. He feels this would at least give them assurance as to what everyone has agreed to in good faith. He stated he has been sensitive to Mr. Brookman's concerns about timing, and he had hoped that they could have accomplished this a long time ago. He stated he does not feel waiting three to four weeks will put them in any disadvantage and will have them in a position where the Land Development process can take place in an expeditious manner.

Mr. Brookman stated a Memorandum of Understanding would still be an Agreement and a writing signed by the parties which is the only way they can reach an understanding that can be enforced, would be a Contract and would be prohibited under Pennsylvania law. He feels there is an ability to do this assuming the Board enacts the Ordinance.

Mr. Santarsiero stated he is unwilling to go into detail with the discussions that they have had with Counsel regarding these issues, but feels short of actually executing an Agreement, they can do a lot better at understanding what the Understanding is before they agree to pass the Ordinance change.

Mr. Stainthorpe stated the change in the Ordinance does not mean this land would definitely be developed in this matter, and Matrix still has the right to sell the land if they so choose. He stated all other uses remain in effect. He stated this is not approval of a Plan, and any Plan would have to be fully engineered and go through the whole planning process.

Ms. Virginia Torbert stated she feels the Board should postpone this as she does not feel Matrix has shown good faith. She stated she feels all they have done over the past two years is try to market the property. She stated by changing the Zoning, they will be making the property more profitable for Matrix.

Mr. Stainthorpe stated he feels the issue is what is best for the Township, and the thinking was that this would give a developer the option to construct age-restricted housing which would generate less traffic and not add children to the School District. He stated the attorneys have indicated they must have an Ordinance in place before a compromise can be reached.

Ms. Torbert stated she does not feel the Township is getting anything for doing this as she feels this is the only incentive they have to bring Matrix to the table. She feels their only desire is to sell the property.

Mr. Gary Cruzan stated this Ordinance allows them to build **Age-Restricted** housing and “Big Box.” Mr. Stainthorpe stated “Big Box” has always been there. Mr. Cruzan stated this may be incorrect as it was not really decided by the Court. He stated if they approve the Ordinance tonight, he will be back on January 3 to ask that the Board overturn it. He stated Matrix has had sixteen months to put their promises in writing, and they only included “flip-flop” clauses. He stated no one wants “Big Box,” and thousands of people are in support of RAM because of this.

Mr. Jerry Mayes stated they have been debating this for years, and he feels if the Board caves under the threat of an Appeal, they are making a mistake. He feels the Board should vote their conscience.

Mrs. Godshalk stated when the Plan came in five years ago, she was the only person that voted against it. She stated she has not been invited to be on the Committee over the years although she did attend some of the meetings which were open to the public. She stated she feels this is a way to escape the bad decision that was made five years to vote for the Big Box. She stated she feels this will be one of the largest housing developments to ever come into the Township. She stated these are high-density units, and she questions who will police this to insure that there are not children living in this development who will add to the School enrollment. She is concerned that when the original owners are no longer living, the heirs may have problems selling the units with the age restriction in place. She would be interested in something on a smaller scale. She stated she is not in favor of changing the Ordinance to include senior housing in this area.

Motion carried with Mr. Fazzalore, Mr. Fegley, and Mr. Stainthorpe in favor and Mrs. Godshalk and Mr. Santarsiero opposed.

APPROVAL OF EXTENSIONS FOR FIELDSTONE PLAN NO. 496-N, FIELDSTONE PLAN NO. 549, PRATICO SUBDIVISION, AND BODINE SUBDIVISION

Mr. Fazzalore moved and Mr. Santarsiero seconded to approve Extensions as follows:

Fieldstone Plan No. 496-N	to April 17, 2006
Fieldstone Plan No. 549	to April 17, 2006
Pratico Subdivision	to March 22, 2006
Bodine Subdivision	to April 20, 2006

Motion carried unanimously. Mrs. Godshalk was not present for the vote.

DENIAL OF DEDICATION OF MAKEFIELD CROSSING A/K/A FOLEY TRACT

Mr. Santarsiero moved and Mr. Fazzalore seconded to deny the request for Dedication of Makefield Crossing a/k/a Foley Tract for the reasons set forth in Nancy Frick's memorandum dated 12/13/05. Motion carried unanimously. Mrs. Godshalk was not present for the vote.

TABLE REQUEST FOR DEDICATION OF ISLAND WOODS ESTATES

Mr. Garton stated this is a development of three to four lots; and the Township, by virtue of necessity, has been maintaining the streets as the developer has disappeared. Mr. Coyne would like the Township to accept Dedication so that the Township can receive liquid fuel monies; however, Falls Township which is providing sewer, would object to the Dedication. Mr. Stainthorpe stated there are also no Final Certificates of Occupancy; however, Mr. Garton stated they will most likely not get these as the developer has disappeared and no further work is going to be done to the houses which have been built and occupied for years. Mr. Garton stated the sewer lines would be dedicated to Falls and the developer had their own separate escrows with Falls Township. Mr. Santarsiero asked if the Township has had any discussion with Falls other than the letter received, and Mr. Garton stated he feels there have been discussions between the Sewer Departments regarding this matter. Mr. Santarsiero he would be willing to give Falls Township some reasonable amount of time to try to resolve this. Mr. Stainthorpe stated this is costing the Township taxpayers money because the Township is paying off the road maintenance without getting reimbursement from liquid fuels. Mr. Santarsiero stated if Falls indicates there are some steps that can be taken to get this resolved, he would like to have this discussion with them.

Mr. Santarsiero moved, Mrs. Godshalk seconded and it was unanimously carried to table the request for Dedication of Island Woods Estates for sixty days.

Mr. Fedorchak stated he will initiate discussion with Falls.

DISCUSSION AND APPROVAL OF RESOLUTION NO. 2100 ESTABLISHING THE 2006 BUDGET

Mr. Fegley moved and Mr. Santarsiero seconded to approve Resolution No. 2100 establishing the 2006 Budget.

Ms. Julie McKenzie, 725 Stewarts Way, stated she would like to know about the planning process with regard to the Budget as she has read in the paper that there will be

a tax increase. Mr. Stainthorpe stated they started this process in August when the Department Heads submitted Budgets and eventually presented these to the Board of Supervisors in **September/October**. The Budget was discussed in Public Workshops. Ms. McKenzie asked if the Budget is on the Website. Mr. Fegley stated it is a huge **amount** of information to be put on the Website. Mr. Fedorchak stated the Preliminary Budget which was approved in November was made available at the Township Building on the counter for public review. This is in accordance with the Second Class Township Code. Ms. McKenzie stated she read in the newspaper that the Board was open for suggestions as to how they could cut the Budget and asked if any suggestions were made. Mr. Fedorchak stated they did not receive any suggestions. Ms. McKenzie asked about the need for two additional Police Officers and asked how many Officers they have currently. Chief Coluzzi stated they currently have thirty-two.

Mr. Fedorchak stated there has been considerable amount of input from the public to add items to the Budget rather than to take things away. Ms. McKenzie stated she feels 16% is a significant increase. Mr. Fegley stated they also need to take into account the increased cost of fuel, supplies, and insurance, etc.

Mr. Fazzalore stated he will not vote in favor of this Budget as he feels a 15% increase in expenditures when there is inflation of under 3%, is wrong.

Ms. Virginia Torbert asked about spending throughout the various Departments. Mr. Fazzalore stated he feels the largest increase was in the General Fund. Ms. Torbert asked what percentage of the increase is a result of the two additional Police Officers and the lights at Macclesfield Park. Mr. Fazzalore stated he feels an Officer would result in costs of \$100,000 each. He noted the lights were approved last year and that part of the Budget is flowing to the beginning Budget of this year. Mr. Fedorchak stated he feels the General Fund Budget went up approximately 10%. Mr. Stainthorpe stated the other increases were in Debt Service over which they have no control and Fire Protection.

Mr. Tom Stevenson, 903 Slate Hill Road, asked about the Budget for Park & Rec for the coming year. Mr. Fedorchak stated they have total expenditures of \$970,000. Mr. Stevenson asked the expected revenue, and Mr. Fedorchak stated there are Operating Revenues of \$816,000 combined with the \$220,000 Fund Balance for total Revenues of \$1,036,000. Mr. Stevenson asked if they will run at a deficit this year, and Mr. Fedorchak stated for 2005 they will have a carry-over balance of \$220,000, and they will finish 2006 with a \$67,000 surplus. Mr. Fazzalore stated it is a Deficit Budget because the Expenditures are higher than the income.

Mr. Santarsiero stated when they discussed this at their last meeting a number of people raised questions about the time when the Budget meetings are held and the Board agreed that they will have to do a better job of scheduling those so people can participate. He noted hopefully they will also televise them next year as well.

Mr. Dave Young, 589 Hearthstone Drive, asked how this will impact the Police Department's ability to manage the traffic flow in the Township which seems to be a major concern. Chief Coluzzi stated traffic does take up most of his time as most calls that come into his office are traffic related. He stated he has seventeen major selective enforcement areas in the Township through which he rotates Police Officers to enforce the speeding laws. He stated most of this is done by Police Officers on overtime because they have such minimal staffing on the street to answer calls for service that the traffic related services and extra events need to be done on overtime. He stated they are trying to cut down the cost of overtime by hiring the additional Officers. He stated he does not feel they will see a substantial reduction in traffic violations. He stated because of retirements and vacations, etc. they will not really see the addition of the two Officers until 2007. He stated in 2007 he feels he will back requesting more Police Officers. Mr. Young stated he feels the Board of Supervisors needs to direct the Police Department to do a better job at controlling the traffic in the Township as what they have been doing is not satisfactory.

Chief Coluzzi noted they have been out to Mr. Young's residence many times in response to his calls to the Police Department. He stated at one point Mr. Young had a homemade sign on his lawn indicating the speed limit and "Watch Children," and the Police Department received numerous calls from Mr. Young's neighbors complaining about that sign. He stated the Police Department recognized that this was an important issue for Mr. Young. He stated when the sign was vandalized/stolen, within three days an official "Watch Children" sign was installed at that location. He stated the Police have also responded to other calls made by Mr. Young. He stated they did do speed monitoring on the street over which Mr. Young expressed concern; and with a 25 mile speed limit, they found that the average speed was 30 miles per hour.

Mr. Young stated he is talking about the Township in general. Chief Coluzzi stated prior to his arrival, the Township never had selective enforcement areas and they now have seventeen locations which the Officers focus on which are high accident areas. They feel they have made a substantial dent in reducing traffic accidents. Chief Coluzzi stated they have serviced Mr. Young many times and acted on his complaints.

Mr. Young stated he feels they should be proactive rather than only responding to his calls. He asked the Board of Supervisors to direct the Police Department to do a better job of controlling traffic in the Township as he feels it is not as well managed as it should be. Chief Coluzzi stated he is very attuned to public safety and he wants more Police Officers so that they can do a better job. He stated he is asking for two Officers in this Budget to maintain the staff. He stated he could make a justification for many more Officers in the Township.

Mr. Fegley stated he takes satisfaction in bringing the Chief on board and the changes that have been made in the Police Department. He stated he feels they have one of the

finest Police Departments in Bucks County. He noted the numerous things the Department does beyond traffic control.

Mr. Stainthorpe suggested that they schedule a meeting in the future to discuss traffic issues.

Chief Coluzzi stated when he came to the Township there was one active Town Watch group and they now have twenty-two who meet with him regularly to discuss traffic, crime, etc. and they recognize the need for Police Officers.

Mr. Fedorchak stated they did make several revisions to the Budget based on information that has come out over the last thirty days. He stated in the Capital Reserve Fund, in anticipation of adopting the new Agreement with Comcast on the Revenue side, he inserted \$100,000 from Comcast for the Educational Access Grant; and on the expenditure side he put in a like amount in anticipation of televising the meetings sometime during 2006. He stated they also received \$275,000 from PennDOT as the first payment for the acreage they needed to condemn at Patterson Farm in order to install the loop. He stated they also added the \$750,000 Grant to the 9-11 Memorial Construction Fund and were therefore able to eliminate the \$250,000 transfer from the Capital Reserve Fund into the Memorial Fund. He added Mr. Coyne requested a \$75,000 truck and they were able to shift some expenditures within the Liquid Fuels Fund without changing the total dollars to accommodate this request.

Mr. Tom Stevenson stated in his experience following the Budget process for the lights and recognizing how the Park & Recreation Board operates, he feels the Park & Recreation Board has the opportunity to have phenomenal leverage in the Township. He stated the people on the Park & Rec Board are all “insiders” and all members of the athletic teams and do not give objective opinions. He stated the taxpayers are funding all of the Park & Recreation proposals whether the taxpayers participate or not. He stated it is a special interest group and they get special privileges. He stated one of the Supervisors ran on a promise that he will cut the User Fee for those playing sports and this is a Department which is already running a deficit. He stated he is willing to pay for health benefits, Police Officers, etc. but he does not feel he should pay for discretionary items. He would like to see if there is a way to restructure the Park & Recreation Board. Mr. Stainthorpe stated the Park & Recreation Board does not get everything it asks for. He stated the new administration will populate the Boards with people of their choosing. He stated the idea of the Park & Rec Board is not to only have the professional Director make decisions, but also have the opportunity for citizen input. He stated most of the Leagues have had members on the Park & Rec Board and it may be advisable to have citizens from the various neighborhoods that have a general interest. Mrs. Godshalk stated there are current vacancies on the Park & Rec Board and suggested that Mr. Stevenson send in a resume.

Mr. Santarsiero stated the Board of Supervisors as a whole will decide who will serve on the Park & Rec Board. He also stated in terms of the User Fee he feels there is a need to reduce this. He stated when it was increased two years ago, it was increased to pay for bike paths and not to do with anything that had to do with the fields. He stated many of those involved with the various teams put in a tremendous amount of time and effort into maintaining the fields themselves. He stated many of those paying the User Fee do not play on Township fields so there is an inequity.

Mr. Zachary Rubin, 1661 Covington Road, stated he feels they should be able to put the Budget summaries or even the whole Budget on the Website on a PDF file. Mr. Rubin stated he does not have children who play athletics in the Township but still supports the Park & Recreation Budgets and also supports a Senior Center. He feels the Township is not a for-profit entity and he is not in favor of User Fees. He feels they need to produce a social necessity product and soccer and baseball fields do not have to pay for themselves. He feels the Government is supposed to provide services and the residents are to fund services.

Motion to approve Resolution No. 2100 establishing the 2006 Budget carried with Mr. Fazzalore opposed.

APPROVAL OF RESOLUTION NO. 2101 FIXING TAX RATES AND SPECIAL LEVIES FOR THE FISCAL YEAR 2006

Mr. Fegley moved and Mr. Santarsiero seconded to approve Resolution No. 2101. Motion carried with Mr. Fazzalore opposed.

APPROVAL OF RESOLUTION NO. 2102 PROVIDING THAT NO CONTRIBUTION BE REQUIRED FROM POLICE OFFICERS TO FUND THE 2006 POLICE PENSION PLAN

Mr. Santarsiero moved, Mr. Fegley seconded and it was unanimously carried to approve Resolution No. 2102.

APPROVAL OF RESOLUTION NO. 2103 PROVIDING THAT NO CONTRIBUTION BE REQUIRED FROM ANY NON-UNIFORMED EMPLOYEE TO FUND THE 2006 NON-UNIFORM PENSION PLAN

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried to approve Resolution No. 2103.

APPROVAL OF RESOLUTION NO. 2104 ESTABLISHING THE 2006 PARK AND RECREATION FEE-IN-LIEU OF FEE

Mr. Stainthorpe noted this is what a developer pays if he chooses not to install a recreation area within the development. Mr. Stainthorpe reviewed the various amounts to be paid.

Mr. Santarsiero moved, Mrs. Godshalk seconded and it was unanimously carried to approve Resolution No. 2104.

APPROVAL OF RESOLUTION NO. 2105 ESTABLISHING THE 2006 TRAFFIC IMPACT FEE

Mr. Santarsiero moved, Mrs. Godshalk seconded and it was unanimously carried to approve Resolution No. 2105.

APPROVAL OF RESOLUTION NO. 2106 DESIGNATING 2006 DEPOSITORIES FOR TOWNSHIP FUNDS

Mr. Santarsiero moved, Mr. Fazzalore seconded and it was unanimously carried to approve Resolution No. 2106.

DISCUSSION AND APPROVAL OF RESOLUTION NO. 2107 ANTICIPATING ISSUANCE OF GENERAL OBLIGATION BONDS TO FINANCE A CAPITAL IMPROVEMENT PROGRAM FOR CANAL INTERCEPTOR SEWER MAINS

Mr. Garton stated the **Township** is considering some expenditures to improve the Canal Interceptor and this Resolution permits the Township to recover their out-of-pocket expenses from the Bond Issue if they choose to go forward with the project. It does not commit the Township to a Bond Issue.

Mr. Fazzalore stated they have had some sewer lines collapse at the lower end which was costly to repair. They then had the engineers do a TV of the whole line up to Bridge Street in Morrisville and found much of the cement of the sewer pipe is gone and needs to be replaced. If this is not done, it will collapse and need to be replaced at a much higher cost on an emergency basis.

Mr. Fazzalore moved, Mr. Santarsiero seconded and it was unanimously carried to approve Resolution No. 2107.

ZONING HEARING BOARD MATTERS

Mr. Santarsiero moved, Mrs. Godshalk seconded and it was unanimously carried to have the Township participate in the Michael & Robin DeMuth, 2300 Yardley Road, Variance request to construct a swimming pool resulting in greater than the permitted impervious surface.

It was agreed to leave to the Zoning Hearing Board the following matters:

Orleans at Lower Makefield, L.P. Variance requests to construct fourteen homes on Big Oak Road across from Charles Boehm Middle School;

Mark Raniello Variance requests to construct a dwelling at 1233 Linden Avenue resulting in greater than permitted impervious surface and disturbance of woodlands;

Thomas Mack Construction Variance request to construct an addition at 1224 Knox Drive resulting in greater than permitted impervious surface.

SUPERVISORS' REPORTS

Mr. Stainthorpe stated the Newsletter is complete and should be received by the residents either the last week of December or the first week of January.

APPROVAL OF 2006-2009 PBA CONTRACT

Mr. Fedorchak stated he and Mr. Garton have been engaged in negotiations with the PBA Union for almost a year. He stated they are coming off a three-year arbitration award set to expire the end of this month. The results of the negotiation are now before the Board of Supervisors as follows: A four-year term, wage increases of 3.75%, 4%, 4%, and 4.25%, survivor's benefit will increase to 75% of the retired Officer's pension.

Mr. Fazzalore stated in industry it is normally not even 50%. Mr. Fedorchak stated it is currently 50% and this benefit will cost the Township approximately \$3,500.

Clothing allowance increased by \$25. There will be a longevity increase of \$150 in the first and third years with the addition of two new tiers. After twenty-five years of service, \$2,800 per year and thirty years of service - \$3,200 per year. With regard to severance, currently in the Contract there is a severance pay requirement of \$8,000 per Officer paid upon retirement. He stated he and Mr. Garton have been trying to get this item out of the PBA Contract for the last ten years. He stated now for all new Police Officers hired after January 1, 2006 this severance payment shall be eliminated. For all Police Officers hired after January 1, 1993, the payment is reduced to \$1,500 payable over the life of the Agreement. He stated the Board of Supervisors has been very

interested in controlling health care costs and a proposal was made to the PBA to completely restructure the health care program. He stated in May the Township experienced a 21.8% increase in hospitalization costs, and he and Mr. Garton explained to the PBA that the Township cannot afford this type of increase every year. After considerable discussion, the PBA did agree to completely restructure the program increasing co-pays and deductibles. This program will go into effect on January 1, 2006 and will be applied to all Township employees. He stated he has also had discussions with the Public Works employees and they have agreed to a new program. The savings to the Township will be in excess of approximately \$150,000 for 2006 by going into the new program.

Mr. Santarsiero moved, Mrs. Godshalk seconded and it was unanimously carried to approve the PBA Contract.

APPROVE ADVERTISING NEW CABLE TV FRANCHISE AGREEMENT WITH COMCAST

Mr. Garton stated they must approve a Contract by Ordinance and they need to authorize advertisement. He stated some comments have been received which will be circulated to the Board.

Mr. Santarsiero moved, Mr. Fegley seconded and it was unanimously carried to authorize advertisement of the Cable TV Franchise Agreement with Comcast.

APPROVE AUTHORIZING ADVERTISEMENT OF ORDINANCE REQUIRING RAPID ENTRY SYSTEMS FOR COMMERCIAL AND MULTI-STORY BUILDINGS IN ACCORDANCE WITH INTERNATIONAL FIRE CODE

Mr. Stainthorpe stated they discussed this at the last meeting. Chief Coluzzi stated Mr. Garton has prepared the Draft which is ready for advertisement.

Mr. Fazzalore moved, Mr. Fegley seconded and it was unanimously carried to authorize advertisement of the Ordinance.

RENEW CONTRACT WITH M.L.E. ENTERPRISES TO OPERATE THE SNACK BAR AT THE COMMUNITY POOL FOR THE 2006 SEASON

Mr. Fazzalore asked if they went out and asked for other bids, and it was noted they did not. Mr. Fazzalore added that the last time they did go out to bid, M.L.E. was the only

firm which responded. Mr. Stainthorpe stated he feels the Pool members are generally satisfied with the service.

Mr. Santarsiero moved, Mr. Fegley seconded and it was unanimously carried to renew the Contract with M.L.E. Enterprises in the amount of \$3,100.

Mr. Fedorchak noted she also pays the electric costs at the Snack Bar.

AWARD BID FOR TREE PLANTING AT MEMORIAL PARK

Mr. Majewski stated they received six bids for the tree planting at Memorial Park/Garden of Reflection. He stated the plants includes 55 bowhall maples and 17 beech trees. The low bidder and the second lowest bidder submitted non-responsive bids. The lowest responsible bid for the project was from Land-Tech Enterprises Inc. in the total amount of \$52,845. Mr. Fazzalore noted this is \$6,245 more than the lowest bidder.

Mr. Stainthorpe asked if the lowest bidder could come into compliance, and Mr. Fedorchak stated this was discussed with Mr. Garton and it is his recommendation that they award the bid to Land-Tech.

Mr. Santarsiero stated at the last meeting they discussed using native species in Township plantings. He asked if they are following the spirit of that proposal. Mr. Bray was present this evening to discuss the trees under consideration to determine if they are native; and if they are not, if there are other varieties they could choose which would be equally good for the site in terms of their appearance, longevity, etc.

Mr. Bray stated he did do research on the European beech which is not native. He stated in the spirit of the Ordinance they agreed to at their last meeting, he feels they should give consideration to using native species in the Memorial Garden. He stated the Garden's purpose is to honor the Americans who died in 9-11 and he feels it is inappropriate to install plants into the Memorial that are foreign. He stated there are many trees which would be comparable which are native in origin. He recommended the Common American Beech. He stated he is not sure about the bowhall maple but noted there are a number of native maple trees.

Mr. Stainthorpe stated they received a Grant from the U.S. Forest Service which has been extended a number of times; and while he agrees they should consider the spirit of the native plant Ordinance they are considering, he does not want to jeopardize the Grant money. Mr. Fedorchak stated they have until May and he wanted to get the project awarded this evening so that the contractor can complete the paperwork and have the trees planted by May. He stated it would take thirty to forty days to re-bid and they would need at least thirty days for advertising.

Mrs. Godshalk noted the amount of effort that has already gone into researching this as well as field trip time looking at the trees. She stated they have had these trees included for more than three years, some because of the colors which matched the stone. She stated the bowhall maples were chosen because they grow in a columnar fashion, and they wanted this look as you go into the entrance of the Park so that it will be open and you will be able to see the flagpole. She added that everyone that died that day was from another country originally, and she does not feel native species should be required in this instance.

Ms. Ellen Saracini stated there are five family members on the Committee who are in favor of the trees suggested; and if the family members of the deceased are satisfied, she feels they should proceed with those selections. She added this will be paid for through a Grant and is not money coming out of the Township. She stated she is not opposed to considering native species for other trees in the Park in the future.

Mr. Stainthorpe asked if it is an invasive species, and Mr. Bray stated the European Beech is not known to be invasive and has been grown in the United States for a couple hundred years.

Mr. Santarsiero asked if they were able to consider native plants when they were looking initially at this project, and Ms. Saracini stated they were not aware that the Township was considering this when they first researched this project.

Mr. Fazzalore moved and Mrs. Godshalk seconded to award the bid for tree planting at Memorial Park to Land-Tech Enterprises in the amount of \$52,845.

Mr. Santarsiero stated while he will vote in favor of this because of the Committee's desires, he would ask that on a going-forward basis that they focus on native plants. He stated he feels Mr. Bray would be willing to help with his expertise. Ms. Saracini stated they have already agreed to changing two other trees they had chosen to two natives.

Motion carried unanimously.

AWARD CONTRACT FOR 2006-2007 REFUSE COLLECTION AND DISPOSAL

Mrs. Godshalk moved, Mr. Fazzalore seconded and it was unanimously carried to award the Contract for the 2006-2007 Refuse collection and disposal to McCullough Rubbish Removal, Inc. in the amount of \$28,080.

APPOINTMENTS

Mrs. Godshalk moved, and Mr. Stainthorpe seconded to re-appoint Janet Smith to the Elm Lowne Committee. Motion carried with Mr. Santarsiero opposed and Mr. Fazzalore abstained.

Mrs. Godshalk moved, Mr. Stainthorpe seconded and it was unanimously carried to re-appoint Duane Doan to the Farmland Preservation Corporation.

Mr. Stainthorpe moved and Mrs. Godshalk seconded to appoint Dean Dixon to the Planning Commission. Mr. Santarsiero stated he understood that there were to be further interviews and they are now considering this appointment which is not on the Agenda. Mr. Stainthorpe stated he had wanted to discuss this at Executive Session but they did not have time. Mrs. Godshalk noted this individual was interviewed. Mr. Santarsiero stated he recalled that Mrs. Godshalk had indicated previously that she wanted to hold off on this until she had an opportunity to interview the other candidates that she had not seen as she had been absent. Mrs. Godshalk stated they did not come back in. Mr. Santarsiero asked if they were re-scheduled to come back in. Motion carried with Mr. Santarsiero opposed and Mr. Fazzalore abstained.

Mr. Jim Bray thanked Mr. Fazzalore and Mr. Fegley for their years of service to the Township. He stated to be a member of the Board of Supervisors is often a thankless job and feels they have been dedicated public servants. He stated he feels Lower Makefield is a better Township because of their service.

Mr. Stainthorpe thanked the Board for the opportunity to serve as Chairman this year which has been an enjoyable opportunity.

There being no further business, the meeting was adjourned at 9:53 p.m.

Respectfully Submitted,

Grace Godshalk, Secretary