TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – MARCH 15, 2006

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on March 15, 2006. Chairman Santarsiero called the meeting to order at 7:35 p.m. Mr. Caiola called the Roll. Mr. Santarsiero noted Mrs. Godshalk was not in attendance at the meeting tonight. He noted the Board met from 5:30 to 6:40 to interview people for various vacancies on Township Boards and Commissions. The Board met in executive session from 6:40 to 7:30 to discuss personnel matters, various litigation and real estate matters.

Those present:

Board of Supervisors:
Steve Santarsiero, Chairman
Ron Smith, Vice Chairman
Greg Caiola, Secretary/Treasurer
Grace Godshalk Supervisor (absent)
Pete Stainthorpe, Supervisor

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

PUBLIC COMMENT

Ms. B.J. Rassler, 105 Ovington Road stated she was at the Board of Supervisors meeting two weeks ago regarding the landfill in her neighborhood and she asked for an update. She stated that since that meeting two weeks ago her neighborhood, Westover has been assaulted by over 150 eighteen-wheeler dump trucks for several days in a row. Mr. Santarsiero stated the Township Environmental Engineer, Township Engineer and several Board members went to the site and he turned over the discussion to Mr. Fedorchak. Mr. Fedorchak stated the Environmental Engineer, Richard Watson from Birsall visited the site and reported that visually he did not believe there were any problems with the landfill material, however he recommended tests be done and the Township authorized those tests. He stated the tests are at a lab and he expects the results in a week.

Ms. Rassler asked if the Township knows how many cubic yards of fill was brought in per eighteen-wheeler dump truck. Mr. Fedorchak stated he did not know. Ms. Rassler asked if the Township knew how the dump truck is determining if the amount of cubic yards in the permit has been satisfied or in excess of that? Mr. Fedorchak stated at some point he may have to turn this discussion over to Mr. Majewski, but there is a Township ordinance that details what is the proper amount of fill for a resident's property, called a grading permit. He stated the property owner, Mr. Bullard hired an engineering firm, J.G. Parks & Associates, and they had to file engineering reports with the Township explaining how they would fill the property and Mr. Majewski reviewed those reports and found them to be in order. Ms. Rassler asked if the Township checked the number of cubic yards that have been filled in. Mr. Fedorchak stated the Township staff including Mr. Majewski, have visited the property on a number of occasions over the last several months

inspecting the work that has been done. Ms. Rassler asked if the Township knows the tonnage of fill. Mr. Majewski stated when he was out there it appeared the owner exceeded some of the limits of work that they were allowed to do. He sent a letter to Mr. Habgood, the Township code enforcement officer and recommended they have the permitee have their surveyor perform an as-built survey to get a more exact number of how many cubic yards of dirt were dumped and whether or not they have completely complied with the permit. Ms. Rassler asked if the Township thinks there is any correlation between the meeting two weeks ago the Westover residents attended and the enormous amount of dumping that occurred after that meeting. Mr. Majewski stated he did not know. Mr. Fedorchak stated we could ask Mr. Bullard.

Mr. Anthony Russo, 101 Tudor Lane stated the Township approved a permit and the Township has been unable to tell the public the permit was complete and he believes the owner has reached his limit. Mr. Fedorchak stated Mr. Majewski, the Township Engineer, has been involved inspecting the work. Mr. Russo asked Mr. Majewski why that happened. Mr. Majewski stated we periodically go out to the site to monitor progress and it appears in the last week that Mr. Bullard exceeded the limits allowed under the permit. Since that time, his firm went out to the site, checked the level of disturbance and based on that forwarded their recommended to the Township that an as-built survey of the topography of the land be taken to determine the exact amount of dirt at the site and to what extent they had exceeded.

Mr. Russo stated last week in three days, there were 100 trucks a day coming down the road at 7:08 a.m. in the morning. He stated he called the Police to come out and the Police stated they have a noise ordinance but was told they cannot test against the ordinance and Mr. Russo asked why does the Township have a noise ordinance for than. Mr. Russo stated that no one seems to understand the noise that 100 trucks per day causes coming down the street. Mr. Santarsiero stated his understanding is that this activity is over. Mr. Russo stated he has seen that the Township has been unable to monitor how much dirt has been dumped or what type of dirt. Mr. Santarsiero stated the soil has been tested and the survey necessary to determine how much soil there is versus how much was allowed by the permit is going to happen.

Ms. Rassler asked why wasn't that monitored during the process. She stated now we may have excess dirt and asked who is in charge of things. Mr. Santarsiero stated the Township has a responsibility to make sure its ordinances and permits are complied with and stated we are in the process of doing that and will do that. He stated with respect to the frequency of trips that Mr. Bullard took into his property, he would not want to live in a neighborhood where that is happening. He stated that is why when the neighbors came to the last meeting the Township took steps to look into this matter and do something. Mr. Santarsiero stated in terms of what we can do with respect to the permit, he deferred to Mr. Majewski and the building inspector about what will happen if the owner exceeded the number of trips to his property. He stated the owner is either at the limit or exceeded the limit. Mr. Majewski stated the owner exceeded the limit. Mr. Santarsiero stated the Township would not permit any further dumping of soil into that lot. Once the Township verified the owner exceeded the limit, that is the next step to be taken.

Mr. Russo stated Westover has a ravine along the canal, so anyone that wants could start dumping or build homes on the canal. He stated he did not move into Yardley 27 years ago to an over-

developed community. He asked is the Township going to allow that to happen in the future and anyone who wants to fill in the ravine can and build a home thereafter. Mr. Santarsiero stated the Township needs to do a comprehensive review of its ordinances to figure out where we are lacking in enforcement issues and what needs to done to avoid this situation in the future. He suggested we have representatives from each Board and Commission give their recommendations of what changes should be made. He stated as liaison to the Zoning Hearing Board, there were many cases where various zoning issues came up and how they played out in the appeal; it became obvious our ordinances need to be updated. Mr. Santarsiero stated the Township should look at issues like this to determine what can be done from a legal standpoint to protect residents.

Ms. Rassler stated now that this ravine is filled in, whose responsibility is it when we have a huge rainfall to fill it the soil when it runs off to other properties. Mr. Russo stated who determines the soil is compacted enough and strong enough to withstand a heavy rainstorm. Mr. Santarsiero stated that would part of the permit and the onus would be on the owner. Mr. Majewski stated the homeowner is responsible for their property. In order to completely comply with the permit, the owner has to make sure the ground is stabilized, adequate groundcover and grass is installed along the filled in area and that will satisfy the Bucks County Conservation District and the Township to make sure the site is stabilized. Mr. Majewski stated ultimately it is homeowner's responsibility, but there is oversight from the Township, Conservation District and DEP.

Mr. Smith asked if there were trucks on the street today. Ms. Rassler stated no, but there was an earthmover. Mr. Russo stated trucks were out last week. Mr. Smith asked Mr. Majewski as a result of his discussion with the owner as to being over the limit, have trucks stopped bringing the dirt in. Mr. Majewski replied yes and now they are grading the area off, stabilizing and will seed the area in the next few days. Mr. Russo asked if the site has been rezoned for construction. Mr. Santarsiero replied no.

Ms. Kim Bidler, 908 Ovington Road stated she has pictures of trucks going up and down her street a week ago showing the large scale of the trucks. She stated she does not want to see this happen anywhere else. Ms. Bidler stated over the period of ten minutes she saw eight dump trucks. She stated if you carried that out over the course of one day that would be over 300 trucks. Ms. Bidler stated the Township must have an ordinance if there is a small number parcels in an already developed residential area, there has to be a limit on the amount of fill coming in and out.

Mr. Bob Shalamberger, 103 Ovington Road stated that no one will dispute the fact that the Bullard's played by the existing rules, clearly the scope and impact of their project far exceeds the spirit of a normal building application. He stated as mentioned there are shortcomings of the ordinances that surround building permits. Mr. Shalamberger stated he moved in nine months ago and this project started thereafter and if he knew he would have to endure this he would have never moved into this neighborhood. Mr. Shalamberger stated in the last three weeks, there were three particularly heavy days where the traffic was heavier than any other day and does not know if that was a result of the meeting or the Board investigating the project. He stated two of those days, the trucks started earlier than they ever have and worked on a Saturday. Mr. Santarsiero stated the Township does not want to see this happen again and we will follow through and ultimately hold

the owner responsible for the erosion issue so this does not become a further problem for the neighborhood and canal.

Mr. Smith stated two weeks ago he went out to the property with Mr. Fedorchak on Saturday and Mr. Bullard stated he would be at this meeting to address these concerns and he should have the opportunity to comment.

Mr. Steve Bullard, 110 Ovington Road stated he wanted to thank the Police for officiating the events and problems in the neighborhood. He stated at every step of the way he had a grading permit and complied with every single Township ordinance. Mr. Bullard stated the amount of overfill dirt comes to approximately 1,000 cubic feet which has been moved. He stated he is now in full compliance with the grading plan, which is not a building plan, to take a 65-foot drop-off over half of his yard, and he has every right to do that. Mr. Bullard stated he wanted to thank the Police again and the Board who took the time to actually see his property. He stated he apologizes to his neighbors for the noise, but there is absolutely nothing he could do about it. Mr. Bullard stated as to the stabilization, the project is done and the land has been graded. He stated Mr. Majewski could inspect his property tomorrow, on which day he will do the seeding, which will complete the project. Mr. Bullard stated that every single aspect of the grading plan submitted to and approved by the Township is complete. He stated there would be no erosion, since he had a professionally done grading plan. He stated at every step of the project he met with Township representatives, 15 to 25 times, met with the Police on thirty occasions who handled his neighbors who decided to block the road with their cars. He stated one of his neighbors, Mr. Lex, physically threatened his wife and he filed a Police report.

Mr. Smith stated that Mr. Bullard indicated the trucks are done, the grading is in accordance with all standards, and asked about the fill. Mr. Bullard stated the fill is in accordance with the Township permit. He stated at every step of the way Township officials, the DEP, the EPA visited the site and tested the soil and it was approved. Mr. Smith stated there was a concern by one of the neighbors that the purpose of the construction was for further development in the future and he indicated it was for grading and expansion of his yard. Mr. Bullard stated the plan submitted to the Township was a grading plan to improve the value of his property by filling in. He stated there was a 65-foot drop-off on his property that he filled and even though there is slight 1,000 cubic feet of dirt off, he could have filled it higher if he wanted to it according to the plan.

Mr. Santarsiero stated the one things about his comments he finds troubling is why he says he could not help the noise of the trucks, the frequency of the trucks could have been worked out better and the time at which they came in at 7:00 a.m. It may be that he complied with the letter of our ordinance, but what his neighbors are saying is did he give consideration to the other neighbors.

Mr. Bullard stated there is nothing he could do with this type of project to quiet the noise of the trucks. The Township ordinance states that he can start at 7:00 a.m. and he never started before 7:30 a.m. and maybe one Saturday at 7:15 a.m.

Mr. Santarsiero stated this is something the Township will learn from about what they allow and don't allow in the future. He stated it is the frequency of the trips is the problem. Mr. Bullard

stated the total project took nine months and 3 1/2 months of that was wintertime and there were very few deliveries. He stated deliveries took place every 5 days and near the end he took on an additional cost to get the project done early so the project would not drag on for another six months. Mr. Smith asked how many trucks came during that heavy time. Mr. Bullard stated 110 trucks for three days. Mr. Smith asked how many trucks over the course of the project. Mr. Bullard stated as many as the number of trucks that came on those three days. Mr. Santarsiero asked if 220 trucks were correct. Mr. Caiola stated between 600 and 700 trucks total. Mr. Bullard stated 600 trucks for the entire project and 300 trucks came over eight months.

Mr. Bob Slayman, Bedford Place stated he looked at the site and what Mr. Bullard did was reclaim a cliff and made it a useful piece of property. He stated he does not live on Ovington Road and did not see the trucks, but what he did is a plus for the Township and got rid of a 65-foot drop-off.

Mr. Santarsiero asked if anyone on the other side of the room has a comment related on this issue, which has not been said.

Ms. Dorothy Vislosky stated she owns a home at 59 North Homestead Drive and stated she is on the Board of Supervisors in Falls Township. She came here tonight because she is interested in the Ferri tract. She stated Mrs. Rassler has been a friend of hers and she is neutral on this issue but noted the neighbors have recourse in this matter because the state needs to be involved. If there is silting or something occurring in the canal, that is against the law. She stated she would be upset if there were that many trucks in her neighborhood that early in the morning.

Mr. Don Lex, 106 Vernon Lane stated the Board asked when the last dumping was done and he stated it was last Thursday. He stated he does not know what Mr. Bullard is talking about with respect to a threat. Chief Coluzzi advised to Mr. Lex that he should not talk about those issues tonight about a threat.

Ms. Helen Bosley, 546 Palmer Drive stated at the last meeting there was an issue about refinancing the sewer debt. She noted there is 2.4 million dollars left to pay over four years and there was a plan to add the to the cost of the new projects to be done and extend that debt payment service out twenty or thirty years. She stated her comment isn't it better to pay off our debts earlier. Mr. Santarsiero stated that issue will come before the Board and they will make a decision on how to structure the debt at the second meeting in April. Mr. Fedorchak stated that decision would be moved up to April 5th.

Mr. Santarsiero asked if there was any further public comment. None was noted.

APPROVAL OF MINUTES OF MARCH 1, 2006, SPECIAL MEETING CONDUCTING INTERVIEWS FOR POSITIONS ON VOLUNTEER BOARDS AND COMMISSIONS

Mr. Caiola moved, Mr. Smith seconded and it was unanimously carried to approve the March 1, 2006 special meeting minutes conducting interviews for positions on volunteer Boards and Commissions as written.

Mr. Santarsiero noted the Board has not approved the March 1, 2006 regular Board of Supervisors minutes. Mr. Fedorchak stated he would look into the matter for the next meeting.

APPROVAL OF RESOLUTION NO. 2115 CREATING A CITIZENS BUDGET REVIEW BOARD

Mr. Santarsiero stated we have a proposal to create a Board that would be responsible for being involved in the Township budget process. He stated the idea is to get citizens involved in our budget process not only during budget time in the fall but also during the entire year. The Citizens Board would include seven Township residents who would review on a monthly basis, financial reports, expenditures, revenues and comment to the Board on any concerns or issues as well as look into areas the Township may save money and augment revenues without increasing taxes. Mr. Santarsiero stated at budget time, the Citizens Board would be an active participant in the budget review process. He stated for those who are not familiar with the process, in early fall the Board receives a budget comprised of a general fund budget and department budgets and review those budgets, speak with the heads of each department and go through the budgets to see where spending is necessary, where we can save money and where increases are necessary. Mr. Santarsiero stated he feels a need to have this Board as a means to increase citizen participation in our budget process and find the most economical way to function while providing the services we are used to. The Citizens Board would work with the Board, the Township Manager and various departments to achieve that goal.

Mr. Santarsiero asked for a motion to approve Resolution 2115 to create the Citizens Budget Board. Mr. Caiola moved and Mr. Smith seconded the motion.

Mr. Stainthorpe noted the Budget Board is a good idea and commended Mr. Santarsiero that the mission of the Board is clearly defined. Mr. Stainthorpe noted there could be a big danger if we are not careful about the appointments we make, as this could become a "soapbox" for people who have an agenda. He stated there is a tradition in the Township that any spending is bad spending. Mr. Stainthorpe stated he would not want to see the Board of Supervisors give up their role in decision making in the budgets and spending that take in the overall needs of the Township, such as the need for fire equipment, new trucks or new police officers. He stated budget decisions cannot be made in a vacuum and no matter how sincere people might be we cannot save enough money buying paperclips at a better price to make any difference in the taxes. Mr. Stainthorpe suggested that seven people is too many and would like to see five people. He stated this Board could be helpful or could become problematic. He suggested the Board of Supervisors put a time provision on the Citizens Board for one year and if it is successful continue it and if not discontinue.

Mr. Caiola stated he has experience with this and noted he found that the people who were involved received an education on what it takes to develop and manage a budget and did not receive as many negative comments as expected. He stated the number of people on the Board could be five or seven people and he hopes that people who want to be on the Board want to for the betterment of the Township.

Mr. Santarsiero stated he could be persuaded to the number of people on the Board. He stated with respect to the time limit, he asked Mr. Truelove if the Board could disband a Board or Commission anytime the Township wants. Mr. Truelove stated as long as it is not mandated by the applicable state codes, the Board could offer an ordinance that would repeal the creation. Mr. Santarsiero stated the Board does not have to write a time limit into the ordinance; we will simply revisit in a year and make that decision.

Mr. Stainthorpe stated he hopes this Board becomes a success and we get the right people with the right attitude. He stated it is harder to get rid of a Board and politically more difficult. Mr. Santarsiero stated his preference would be for the default that it continues on and if we thought there was a need to disband we would. He stated he understands what Mr. Stainthorpe is saying when budget time comes and they spend many hours going through the budget with the other department heads and Mr. Fedorchak, he has learned there is not a lot of fat in municipal government. We have made an effort in the past to be as responsible as possible, but this give the Township an opportunity to get involved in this process and be sure we are doing everything we can and as efficiently as possible.

Mr. Santarsiero asked Mr. Stainthorpe if he wanted to amend the motion. Mr. Stainthorpe amended the motion to change the number on the Board to five people. Mr. Caiola seconded the motion. Mr. Stainthorpe asked for any comment to amending the motion only.

Mr. Ken Martin, Westin Road stated the Board being created is going to be a buffer between the Board of Supervisors and the public and he thinks that seven people would be better that five people. He stated a seven member Board would be a better way to spread out in areas of the Township. He stated he attended the budget meetings in the fall, learned a lot about how the budget works and has a lot of respect for the Board.

Mr. Stainthorpe stated one of his concerns is having a buffer and does not think we should need or have a buffer. He stated having advice and help is great, but as elected Supervisors we are responsible for the budget. Mr. Santarsiero stated the Board will ultimately make the decisions on what happens with the budget and we are not delegating that responsibility to a new Board. Mr. Caiola stated he would like to start smaller to make sure this process works then expand.

The motion to amend carried three to one, Mr. Smith dissented. Mr. Santarsiero stated the Board would have five members rather than seven.

Ms. Vislosky asked if the Board will work as group or work independently and is it written into the ordinance. Mr. Santarsiero stated the Board would work as a group at meetings and reviewing the monthly financials. He stated the Board will determine to do independent work as well and would not like to write that into the ordinance. Ms. Vislosky stated there is a remedy for the concerns she heard tonight and commend the Board for keeping the Citizens Board small initially and end in one year if necessary and keep people from using the Citizens Board as forum. She suggested the Citizens Board report to Mr. Fedorchak and he would present the recommendations to the Supervisors. Mr. Santarsiero stated the resolution calls for the Citizens Board to work with the

Township Manager and participate with the Supervisors. He stated he is hesitant to put too much detail into this and is not clear on what might work the best.

Ms. Helen Bosley asked what is the current process the Board follow to review the monthly or quarterly performance. Mr. Santarsiero stated the current process is we get that information a monthly basis and review it and if we have questions we ask questions at the Board meetings. Ms. Bosley asked if these Budget Board meetings would be open to the public. Mr. Santarsiero stated that all Township Board and Commission meetings are open to the public. Ms. Bosley asked if the monthly performance budget is made part of the public record. Mr. Santarsiero stated like any other Township document, it is subject to public review at anytime under the Right to Know Law. Ms. Bosley asked if that includes the Capital Budget as well. Mr. Caiola replied yes.

The motion unanimously carried.

Mr. Santarsiero adjourned the meeting for a ten-minute recess.

TABLE REPEAL OF THE AGE QUALIFIED HOUSING ORDINANCE

Mr. Santarsiero stated this pertains to the Octagon site and in December the Board passed an overlay ordinance that would allow for age-qualified housing on the site. He stated at our first meeting in January 2006, we voted to advertise a repeal of that ordinance, that issue of repeal is intertwined with a potential settlement of the Matrix issue. Mr. Santarsiero reported at the last Board meeting that the parties had gotten to the point where there is one outstanding issue that deals with the current owner of the site, Belle Mead and that issue remains unresolved. As a consequence of that, we are not in a position tonight to consider an agreement to settle the matter. Instead, we are faced with the issue of whether we should repeal the ordinance and we have concluded that it makes sense to postpone to the April 5th meeting to see whether the outstanding issue could be resolved. Mr. Santarsiero asked for a motion.

Mr. Stainthorpe moved to postpone this matter to a definite date. Mr. Caiola seconded the motion.

Ms. Virginia Torbert, Yardley-Newtown Road asked what would happen in two weeks that would be different than the last two weeks that would change the outcome. Mr. Santarsiero stated it is part of the negotiation and he can't comment on what will happen. Ms. Torbert suggested the Township rescind the ordinance and it could always reinstate it. She stated the Township should to let Belle Mead know the Township is serious and it seems to her they are not serious. Mr. Smith stated he believes the advertising for the ordinance runs out April 6th. Mr. Santarsiero stated that Mr. Garton is at the meeting and could answer that. Mr. Garton stated the ordinance runs out in mid-April and the Board could decide by the next meeting. He stated it is easy to say why aren't things moving but noted there is only one issue left and they are trying other ideas to bridge that gap and considering all the work that has been put into this, it is worth an extra two weeks to bring it to a conclusion. Mr. Santarsiero stated one of the concerns we've had with this ordinance being out there absent the final deal, is the possibility is that Matrix may present a plan before we have a final deal which would jeopardize things that were negotiated in the deal. He stated as a condition to agree to postpone to April 5th, we asked Matrix provide the Township with written verification that

they will not do that and he has a letter dated today from Joe Taylor, president of Matrix agreeing to the aforementioned and we are protected.

The motion unanimously carried.

DISCUSSION OF SALE OF SEWER SYSTEM

Mr. Stainthorpe noted that he currently serves on the Board of Directors for Bucks County Water and Sewer Authority and asked if he should recuse himself now or since we haven't presented this to anyone, is he able to participate. Mr. Truelove stated he could participate at this level. If there become any more discussions between respective parties then we will revisit it at that time.

Mr. Hank Hoffmeister and Mr. Richard Gauck were present at the meeting. Mr. Santarsiero stated the Board asked them to come before them to give the Township some sense of what the benefits are and the downside to selling the sewer system. He stated in two joint meetings with the Sewer Authority this issue came up suggesting the Board of Supervisors look into this issue. While we are dealing with other things such as the canal interceptor project we thought it would be a good idea to begin this discussion.

Mr. Hoffmeister stated he Mr. Gout are here tonight to recommend to the Board that the Township seriously investigate the possibly and options of selling the sanitary sewer system. He stated one reason it makes sense to sell the system is that none of the Township sewage is treated within Lower Makefield. He stated approximately 75% of the sewage goes to the Morrisville Municipal Authority and 25% to Philadelphia via the various arms of the Bucks County Water and Sewer Authority. Mr. Hoffmeister stated whether we go through Falls Township, the Yerkes line in Middletown Township or directly tie into the north shore Core Creek, the sewage eventually goes to Philadelphia for treatment. Mr. Hoffmeister stated because of those aspects, the Township does not have any control over the rates in tow. We have control over a portion of the rates, but if someone raises the rates down the line they will pass the increase on to us. He stated we have an infrastructure from 1966 through 1979-1980, which includes Yardley Hunt and that system is getting old and will require maintenance, dig-ups and costs that will approach the scale of the canal interceptor.

Mr. Hoffmeister stated another critical factor is the growth that occurred in the Township from the mid 1970's to the mid 1990's and noted that growth is not there anymore. He stated we have a small amount of growth so the base of ratepayers the Township has seen that could offset prior rate increases is not there. Mr. Hoffmeister noted if a sale was to occur there would be greater body of people to absorb the cost, whereas the Township does not have that anymore. He stated if we ever reach 12,000 customers that would be the maximum for the Township. Mr. Hoffmeister asked what other saleable commodity does the Township have other than the sewer system to give the Township a nest egg. He stated the services the residents care about are the roads, the Police Department and they do not care about what happens to the water that leaves their homes. Mr. Hoffmeister stated the Township has a commodity the other municipalities have taken advantage of over the last several years and he is not saying the Township will get what other Townships got for their sale but for the benefit of the Township, it should look at the options available.

Mr. Gout stated in their brief discussions with the Sewer Authority about a possible sale, the Authority stated they would want to evaluate the option of the sale. They are not agreeing that the sale would be the right thing to do, but the Township should consider a study by a consultant. He stated a study would give the pros and cons of the sale and a thorough investigation of the sale. Mr. Santarsiero asked Mr. Gout what components would you see in that study and could the Township Sewer Engineer do it. Mr. Gout suggested a Utilities Financial Consultant complete the study and he is aware of a few that do this type of review. Mr. Smith asked how long would the study take to complete. Mr. Gout replied six months.

Mr. Hoffmeister stated there are several advantages the Township has that other municipalities that were recently sold do not have. He stated our system goes in two different directions and there may be people who are interested in taking only one portion of the system and another taking the other.

Mr. Gout stated the firms that represent the Sewer Authority now would have a vested interest in looking at selling or not selling the system because of their appointment as engineers. He stated he does not think anyone associated with the Sewer Authority should be a part of that study. He asked the Township to allow the Sewer Authority to be the lead on the study.

Mr. Santarsiero stated there are several things the Township could do at this point. One would be to explore potential suitors and gauge their interest and another would be to get a sense of what the value of the system is. Mr. Santarsiero asked what would a consultant in a study give us beyond that. Mr. Gout stated part of the study would be a review of other transactions that occurred, what has happened after the sale and how that affects the rate structure, hiring personnel for maintenance and other after sale affects.

Mr. Smith asked Mr. Hoffmeister what is the downside to selling the sewer system. Mr. Hoffmeister stated the downside is the Township would lose local control. He stated local control has worked very well since the inception of the system forty years ago. Mr. Hoffmeister stated the upside is there would be additional personnel with the sale but the Township may lose current personnel or contractors.

Mr. Santarsiero stated control is an issue with respect to a potential buyer if they are local or far away. Mr. Hoffmeister stated the Township would have to look at that in any type of discussion.

Mr. Stainthorpe asked Mr. Gout how much the consultant would cost. Mr. Gout replied an evaluation of the system could be based on the value that we have now, which may not take a lot of time. He stated it is estimating the impact after the sale that would take more time and he estimates the cost of the study to be $15,000 to $20,000. Mr. Stainthorpe stated the Township would want to have the study done to determine the real value of the system. He stated the Township should explore this and make a decision as how it affects the rate-payers and what kind of revenue does it bring to the Township. Mr. Stainthorpe stated in the last election, the Democrats and Republicans talked about maximizing Township assets and this is one we could maximize. He stated that Middletown received $40,000,000 for water and sewer. Mr. Hoffmeister stated the paper quoted the numbers at $21,000,000 for the sanitary system with 8,000 customers and Bensalem sold for $35,000,000 with 15,000 customers. He stated Lower Makefield currently has 11,000 customers.

Mr. Stainthorpe stated despite the problems the Township is having in the older sections, most of the system is relatively new because the developers and new construction put the systems is as developments were built, which should have a high value.

Mr. Santarsiero asked Mr. Stainthorpe how our system compares to some of the systems in the area. Mr. Stainthorpe stated he did not know. Mr. Hoffmeister stated the systems in this area are a little older than ours, noting the age of system is reflected by the closeness the Philadelphia.

Mr. Gary Cruzan 729 Stewarts Way, stated he thinks selling the sewer system is a short-sided solution because once you sell it you will pay more forever. He stated someone has to make a profit, so the sewer rates will increase and the Township loses control. He stated appraising the system if the Township was to sell is not that difficult. Mr. Cruzan stated one would add up all of the revenues and amortize all of the costs to repair the system to give the value of the system. He stated whoever buys the system on a net income basis will have a profit and the rates will increase.

Mr. Santarsiero asked what will happen if the Township continues to hold onto the system. Mr. Fedorchak stated the bad news would be that the Township would increase rates. Mr. Cruzan stated the rates will increase anyway because of repairs, but now you will add in a factor of profit whoever buys it. He stated you would have whatever their rates are plus a factor of profit forever. He stated the purpose of government is to provide municipal services. He stated the residents pay their water bill to Illinois and when the rates increase the public would have to go to the Public Utility Commission to complain and they will do whatever they want.

Mr. Smith stated that no decisions are being made tonight to sell the system and it is incumbent upon us to explore that option. Mr. Cruzan stated he would like to work with the Township to evaluate the system since he evaluates investments and knows how to look at this.

Mr. Zach Rubin 1661 Covington Road stated he agrees with Mr. Cruzan noting that he pays his water bill to a company owned by a German entity and he thinks the rates are very high for this area. He stated we pay our utility bill to PECO and he does not think they provide this area with the lowest rates possible. He opposes private ownership of services and the question is does the sewer system generate revenue for the Township or is it a negative albatross. Mr. Stainthorpe stated the sewer pays for itself and does not generate positive cash flow to the general fund. He stated any excess goes into reserves for future repairs to the sewer. Mr. Hoffmeister stated it is a separate account within the overall budget of the Township. Mr. Stainthorpe stated the increases we had to pass through two years ago were a result of treatment in Philadelphia and Morrisville, outside of our control. Mr. Stainthorpe stated one of the reasons to look at this is the bond issue the Township must take out to do the repairs and if it is six or eight million dollars, paying for those bonds would be spread over our 11,000 customers. There will be an increase in rates due to that of 35% to 45%. If you sell it to Bucks County it will be spread out over 60,0000 customers. Mr. Stainthorpe stated the downside is that Bucks County has debt already outstanding and the rates could cut either way.

Mr. Hoffmeister stated the biggest question relative to the rates is none of us believe rates will go in the opposite direction. He does know it would be nice to have local control but the exploration of a

sale has a lot of parameters as what will the buyer do for our ratepayers over the course of time. We are not seeing a breakeven point in sewer revenue.

Ms. Vislosky stated she concurs with the prior two speakers and respect and care for the concerns of the two employees who talk about the antiquated system. She stated Falls Township is facing that problem now and watch it closely and believe a sewer and water system are to a community what veins and arteries are to a human body and fear losing control of our system. She asked the Board to think carefully before they make their decision.

Mr. Paul Grub 1171 University Drive asked if we were talking about the sanitary sewer only. Mr. Santarsiero replied yes. Mr. Hoffmeister stated this has nothing to do with storm drains, which is part of public works.

Ms. Helen Bosley stated when listening to some of the pros of this, she heard people talk about sharing any increased costs over a larger base. She stated we might forget that we own half of that and there are other townships in a worst case thinking the same way and we will be on receiving end of that. She stated there is no question the Township would receive a good deal and if the Township is so effective and efficient in terms of managing this, we have a positive asset. Ms. Bosley stated at some point we have to recognize that we have to pay for what we use and that includes maintenance like our houses and we should be proud of our local system. She stated she agrees the Township should have a study done but would like to know where the money would go if sold.

Ms. Virginia Torbert asked if the Bucks County Sewer Authority is non-profit. Mr. Truelove stated it is a municipal authority. She stated presumably Bucks County Sewer Authority has experience with buying other sewer systems in the area therefore we don't need to have a consultant do a study. Bucks County Sewer Authority could tell Lower Makefield how much the rates have gone up. Mr. Truelove stated the Township does not want to limit itself to one potential suitor and would not want the potential suitor to tell us what it would cost. Ms. Torbert stated she does not have any personal interest in this as she has septic system and the main concern is how much will the rates go up. She stated if this system is turned over to a for-profit company you have to add profit and profit will drive the rates. Ms. Torbert stated one of the considerations should be to sell to a non-profit. She asked if the Township sells the sewer system do we need sewer employees and could we still have control. Mr. Santarsiero stated the Township would not have the same control if we sell the system. He stated we are talking about this issue in a public agenda item for the first time and may or may not go forward to hire a consultant.

Mr. Sam Conti stated once you lose control of the sewer, what is to prevent another company from buying the company we sold it too and increasing the rates again. Mr. Santarsiero stated that is if we sell to a private entity, there is nothing to prevent that from happening. Mr. Conti asked if the rates are stabilized for the entire area. Mr. Hoffmeister stated there are rate structures for different areas. He stated it is his recommended the Township explore the sale of the system.

Mr. Santarsiero stated that we will have other opportunities to discuss this matter, need to move this meeting along and will allow one more question.

Mr. Conti stated the Township may not benefit from spreading the costs of repairs and noted the rates are not the same for the entire area. Mr. Hoffmeister stated the transmission rates may not go up but the individual rates could to offset costs in your particular area. Mr. Conti stated when we sold the water company to PAWC, he requested a rate schedule and on the rate schedule a particular zone was paying 104% less than we were paying here. The PAWC said he got the wrong rate schedule.

Mr. Santarsiero asked if we should take an official action or direct Mr. Fedorchak to come up with a list of potential consultants to talk about at the next meeting. He stated we would be dealing with the debt structure at the next meeting and could deal with this issue also. Mr. Stainthorpe suggested since Mr. Gout has a relationship with professionals in this area, he could look into some consultants and before we hire anyone, find out what is the cost. Mr. Hoffmeister stated he would put this issue on the agenda for the Sewer Authority meeting next Thursday. Mr. Santarsiero asked Mr. Hoffmeister to work with Mr. Fedorchak to come up with a list for the next meeting.

APPROVAL OF CHANGE ORDER IN THE AMOUNT $12,580 SUBSTITUTING LARGER TREES, WHICH ARE NATIVE SPECIES FOR THOSE ORIGINALLY QUOTED FOR THE GAREDEN OF REFLECTION

Mrs. Ellen Saracini was present at the meeting. She stated she received photographs of trees that Land-Tech was supposed to acquire and could not obtain all 17 trees from one grower. She stated Land-Tech was going to another grower for the rest of the trees but the Committee felt they did meet at all with their expectations or desires for the trees for memorial. Mrs. Saracini stated the Committee found another tree and secured the trees at a very good price and are asking for approval to increase the amount they are spending on the trees. She stated there is a substantial difference in the trees and the money to pay for the trees will be coming from the Living Memorials Grant. Mr. Santarsiero asked if this is primarily for taller trees. Mrs. Saracini replied yes, for larger caliper and taller trees. Mr. Fedorchak stated the Committee is replacing the Beeches with Hedge Maples. Mr. Santarsiero stated he has a memo from Donna Linney to Jim Majewski dated March 9, 2006, which seems to be the case. Mrs. Saracini noted the new trees are also native.

Mr. Smith asked when Mrs. Saracini anticipates placing the trees in the ground. Mrs. Saracini stated they should be planted in two to three weeks.

Mr. Stainthorpe moved, Mr. Caiola seconded at the motion unanimously carried.

TABLE APPROVAL OF THE PRELIMINARY PLAN FOR THE FERRI TRACT, BIG OAK ROAD

Mr. Murphy, Mr. William Briegel and Mr. Greg Glitzer were present at the meeting. Mr. Murphy stated he is here this evening to continue the discussion that started a year ago with the submission of alternate sketch plans for the development of the Ferri tract, slightly in excess of 18 acres and maintains 800 feet of frontage on Big Oak directly across from the Charles Boehm school. He stated when they presented the sketch plan to the Board, they talked about different issues including points

of access on Big Oak Road, points of interconnection with Hilltop Drive in Falls Township immediately to the south and the plan that was engineered as a preliminary plan which was most recently recommended by the Planning Commission. Mr. Murphy stated the Plan shows a single point of access on Big Oak Road and Mr. Murphy asked Mr. Glitzer to point to the plan as he talks about the detail. Mr. Murphy stated there is a single point of ingress and egress on Big Oak Road and the provision of 14 new single-family home sites surrounding a cul-de-sac and retention of the existing farmhouse. He stated there are multiple stormwater management areas that Mr. Glitzer could identify and explain how the stormwater management system is intended to work since that has been a question of some concern to abutting property owners and the Township.

Mr. Glitzer stated the driving feature of the site design is the wooded wetland area through the center of the site. The site predominantly drains to the north towards the elementary school and Big Oak Road and an existing saddle that sends some surface drainage back to the Hilltop Drive area. Mr. Glitzer stated they have inspected the wetlands and wetland buffers and applied a 50 foot wetland buffer and drainage ditches which we think the Army Corps of Engineers has jurisdiction over and conservatively applied their buffers around the drainage ditches as well. Surrounding the wetland and buffers are the stormwater management facilities, which are in fairly wet soils, and we have designed these as artificial wetlands to provide a naturalized environment for stormwater volume control and water control.

Mr. Glitzer stated they have "belts on top of their suspenders" at the intersection of Big Oak Road and the new road with surface basins. He stated all of the lots will front and overlook these facilities and we spent a great deal of time to develop an attractive planting plan that naturalizes those areas also using bio-filtration.

Mr. Murphy stated public water and sewer would serve each lot. He stated there are a number of residents located immediately across from the entrance on Big Oak that have been looking to hookup to public sewer. He stated there have been discussions with Mr. Hoffmeister's department even before the advent of this project. Mr. Murphy asked Mr. Glitzer to explain what they might be able to do to assist the homeowners to hookup to public sewer. Mr. Glitzer stated the elevations don't work to capture those lots with gravity so we looked at some options to go down Big Oak Road or an easement to the system in Derbyshire, but the elevation is not enough to get there by gravity. He stated we have a few low lots in the existing format which will have 2 grinder pumps to pickup enough elevation that they will flow by gravity back to the end of the cul-de-sac and out and can tie into a privately owned force main that would terminate into our system.

Mr. Murphy stated points of interconnection and/or emergency access are issues that have generated a lot of interest and the potential connection with Hilltop Drive in Falls Township. He received a letter from the Falls Township Manager dated March 13, 2006, which he believes was provided to the Board in their packets giving Falls Township's view of what they think that scenario, would be. Mr. Santarsiero stated they did not receive the letter. Mr. Murphy stated one of Falls Township's recommendations was that no asphalt or concrete should physically connect the two roads at the emergency exits. He stated the Falls Board is also in favor of the connection of the sidewalk from the new development to the existing sidewalk that terminates at the dead-end of Hilltop Road. Mr. Murphy stated as said from the outset, they are happy to accommodate the wishes of Lower

Makefield and Falls Township. He stated on this plan there shows an asphalt driveway connection from the edge of the new road to Hilltop and if the Board were to accommodate the suggestion of Falls, the asphalt would be replaced by concrete checker blocks. He stated he presumes they would also want a sidewalk connection.

Mr. Glitzer stated there is a second point about emergency access following the path of the sewer, noted they have a stabilized access drive over top of the sewer line that connects to existing driveways serving 2 lots off of Big Oak Road. He stated that seems to make a natural second point of entrance in an emergency situation using checker block detail.

Mr. Smith asked if another type of impediment for emergency access was discussed at the Planning Commission meeting. Mr. Glitzer stated they talked about a removable bollard gate. Mr. Murphy stated emergency services and first responders would have access to those security systems for those bollards as well as discourage regular movement there.

Mr. Murphy stated that is the overview of the plan. He stated last month the Planning Commission recommended preliminary approval and they are here tonight hoping the Board favorably considers the merits of the preliminary plan as well. Mr. Stainthorpe stated he is okay with the Falls Township recommendations and thinks the requests are reasonable.

Mr. Truelove asked Mr. Murphy if he could have a copy of the March 13, 2006 Falls Township letter he mentioned tonight.

Mr. Stainthorpe noted in one of the memos to the Planning Commission it was requested to reduce the cart-ways to 30 feet and the plans show 36 feet. Mr. Murphy stated they did not want to change it unless they received the Board's approval. He stated it was discussed at the Planning Commission to minimize the extent of needless impervious surface on the site, which follows the new DEP requirements to maximize best management practices in stormwater and encourage groundwater infiltration and recharge. The Planning Commission recommended that the ordinance mandated cart-way width of 36 feet be reduced to 30 feet and the cost savings realized by the developer is doing so would be contributed to the Township. He stated we reviewed with the Planning Commission and except for the existing farmhouse lot; all of the lots are on one side of the street and requested the sidewalk on only one side. Mr. Murphy stated the Planning Commission recommended the sidewalk on one side of the street provided the cost savings realized by the developer would be contributed to the Township. He stated we are amenable in both cases to do so.

Mr. Stainthorpe noted the Planning Commission asked about the status of the barn. Mr. Murphy stated the barn is structurally unsafe and is located on the proposed internal access road. He stated it was their intention to preserve the farmhouse, not the barn. Mr. Stainthorpe asked if there is any historical significance to the barn and if any the Township could take it apart. Mr. Murphy stated they are amenable to that if someone is interested. Mr. Stainthorpe stated the last thing we have from the Historical Commission dated October 20, 2005, is the plan is to include the historic house with barn to remain. Mr. Murphy stated they are aware of that recommendation and intend not to permit any further subdivision of that homestead parcel and preserve the house but not the barn. Mr. Santarsiero asked how old the barn is. Mr. Murphy asked Mr. Ferri to comment on that. Mr

Ferri stated the house was built in 1830 and the barn is post and beam built in the late 1800's but is falling down and the roof is not original.

Ms. Ron Kabitner 94 Big Oak Road stated she is concerned about construction of the new houses and the affect it will have on her already existing water problems. She stated she is concerned with the water levels with the new construction and she can't bear any more water problems. Mr. Santarsiero asked if she is down gradient from the site. Ms. Kabitner replied yes. Mr. Santarsiero stated there is obviously a water problem from the stream. Ms. Kabitner stated the engineers has assured her they will work with her to rectify her problems, but is concerned they can't and what will happen to her property. Mr. Santarsiero stated that is a reasonable concern and our engineer should give us his advice of what the impact will be to her and her neighbors.

Mr. Majewski stated he does not believe there will be any impact on the storm drainage from the site to the properties across Big Oak Road. He believes the stormwater facilities are designed to handle that issue. Mr. Majewski stated the issue with supplying sewer to the Big Oak residents, he believes the applicant has agreed to provide a connection across the street and the Big Oak residents could tap into. Ms. Kabitner asked what is the expense to tap into the sewer line. Mr. Murphy stated they would take the sewer line across Big Oak Road and the property owners on the north side would be responsible to get a plumber to extend the line from their home to the point of connection on their side. Mr. Majewski stated the only additional expense beyond the normal sanitary sewer connection would be the cost for a grinder system pump for the homeowner's basement. Ms. Kabitner asked what is the maintenance for a grinder. Mr. Majewski replied periodically inspecting it to make sure it is functioning properly every 5 years. Ms. Kabitner asked the lifetime of a grinder. Mr. Fedorchak replied 8 to 10 years. Mr. Majewski stated the cost of the pump is $1,000 to $1,500.

Mr. John Bosman Falls Township stated he borders the development and stated the developer's engineer has not convinced him or his neighbors that the stormwater management is going to work. He stated when the Yardley Crest development was done we experienced massive flooding down Stony Hill Road. He asked if he could request an environmental impact statement be done at that site. He stated he does not want to prevent the owner from selling his property, but he wants to make sure down the line the neighbors are protected. Mr. Murphy stated if our engineer couldn't convince him than he should talk with the Township Engineer who reviewed our plans. Mr. Murphy stated he told Mr. Bosman last time that they would intercept and redirect the water and it would not all go in the direction it goes now. Mr. Bosman stated he is not talking about surface water only. He stated there is water in the soil already and you are feeding more water into soil.

Mr. Bosman stated during construction there would be many contractors going in and out. When the emergency exit is initially rough graded what will prevent the contractors from taking a shortcut. Mr. Murphy stated the Township Engineer would direct where construction and truck activity will occur. Mr. Bosman stated when buses come out of the Charles Boehm trucks would say it is too crowded and cut through. Mr. Majewski stated if that does happen contact the Township immediately and we will notify the Police Department and they will erect a barricade if necessary.

Mr. Bosman stated the neighbors are concerned about car headlights and screening material. He stated they would like to see an approved list of plant materials for survivability. Mr. Murphy stated that would be determined by the Township Engineer. Mr. Bosman stated a White Pine would not survive in this area. Mr. Majewski stated he would not recommend a White Pine in this situation. Mr. Santarsiero asked where the crest of the hill is. Mr. Glitzer stated the highpoint is also where the drainage flows to Big Oak Road and can be seen on the base plans and graphic survey. He stated ground water is a certain level but it generally follows the gradient of surfaces and as we put the road in we will cut off more of the small area that drains to Falls and take it into the system, which is surface water. He stated the roads also have perforated under drains to keep the sub-grade dry and will intercept some subsurface water. He pointed out more wet areas on the plan they have designated wetlands and stated that he is confident they will not aggravate this situation. Mr. Majewski stated this is why the Township included in its ordinance that all new roads are constructed with under drains realizing that Lower Makefield has a lot of clay soils and high water tables. He stated to maintain the integrity of the roads, installing under drains that will intercept the water before it gets underneath the road bed and pipe to the storm system out to where you want it to go would help the long term viability of the road system. This system will also cutoff some of the water that currently backs up underground towards the properties in Falls. Mr. Santarsiero asked Mr. Majewski his opinion about the flow of water to the houses in Falls. Mr. Majewski stated he is not sure what will happen with the water that goes underground. Mr. Bosman stated there is an underground aquifer that comes out between his house and his neighbors. He stated he worked on his neighbor's property to fix the problem and does not want to see them incur more damage.

Mr. Glitzer commented the neighbors are saying we are creating impervious surface and that is true. The natural wetlands basins will act as a sump pump for the whole area. He stated he is not sure what an underground study will quantify but he is very confident they will improve that situation. Mr. Bosman stated he wants to see data to dispel his concerns.

Mr. Santarsiero asked if a hydro geologist has looked at this. Mr. Majewski stated based on the problems from the neighbors it is a good idea to take some soil logs in the area where the road nearest Falls Township comes out to see where the groundwater is and which way it is flowing to see if there are any additional measures that could be taken during roadway construction to make sure the water does not backup into Falls Township houses.

Mr. Glitzer stated they did test soil throughout the site and does not know if it was tested in that specific area. He stated they could do a stone curtain drain along the side of the road which serves the same purpose as the under drain.

Ms. Vislosky stated that this matter is not in a posture for the Board to vote on tonight. She asked if there is a detailed topography study because she and the residents from Hedgerow Woods are concerned about the topography of the site. Mr. Murphy replied yes.

Mr. Santarsiero stated he is concerned about the hydrogeology and how it may affect the houses in Falls. He asked if Falls Township made any comment in their letter concerning this issue. Mr. Truelove stated the letter only addressed the cut through. Mr. Murphy stated we are in a unique

situation that Mr. Majewski is also the Township Engineer for Falls Township and could review this with multiple hats.

Ms. Susan McCullum Falls Township stated she has tried to talk with the Falls Township Supervisors to get them to address the concerns of the potential water problems. She stated she has a tremendous water problem and requested that someone independent look at this and assess this matter.

Mr. Stainthorpe stated the Board would make sure that this development would not make the water issue worse. He stated we cannot have the developer correct an existing problem, but we don't want them to exasperate or make it worse. Ms. McCullum stated each family has to deal with their own current problems, but to make the situation worse would devalue our property. Mr. Santarsiero stated we are sensitive to that concern. He stated given the geology and water table of that area he asked Mr. Majewski if it would be helpful to have a geologist survey the area. Mr. Majewski stated based on concerns raised by the residents, yes. He stated ultimately a system could be designed to handle any impacts that may be out there. Mr. Smith asked how much time would it take to complete that study. Mr. Majewski replied a few weeks.

Mr. Santarsiero asked for a motion to table this matter to the April 5th meeting to allow that study to take place. Mr. Caiola moved and Mr. Stainthorpe seconded the motion. The motion unanimously carried.

APPROVAL OF PRELIMINARY PLAN FOR FLOWERS-MADANY TRACT (BROOKSHIRE ESTATES) PHASE II, WASHINGTON CROSSING ROAD

Mr. Geoffrey Garton was present at the meeting. He stated before the Board is the Flowers-Madany project, also known as Brookshire II. Last year the Board approved the portion of the project known as Brookshire I. Mr. Garton stated the plan tonight is a 7-lot subdivision, plans prepared by Van Cleef Engineering dated February 27, 2003, last revised October 27, 2005. He noted for the record one of the lots is located in Newtown Township, which creates a little confusion. Mr. Garton stated he has reviewed all of the reports and recommends to the Board to approve the preliminary subdivision plan subject to the following conditions:

1. Receipt of all permits and approvals from the agencies having jurisdiction, including the Bucks County Conservation District and PennDot;
2. Compliance with the PCS review letter dated December 28, 2005 with a grant of the following waivers:
    a. Provisions of 178-20, E29, pavement core samples;
    b. 178-45a, the length of the cul-de-sac;
    c. Applicant desires to put sidewalks on one side;
    d. Reducing the cart-way width from 36 feet to 30 feet, with a fee in lieu paid to the Township for savings;
3. Compliance with the ZHB decision rendered on December 7, 2004;
4. Belgian Block curbing would be installed along streets;

5. Compliance with the Newtown Township conditions of approval which occurred at their meeting on June 22, 2005 where preliminary plan approval was given because there is only one lot in Newtown Township;
6. Compliance with the CKS report dated June 28, 2005, the applicant to pay a fee in lieu of recreation in accordance with the Lower Makefield Township ordinance;
7. Compliance with the Lower Makefield Traffic Fee Impact ordinance;
8. Between now and final plan, Lower Makefield and Newtown Township conclude its discussions on a joint maintenance agreement for portions of the cul-de-sac in Newtown Township. There were discussion between Mr. Pellegrino and Mr. Fedorchak and their solicitor is working on the matter;
9. Compliance with the James Yates review letter dated November 30, 2005;
10. Confirmation that Newtown Artesian and PA/American Water are satisfied with who is providing water since Newtown Artesian has jurisdiction over the Newtown lot;
11. The Board must decide if they wish to accept dedication of the stormwater retention facilities, open space parcel number C and the right-of-way and noted they have accepted dedication in Phase I; and
12. The sewer is being provided through existing lines, there is a recapture obligation due to Toll Brothers and the applicant would be required to contribute the recapture fee as required by the agreement.

Mr. Garton asked if Mr. Murphy agreed to those conditions. Mr. Murphy replied we do.

Mr. Santarsiero asked for a motion to grant preliminary approval with the conditions Mr. Garton set in the record and accept dedication of the retention basin, right-of-way and parcel C of open space. Mr. Smith moved and Mr. Stainthorpe seconded the motion. The motion unanimously carried.

APPROVAL OF EXTENSION

Mr. Smith moved to consider granting extension of time as follows:

1. Pratico Subdivision pre-final plan, extension requested to July 22, 2006;
2. Barbara Bodine pre/final plan, extension requested to July 20, 2006; and
3. Fiorello Grove preliminary plan, extension requested to July 21, 2006.

Mr. Caiola seconded and the motion unanimously carried.

APPROVAL OF RESOLUTION NO. 2116 ACCEPTING DEDICATION OF HIDDEN POND ESTAES

Mr. Santarsiero stated he understands the applicant has complied with all the dedication checklist items. Mr. Fedorchak stated we are recommending to the Board that we accept this development for perpetual maintenance. He stated that Hidden Ponds is located off Stony Hill Road, a 26-lot subdivision next to the railroad tracks.

Mr. Santarsiero asked for a motion. Mr. Stainthorpe moved, Mr. Caiola seconded and the motion unanimously carried.

ZONING HEARING BOARD

Mr. Truelove stated Mr. and Mrs. Banks reside at 1104 Pratt Drive and wish to construct an addition to their home, which would increase the existing impervious surface from its current 19.38% to 20.98%, an increase of 1.6%. They are appearing before the Zoning Hearing Board next week, Tuesday March 21, 2006 at 7:30 p.m. on their appeal for the variance request to increase the impervious surface.

Mr. Santarsiero stated it is the decision of the Board to allow that matter to be handled by the Zoning Hearing Board without becoming a party to that matter. Mr. Truelove asked if the Board wish the Solicitor to appear on behalf of the Township. Mr. Santarsiero replied yes.

SUPERVISOR'S REPORTS

Mr. Santarsiero stated there is a draft of the postcard newsletter that should be coming out by the beginning of April. He stated the Township will be going to 4 newsletters a year and cutting down on the size of all of the newsletters to have 2 postcards, one in the spring and one in the fall, and 2 larger mailings of four pages. The purpose is to have more frequent communication to better inform the residents of what is happening in the Township but not incur any additional cost under this plan.

Mr. Santarsiero stated we are still in the process of getting applicants for the Citizens Traffic Commission and would like at the next meeting to have the number of different proposals Mr. Majewski has put together for the zones for that Commission and the Board could consider and set the zones of the Commission.

Mr. Santarsiero stated the Southeastern Bucks League of Municipalities of meeting later this month.

Mr. Smith stated he has a question about the zones for the Citizens Traffic Commission. He stated he has not seen the names we have received for the applicants and is sure there will be some people living in one zone and may not have another zone covered. He would hate to see us not fill that Commission while we are waiting for people to come from those zones. Mr. Santarsiero stated when we drafted the resolution to establish the Commission, we put a provision in that if we can't find someone from a zone we would find someone from the next closest zone.

Mr. Smith stated the Planning Commission saw the fruits of their work with matters that came to the Board tonight. He stated Farmland Preservation outlined their objectives for the year and is concerned about buffer encroachment. They would like the new Board members to join them on their farm tour in the spring to see the problems of buffer encroachment. Mr. Smith stated that Farmland Preservation still has interest in Paterson Farm and the Board discussed transfer of Patterson Farm to Farmland Preservation and tabled that matter. He stated we are waiting for the

recommendations from the Heritage Conservancy and when received the Board could revisit that matter.

Ms. Virginia Torbert stated she has a problem on her farm with people destroying the buffers. She stated it would be helpful if Farmland Preservation could prepare an informational report about not destroying buffers. She stated buffers are very important to protect the homeowners from pesticides and other farm material. Mr. Smith stated Farmland is concerned that some of the buffer zones have become so encroached upon that you cannot see the fence that separates private property from farmland. It is the intention of the Farmland Preservation Corporation to clean out the buffers where necessary. Mr. Santarsiero stated that he would ask Farmland Preservation to put something together for the June newsletter.

Mr. Caiola stated that Cable TV met but he was out of town. He stated Park & Recreation Board and the Sewer Board would meet next week.

Mr. Stainthorpe stated the Golf Committee met this past week and it was a long meeting but very productive. He stated we had a report from Del Val the Township hydrologist and have three wells operating and should have adequate water this summer. That will be dependent on how we impact wells on Delaware Rim Road. Mr. Stainthorpe stated we've had the Philadelphia Section of the PGA looking at putting offices in the Manor House. He stated we went through this exercise a few years ago, but not to the extent we are now. Mr. Stainthorpe stated the PGA has visited the Manor House three times bringing their general contractors and architects. He stated he does not know where this will go, but what we might come up with is the PGA would pay to renovate the house and make it suitable for offices and in return the Township would lease the building back to them for a nominal fee for ten to twenty years. He stated this situation could be a real win because we make use of the building, have something that carries prestige for golfers having the PGA located here and run some tournaments and events at the club the Township could benefit from. Mr. Stainthorpe stated he does not know what the cost would be to renovate the house and it might not work out. He stated the golf course has been doing very well with the unexpected warm winter.

Mr. Stainthorpe stated that Kemper has software that once a golfer identifies himself one time they stay in the system as a Township resident or non-resident. The pro shop would check the tax rolls and the golfer's driver's license and the computer would verify that.

Mr. Stainthorpe stated the Disabled Persons Advisory Board is looking into making sure all of the handicap parking places in the Township are in compliance with ADA regulations. He stated they have also had discussions to provide better transportation services for handicap people. He stated the only service available is SEPTA Para transit, which is unreliable noting a person must call far in advance and it is very limited. He stated the Township is a member of the Bucks County TMA and they have a Disabilities Transportation Committee which meets monthly and he plans to attend their meetings to see what can be done do to come up with a pilot program.

Mr. Stainthorpe stated the TMA runs supplemental transportation systems where they take people to places that SEPTA does not go to. They have been running the Newtown Rush, which is a shuttle service from the Woodbourne train station to the Newtown Industrial Complex. Mr. Stainthorpe

stated as a result of attending a TMA breakfast several months ago, in two weeks they will start bringing people to the Lower Makefield office centers such as Floral Vale and the offices on Stony Hill Road and noted there is no cost to the Township and is a win for the Township. He stated it is a good opportunity for employers that hire lower wageworkers who have trouble getting them to Lower Makefield.

APPROVAL TO DONATE 25 DISCARDED COMMUNITY POOL LOUNGE CHAIRS AND 25 DISCARDED STRAIGHT CHAIRS TO PENN-FAIR SWIM CLUB IN MORRISVILLE

Mr. Stainthorpe moved to donate 25 discarded community lounge and straight chairs to Penn-Fair Swim Club in Morrisville. Mr. Smith seconded and the motion was unanimously carried.

APPOINTMENTS TO BOARDS AND COMMISSION

Mr. Caiola moved to appoint three appointments:

Sam Conti – Farmland Preservation Corporation
Yvonne Calabro – Historical Commission
Fran MacDonald - Disabled Persons Advisory Board

Mr. Stainthorpe asked how many positions are available on each Board. Mr. Caiola replied one in each Board. Mr. Stainthorpe requested that we wait to appoint anyone to the Disabled Persons Advisory Board. Mrs. Mazzitelli noted Ms. Megan Dorko submitted her resume some time ago and Ms. States stated that she thought she would be scheduled for an interview soon. Mr. Santarsiero agreed the Board should hold off the appointment for the Disabled Board tonight.

Mr. Stainthorpe seconded to appoint Mr. Sam Conti to Farmland and Ms. Yvonne Calabro to the Historical Commission and the motion was unanimously carried

There being no further business, it was unanimously carried to adjourn the meeting at 10:30 p.m.

Respectfully Submitted,

Greg Caiola, Secretary