TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – JULY 5, 2006

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on July 5, 2006. Vice-Chairman Smith called the meeting to order at 7:35 p.m. Mr. Caiola called the Roll. He noted the Board met in executive session from 6:30 to 7:30 to discuss personnel matters, various litigation and real estate matters.

Those present:

Board of Supervisors:	Ron Smith, Vice Chairman Greg Caiola, Secretary/Treasurer Grace Godshalk Supervisor Pete Stainthorpe, Supervisor
Others:	Terry Fedorchak, Township Manager David Truelove, Township Solicitor James Majewski, Township Engineer Kenneth Coluzzi, Chief of Police
Absent:	Steve Santarsiero, Chairman

PUBLIC COMMENT

Mr. Fred Allan stated that he wanted to thank Chief Coluzzi, Tom Roach and the Police Department who helped at the McCaffrey's Fair in April. They helped with parking issues and other things that went on at the Fair and the event was a success. He stated they changed the fund to not only help employees in the store but also now help people in the community. Mr. Allan stated he would also like to thank the Township on behalf of the Pennsbury Athletic Association Softball Tournament that was held Father's Day weekend. He stated Donna Linney, the Park and Recreation Department and the Police Department were extremely helpful in making this a super event. It has now become one of the top three girls softball events in the United States and have over 230 colleges and universities attend the event, three teams from Alaska, four teams from Canada, over 1100 girls, 78 teams total and many girls e-mails the Association that they received scholarships through this event. Mr. Smith thanked Mr. Allan for being instrumental in putting the softball fields in at Oxford/Roelofs Road several years ago.

Mr. Bob Slayman of Bedford Place stated he is paying more than $500 per year for wind power. He stated it is an abuse of taxpayer dollars and questions every person he confronted since the last meeting to ask if they pay $7.00 on their electric bill for wind power and did not find anyone that did. He stated he works for a steel mill down the river and their electric bill is $2,000,000 per month. He stated his superior assigned him to a committee to study how they could reduce the electric bill. He stated PECO Energy is the third highest electric company in the country. Mr. Slayman stated as a member of that committee if he suggested the steel company pay 10% more to the electric company he would not have a job. He stated if PECO wants to buy wind power they should normalize the cost over everyone and not ask for volunteers. He stated he spoke with our state representative a year ago who informed him he receives more telephone calls on tax day,

which was today and has people saying they cannot afford the taxes. He realizes this is an affluent community but there are people who are hurting and we are heading for more tax increases. He asked that the Township rescind the wind power.

Mr. Richard Adams of Taylorsville Road asked if there could be a small change to the Township website to keep the agenda from the previous meeting posted until the minutes of that meeting are approved. He also asked if the minutes from the prior meeting could be posted a week before the next meeting so people can see what transpired. Mr. Caiola stated those minutes have not been approved and cannot be posted. Mr. Adams stated he knows the minutes have not been approved but do exist. Mr. Truelove stated the minutes are not finalized or actual minutes of the meeting for publication until this Board has chance to review, consider and ultimately amend or pass them as they are. Mr. Slayman asked if a draft could be posted knowing they are subject to change. Mr. Truelove stated that people could rely on them to their detriment if they change. He noted that these meetings would be televised in the future. Mr. Slayman stated that he and his mother delivered a letter on Monday this week to the Board and asked the Board to acknowledge receipt of the letter. Mr. Fedorchak stated he sends an informational package to Board every Friday so that letter will go in the package this Friday.

APPROVAL OF MINUTES OF THE JUNE 21, 2006 PUBLIC MEETING

Mrs. Godshalk moved, Mr. Caiola seconded and it was unanimously carried to approve the June 21, 2006 meeting minutes as written.

UPDATE ON FLOOD DISASTER RESPONSE AND FLOOD RECOVERY PROGRAM

Mr. Smith stated he asked Chief Coluzzi and Mr. Fedorchak if they would give a recap of what happened and what we have done since the flood. Since that time, he was advised Representative Steil would be present tonight.

Chief Coluzzi stated when his department received indication there was a potential flood, they monitored the DRBC (Delaware River Basin Commission) and NOAA (National Oceanic Atmospheric Administration), which started on Monday, June 26th. On Tuesday June 27th, the DRBC predicted the Delaware River would rise to 20 feet by 7 p.m. on Wednesday, June 28th. He stated we know from experience that we begin to lose River Road at Ferry Road between 19 to 20 feet, which is flood stage for Lower Makefield and Trenton. At 8 a.m. on June 28th, they issued a first community alert network message to River South I and II and River North and all Lower Makefield Township along the river including Manor Lane, River Glen and Park Town. Chief Coluzzi stated River South I and II and River North is all of Lower Makefield from the canal to the river from the north to the south end. He stated his administrative staff personally called residents on their list with special needs in the Emergency Operation Center and reached out personally to those people. He stated at 2 p.m. on Wednesday, a second community alert message was sent out to inform the public an order to evacuate those areas was issued. An evacuation center was established at William Penn Middle School, which was staffed by the Red Cross. He stated we began to call all available Police and Civilian Emergency Management Committee in to work. Chief Coluzzi stated the DRBC and NOAA were now forecasting that the river would rise to 27.9 feet by 2 a.m. on Friday June 30th. That quickly changed to 28 feet, several feet worse than the last

flood that we experienced in Lower Makefield and Yardley. On the scene, were numerous fire companies, marine rescue units and dive teams and a dozen police officers from the Major Incident Response team of Bucks County deployed throughout Yardley. The Pennsylvania National Guard sent 53 soldiers and vehicles to the area. Police and Guardsman staffed checkpoints and patrolled areas in Lower Makefield and Yardley and there was a 9 p.m. until dawn curfew in affect. He stated during the flood, fire personnel assisted and rescued about 60 people, 7 Lower Makefield residents were rescued and 36 Lower Makefield residents used the shelter at William Penn Middle School. Approximately 51 Lower Makefield homes were affected by the flood and to the best of his knowledge, there were no flood related injuries reported in the Township. The floodwater eventually reached 24.5 feet by Thursday evening and rose a lot quicker than expected but not to the level of 28 feet that was originally predicted.

Chief Coluzzi stated he would like to thank all of our residents for their cooperation and assistance during this disaster and pay special tribute to our civilian emergency management personnel who worked inside our emergency operation center, staffing it 24 hours each day of the flood and they are Ms. Marilyn Huret, Ms. Allison Kleifough, James Frawley and Jeffrey Geist. He stated he would also like to thank our Police Intern Daniel DeSalvo and all of the soldiers of the 1st Battalion 111th Striker Brigade of the PA National Guard. As the floodwater began to recede, Mr. Fedorchak and his staff were ready for the recovery and cleanup phase.

Mr. Smith asked if anyone was present tonight from the Emergency Team and Chief Coluzzi replied no.

Mr. Fedorchak stated the Township's flood recovery efforts began Friday morning in the Black Rock, Ivy Lane, Glen Drive area after flood waters receded enough to allow Public Works crews to begin the cleanup of mud and debris left on Township streets and rights-of-way. On Saturday morning, the floodwater receded enough in the area of River Road North of the Borough, Robinson Place, Woodside and Mount Eyre allowing Public Works to cleanup in advance of the residents being allowed to return to their homes. He stated throughout the weekend, Public Works crews assisted PennDot with clearing River Road from the north end to the south end of Town and through the Borough of Yardley of mud, trees and debris. Mr. Fedorchak stated that all Township road crewmembers were deployed in the cleanup effort over last weekend. Beginning on Saturday and throughout the weekend, the Township's flood recovery response team went door-to-door checking on residents, passing out informational material and asking how the Township could help. We advised our residents that a special bulk trash pickup was scheduled for Thursday and that the Township would deliver water-testing kits starting Monday to those residents with private well water. He stated at that point in the disaster, the number one concern was getting power restored to the homes in the area. PECO crews worked throughout the weekend and by Sunday night, energized all the downed Township grids and power was restored to all but 26 flood damaged Township homes, which were in need of more extensive repairs. Since Monday, Township inspectors, electrical contractors and PECO have been coordinating efforts to restore power to those 26 homes. As of this evening, 17 homes have had the necessary electrical repairs done and power has been restored. Mr. Fedorchak stated during the process, we did not require residents to fill out any permits or forms and the Township has waived all fees. We are doing everything possible to speed the process up for the residents to get things back to normal.

Mr. Fedorchak stated the Township would continue to work closely with the residents in the weeks to come to assist them. It is our understanding that FEMA will be in the Township shortly to conduct damage assessments and advise us where their headquarters will be in this area to apply for financial aid for the flood damage. He stated 75 homes were damaged in the flood, 2 of those homes were completely demolished and 32 suffered major flood damage.

Mr. Smith asked if anyone was present at the meeting from the Red Cross and the Fire Department.

Representative Steil stated that a lot of people have questions about why is this happening, why did it happen to us 3 times in less than 2 years and what will the officials do about it. He stated that this flood was the 4th largest flood event in recorded history, 1903, 1904, and 1995 and now this flood. He stated the April 2005 flood had been the 4th largest flood and this flood replaced it. He stated there are many theories why this flood event happened such as reservoirs being released and he confirmed with the DRBC that there were no releases but overflows. He stated there are spillways on those reservoirs and when they are filled they run over. The DRBC's initial assessment is that they caused very little additional water. Representative Steil stated most of the water was the 14 inches of rain that fell in the upper reaches of the Delaware River, which affects us severely. He stated there is development upstream that we did not have 20 years ago and other impediments in the stream such as Lake Wallenpaupack and releases from there. There are a number ongoing efforts from last year's storm to try and find out what is happening and what we could do about it.

Representative Steil stated there was a meeting in Yardley last year and as a result, they explored different avenues to provide flood protection, particularly to the Yardley area. He stated the biggest concern in Lower Makefield is what is happening with the canal because much of the flooding in the Township is coming from the canal. There is the impediment of the undersized culvert at Black Rock Road, which needs to be replaced and the engineering work is underway. Representative Steil stated he put 3 projects for the canal in the capital budget 4 to 5 years ago and they are the repairs at Lock 5, the dredging of the canal from Lock 5 to Ferry Road and the replacement of the culvert at Black Rock Road. Those funds although approved, have not been released and it is this administration that has to release those funds. However, we did begin engineering work on the culvert this spring. He expects the actual funds to be released for the 2007 construction season and should have the permits and construction engineering work accomplished. He stated it ultimately depends on the release of funds and could make a good case that the funds need to be released and this needs to be done.

Representative Steil stated he does not know that the replacement of the culvert at Black Road will solve all of the flooding problems in the canal and the engineering studies are showing so far that it probably will not. He stated what happens in the canal is close to I-95 there is a lower section of the River bank that when it floods in that area it begins to fill the canal which can only carry so much water no matter how large the culvert is. We have spillways on the canal that we can empty and are looking at building another spillway, but those don't work well in floods because the waters spills into the river which will ultimately rise. He stated there has been a suggestion to look at Macclesfield Park as a storage basin for canal water during a flood and would talk more with the Supervisors about that.

Representative Steil stated that Bucks County has been declared a disaster area for the public

infrastructure and public services only. We cannot begin filing applications for funding on residential costs but will expect that in the next few days. He stated it depends on filing all of the evidence that Chief Coluzzi and Mr. Fedorchak presented tonight which will be submitted through the County Emergency Services Agency and will first go to the Pennsylvania Emergency Management Agency then FEMA who will begin these damage assessments. Representative Steil stated once those damage assessments are complete, an office will be setup and FEMA will be on-site by the end of the week at Eagle Firehouse in New Hope and individuals will be able to fill out applications for disaster relief.

Mr. Smith thanked Representative Steil for coming tonight and talking to the Board and the public. He stated on behalf of the Township he thanked Chief Coluzzi and Mr. Fedorchak for their 24-hour days during the flood and noted it was appreciated.

Mr. Stainthorpe stated our staff did an outstanding job and that doesn't mean a lot if you lost your home or furnishings but the Township was on top of this flood from the beginning, well ahead of the curve on evacuation notices and we had people knocking on doors beginning on Tuesday. He commended the Emergency Management personnel and said in April 2005 that we are getting a lot of practice at this but hopes that we don't get any more practice.

M. Smith noted that the Fire Chief is not here yet tonight but asked Chief Coluzzi to give a report on their involvement in the flood. Chief Coluzzi stated we had units from all over the area, dive teams, fireboats and rescue teams in place to help before water hit River Road.

Mr. Smith stated the Red Cross had a tremendously professional setup and did a wonderful job as well. Mr. Fedorchak stated the Red Cross immediately had one mobile unit on the scene followed by 4 more and took food and cleaning supplies door to door to the flood victims.

Mrs. Godshalk stated she was sorry for the residents that had to go through this for the 3rd time in 14 months and the only good point is that we did not lose any lives. Through the communications of our Township and up the river, we were able to evacuate people. She stated she will discuss later in the meeting what she believes could be resolution and was planned 50 years ago.

Mr. Caiola noted the same sentiments as the rest of the Board members and gave the residents credit for their perseverance and as your elected officials we will do what we can to help and improve the process, get funding and share information.

Mr. Smith stated the Senator, Governor and Congressmen visited the Township and are now gone. He stated Representative Steil is here now and is our representative and asked that he stay on top of this issue for the Township. Representative Steil stated in getting these funds released for the canal work, it would be helpful to have a resolution by the Board of Supervisors directed so he could include with his next letter to the Governor requesting the release of these funds and he will ask the same of Yardley. Mr. Smith stated he will direct the Solicitor and Township Manager to put it together and will get it to him at the next meeting. Mrs. Godshalk stated the Board could ratify the resolution at the next meeting and get the letter out tomorrow.

Chief Coluzzi introduced Mr. Ken Richards the Deputy Chief of Yardley-Makefield Fire Company

who provided him with a list of all the participating agencies that assisted during the flood. Mr. Richards stated they were in service for 61 hours and 11 minutes, had a total 16 assisting companies, 130 outside firefighters, 56 firefighters from our company and 10 boats. He stated they handled 7 emergency incidents in the Township and 47 in Yardley Borough. He stated one thing they used that was helpful was Bucks County recently started a Tactical Rescue for Swift Water and Boats and were the first people to use their services under emergency conditions.

Mr. Barry Woods, 20 Glen Drive commended the Police Chief, Township Manager, National Guard and Fire Department for the work they did. He stated they prevented a disaster from getting worse. He stated he is in the area between the canal and the river and Yardley and Morrisville, the little area that has been forgotten. He stated the Township has forgotten this area and the people. He stated his area has 1500 registered voters, which is nearly the size of Yardley Borough. Mr. Woods stated that all of the Supervisors carried his district when they were up for election. He stated in the Past 22 months, these people have suffered 3 times from raging floodwaters and may not have collectively suffered as much as the Borough, but have suffered. He stated a health hazard has been created for our children and will depreciate the value of our homes. Mr. Woods stated the Township has not even addressed the problem after the prior 2 floods and it is too easy to point the finger to the state or federal government about what they haven't done. If it is their problem, the Township is the advocate and first line of defense for the residents. The residents should be able to ask the Township to do something for us and the residents do not want this to happen again. The National Weather Service has predicted one of the worst flood seasons as a result of hurricanes on record, which means we have 6 to 8 weeks to do something and implore the Township to do something. If there are things that Representative Steil has suggested require money than it is the Township's responsibility to move it off the Governor's desk and we want commitments to do something for us.

Ms. Anita Lindsey, 3 Ivy Lane stated in December 2005 she wrote and hand delivered letters to the new Supervisors congratulating them on their win and the flood situation in our area and did not hear from anyone. She stated she called Mr. Santarsiero at his home and he did not return her telephone call. Ms. Lindsey stated in 2000, she wrote to the Republicans and did not receive any response. She went around her neighborhood and got the names of 20 families and sent that to the Board and still heard nothing. Ms. Lindsey stated she kept a letter from Mr. Santarsiero dated November 3, 2005 to the Township residents about how he was concerned about the floods and if we elected Mr. Smith and Mr. Caiola they would surely do something. She stated she wrote to Secretary Oliver of the Department of Conservation and Natural Resources in May 2000, sending him copies of her letters and he passed her request to Mr. Lewis of the Canal Board. She wrote another letter to the PA Department of Conservation and Natural Resources and received a letter from Director Roger Fickus who said to "define a permanent solution to this non-Commonwealth related problem, the U.S. Army Corp of Engineers and Department of Environmental Protection are involved in a study of the entire Brock Creek, Silver Creek and Delaware watershed. Once this study is completed, there is a high probability that corrective measures and additional funding will be available". Ms. Lindsey stated she spoke with Susan Taylor today and she did not think the Corps of Engineers study would be of any value and is looking for that report. She said that there is money already available for the dredging, but wonder why it hasn't been done and does not think it would be helpful anyway. Representative Steil stated the 3 projects should be done at the same time because the dredging needs to be done when the culvert is replaced. Ms. Lindsey stated the

residents are really disgusted with the Township. She stated that one thing that helped her house was that PECO did not turn off the electricity and the sump pump worked this time, which it did not in past floods. She stated she asked Ms. Taylor about that and she said it is up to the PECO Supervisor to turn off the electric and asked if someone here could look into that. Mr. Fedorchak stated that PECO was supposed to shut down her grid and at some point later on he was surprised that they had not. Chief Coluzzi stated that he had asked PECO to hold off shutting down the power until we could give them a definitive answer on the extent of the damage.

Representative Steil stated they are trying to determine whether or not to separate the electric grid so that those homes that are in an area likely to flood be separated from the grid so they can maintain power as long as possible and even if we have to close down the grid, we don't close down the rest of the grid. Chief Coluzzi stated PECO would shut down the power in an affected area but then it would reach over into an area that was not affected and they would lose power.

Mr. Caiola stated for the record when Ms. Lindsey sent him that letter he apologized for not responding and does not recall getting the letter. He stated that when Ms. Lindsey called him he called her back immediately and listening to what Representative Steil has discussed about the issues of money, he is at a loss as to what can be done above and beyond that project but maybe there are other things that can be done.

Ms. Maureen Clark Gallagher, 2 Ivy Lane thanked the Police Department for keeping her house safe and noted that she worked on her home for 12 hours on Saturday tearing out the contents of her walls, carpets and saw people not from the area and appreciate the Police presence in the area. She stated she is a mother of 4 children and has sent her one son to the hospital for cellulitus as a result of the filthy water than ran through her house. She stated she has 10-year-old twin sons who are afraid to come home because of the floods. She stated she moved to the Township 18 years ago for the good schools, safe environment and her faith in the community is shaken right now. She asked the Township to please do something.

Representative Steil asked Ms. Gallagher if the water running into her house is the stormwater that runs down Black Rock Road. Ms. Gallagher said she believes so, and noted the water runs from the culvert down Black Rock Road to Ivy Lane and into her home. Mrs. Godshalk noted when we had the storm 7 years ago she was in that area trying to get home and coming over the culvert at Black Road it was like Niagara Falls from above. She stated from the canal up to Ivy Lane was impassable caused by a record rainfall in an hour, so it is not just the flood up the river.

Ms. Leslie McDonald, 23 Glen Drive stated she lived in the area for 30 years and is alarmed that no one sees the problem with the drainage ditch in her area. She stated she has been flooded every time from the drains not the river or the canal. She stated the drains were put in to alleviate water in her corner of the neighborhood, but instead of alleviating the problem the water comes up the drains and floods 6 to 8 homes in the neighborhoods. Ms. McDonald stated she followed the drain and it alarms her that the drain goes back perpendicular to her drive and turns towards the canal where water is. So all of the water in the drainage ditch is coming in the drainage ditch and up the drain instead of out someplace else. Ms. McDonald stated the drainage ditch is an easier problem to solve

than the canal or river. Behind her is 38 acres of what she believes to be Township land that is just woods where water could be diverted out of the drain. The drain that leads from her street is not capped, letting water in. Ms. McDonald brought pictures after this flood showing the vegetation with gray sediment on it, showing that is was not water from the river.

Ms. Allison Smith, 25 Glen Drive stated that no one knows if it is the reservoirs or global warming, but the problem will not get solved for a long time. She stated it was very helpful that the power was not shut off because we were all relying on our pumps. Without those pumps, we get 10 feet of water; with the pumps and additional measures around our houses we only get a film of water. She requested that the separation of the electric grid be addressed and power be turned off at the very last moment. She asked that the Township direct the Township engineering firm to do a study at a 10% level completed by the next Township meeting that looks at what the topography of that 38 acres is, what the possibility is of creating a berm that actually formalizes and holds all that water but does not allow it to go any further. We would like the engineer to also look at a number of individualized solutions, such as wells designed with walls that can be dropped into place to hold the water out to other versions of these walls with tarps and sandbags. In this study, we ask that it survey communities, the Army Corps of Engineers and insurance firms of what things other communities like Key West have successfully used to stay alive. Ms. Smith stated that the community does not want to see Charcoal Steaks N' Things and the Yardley Inn go away. She stated to reiterate her discussion she would like a study about berms in the area, back flowing our storm drains and a study of the 38 acres.

Mr. Raymond Wettington, 9 Glen Drive stated he has lived in the area since 2000 and thanked the Chief of the Police, Township Manager and support staff involved in making sure everyone was safe and got out in time. He stated the last flood the residents did not have a warning of the flooding, but this time they had a good sense of warning. He stated the residents were confused because they heard the water would rise to 28 feet, 3 feet higher than the last flood and they were trying to figure out what to do and felt like they were just waiting. He asked what is happening to the drains in his neighborhood, is the water being pumped out. At the same time water is coming down the road from the canal from Black Rock side north. He noted that Morrisville just installed a pipe that leads to the river, pumping out excess water into the river and asked why the Township can't setup a pumping system below or above Black Rock Road to pump out water.

Mr. Smith stated that he doesn't want to cut anyone off and understands they are identifying possible problems and solutions to look for, but we are coming to a point in time that we could tell the public everything we have done in the last 6 months but that is not a good enough response. He understands the residents want identify the problems and come up with solutions on a local and state level. Mr. Smith stated the Township has Boards that are minor in nature in terms of the problems that the audience has identified tonight and asked what can we do now. Mr. Smith proposed creating a Township Board, which would take a resolution and cannot be ready this evening, but could meet informally before that, made up of a representative of our Township Engineer, Board liaisons and he will personally volunteer to be the liaison and residents. He asked any interested residents to give their name, address and telephone number to the Township Manager and get on the path to solve problems. Mr. Smith stated there would be discussions in the fall about how this will affect our budget, but he does not care if we can come up with some solutions to solve some of these problems.

Mr. Stainthorpe stated with all do respect to Mr. Smith, he is hearing tonight that residents are looking for action and looking for it quickly and the buck stops here with the Board. Forming a committee is not necessarily a solution and heard very construction ideas from Ms. Smith and thinks we could get at this quickly and more efficiently of we simply have another community meeting with the Township engineer, a representative from the Army Corps of Engineers and River Basin Commission and talk about specific problems. If it is something as simple as building a berm the Township could do that. Mr. Stainthorpe stated that it gets us to the heart of the problems as local official we can fix. There are some things as local officials that require help from the state or federal level, but thinks a simple community meeting with the right minds rather than taking a few months to form a Commission, would be a better way to get solutions.

Mr. Smith stated the entire Board promises to take those actions right away, whether it be a letter, telephone call or the engineering department to the neighborhood. He stated we also need a bi-monthly report from a Committee on what the Township is doing on flood prevention in addition to the immediate that is required.

Mr. Wettington stated that not only the people that got flooded were affected financially or emotionally, but other people who could not get into the area to work. He stated Representative Steil indicated earlier there is 3 areas that were low areas that were causing flooding and the 38 acres should be looked at.

Mr. Stainthorpe stated the Township can likely fix the local issues but we need to look at the bigger global picture, which will require the help of the Governor, Senators and State Representatives. He stated the public has the power to contact the other elected officials.

Mr. Caiola stated that this issue is a pressing quality of life issue that we absolutely have to act on even if it means putting other things on the back burner and have the Board's commitment to do that.

Mr. Scott Burgess, 15 Glen Drive stated his family has been in their house for 40 years and have had to pump out their basement 3 times since 1996. He stated he received a telephone call Wednesday morning from the Lower Makefield Township Police Department notifying him his area is being evacuated, however Black Rock Road is closed at both ends and hung up. If he was an older person who could not get out, it could have been a disaster. Mr. Burgess stated the grate that has been talked about that goes across the street at Glen Drive is in front of his house and leads back to the swamp. He stated anytime the swamp fills up the grate fills up and he gets water from both ends. Mr. Burgess stated this last flood the water came from the front originally because the swamp backed up immediately and poured into his basement, then later he thought the water was receding and it was flowing out to the street. He asked who owns the swamp behind his house. Mrs. Godshalk stated the Township would need to look at the map because some of the land is the Theodore Roosevelt Canal land, County land and Township land. Mr. Burgess asked who is responsible to clean the swamp and the grate itself. He stated he was there when the grate was built and does not think anything has been done in 35 years since it was installed. Mrs. Godshalk stated the Public Works Department is responsible for cleaning out grating and drainage. Mr. Majewski stated if the water is backing up from the storm drain system into the road and creating the flooding that can be fixed by installing a back flow preventor so that water cannot backup into the pipe when

it reaches a certain level.

Mr. Smith suggested putting together a punch list to start correcting the problems.

Mr. Barry Woods asked Mr. Smith when the residents could expect the Board to get back to the residents. Mr. Stainthorpe stated we need the Township Manager to coordinate a meeting with the professionals and get some dates, which should happen in the next two weeks. Mr. Smith asked the residents to submit their concerns and he would direct the Environmental Engineer and Township engineer to attend the meeting.

Mr. Truelove stated he prepared a resolution and read it aloud. He stated the Lower Makefield Township Board of Supervisors on behalf of its residents and citizens hereby unanimously resolves as follows:

1. Lower Makefield Township is bordered on its eastern boundary in its entirety by the Delaware River;
2. On or about June 28, 2006 to July 2, 2006 substantial rains fell on Lower Makefield Township;
3. The rains fell to an extent that the river crested at 24.5 feet;
4. As a result of the aforementioned rainfall and river cresting, the area of the Township between the Delaware Canal and Delaware River suffered from flooding and related conditions resulting in and among the following:
    (a) Substantial residential property damage;
    (b) Substantial damage to possessions, pets, plants and other personal and real property damage;
    (c) Contamination of water and the shutting down of utilities and resulting power shortages;
    (d) An overall and extensive threat to the health, safety and welfare of Lower Makefield Township residents including the potential for significant risks and injury to the residents including the possibility of death;
5. The rains in the resulting flood was the 3rd major significant major flood event which occurred in the past 21 months following September 2004 and April 2005 flood events, both of which resulted in the declaration of Lower Makefield Township as part of a disaster area;
6. Lower Makefield Township on behalf of its affected residents and in the in the interest of preserving and protecting the health, safety and welfare of said residents demands, urges and encourages all elected and appointed county, state, Commonwealth and Federal officials with actual and/or potential responsibility and authority for remediating, eliminating and otherwise addressing any and all factors contributing to said flood conditions including but not limited to development, upstream water release and overflow, water diversion, climate change in order to correct all said factors so as to ensure that future flood events can be eliminated and/or prevented. Said actions on behalf of the appropriate elected and appointed officials are necessary and appropriate to protect the lives, welfare, quality of life, health, safety and property values of said affected citizens.

Therefore, be it resolved this 5th day of July 2006 that the Lower Makefield Township Board of Supervisors demands, urges and encourages all appropriate county, state, federal elected and appointed officials to be contacted immediately to undertake all necessary and appropriate

measures including but not limited to engineering, climate control, water diversion control and consideration of any and all steps to ensure any future flood events would be avoided and eliminated so as to preserve the health, safety and welfare of its affected residents as previously described.

A resident in the audience who did not state her name requested an addition to the resolution that all flood funds that have been approved be released. Mr. Truelove stated that he would add the phrase "including all funds that have been appropriated for flood control" to the resolution. Mr. Smith asked if we had a motion on the resolution. Mr. Stainthorpe moved and Mr. Caiola seconded the motion.

Mr. Smith asked for comment from the Board. Mrs. Godshalk stated it is the next item on the agenda which she spoke with our Chairman about this morning and been greatly been affected by what has happened the last 3 floods and going up river to the Pocono's where she witnessed severe devastation. She stated the Township is at the bottom of what is coming down the river and will ask for legislation this evening to re-open the Tocks Island Damn study. She stated some of the people who lived in the Township in the 1950's knew about the Tocks Island Damn, which is a 12,500 acre damn, 5 miles above Stroudsburg, initially proposed for recreation then because of the deadly flood of 1955 and it was decided a damn may help the flooding in the area. Mrs. Godshalk stated it was under discussion for 10 years, and after she notified Mr. Smith that she wanted this to be on the agenda, he spoke with our attorney, but would like to add something more concise. She stated she would like every community that is affected by these floods to join us to look into re-opening legislation for the Tocks Island Damn on both sides of the river.

Mr. Smith asked Mrs. Godshalk if she would like to make that part of the resolution. Mrs. Godshalk stated she would like to get the story to our elected officials, which is very political and lingered for 20 years until our own Bucks County Congressman, Peter Cosmeyer initiated legislation to make the Delaware River wild and free. She stated she researched the Tocks Island Damn on Google and found out that it was a 37-mile long, 12,500-acre reservoir to be used for recreational purposes. She stated the 1955 flood gave the government an even better reason to build the damn. Twenty years later, the controversy of the damn idea got put aside and one day it could be opened again. She stated the government had put a price tag of 95 million dollars on the damn in the 1950's and noted how much money the federal government had paid in the last 14 months. Mrs. Godshalk stated she would like a separate resolution for the Tocks Island Damn.

Mr. David Gothic, Riverdale and Manor Lane stated he doesn't know enough about the Tocks Island Damn and does not know what to do with it at this point, but thinks we are looking too far upstream in too easy of a manner. He stated closer to home part of the problem is between where the Tocks Island would be noting there is continued development, which cannot be ignored.

Mrs. Godshalk stated there are smaller damns on the Delaware River above where the Tocks Island Damn would be, those damns released water in this flood and this will help.

Mr. Phillip Keeley, 1 Ivy Lane asked if we could put in the Resolution a date by which this immediate action would take place and asked if something will be started by a certain date and would we know about it. Mr. Smith stated once we have the Resolution signed by the Supervisors

we would take immediate action. Mr. Caiola asked if Mr. Keeley is asking to have a date by which the actual activity we are requesting will start. Mr. Stainthorpe stated the Board is confused in that we have 3 separate issues we are talking about, a damn, a Resolution and solving your problems. He stated as far a solving your problem, we could vote on it tonight to have the Township Manager coordinate and provide a date for the next meeting for your group with the professionals. He stated the damn is a separate issue and the Resolution is our commitment to you to get this money released and get other things done.

Mrs. Godshalk stated the reason she brought up the damn is because she thought it would be redundant if she didn't mention it because she didn't know about the Resolution, but knew she would make this motion tonight.

Ms. Pat Ryan, 10 Ardsley Road asked for two recommendations that there be a short-term quick fix team when talking about the three things to release funds for such as the culvert, Locks 5 and dredging then there would be a long-term permanent fix such as Macclesfield, reservoirs and the damn. Mr. Smith stated we already responded to that by doing an immediate punch list to address those immediate problems and the group we are forming would take some intermediate and long-term action as well. Mrs. Godshalk stated she would withhold her motion because she does not think it should be confused with the immediate concerns.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road suggested tabling this long motion until the next meeting and vote on the motion Mr. Stainthorpe suggested to direct the Township Manager to set up a meeting as soon as possible to address some of these concrete things the Board can do right away. She stated she believes there is strength in numbers and Lower Makefield is only a part of this. Our power will be to get together with other townships and are already a part of the League of Municipalities and Mr. Santarsiero is our representative for that. Ms. Torbert stated that Congressman Fitzpatrick has been calling since last year for a study of this problem and it was passed in the house, been sitting in the Senate and going nowhere. Now finally, Senator Specter after flying into the Township said he would try to get it passed in the Senate. She stated our power is working with other people and cannot do this alone. Mr. Smith stated he agreed with her and we should work as a coalition of townships but why not take the lead. He stated he doesn't want to wait around for the other municipalities and wants to do the things they agreed to do tonight. Mr. Caiola stated the other parties who are impacted by the flood are named not by name in the Resolution and is an important first step. Mrs. Godshalk stated that is why we need legislation to do this tonight.

Mr. Smith asked for the vote on the Resolution and it was unanimously carried.

Mrs. Godshalk moved to create a resolution that Lower Makefield Township take the initiative and request the U.S. Congress enact legislation to build the Tocks Island Damn and will communicate with every town and borough on the river in Pennsylvania, New York and New Jersey to try to get the Tocks Island Damn built. She stated it could take 5 to 10 years and given what has happen in the last 14 months we will be listened to. Mr. Caiola seconded the motion.

Representative Steil stated there is a task force that has been formed in Yardley Borough under Councilwoman Smidling, and on July 19th we will be looking at an updated flood control project on the upper Delaware River. He stated it is not a Tocks Island; it is a different place and a different

modern design incorporating hydroelectric. He stated the DRBC and the Corps of Engineers will be at that meeting and suggested the Township coordinate it's activities with that meeting. Mrs. Godshalk stated the government already owns the land. Representative stated that most of that land has already been deeded in other places. Mr. Smith stated the next Board of Supervisors meeting is July 19th and they would have a liaison at that meeting.

Mrs. Godshalk stated it would not hurt to pass this legislation because the last time when it was defeated, local people were not involved.

Mr. Stainthorpe stated the reason he was reluctant to second this motion is that he doesn't think we know enough tonight what this damn is about. He stated if it was designed in the 1950's it is a different universe now and does not know if a damn is a good idea or bad idea, but is hesitant to rush into things in the wake of a flood. He stated he would rather see the Township work with Mike Fitzpatrick to get the broader study of what is needed to be done on the Delaware River which is a complicated issue involving 3 different states. Mr. Stainthorpe stated we should keep our focus on what is important to this town, build some berms, fix drains and keep our focus locally.

Mr. Caiola stated he agrees with Mr. Stainthorpe and thinks there are a number of things we have more control over which should be our focus of interest and does not have the information he would like to vote favorably for something.

Mrs. Godshalk stated by asking to initiate legislation it will involve a study and it is important that people recognize the need for this. She stated the concept would be finessed and changed and we can't wait around. Mr. Smith asked if Mrs. Godshalk would agree to table her motion until the next meeting with five Supervisors. Mrs. Godshalk replied no.

Ms. Allison Smith stated she is personally opposed to the Tocks Island Damn and as a person who helped elect the Board members, would not like to see a Resolution involving something that has not been looked at recently, that may be part of another study and take action as opposed to consideration go forward.

Ms. June Miller, 7 Ivy Lane stated that in 1996 it was the rain that fell in our immediate area and the Township should start in its own backyard to solve problems.

Mr. Smith asked for any other comments to Mrs. Godshalk's motion. The motion did not carry, one yes by Mrs. Godshalk and three no.

Mr. Stainthorpe moved to instruct the Township Manager to organize the professionals and schedule a meeting with the residents of this group. Mr. Caiola seconded and the motion unanimously carried.

APPROVAL TO EXTEND THE FACE PERIOD FOR PAYMENT OF TOWNSHIP PROPERTY TAXES FOR FLOOD VICTIMS UNTIL JULY 14, 2006

Mr. Stainthorpe moved extend the face period for payment of Township Property Taxes for flood victims until July 14, 2006. Mr. Stainthorpe amended the motion to mirror the motion passed by

the County Commissioners that defines who the flood victims are. Mr. Caiola seconded and the motion unanimously carried.

Mr. Barry Woods stated on behalf of the residents he thanked the Township for addressing this problem but told the Board they would be back.

Mr. Smith noted there would be a three-minute recess at 9:30 p.m.

TOLL BROTHERS' DONATION TO THE GARDEN OF REFLECTION

Mrs. Tara Bane and Ms. Liuba Lashchyk were present at the meeting. Mrs. Bane announced that the Garden of Reflection has been designated a state memorial with the help of work done in the last 6 months by Representative Steil, Mrs. Saracini and Mrs. Godshalk. Mrs. Godshalk stated they met in Harrisburg with the legislators from Schnecksville, noting the Flight 93 crash/Schnecksville memorial has been declared a national memorial and they were reluctant to give up that status to allow us to take on the state representation. The reason we are taking on state designation is we are going to recognize everyone lost on September 11th in our memorial in Lower Makefield.

Mr. Caiola asked Mrs. Bane if they will have a press release out. Mrs. Bane stated they have been waiting for confirmation before sending out a press release. Mrs. Godshalk stated she believed a press release came from the state. Mr. Fedorchak replied yes.

Mrs. Bane stated on behalf of the Garden of Reflection Committee we are proud to announce that Toll Brothers donated a Comfort Station and Pavilion for the Garden of Reflection and are scheduled to begin construction. Mr. Stainthorpe asked if Toll Brothers is actually building the structures with their own people and crews. Mr. Majewski replied yes and subcontractors would be dedicating the labor.

APPROVAL OF CHANGES TO THE GARDEN OF REFLECTION CONTRACT

Mrs. Liuba Lashchyk asked for approval for two additional change orders for the Garden of Reflection. The first change order is for $20,000 for finish work on the four stainless steel plates, gateway plate, 3,000 names plate and two core end plates. She stated the second change order is for $36,500 to construct and install an additional metal end plate by the gateway, the donor plate.

Mr. Stainthorpe asked for information about the change on the finish on the plates and asked if different than on the original specifications. Mrs. Bane stated there have been quite a few metal finishes they looked at and this finish works best with the entire design of the Garden and has gone up in price because the company that does the finish is very reputable and they have been unable to mimic that with another company.

Mrs. Godshalk stated the donor plaque would recognize the name of everyone that contributed and there are over 1,000 people, but the names of those who contributed more than $2,500 in cash or in-kind would be on this plaque.

Mrs. Godshalk moved to approve the (1) the change order for finish texture on four plates fabricated by MilgoBufkin at a cost of $20,000; and (2) the change order for an additional large donors plate fabricated by MilgoBufkin at a cost of $36,500. Mr. Caiola seconded and the motion unanimously carried.

TABLE APPROVAL OF DEVELOPMENT AGREEMENT FOR BODINE SUBDIVISION

Mr. Truelove stated the first two matters on the agenda are related, consider approval of Development Agreement and sign linens for the Bodine Subdivision, and he spoke with Ms. Bodine's attorney who was here earlier who indicated he still has some details in the development agreement he would like to work out with our office. We have requested that this matter be deferred until the next meeting.

TABLE APPROVAL OF DEDICATION OF ISLAND WOODS ESTATES

Mr. Jim Majewski stated he wanted to give an update on Island Woods Estates. He stated as the Board may recall last December 2005, the development for up for dedication but there were some outstanding issues on the part of Falls Township. He stated the sewer in that development, which is Kent Drive in the southern part of the Township, is owned by Falls Township, however at that time they had not received an as-built survey or been paid for fees they incurred to review the development by the developer who has since filed for Bankruptcy. Mr. Majewski stated that since that time, his office prepared an as-built survey of the sanitary sewer system for Falls Township and a site improvement survey for Lower Makefield but they still have the outstanding issue of not being paid by the developer who is no longer around. He stated that he did not think the Township is in a position to accept dedication of this development but wanted to give an update.

ZONING HEARING BOARD

Mr. Truelove stated these matters were discussed in executive session and has been directed to take the following actions. With regard to the Cara Mia, LLC matter, the Township is still being represented by Mr. Koopman of Begley, Carlin & Mandio, and he and Mr. Van Luvanee, the attorney for the developer are continuing discussions, this a remand matter. He stated Mr.

Koopman advised him he is expecting to receive an updated development plan from the developer which will be presented at the next Zoning Hearing Board meeting and he anticipates it will be tabled or continued from that meeting so that this Board can consider the plans. There is no Board action required tonight.

With regard to Sandy Speicher, 40 Sutphin Road, Variance request to construct an addition resulting in greater than permitted impervious surface and encroachment into rear yard setback, it was agreed that the Township would participate to attempt to reduce the impervious surface ratio.

With regard to Patrick and Kim Brennan, 1311 North Delaware Avenue, Variance request to permit construction of stairs and a deck to be built in the 100-year flood plain and on resource protected property, it was agreed the Township would not be participating.

With regard to Omnipoint Communications Enterprises, L.P. d/b/a T-Mobile, USA, Variance request to "Permitted Uses" in order to permit construction of a telecommunications facility at 1372 Oxford Valley Road, it was agreed to continue this matter for further engineering studies and the opposing counsel, Mr. Bennett representing Omnipoint has agreed to a continuance to our significant issues with respect to the location of this matter in a residential area and other issues to be reviewed from a legal and engineering perspective.

With regard to Nancy Stoker, 1801 S. Crescent Boulevard, 18 Moyer Road, Variance request to construct a patio and walkway resulting in greater than permitted impervious surface, it was agreed that the Township would participate to attempt to reduce the impervious surface ratio.

OTHER BUSINESS

Mr. Smith stated Ms. Cynthia Groya, executive director of CAPS art school in Yardley was present at tonight's meeting to make a presentation. Ms. Groya stated they are a non-profit art school that started out at Five Mile Woods ten years ago and have been holding art camp for 400 students at their location in Yardley. Although the Borough has cleaned out the facility, they do not know when they will be able to get back into the building. She stated she has been talking with Ms. Jo Norum from the Elm Lowne Committee about the possibility of holding camp sessions on the grounds of Elm Lowne and inside of the porch, kitchen and keeping room of the house temporarily.

Mr. Smith asked if the Elm Lowne Committee is in favor of this. Ms. Norum, Chairman from the Elm Lowne introduced herself and stated that she polled the eight voting members of the Committee and she has seven positive votes and one no response and the Friends of Elm Lowne who are not voting members gave sterling recommendations for CAPS.

Mrs. Godshalk asked how many students are enrolled in camp. Ms. Groya stated she has 400 students enrolled for the summer with an average of 30 students in the morning and 30 students in the afternoon.

Mr. Stainthorpe stated he supports CAPS and the Township should be a good neighbor. He stated there are no public sewer facilities on the property and he is concerned the bathroom facilities will not accommodate the number of students. Ms. Groya stated we only get a few students each day that go to the bathroom. Mr. Smith asked Ms. Norum for her opinion on the bathroom situation. She stated that she has supervised weddings with many more people using the facilities and have not had a problem.

Mr. Smith stated we have had some negative publicity with Elm Lowne recently, it has been underused and this is a good opportunity to let people know about Elm Lowne. He asked Ms. Friedman if she is in favor of CAPS holding camp at Elm Lowne. Ms. Friedman stated she is in favor of this and thinks Elm Lowne is a great inspiration for students.

Mrs. Godshalk stated when the tent was installed she was sure that it could be used for other community affairs. Ms. Norum stated she checked and the tent could be used for five free events and the Township has not used the tent once this year. She also checked and there are no daytime

events scheduled this summer. Mrs. Godshalk stated if there were a paying daytime event we would need CAPS to accommodate that.

Ms. Groya stated the Artists of Yardley group started meeting at CAPS on Wednesdays and thinks this is a great opportunity to have a group like this at Elm Lowne who are not aware of the property.

Mr. Caiola stated that we should handle this in the same manner as with any group who uses the facility with a lease and proof of insurance and is concerned about supervision. Ms. Groya stated that our students are always supervised.

Mrs. Godshalk moved to draft a lease with CAPS to use the property commencing July 10th to August 19th and CAPS would show proof of insurance and cleanup at the end of the day. Mr. Caiola seconded and the motion unanimously carried.

SUPERVISOR'S REPORTS

Mr. Smith reported on behalf of Mr. Santarsiero that the Citizens Traffic Committee would have its first meeting on July 17th.

Mr. Smith stated the Planning Commission met last week and are working on drafting the Low Impact Development ordinance. He stated that Mr. Truelove was looking into the Fireworks ordinance.

Mr. Caiola stated the Sewer Authority met however there was no quorum and they discussed the interceptor.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Smith stated the Board would meet for interviews on Monday July 17, 2006.

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

Respectfully Submitted,

Greg Caiola, Secretary