

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – SEPTEMBER 18, 2013

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on September 18, 2013. Chairman Stainthorpe called the meeting to order at 7:30 p.m.

Those present:

Board of Supervisors: Pete Stainthorpe, Chairman
 Dobby Dobson, Vice Chairman
 Dan McLaughlin, Secretary
 Kristin Tyler, Treasurer

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

Absent: Jeff Benedetto, Supervisor

PROCLAMATION IN RECOGNITION OF THE ACCOMPLISHMENTS OF THE LOWER MAKEFIELD TOWNSHIP DIVE TEAM

Mr. Stainthorpe stated the Lower Makefield Township Swim and Dive Team had an outstanding record and they won their League Championship. He stated the Township Athletic Programs provide opportunities for people. He stated his son started on the LMT Swim Team when he was five years old and he made it to Olympic Trials and it helped him get into College. He stated these are the kinds of opportunities they want to continue to provide for people in all athletic areas.

Ms. Tyler offered congratulations for winning the 2013 Lower Bucks Swim and Dive League Championships and for finishing undefeated. She stated the Team was also awarded the Sportsmanship Award which goes to the Team that best shows sportsmanship through their divers, coaches, and parents through the season. Ms. Tyler noted the names of the coaches and Team members.

Mr. Stainthorpe presented the Proclamation that was prepared in recognition of their achievements.

DISCUSSION OF EXPANSION OF RAIL LINES

Mr. Stainthorpe stated there was an announcement approximately one week ago that SEPTA and CSX have received Federal funds to expand the rail lines from two tracks to three tracks, and this will come through Lower Makefield. Mr. Stainthorpe stated he has contacted Mr. Fitzpatrick's office to get further details, and he would like to have someone from SEPTA, CSX, or Mr. Fitzpatrick's office come to a Supervisors meeting in October to explain what this entails.

DISCUSSION OF ATTEMPTED CHILD ABDUCTIONS

Mr. Stainthorpe stated there has been information in the media about attempted abductions of children in Falls Township, Bristol, and Morrisville; and he asked Chief Coluzzi to discuss this matter. Chief Coluzzi stated this investigation did not originate in Lower Makefield Township, but when something like this happens all Police Departments in the area are given a description of people who may be responsible. He stated they have been advised to be on the look out for an Econoline van with no ladder on the top, driven by a white male and a black male occupant described as having scars on his face. They approached a ten year old boy in Morrisville, and the boy ran away. He stated this was also reported to have occurred in Falls Township and Bristol Township. He stated they now know that the Falls Township incident was unfounded and the Bristol Township incident was a made-up complaint. Morrisville is still investigating their incident. He asked the public to contact the Police Department if they see anyone meeting the description or acting suspiciously at 215-493-4055 or if it is an emergency to dial 911.

PUBLIC COMMENT

Mr. Harold Kupersmit, 612 B Wren Song Road, stated he provided his written educational platform and paradigm but he does not feel it will gain any traction.

Ms. Kathy Kraeck, Veterans Square Monument Committee, stated they are now officially known as the Veterans Square Foundation as they achieved their non-profit status. She stated they can begin their bid process and work with local contractors to get the monument built. She stated the Township is helping them put in an evergreen buffer between Veterans Square Park and the CVS. She stated they had a very successful Labor Day Concert where they raised \$5,000. She stated this Saturday is the Makefield Women's' Association Harvest Day at Shady Brook, and the Veterans Square Foundation is one of their two beneficiaries. She stated they are hoping to plan a concert in February with Pennsbury with the entire proceeds going to the Monument Fund. She stated they feel they are approximately \$35,000

away from their goal of \$200,000. She stated the Veterans Day Parade will be held on November 10 at 1:00 which is the Sunday before Veterans Day, and they invite the community to come to the Parade. She stated they are working on a Patriotic calendar which was suggested by Ms. Tyler which features local venues taken by local photographers. Ms. Kraeck presented a poster showing contributions totaling \$170,000 from over 250 people, businesses, and organizations who have contributed to the fund in four years. She asked that those who have not contributed join their Stepping Stone Campaign and purchase a Freedom Paver.

Mr. John Zack, Morningside Drive, stated the Lower Makefield Seniors are excited about the Senior/Community Center and are looking forward to using it as soon as possible. He asked if the Board of Supervisors could provide some information as to the time of construction. Mr. Stainthorpe stated they need to hire an architect to do a design, and he would like to do this by the end of October. He stated they will go through the design process, and he feels construction could be completed in late 2014 into 2015. Mr. Zack stated he would like to see this move forward quicker since they have been waiting for a long time. He stated the Seniors helped Lower Makefield be what it is today.

Mr. Barry Wood, 20 Glen Drive, stated he is a fifty-four year resident of Lower Makefield. He stated on August 28 at a meeting held at the Library with FEMA, Congressman Fitzpatrick, Representative Santarsiero, and Mr. Dobson were present along with residents who live between the River and the Canal who were directly effected by the floods. He stated the reason for the meeting was to advise that the flood maps had been established which impact flood insurance. He stated the FEMA maps indicated changes in the flood zone up to and including the year 2010. He stated if anyone wants to protest these changes because it puts them in a flood zone and they will have to pay flood insurance, they have six months to protest; and this protest must be in coordination with the Township. He stated the six month period started August 1, 2013. Mr. Wood stated they would like to get assurances from the Township Manager and the Township engineer that all topography changes that have taken place since 2010 have been reported to FEMA, and they would like this in writing.

Mr. Fedorchak stated they have already sent an Appeal letter to FEMA concerning the designation. He expects that FEMA will reach out to the Township, and the Township will explain everything they have done in the areas which they feel should have a positive impact on the designation.

Mr. Eisold stated while his firm was not directly involved with them, he knows a number of things were done over the last several years; and they have been discussing them with the previous Township engineer to understand exactly what was done, and some of that information will have to be relayed to FEMA. He stated five to six different areas have been addressed since 2004 which will need to be shown to them, and that will probably have an impact on the map that they provided.

Mr. Wood invited the Township to come to a meeting of RAFT to explain what has been done and to assure them that the Township has taken every step possible to aid them.

Mr. John Lewis, 1550 Surrey Brook Court, stated he understands Lower Makefield Township has not completed the paperwork for FEMA yet the Board had decided in October, 2011 that they would complete the paperwork. He understands that the previous Township engineer had started the process, but after they switched Township engineers nothing was done. He stated the net of this for people who live on Glen Drive is that they may be paying more than they should in flood insurance. Mr. Eisold stated he has had discussions several times with the previous Township engineer but they have not received all of the data yet. Mr. Lewis stated his understanding was that the prior engineer had completed 50% of the Application and had provided a transition plan. Mr. Eisold stated he does not know all the exact details, but he has been speaking with the previous Township engineer. Mr. Lewis asked that this be expedited so that the people who live in those areas could save 30% on their flood insurance.

Mr. Scott Burgess, 15 Glen Drive, stated he was present a number of years ago and had asked if the Township had filed for the CRS. He stated the Township did a lot a few years ago to give some mitigation from the flooding they had experienced in 2005 and 2006; however, because of those floods, their flood insurance has continued to rise. He stated he feels he will still be in a high-risk area; however, he would be able to save several hundred dollars a year if the letter were written, and he asked that the Township move on this quickly. Mr. Stainthorpe asked Mr. Eisold to provide a status report on this issue by the next meeting. Mr. Burgess stated they will be inviting FEMA, Senator Santarsiero, Congressman Fitzpatrick, and the Supervisors to attend another meeting to discuss this matter further.

Mr. Burgess advised that the Woodside Church will be holding their second annual benefit concert on November 16 at 7:00 p.m. to benefit those struggling with addictions. He stated a poster advertising this event was placed on the Township bulletin board.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, Chair of the Citizens Traffic Commission stated for the past six years the CTC has sponsored safe driving events annually to promote safety on the roadway. This year they are once again partnering with Pennsbury LYFT and the Pennsbury School District to bring the End Distracted Driving Student Awareness Initiative to Pennsbury High School on Wednesday, October 2 and will feature an interactive presentation. DARE Officers will also participate in the program to discuss drinking and driving. At October's program they hope to involve approximately half of the student body, and they will have another program to cover the remaining students. She stated more information is available about the program at www.endddd.org

Ms. Tyler stated corrective measures were taken repaving in front of the Shell Station which is a victory for the Citizens Traffic Commission.

Ms. Beverly Carter, 587 S. Dove Road, stated she has lived in Lower Makefield Township for over twenty-three years and wants to express her appreciation for the service of the Board of Supervisors and the services of the EMTs and the Police Department. She stated she has heard Chief Coluzzi talk about the cooperation between the Lower Makefield Township Police Department, neighboring Police Departments, and working with the Schools to keep them safe. She stated she feels very secure when she sees the Lower Makefield Township Patrol cars driving through the Township.

Chief Coluzzi thanked Ms. Carter for her kind words and stated this goes a long way for the Officers who are out on the streets twenty-four/seven.

Mr. Dick Gagney stated he has lived in Lower Makefield Township for twenty-eight years. He stated with regard to the Aria Hospital Building, he volunteers at St. Mary's Hospital once a week and 413 is a very, very busy road. He stated at St. Mary's he counted approximately 12,000 car trips at their light on an average day, and he feels Aria will have an impact especially during rush hour on Stony Hill Road.

APPROVAL OF MINUTES

Mr. McLaughlin moved, and Mr. Dobson seconded to approve the Minutes of August 21, 2013 as written. Motion carried with Mr. McLaughlin abstained.

APPROVAL OF SEPTEMBER 3, 2013 AND SEPTEMBER 16, 2013 WARRANT LISTS AND AUGUST, 2013 PAYROLL

Ms. Tyler moved, Mr. McLaughlin seconded and it was unanimously carried to approve the September 3, 2013 and September 16, 2013 Warrant Lists and August, 2013 Payroll as attached to the Minutes.

PRESENTATION BY JOHN VANLUVANEE, ESQ. OF ARIA HOSPITAL'S PROPOSED USE OF LAND FORMERLY SLATED FOR CONSTRUCTION OF A HOSPITAL

Mr. Stainthorpe stated Mr. Smolow has asked to speak at this time; and while this is unusual, they will permit him to make comment at this time.

Mr. Smolow stated he represents Residents Against Frankford Relocation (RAFR) which has engaged in a five year fight opposing Aria's plan to put a 455,000 square foot Hospital and medical office building complex on the twenty-acre site at 332 and Stony Hill Road. He stated thus far they have succeeded, and RAFR obtained a Court Order returning the case back to the Zoning Hearing Board for additional evidence; and after receiving additional evidence, the Zoning Hearing Board found that Aria was not entitled to Zoning relief. He stated Aria has Appealed that case to the Court of Common Pleas; however, it looks like Aria may have abandoned its plans for a Hospital due to the efforts of Aria with the assistance of the Township. Mr. Smolow stated they want to make sure that whatever Aria decides to do with the property, that it becomes an asset to the community and not a liability. He stated the project will be located at a very congested location, and they want to be certain that the Zoning and SALDO requirements are satisfied, that appropriate traffic safeguards and improvements are made, that traffic and environmental impacts are negligible, that the development is safe, and tax ratables are maintained. He stated they want to make sure that all other necessary and appropriate improvements, safeguards, and contributions are made to offset the impact of the development in order to assure that Lower Makefield benefits from whatever is developed.

Mr. Smolow stated RAFR and the community have lot of questions, and they are here tonight to listen; and after tonight, RAFR's leaders will meet to discuss Aria's proposal and decide how to respond. He stated assuming Aria intends to negotiate a settlement, RAFR will be ready and willing to negotiate in good faith.

Mr. Garton stated he and Mr. Smolow were invited to a meeting last month at Mr. VanLuvanee's office so that Aria could make the presentation that the Board will see tonight. At the conclusion of that meeting, he and Mr. Smolow agreed that this was something that would have to come to the public and the Supervisors.

He stated the Supervisors have no information about it, and this is the first time it is being presented since both he and Mr. Smolow both felt it was not their role to be a conduit as this is a public issue which should be discussed in public.

Mr. VanLuvanee stated he contacted Mr. Garton and Mr. Smolow in January to find out what the attitude of RAFR and the Township would be to putting a moratorium on the litigation to allow Aria the opportunity to explore alternative development concepts without making a commitment as to whether one would be identified; but they felt it was better to take this time as it is always better to reach a solution that everyone can embrace rather than litigate. He stated for six months Aria Health worked closely with its consultants in an attempt to identify a use that made sense for Aria and the community.

Mr. VanLuvanee stated present this evening is Kate Kinslow, the Chief Executive Officer for Aria Health, Ron Kumor, the Chief Operating Officer for Aria, and Mr. Brian Sundermeir, from the MRA Group who have been consultants to Aria Health. Mr. VanLuvanee stated Mr. Sundermeir will present the concept that Aria has identified which they believe has merit and would like to pursue.

Mr. Sundermeir stated since they were last before the Township many things have changed in health care and at Aria. He stated with the advent of health care reform, one very positive outcome will be the way that health care services will be delivered. He stated the trend is toward health, wellness, and out-patient services and keeping people out of the acute-care environment. He stated this will be done through community-based care which is centralized, coordinated, and integrated to improve the health of the population and result in huge cost savings that benefit everyone.

Mr. Sundermeir stated like the rest of the Country, the population of Lower Makefield is aging; and in the next five years, those sixty-five and over in Lower Makefield is expected to increase by over 18%. He stated as people age they tend to need more health care services; and commensurate with the 18% growth in the sixty-five and over population, they expect a 16% growth in health care services in Lower Makefield. He stated people in Lower Makefield are active and engaged in multiple activities.

Mr. Sundermeir stated recognizing the need to refocus their community outreach they looked at three options – continue with the current Hospital plan, develop a by-right use Plan, or develop a Health Village concept. Mr. Sundermeir stated when they approached the Township with the Hospital concept, the plan at that time was to re-locate the acute care services at the current Bucks Campus and repurpose that building. He stated since that time the new Administration at Aria has made a

tremendous investment into the existing facility and expanded its services throughout the community at various centers. Mr. Sundermeir stated another option they considered was a by-right use. He presented a slide showing a potential office complex which was almost as large as the Hospital with almost twice the amount of parking. He stated what they are showing is a rough concept plan that was done using Zoning and SALDO regulations. Mr. Sundermeir stated neither of these two options address the new trends in health care delivery or the community's best interest.

Mr. Sundermeir stated there is an exciting new trend being developed across the Country but not yet available in this region which is the health care village which is typically a neo-Classical, town like setting that promotes healthy living, community interaction, and activities. He stated currently there are very successful health care villages in California, Michigan, Florida, and Ohio. He stated the Health Care Village in Florida has a women's health facility and a Walt Disney pavilion for children's health. He stated the facility in California has a program with Native American Indians with traditional and holistic medical practices, and they specialize in diabetes. He stated the health care village in Michigan is a life-saving, life-enhancing community resource; and people describe it as the place where people meet up.

Mr. Sundermeir stated they would like to bring a health care village to Lower Makefield; and while it is not fully developed he showed a conceptual view of what the health care Village might look like. He stated they would use less of the site, and the buildings would be smaller with 180,000 square feet of building as opposed to 450,000 for the Hospital/Office Complex. He stated this concept also shows parking for 600 cars. He stated the health care village would include such amenities as a medical office building, physical rehabilitation, ambulatory care center, clinical space, and other medical facilities. He stated there will also be ancillary uses such as a Senior Center, health food store, a community pharmacy, and eyeglass facility.

Mr. Sundermeir stated while this is a conceptual plan, the slide shows that the buildings are developed around a village green type setting with fountains, walkways, gardens, and places to sit. He stated they have pulled these areas down to the corner so that rather than seeing parking and buildings, there would be green space and a gateway into the development. Mr. Sundermeir stated they hope the Township will support them as they further develop this vision.

Ms. Tyler stated she knows this area is Zoned O/R, and she knows the by-right abilities for this property. She asked Mr. VanLuvanee what type of Zoning relief would the Health Care Village require, and Mr. VanLuvanee stated this would depend on the final mix of uses. He stated in the O/R District there are a number of permitted uses and uses permitted by Special Exception. He stated they could do

this type of concept with a mix of uses that are permitted without needing any relief. He stated the Ordinance would permit multiple uses within the twenty-five acre minimum that is required for the development in the O/R District. He stated if there were a retail component added, that would require a minor change in the Zoning Ordinance at the present time; but other uses such as a restaurant use would be permitted by Special Exception. He stated there is a mix of uses in the Corporate Center across the street where there is a hotel, bank, and restaurant. He stated he feels the blending of uses that is proposed is consistent with the concept for the O/R District the Township has today.

Mr. Stainthorpe stated he does see a lot of benefit to this plan as they are getting away from the huge hospital that was going to have a helipad and operate 24/7, and require additional Police and going to something that is approximately one-third of the footprint. He stated this would also only be open during business hours with most of the traffic coming and going during the day as opposed to rush hour. He asked if the Township will be able to gain any ratables with this mix of uses since Aria is a non-profit. Mr. VanLuvanee stated he feels some of the uses proposed would be tax ratables since it is not all non-profit – particularly the ancillary uses. He stated not all of these uses would be Aria Health operated.

Mr. Stainthorpe asked what they are looking for from the Township this evening; and Mr. VanLuvanee stated since they do not have a definitive concept, they cannot ask for a definitive response. He stated they are looking for individual comments to see if this is a concept that merits further consideration. He stated Aria is willing to take the next step and continue to work toward the development of a concept like this recognizing that what has been shown is a general concept. He stated they also need to get feedback from RAFR. He stated they could come back with a by-right plan; but if they want to do something new and exciting that may need some adjustment from the Zoning Ordinance, they will need the cooperation of Mr. Smolow's clients.

Mr. Garton stated this is not a simple undertaking, and he hopes that they will provide a written document so RAFR and the Township can look into it further; and at future public meetings, they can engage in further dialogue before any decisions are made. Mr. VanLuvanee stated if the reaction is a negative across the board, he can tell the Judge that they can go back on a Briefing Schedule and move ahead. He stated he believes that the Judge will continue to cooperate provided everyone is in agreement that they would like to continue to explore an alternative.

Mr. Zachary Rubin, 1661 Covington Road, stated he is a member of RAFR. He stated he would like more information about the ratables. He stated the original Hospital would not generate any taxes for the Township or the School District, but there were two medical offices next to the Hospital that Aria claimed would be ratable. He asked if the complex would be owned by Aria with everyone else there leasing or renting with Aria Hospital as the landlord. Mr. VanLuvanee stated generally speaking this would be true. Mr. Rubin stated the whole complex except for ancillary uses would not generate any taxes. Mr. VanLuvanee stated it is the use to which the property is put and not necessarily the owner that ultimately determines whether it is tax free or not tax free. He stated if it is in furtherance of Aria's non-profit characteristics, it may be tax exempt; but the fact that Aria owns the property does not mean that the property becomes tax exempt or that the buildings that are constructed on it are tax exempt.

Mr. Rubin asked about ancillary uses. He stated if there were medical offices, they would need a Special Exception, but spas, restaurants, pharmacies, etc. would need Zoning relief; but Mr. VanLuvanee stated this is incorrect. Mr. Stainthorpe stated in the O/R District now there are restaurant uses. Mr. Rubin stated those uses got relief because he has the Zoning Ordinance in front of him and sees nothing that says restaurants are a permitted use. Mr. Garton stated it would be permitted by Special Exception. Mr. Rubin stated there could be a veterinary hospital.

Mr. Rubin stated he feels if they want ratables, they will have to permit a lot of ancillary uses, and he feels this is being held as leverage over the Township to agree not to just medical offices but some commercial use; and he is wary of this.

Ms. Virginia Torbert asked what percentage of the current operations at the hospital would move to this new facility. Mr. Sundermeir stated he feels these would be new services. Ms. Kate Kinslow stated it would be new services, and they would not be moving people from the other hospital. Ms. Torbert stated they already have a rehabilitation component at the Hospital; however, Ms. Kinslow stated that is an in-patient use and anything that would be at the new site would only be out-patient; and no one would be there twenty-four/seven. Ms. Torbert stated they do have out-patient at the current Hospital, and Ms. Kinslow agreed but there are also other out-patient physical sites outside of the Hospital, and this would be something similar to those out-patient sites. Ms. Torbert stated she understands that it will be in addition to what is at the Hospital, and Ms. Kinslow agreed. Ms. Torbert stated they are not envisioning a major movement of employees from the current Hospital to this new facility; and Ms. Kinslow stated they are not, and it will be new incremental jobs.

Ms. Deborah Blumenthal stated what they have shown seems to be a repeat of what is there already in the area and asked if there would be something interesting for the community such as was described that is available in other States.

Mr. Sundermeir stated he gave examples of what is happening across the County, but they have not developed what they would have in this area. He stated what would be constructed would be buildings which are two to three stories which are low scale, and it would fit into the community architecturally and landscape wise.

Ms. Kinslow stated if this concept were able to go forward, they would then look at what is happening in the community and look at the demographics. She stated they gave the example of what they did with the Native American population because in that community there were a lot of Native Americans who had particular needs. She stated they would look at the demographics to see what the needs of the community are in Lower Makefield based on population, diseases that they are seeing, etc.; and then you put programs in place to augment and help. She stated it is not just having doctors offices; and they will be innovative so that when you come to receive your care, you are able to go to one place and receive care in a holistic manner which is what they are looking to achieve.

Mr. Barry Wagner, 393 Cobbler Court, asked if the Board of Supervisors would put this presentation on the Township Website so everyone can look at it; and Mr. Stainthorpe stated it is Aria's presentation. He also noted the concept being presented is new and unformed and needs a lot of work before they can talk about anything. Mr. McLaughlin stated the Supervisors' meetings are taped, and you can see the meeting on the Website. Ms. Tyler stated it is also indexed by topic so those interested could just look at this portion of the meeting. Mr. Sundermeir stated they will also put the presentation on the Aria Website.

Mr. Rubin stated it appears that this would take up only half of the lot and he asked what they will do with the rest of the parcel. Mr. Sundermeir stated they have no thoughts as to what might happen with the rest of the site. Mr. VanLuvanee stated it would be reserved for future development. He stated they would start with a project at a scale that makes sense, and they have to explore the marketability and demand for the type of uses they want. He stated the remaining acreage is available, and it is possible that this concept could be expanded; however, at the present time this is not the intent. Mr. Sundermeir stated the remaining acreage would be eleven acres.

Mr. Ron Cancelliere, 1615 Fairfield Road, stated he appreciates them bringing in a different concept. He asked that when they develop the concept, they look into a way that they could give back to the community. He stated he saw in the concept plan a Senior Center, and he is not sure what that encompasses; and he noted that the Township is already discussing building a Senior Center with funds from other

sources and Township funds, and this may be something they could encompass in this concept. He also asked that they consider a park land concept or a town center. He stated he is concerned that they already have many of these services, and it is very easy to get medical services in this area as they have Capital Health and St. Mary's close to the Township. He stated he would like them to see what they can do for the community and be partners with the community looking at the needs of the community and what may save them tax value and be of value to the residents if the concept goes forward.

Ms. Sandy Fine, 11102 Cornerstone Drive, stated she has been a health care planner for many years. She asked if they have plans to conduct a health needs assessment of the community and invite community participation via focus groups or other survey means to help disclose what the needs are. She stated she is also concerned about duplication of services since that raises health care costs for everyone. She asked to what extent the new services and programs will offer some unique services that do not duplicate what they already have.

Mr. VanLuvanee thanked the Board of Supervisors for the opportunity to make the presentation tonight; and as a result of the comments heard tonight, Aria will consider their next step which he will communicate back through Mr. Garton and Mr. Smolow.

Mr. Garton noted that the Board met in Executive Session for thirty minutes prior to the meeting to discuss the ongoing labor negotiations involving Public Works and the Police Benevolent Association.

DISCUSSION AND APPROVAL OF SCAMMELL'S CORNER FINAL PLAN

Mr. Stainthorpe stated there are some issues with this Plan that they must consider before they discuss Conditions of Approval. He stated the engineer and the Planning Commission have some issues with the Plan, and he himself has problems with what they are discussing with regard to the House. Mr. Stainthorpe stated there is a Court Stipulation that says the House is to be preserved; and at the last meeting the Applicant discussed marketing the House for six months, which he does not feel is an acceptable proposition.

Mr. VanLuvanee stated he and Mr. Casey feel that there are only two items to discuss one being the House, and other being the walking path. He stated with regard to the walking path on the Approved Preliminary Plans, they showed the details of the walking path including the location. When they went to PennDOT, PennDOT made it clear that the Township would need to be co-Permitee on any Application if they

wanted the walking path, and that prompted the developer to consider whether or not the path at that location really made sense. He stated they discussed the possibility that the Township may prefer Fee-In-Lieu. He stated Quaker recognizes that the walking path is on the Approved Preliminary Plan, and they are still prepared to do the walking path as shown on the Plan subject to whatever Conditions PennDOT may impose, and assuming that the Township is willing to sign on as co-Permitee as they will not get the Permit to build it without that happening. Mr. VanLuvanee stated assuming that is the consensus of the Board of Supervisors, this does not need to be discussed further as they only presented it as an alternative.

Mr. Casey stated the alignment and details for the path were approved at Preliminary, and none of that has changed. He stated PennDOT has added some additional requirements. Mr. Stainthorpe asked which side of the road will the path be on, and Mr. Casey stated it is on the Development side. He stated they were led to believe that there were some plans showing it on the other side, but they will not get tied up in that controversy. He stated they will make sure the path will be built as it was designed per the Preliminary Approval. He stated PennDOT will require a drainage channel across the intersection of Lehigh to control the gutter drainage. He stated they have already provided the details to PennDOT, and they are waiting for the developer to submit the formal Plan with the Township as the co-Permitee.

Mr. VanLuvanee stated with regard to the Scammell House, they are not proposing any modification to the Stipulation. He stated in the Stipulation it was agreed that Quaker would make provisions for the preservation of the Scammell House or such portions of it as are determined to be historically significant by competent historical and/or architectural authorities. He stated when the Board granted Preliminary Plan Approval last June, there were two Conditions that addressed the House – one was that between now and consideration of Final Plans the Applicant will resolve with the Township what portions of the Scammell Homestead will be preserved and how it will be preserved and further that the property would be subject to a Declaration of Easements, Covenants, and Restrictions which would include but not be limited to a Façade Easement over that portion of the Scammell House that is determined to be historically significant or worthy of historic preservation.

Mr. VanLuvanee stated since that time Quaker has provided information including a study by a recognized expert on the House for consideration, and this has been provided to the Historic Commission for their review.

Mr. VanLuvanee stated Quaker is prepared to preserve what is determined ultimately to be historically significant. He stated the one thing they never agreed to was to preserve the entire House. He stated what remains to be determined is what is in fact significant. He stated there is one view that what is significant is the

southern façade of the House which is what is seen when you look at it from the corner of 332 and Afton Avenue. He stated there are also various other opinions. He stated they provided a great deal of information to the Township to evaluate. He stated they have already agreed to provide the Façade Easement, and they are not deviating from that commitment, and they accepted those Conditions in the Preliminary Plan Approval.

Mr. Casey stated even before Preliminary Plan was granted, they arranged for a visit with the Historic Commission and members of the Township who wished to attend the site for an exterior inspection of what remained on the property. He stated there was a caretaker who had lived in various portions of the House for a number of years, and he was given an opportunity to get his personal belongings out and they cleaned the House up to such a condition so that it could be walked through. He stated after that, they arranged for the Historic Commission to go into the House. He stated the Historic Commission generated a tremendous amount of photographic documentation and were able to see the condition of the House. He stated he feels they were somewhat surprised at the level of deterioration that had occurred and the way the House was broken up. He stated they also digitally reproduced the Plans that were prepared by Michael Graves to document the actual construction which was a floor plan lay out and exterior elevations of the House, and they provided copies of those to the Historic Commission. He stated they also gave the Historic Commission an opportunity to go through the House and remove anything they felt might be significant in preserving. He stated there is a Custody Agreement with the Historic Commission that in the event that they find no further use for it, it will be turned over to the Township for its disposition.

Mr. Casey stated after the Historic Commission had an opportunity to look at the House, they discussed with them the challenges for someone to come in that had the financial resources and the passion to get involved with a project of this nature, and they understood it would take a special person to get involved with it. He stated they had reached an understanding with the Historic Commission that they were going to work with the buyer of the development, J.P. Orleans; and there would be an aggressive marketing program to find someone with the financial capability and the passion to preserve at least those portions everyone agreed upon were significant. Mr. Casey stated in the event that they could not find someone suitable to move ahead, a scale model would be professionally built and presented to the Historic Commission to document the full exterior of the property with details on how it originally appeared. He stated they would also give the Historic Commission an opportunity to remove anything they felt was worthy of preserving such are hardware, fireplace mantels, etc. and at that point they thought they had come to a solution that would be well received by everyone.

Mr. Casey stated since that time they have a letter of intent from someone within the general area who has the capability of buying the House and restoring it, and he is anxious to get it to final agreement. Mr. Casey stated they tried to determine what is really significant, and in going back through the reports that they had prepared by Weiss Historic Preservation and the history and background provided by the Historic Commission which was authored by Helen Heinz, a number of arguments could be developed. He stated the late 18th Century/early 19th Century farmhouse was the original structure and has significance from a historic perspective. He stated it also may have some significance based upon the people who occupied the House during that period of time but from an architectural perspective there are hundreds of similar style structures throughout Bucks County, and there is nothing unique about it. Mr. Casey stated when Scammell purchased the property in 1920, he was a man of means and made a number of additions to provide the grandeur of what has been referred to as “the mansion on the hill.” He stated the internal flow of the House is difficult, but the visual perception from the roadside of the House has some appeal. He stated in consultation with Helen Heinz they came to realize the most important element of the House is the southern façade which captures the original 18th Century structure but ties it into the 20th Century additions that give it the grandeur and the scale. He stated if you walk into it, you do not get the sense of it being a mansion as there are low ceilings, etc.

Mr. Casey stated he feels Ms. Heinz has provided a memo to the Board of Supervisors expressing her opinions that the southern façade is the most important element and detail of the House, and they agree with her. Mr. Casey stated they would be prepared to formalize that under the Developer’s Agreement and the Façade Easement/Declaration of Covenants and Restrictions or whatever document needs to be formed to embody this.

Mr. Stainthorpe asked Mr. Garton for his interpretation of the Settlement Agreement. Mr. Garton stated he does not feel the Settlement Agreement contemplated that they could provide a model to the satisfaction of the Order. Mr. Garton stated it states, “They will make provisions for the preservation of the Scammell House or such portions of it that are determined to be historically significant.” He stated he would like to hear from Ms. Heinz as to her opinion on what is the most significant.

Ms. Heinz stated it was nice to work with the developers who are trying to do their best, and she feels the relation with Michael Schorr going forward hopefully will work out for the House. She stated it is their position that they need to move “yesterday” to get the House under some kind of construction. She stated while they would have liked to save the carriage house and barn, they have moved past that; and they would urge the Board of Supervisors to do the southern façade since that is what people see. She stated this means that someone who buys the property could

make additions on the other side of the House and maybe create a more modern piece. She stated the north side of the House today reflects a 20th Century addition. She stated they do not want to make it difficult for a buyer to work with them; and if they wish to do an addition on that side to keep the garages or not keep them, they do not want to restrict them. She stated they feel the best thing for the House is to get someone working on the House, and they would like to see the southern façade preserved as is. She stated Mr. Casey has provided language which she feels Mr. Garton could work with to craft a Façade Easement. She stated one of the issues seems to be the roof as the potential buyer is concerned about having to replace the slates on the roof. She stated originally an 18th Century House would have had wooden shingles, and they do not see any need to include the roof image since today there are modern asphalt shingles that are acceptable under the National standards. She stated they would hope the buyer would work with the Historic Commission using National Interior standards for rehabilitation and restoration. She stated she has talked to the prospective buyer who seems like an earnest young man that wants to proceed. Ms. Heinz stated she did provide a memo to the Board of Supervisors on this, and she could provide a copy to Mr. Garton.

Ms. Tyler stated they are seeking Final Approval of the Plan yet they have not solidified the owner's obligation with respect to the renovation of the House. She stated she has heard that there is a buyer; but if the buyer falls through, they are not going to preserve the House. Ms. Tyler stated she wants an acceptance of the obligation to restore the portions of the House that can be agreed upon as being historically significant. Ms. Tyler stated she wants a commitment that regardless of the status of a potential purchaser, the House will be restored; and they will set the parameters so that even if they cannot find a buyer, whomever the owner is still has the obligation to perform the restoration.

Mr. Casey stated what is stated in the Stipulation is to preserve – not restore, and there was never a commitment to put it on the National Register to meet all of their standards. He stated what they will commit to is to follow the recommendations expressed by Ms. Heinz to provide appropriate preservation of the southerly façade of the House and that a Façade Easement be established to protect that in general accord with the language that he had suggested in his summary which Ms. Heinz indicated gives Mr. Garton a good basis for crafting the Easement.

Ms. Tyler asked what portions of the House will they preserve if the potential buyer falls through, and what steps will they take. Mr. VanLuvanee stated the commitment would be to preserve the Façade Easement to the standards that are ultimately incorporated into it. It would not necessarily mean that the House had to be preserved, but from the road they would have to maintain that façade. He stated they could not let the walls fall down, and they would have to support the roof structure because that is part of the façade. He stated they do not commit to

guaranteeing that someone will come in and fix the inside. He stated they will have to maintain the façade of the House. He stated this is consistent with the Conditions of Preliminary Approval.

Mr. McLaughlin stated it states that the developer agrees and will make provisions for the preservation of the Scammell House or those parts which are historically significant, and it does not say anything about Façade Agreements. Mr. VanLuvanee stated the Condition of Preliminary Approval reads, "The property should be subject to a Declaration of Easements, Covenants, and Restrictions satisfactory to the solicitor and the Township engineer. Mr. McLaughlin stated when he signed the Agreement it was with the spirit of the House being preserved. Mr. VanLuvaneestated Quaker never committed to restore the House. Mr. McLaughlin stated it states, they will make provisions for the preservation of the Scammell House.

Mr. VanLuvanee stated preservation of the House does not mean restoration of the House. He stated you can preserve four walls and that preserves the historically-significant part of the house, and you do not have to rebuild the House and have someone occupy it. He stated the Façade Easement would require them to keep the exterior consistent with the way it appears.

Mr. Casey stated the Façade Easement was introduced at the time of Preliminary Approval, and it is not something that was required or agreed upon under the Stipulation Agreement; but it does give the Township a level of confidence and control that the element that they agree is most significant will be appropriately preserved. Mr. McLaughlin questioned why this was not put in the Stipulation Agreement. Mr. VanLuvanee stated they already had studies that indicated that the House would be extremely difficult, if not impossible, to restore.

Mr. Stainthorpe noted Boxwood where the builder worked with the Historic Commission and agreed to fix up the house and actually moved it and will sell it, and he feels this is what should happen here. He stated propping up four walls is not acceptable.

Mr. Casey stated something has to be done with the House or it will adversely effect the ability to sell out the balance of the Subdivision so there is a driving requirement on the part of J.P. Orleans to insure that appropriate measures are taken to preserve the elements that are agreed upon and to get it into a form that it does not detract from what they are building on the adjoining lots. He stated the buyer has to feel comfortable that he is going to get cooperation from the Township so he can move quickly through the process, get Permits, and start work on the House.

Mr. Garton stated the Board is concerned that if there is only a Façade Easement and nothing else is done, they would not want a façade with nothing behind it. Mr. Stainthorpe stated in the past they have incidents where builders left a historic building there with walls indicating that it would be sold and fixed up later; and once the project is done, and the builder is gone, the house gets torn down.

Mr. Stainthorpe stated Mr. Eisold also has some issues. Mr. Eisold stated he had prepared a letter dated August 30 that had various issues to be addressed. He stated there are a number of Waivers to the Subdivision and Land Development Ordinance that need to be resolved as well as some engineering issues. He noted a SALDO issue regarding some inverts of pipe as well as clean up on the Plan with regard to Waivers granted showing when they were granted. He stated there are also details on the Plan that have not been updated. He stated they are also showing some lighting fixtures that are out of character for the development.

Mr. VanLuvanee stated they have no issues with Mr. Eisold's letter. He stated there was one additional Waiver which was a technical Waiver. He stated there was also a street lighting issue which was discussed at the Planning Commission. He stated as a Condition of Preliminary Approval the street lighting fixtures were to be updated to something that was more appropriate. He stated at the Planning Commission the issue was raised whether they should have street lights; and if the Township does not want the street lights, this would be satisfactory. He stated in the alternative Quaker presented two alternative light fixtures.

Mr. Casey stated there were two review letters one dated August 22 which they responded to with Revised Plans on August 29 and addressed those issues, and Mr. Eisold agreed. Mr. Casey stated a new letter was issued on August 30, which they responded to on September 3. He stated when it went before the Planning Commission, they asked the Township engineer's representative if everything had been addressed in the letters; and she confirmed that they had. Mr. Eisold stated Mr. Casey had indicated that they would comply with all the issues, and Mr. Casey agreed. Mr. Eisold stated they had not been physically addressed, and Mr. Casey stated they were relatively minor. Mr. VanLuvanee stated there is nothing that would change the geometry of the Plan, and Mr. Eisold agreed.

Mr. Casey stated they were led to believe at the Planning Commission based on the acknowledgement of the Township engineer's representative that they had properly addressed everything. He stated the Board would have to agree to the resolution so that the Final Plans would incorporate the final minor changes. He stated there is one Waiver requested that they understand the Township engineer's office does not have a problem with, and Mr. Eisold agreed. Mr. Casey stated with regard to the street lighting there was an oversight when they submitted the Preliminary Plans

because they had agreed to period-style lighting; and they had since then submitted catalog cuts of light fixtures and poles to the Historic Commission for their recommendations and they selected two heads and two poles which are interchangeable. He stated they are full cut off lights so they satisfy the requirements. He stated when they had discussions with the Planning Commission there were comments as to why they were even installing lights, and their were neighbors from the surrounding community who said they have no lights in the community and questioned why they would have lights in the new development and were concerned that the Township would be faced with the electric bills. Mr. Casey stated at some point in the process the developer was asked to put lights on the Plans, and they did; and they are willing to do whatever the Township requests even if the decision is that there is not a need for the lights.

Mr. Eisold stated it appears the requirement is for one at the intersection where you come into the development, but there is not a requirement in the Ordinance for one at the cul-de-sac; however, he would assume that at some point through the Preliminary Plan process it was asked for and agreed upon to put one there.

Mr. VanLuvanee noted Paragraph 5A of the Preliminary Plan that states the fixtures would be replaced with more appropriate period light fixtures acceptable to the Township. He stated the Township can tell them what they want; however, if they do not want any street lights, this is acceptable to the Applicant. Mr. Casey stated if the Board decides they want the lights, they could leave the selection to the Historic Commission from the alternatives that have been presented. Mr. Casey stated they have developed a very good relationship with the Historic Commission as they have with the EAC. Mr. Casey stated he does not want the individual who is interested in pursuing the Home to become disillusioned and feel he is not getting cooperation from the Township.

Ms. Tyler stated there will be a Façade Easement that will clearly spell out what has to be done. Mr. Casey stated they are willing to comply with the recommendations presented by Ms. Heinz. He stated they also recognize that decisions have to be made, and they need to move ahead in a timely manner. Mr. VanLuvanee stated he feels if they can get to a point where they all agree that the Façade Easement covers the southern façade and renovations would be done consistent with certain standards that are referenced in Mr. Heinz' review, they could proceed.

Ms. Heinz stated if someone buys the property, the Façade Easement will be on it; and hopefully that will preserve the House although they are taking a risk. Mr. Stainthorpe asked Ms. Heinz if she has met the potential buyer, and Ms. Heinz stated she has. Mr. Stainthorpe asked if she feels this is a risk worth taking; and

Ms. Heinz stated while he is young and inexperienced, he is a contractor so he knows what he is getting into. She stated those on the Historic Commission would be happy to support him. Ms. Heinz stated she feels they need to move forward quickly since she does not feel the house will make it another two years.

Mr. VanLuvanee stated he had a discussion yesterday with Jeffrey Marshall from the Heritage Conservancy who indicated that the prospective buyer had already contacted him two to three times. Mr. VanLuvanee stated this a serious buyer who wants to do the right thing.

Mr. Mike Schorr, Vice President of Development for J. P. Orleans, stated they have an alignment of interests with the Township relative to the Scammell property because they cannot let one sixteenth of this project drive the balance. He stated it is important that they not let the property deteriorate because it is going to be the centerpiece of the development. He stated if people see a property that is dilapidated and in disrepair, they will not want to make a three quarter million investment next to it. He stated they need to make sure that the property is well cared for and put back in service, and they believe that their prospective buyer is going to do that. He stated they are willing to make the necessary arrangements both financially and through the adoption of the Façade Easement. Mr. Schorr stated if the Board approves the project with the Façade Easement that Ms. Heinz has described and with the Conditions that are outlined in Mr. Casey's correspondence, they are prepared to live by that and do whatever it takes to put the building back in service. He stated this may be with the prospective purchaser, another purchaser, or the developer itself doing this.

Mr. Schorr stated there is a difference between restoration, rehabilitation, replacement, and reconstruction. He stated in the spirit of what needs to happen with this building, they are prepared to preserve the southern exposure of this property to hopefully bring the grandeur of the Scammell mansion back with respect to people driving past the project. He stated they also need to consider the future occupant of the property recognizing that people so not want to live in buildings with low ceilings or narrow doorways. He stated there will have to be modern modifications to the interior of the structure in order to make it functional. Mr. Stainthorpe stated the Board does not have a problem with this. Mr. Schorr stated numerous experts have indicated that the southern exposure is the important exposure, and they should craft an Easement that makes sense for the Township, the developer, and the prospective buyer so that they can move forward.

Mr. Stainthorpe asked Mr. Garton if they should craft the Easement before granting Final Approval, and Mr. Garton stated they could indicate that there will be a Façade Easement Recorded the content of which is satisfactory to the Board of Supervisors.

He stated no Mylar would be recorded and no Development Agreement would be executed until this was done. He stated he does not feel that there is a need to wait for that to be done as a condition for going forward.

Mr. Stainthorpe stated they do not want to just have a model of the Home, and they would like to see the Home preserved, restored, and rehabilitated. Mr. Schorr stated they are beyond the model and the six month marketing time. He stated they have a willing and financially-capable buyer. He stated they do have an obligation with Quaker to move forward once Final Approval is granted, and he would not want to get into a situation where there is a problem with respect to the language of the Façade Easement to satisfy both parties. Mr. Garton stated he has prepared numerous Façade Easements, and it will be something that will be suitable and consistent with what the Township has done previously.

Mr. Casey stated he has worked through a number of Development Agreements with the Township solicitor; and once they got to the point where they received Final Approval, Mr. Garton always moved very quickly to get everything in a final and acceptable form.

Ms. Tyler asked Mr. Garton if Approval is given with the Condition that the Façade Easement is executed, does that foreclose the ability to demolish the House. Mr. Garton stated legally it precludes the demolition of the Façade. He stated this does not mean that the balance of the property could not be demolished and also does not mean that someone could not go out and demolish it and the Township would have to go to Court for a Judge to find them in contempt. He stated theoretically with the Façade Easement, you could remove everything but the façade provided it could be sustained and not fall over. Mr. VanLuvanee stated they would have to hold the roof up.

Mr. McLaughlin stated there are trying to protect the interests of the Township, and there is no guarantee that this new investor will complete the job. Mr. Schorr stated the developer would have the obligation; and Mr. McLaughlin stated they would have the obligation to maintain the façade, but not to renovate the House. Mr. Schorr stated he has a legal obligation to maintain the façade, and they are not interested in tarnishing their reputation. He stated they want to build a development. He stated a façade standing by itself would not look good. Mr. McLaughlin asked why they are arguing the terms, and added he wants the house renovated. Mr. Schorr questioned to what standard they want it renovated to; and Mr. McLaughlin stated he would be flexible with this, but there is no guarantee here that it will ever be renovated. He stated they only have an agreement to preserve the façade.

Mr. Casey stated he feels they can craft the language of the Condition of Approval such that they can reach an acceptable form. He suggested that the Condition be that the southerly façade be preserved and protected in accordance with the recommendations of Ms. Heinz and as further expressed in his memorandum and be maintained in a structurally-sound manner and incorporated into the functional residential use on the property.

Mr. VanLuvanee stated this means it would be maintained as a residence and the Façade Easement would be in place. Mr. Garton stated this would be a commitment that the façade would be a component of a single-family dwelling that would be functional for that purpose; and the structure and integrity of the façade would be maintained. Mr. Schorr stated he would be in agreement with this as well.

Ms. Tyler asked if they could underline the fact that the owner of the property may not demolish the House, and Mr. Garton stated that is within the Façade Easement language to the extent that it relates to the southern façade.

Mr. VanLuvanee stated if Quaker were going to demolish the House, it would have been demolished a long time ago. He stated there was a time when they had Demolition Permits, and they let them lapse, and agreed to the preservation concept. He stated it has been a commitment since Quaker got involved in the late 1990s that they would not just tear it down.

Mr. Dobson stated he has lived in the Township over twenty years, and he has seen other developers come in and promise things and not follow through. Mr. Schorr stated the solicitor is going to craft a document that they will live by. Mr. Dobson stated he wants to make sure that it is air tight and that nobody can knock the house down completely.

Mr. McLaughlin stated he wants to see wording that indicates it will be brought to a livable condition and that it cannot be bulldozed down. He stated he does feel they can be given leeway to bring the House back to order.

Mr. Garton stated he is concerned about developing a Condition this evening as he wants to make sure that everyone is in agreement with the content of the Condition. Mr. Stainthorpe asked if this could be done by the next meeting, and Mr. Stainthorpe stated it could be done by that time. He added that they have until November to vote on the Plan. Mr. Garton stated he did share with Mr. VanLuvanee the other recommended Conditions of Approval, over which there was no disagreement.

Mr. Casey stated for a number of reasons it is important that they move forward on this tonight. He asked that Mr. Garton craft a Condition subject to reaching acceptable language regarding the Façade Easement by the next meeting of the Board.

Mr. Garton stated the Applicant proposes to Subdivide Tax Parcel #20-16-32 into sixteen single-family detached lots and one separate lot reserved for stormwater management purposes. Mr. Garton stated all the reports that were part of the Approval process were noted in the Preliminary Plan Subdivision Approval which occurred on 6/20/12. At their meeting on 9/9/13 the Planning Commission recommended approval of the Final Plans subject to several Conditions.

Mr. McLaughlin moved and Mr. Dobson seconded to Approve the Final Plans for Scammell's Corner dated 2/1/12, last revised 8/29/13 subject to the following Conditions:

- 1) Continued compliance with Conditions of Preliminary Plan Approval which occurred on 6/20/12 to the extent not modified by the Final Plan Approval
- 2) Compliance with the Settlement Agreement dated 12/1/12 as well as the Court Order appropriately related to that
- 3) Compliance with the Bucks County Planning Commission report dated 8/16/13 except for Comment #1 which relates to the bike path/walkway
- 4) Compliance with the Boucher & James report dated 8/30/13
- 5) Grant of additional Waiver of the Subdivision and Land Development Ordinance specifically Section 178.93F5b so as to not require that a minimum drop of 2" be provided to the inlet between the lowest inlet pipe invert elevation and the outlet pipe invert elevation
- 6) The Applicant to comply with the requirements of the Stipulation related to the buffer between the Ferraro residence at 1002 Lafayette Drive and the proposed home to be constructed on Lot #9
- 7) The lighting discrepancy be resolved between now and the execution of Development and Financial Security

- 8) Funding and execution of Development and Financial Security Agreements
- 9) Applicant will construct the bike path/walkway on their parcel consistent with how it appeared on the Preliminary Plan that was Approved with the understanding that the Township will be a co-Permitee to facilitate securing PennDOT approval.
- 10) As to the Scammell House, that between now and the next meeting of the Board of Supervisors that a suitable Condition be drafted acceptable to the Township Board of Supervisors and the Applicant the intent of which is to provide for the preservation of the southern façade of the Scammell House and that the structural integrity of the façade including the roof be maintained and that the façade be incorporated into an appropriate dwelling so as to be retained as part of a single-family dwelling and that the House not be demolished.

Mr. Casey asked that the last phrase be modified so that it states the “entire House not be demolished” as there may be a need to demolish portions of the House.

Mr. Garton suggested that it be changed to the 18th Century farmhouse not be demolished. Ms. Heinz stated there could be problems with this as it relates to the garages.

Mr. Garton suggested it be changed to the southern façade and the elements of the House needed to maintain the structural integrity of the southern façade, and this and all other Conditions were acceptable to the Applicant.

Mr. Jim Ferraro, 1002 Lafayette Drive, stated he and his wife are in favor of the Scammell House being preserved; but they are concerned about the size of the building envelope behind their home which is bigger than any other, and the potential proximity of that extremely large home to their home once the new home is built. He stated the minimum setback is only 15’ because it is a side-oriented building which means that the biggest house on the biggest lot will be closer to his property than any other new homes to any other existing property. He stated they want to maintain the area they moved into, and they would like to appeal to the developer and the Board of Supervisors to work with them to move the house at least as far away from their house as the other homes are to their neighbors. Mr. Ferraro stated that given the amount of space they have to work with, this should be possible.

Mr. Ferraro stated he understands that if the Scammell House were completely demolished or if sections such as the ballroom were demolished which is to the extreme southwest, the property lines could be withdrawn. Mr. Ferraro stated in the alternative, they would ask that Building Lot #9 not be developed until the Scammell House has been restored.

Mr. Stainthorpe stated he understands that since the developer meets the Ordinance requirements, they are not required to do what Mr. Ferraro has requested; however, he added that Mr. Ferraro has been to several meetings to speak on this matter, and he asked that they consider his request. He stated it does appear that there is room on the Lot so that the house could be repositioned.

Mr. Casey stated there is this possibility. He stated they have gone through extensive meetings with the Board of Supervisors, the Planning Commission, and Environmental Advisory Council to craft the appropriate buffers and setbacks as dictated by SALDO which they have not deviated from. He stated the 15' setback is misleading. He stated nowhere in SALDO does it require a buffer between residential uses; however, the developer agreed to a 25' buffer along the westerly property line as an accommodation to move forward. He stated in reality the closest the new home could be would be 40'. Mr. Casey stated Mr. Ferraro's house is 46' from his rear property line based on the sunroom which he added to the back. He stated the potential location of the new home is not that much closer to Mr. Ferraro's rear property than Mr. Ferraro's house is to the side property line on Lot #9.

Mr. Casey stated they also explained to the Planning Commission that they have agreed to do some tree removal based on the condition of the trees, and the determination will be led by the Environmental Advisory Council. Mr. Casey stated they will also meet the requirements for a Type II Buffer as it relates to evergreen and deciduous trees. He stated there are very few existing evergreen trees so there is going to have to be supplemental planting of evergreens.

Mr. Casey stated representatives from J. P. Orleans have met with Mr. Ferraro a number of times and committed to a spirit of cooperation; and once they have a buyer and a model house is selected, they will work with Mr. Ferraro to insure that the supplemental evergreen plantings will be placed strategically to provide the best buffer possible from his house.

Mr. McLaughlin asked about flipping the house and putting it on the other side, and Mr. Casey stated there would then be a circuitous route across the front yard with the driveway with sharp turning radius. He stated the driveway is permitted

within the setbacks. He stated this was suggested at the Planning Commission, but it does not really serve any purpose, and they could gain potentially only five feet.

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Mr. McLaughlin asked Mr. Ferraro how much he was looking for. Mr. Ferraro stated they met once with a representative from J.P. Orleans, and they indicated it was not an option to not build on Lot #9. Mr. Ferraro stated he also asked if they could put the smallest model on Lot #9, and they were told this was not an option. Mr. Ferraro stated they could build something “monstrous” on that lot. Mr. Ferraro stated the buffer that is being discussed on their side of the development is the thinnest of anywhere on the entire development as it is 25’. He stated they also have only a 15’ setback to the side of the house. He stated it is extremely important to he and his wife that they maintain what they have. He stated they hope that the existing homeowners are just as important as the new homeowners. He stated they are asking for an additional 40’ for the setback, and if they could orient the house on the lot such that it does not sit right behind them since it will probably be a rather large house.

Mr. Stainthorpe stated it seems that there is a lot of space on Lot #9 to the left although they would have to build a longer driveway. Mr. Casey stated Orleans has expressed a spirit of cooperation working with Mr. Ferraro. He stated he would be willing to commit to increase the setback from the buffer to 20’ which would bring it 45’ from Mr. Ferraro’s rear property line which is equidistant from the rear of Mr. Ferraro’s house to the rear property line; and Mr. McLaughlin stated he feels this is fair.

Mr. Ferraro stated his house is probably half the size of what the new house will be and it still falls 25’ short of the minimum that all of his neighbors will enjoy. Mr. McLaughlin stated he feels that this is because Mr. Ferraro put an addition on his home. Mr. Ferraro stated he is just discussing the property line and not the distance to his house.

Mr. Casey stated they are trying to be accommodating but are not sure that they will ever be able to satisfy Mr. Ferraro completely.

Ms. Tyler asked why they could not move it further down since there is room, and Mr. Casey stated it will depend on the buyer and model that they select. He added that they are in full compliance with the Stipulation, and they are trying to cooperate but they cannot tie their hands so tight.

Mr. Ferraro stated regardless of what home they build there, it will sell; and all they are asking is that the minimum setback that is being afforded to everyone else be afforded to them as well. He stated the new houses will not resemble what is in the existing neighborhood. Mr. Casey stated they can add an additional 5’ setback, and

they will work with Mr. Ferraro to place the supplemental evergreen plantings that will most effectively buffer the view from his house.

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Mr. Garton stated that any deviation has to be a voluntary act because the Plans comply with the Stipulation and Court Order. Mr. Casey stated there will be a spirit of cooperation because J.P. Orleans is not interested in creating an adversarial situation between neighbors. Mr. Stainthorpe asked why they do not then move the building envelope; and Mr. Casey stated they are agreeing to go beyond what was agreed to, but they do not know who the buyer is and what the model will be and how it will best be situated.

Mr. Schorr stated it will be the side yard of the new home against Mr. Ferraro's rear yard. He stated they are granting a considerable difference in the Code relative to the side yard stipulation under the current Building Code. He stated they are equidistant to the property line, which he feels is fair. He stated the house depicted on the Plan is an 85' wide house, and the likelihood of them building an 85' wide house is probably not good. He stated they are assuming the average house in this neighborhood would be 65' maximum. He stated if they move the house further back, they will be closer to the stormwater management facilities that must be constructed; and that will impact the ability of that homeowner to possibly construct a pool or other facilities behind their home similar to what Mr. Ferraro sought relief to build behind his house. Mr. Schorr stated he does not want to impact his potential buyer relative to the lot. He stated they are making a significant investment; and if they shift the house the other way, they are going to be closer to the Scammell property. Mr. Schorr stated he feels they have offered a compromise, and the house is situated in the middle of the envelope relative to the area where they will build even though the envelope is quite large. He stated there is a considerable amount of that envelope that is not buildable because of the stormwater management facilities being on the Afton Avenue side of the facility as well as the rear space behind the physical structure that will be built. Mr. Schorr stated he feels fairness is equidistance.

Mr. Ferraro stated he feels that would be fair if the houses were of equal size; however, Mr. Schorr stated he feels the house size is irrelevant. Mr. Ferraro disagreed.

Mr. Stainthorpe stated they meet the Ordinances, and do not have to do anything. He suggested that they accept the extra 5' and the additional buffering.

Mr. Ferraro stated he is concerned that a house this large is potentially going to sit right on top of them, and he feels there is space on this Lot to move the home.

Mr. Schorr stated in the interest of fairness and cooperation, they will do whatever it takes to appropriately orient the building. He stated where it shows on the Plan is only a concept location, but it must be within the building envelope. He stated until he knows who the buyer is and what type of home they want, he cannot tell today
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exactly where the house will be situated other than the fact that it will be within the building envelope; and he has the right to build it within the building envelope. He stated the potential buyer does not want to look at Mr. Ferraro's home either, so they will do whatever they can to buffer it.

Mr. Ken Martin, 19 Austin Road, stated he is a member of the Historic Commission; and it has been a great experience working with the developers who have been thorough, considerate, and generous with their time especially going through the Scammell House. Mr. Martin stated the Scammell House is a "treasure," and the Historic Commission has the responsibility to preserve it. He stated the individual who wants to restore the House has done work in Newtown, and he understands that he is capable and sincere about this project. Mr. Martin stated the Board of Supervisors should make sure that what can be done there is done well and with a sense of the history of the area. He stated he is grateful for the sincerity of the developers with regard to the Scammell House.

Ms. Justine Seman, 1259 Yale Drive, stated she does not feel there should be any lights since the existing development has no lights. She stated with respect to the Scammell House, she assumes that it will be sold as a two-acre property, and Mr. Casey stated the lot will be 1.8 to 1.9 acres. Ms. Seman stated there should be a restriction that the parcel must be a single-family home so that there is not a Subdivision there, and it was noted this was included in the Conditions. Ms. Seman asked about the sidewalks, and she was shown on the Plan where the sidewalk is proposed to go which is on the developer's side. Ms. Seman reminded the Board of the history of this property when all the trees were taken down, and the Township took those owners to Court. She stated she appreciates that there will be a walking path.

Ms. Tyler stated the review letter from Boucher & James indicates that the Plan shows that the walkway is 6' rather than the required 8', and she asked if they are prepared to install an 8' path. Mr. Casey stated they are agreeable to comply with what was in the Stipulation Agreement, and Mr. VanLuvanee stated the Stipulation reads: "either a 5' wide concrete sidewalk or a 6' wide asphalt bike path shall be constructed along the property frontage." Mr. Casey stated at Preliminary Approval, it was approved to be a 6' wide asphalt bike path.

Motion carried unanimously.

APPROVE ORDINANCE AMENDING FARMLAND PRESERVATION BUFFER
MAINTENANCE REQUIREMENTS

Mr. Garton stated at a prior meeting, Mr. Riblet from the Farmland Preservation Corporation came before the Board of Supervisors to discuss issues with ongoing maintenance problems. Mr. Garton stated he met with him and they worked out some language related to that, and he has prepared an Ordinance that amends the Zoning Ordinance to state that in the Farmland Preservation Buffers that they may remove dead or dying vegetation including but not limited to trees, bushes, and the like. Furthermore, they may remove invasive species whether or not they are dead or dying. Mr. Garton stated in all other respects they will comply with the Ordinance requirements. Mr. Garton stated the Planning Commission made the comment that the Township should verify and agree beforehand on what is to be removed; however, Mr. Garton stated he does not feel that the Board would want to have to approve removing a dead tree, and he does not feel this is practical. Mr. Garton stated the Ordinance has been advertised for consideration this evening.

There was no public comment.

Mr. McLaughlin moved, Ms. Tyler seconded and it was unanimously carried to approve the Ordinance amending the Farmland Preservation Buffer Maintenance Requirements.

APPROVAL OF EXTENSION OF TIME TO CAPSTONE TERRACE

Mr. Dobson moved, Mr. McLaughlin seconded and it was unanimously carried to approve the Extension of time to Capstone Terrace to 12/31/13.

Mr. Alan Dresser, 105 E. Ferry Road, EAC, stated this Preliminary Approval was granted on 11/5/08; and they are coming up on the five year anniversary of when the Preliminary Plan was approved. He stated when they come in with Final Plans he feels they will be past the five-year time period, and the Pennsylvania Municipalities Planning Code indicates that a Preliminary Plan has a five-year grandfather period where they do not have to address new Codes. Mr. Garton stated Governor Rendell approved a Statute that extended all Approvals without regard to any intervening modifications to the point where it now goes to 2016. He stated the five-year period does not apply provided they come in with Final Plans before 2016.

Mr. Garton stated he understands that it was done at that time as a way to encourage economic growth by not having Permits expire during difficult times. Mr. Dresser stated his concern would be the Stormwater Ordinance that was passed

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in 2011, and he would hope that they would try to meet the Stormwater Ordinances. Mr. Garton stated if they would submit a Revised Plan with something different from what was approved, they would be subject to those Ordinances.

APPROVE EXECUTION OF DEVELOPMENT AGREEMENT WITH BROOKSHIRE ESTATES LLP.

Mr. Dobson moved, Ms. Tyler seconded and it was unanimously carried to approve execution of the Development Agreement with Brookshire Estates LLP.

Mr. Garton stated there are also Mylars to be signed this evening.

INTRODUCTION OF THE 2014 PRELIMINARY BUDGET

Mr. Fedorchak stated the Preliminary 2014 Budget as presented this evening shall not require any increase in property tax, sewer rental fees, or leaf collection assessments. He stated the Township property tax which is the single most important revenue source is recommended to remain at 15.12 mills. He stated this property tax rate has not changed over the last six years. He stated Lower Makefield Township does not levy an earned income tax.

Mr. Fedorchak noted the 2013 year end forecast for the General Fund, and he stated they anticipate ending the year having spent \$10,050,000 matching the 2013 Operating Budget projections. He stated they also anticipate that the General Fund Revenues will exceed Operating Expenses by approximately \$330,000 driven largely by a \$230,000 Public Assistance Grant received from FEMA and PEMA which served as reimbursement for expenses from Hurricane Sandy in 2012. Mr. Fedorchak thanked Public Works Director, Kevin Kall, and his staff who put together hundreds of pages of Application, forms, and supporting documentation in order to establish eligibility for this Grant. He stated it took approximately two to three months to do this work.

Mr. Fedorchak stated with regard to 2014 General Fund Revenues the overall financial outlook continues to look strong. He stated as part of the 2013 Bond Issue which was closed on yesterday, Moody's reaffirmed the Township's AA1 Bond Rating. Mr. Fedorchak stated in 2006 as part of an \$11 million Bond financing,

Moody's upgraded the Township's AA3 Rating to a AA2 Rating; and in 2010 the Township was upgraded from AA2 to AA1. He stated since then they have had a refinancing in 2011, and they maintained the Township's AA1 rating and then again in 2013.

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Mr. Fedorchak stated they anticipate beginning 2014 with about \$1.77 million, and they forecast ending the year with about \$1.86 million or 16% of total expenses which is well above the recommended Safe Harbor which is a 5% to 8% range. Mr. Fedorchak stated in 2010, the Township began the year with \$916,000 so they have made improvements over that period which has translated to the AA1 Rating.

Mr. Fedorchak stated with regard to the General Fund as it relates to the Property Tax, in order to balance the 2014 Budget, they will increase the General Fund tax rate to 10.85 mills and the .35 mill increase will be offset by a corresponding millage reduction in the Debt Service Fund which they are able to do as a consequence of a number of refinancings that have taken place over the last three to four years and resulting decrease in expenses in that Fund. Mr. Fedorchak stated the Property Tax collection rate remains at approximately 99% which is quite high, and that has not changed over the last several years.

Mr. Fedorchak stated for the first time in four years, the Township's assessed value has increased from \$516 million in 2012 to approximately \$519 million this year. He stated this appears to mark the end of a downward trend resulting from hundreds of property owners successfully appealing their assessed valuations. He stated the increase is also attributed to the Toll Bros. Regency housing development which included seventy new homes and the Edgewood Village Commercial Development hitting the tax rolls. Mr. Fedorchak stated the Residential segment accounts for 90% of the assessed value, and the Commercial only about 8%.

Mr. Fedorchak stated with regard to the Deed Transfer Tax, the 2013 Transfer Tax is predicted to reach \$1,050,000, and there is a good chance that it will exceed that. He stated this is the highest in five years. He stated for 2014 he is recommending that they again budget that amount; and although the recent spike in interest rates has cooled the mortgage market for now, there is very good reason to believe the housing market will not return to the 2008/2009 levels.

Mr. Fedorchak stated for General Fund Expenses, they anticipate an increase of about 3.4% over 2013 Budget estimates. He stated the 2014 staffing levels are not projected to change. He stated since 2011, the number of full-time Administration and Public Works employees has actually been reduced by 10% through attrition and early-retirement incentives which has resulted in some significant salary and fringe benefit savings across the board.

Mr. Fedorchak stated 2014 General Fund Expenses exceed Revenues by approximately \$96,000; and the Township expects to finish 2014 with approximately \$1.68 million in Reserve.

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Mr. Fedorchak stated in his mid-year Finance Report he stated that the Annual Pool Memberships have declined significantly since 2008. He stated in 2008, 1,541 families joined the Pool, and this year 1,239 joined for a drop of 302 families or 20%. He stated he feels it is important to understand the reasons behind this trend and to more actively market what he feels everyone agrees is a truly outstanding product. He stated he has discussed this with the Park & Rec Board, and they will be looking closely at this in the months to come. He stated in 2013 they instituted a Sponsorship Program allowing Pool members to sponsor a non-resident family. He stated he feels the first year was a success with 71 families joining the Pool, and this added \$35,000 to the Pool Budget's bottom line. Mr. Fedorchak stated he is recommending to the Park & Recreation Board and the Board of Supervisors that they grow this aspect of the Program for 2014.

Mr. Fedorchak stated this year he added the Patterson Farm Expense Fund. He stated they anticipate receiving a County Grant of approximately \$720,000 and possibly more as part of the County purchase of an eighty to ninety acre Agricultural Easement on the Farm. He would propose that this money be put into the Patterson Farm Expense Fund; and on a going-forward basis, they should expense Operating and Capital items related to the Farm from this Fund.

Mr. Fedorchak stated in total for all twenty funds, they anticipate spending \$26,279,580 in 2014 which is 3% higher than what was Budgeted for 2013.

Mr. Fedorchak stated he has posted the Preliminary Budget on the Website, and copies of the Budget will be available at the Township Building.

Mr. Stainthorpe thanked Mr. Fedorchak for getting the Budget prepared and doing all he has done keeping spending down. Mr. Stainthorpe stated they will be scheduling Budget Workshops which will be open to the public. He stated they are ahead of schedule this year.

SUPERVISORS REPORTS

Ms. Tyler asked Mr. Eisold to provide an update on the status of the ball fields. Mr. Eisold stated the ball fields are progressing in accordance with the schedule that was set. He stated the smaller field was fully seeded about one week ago, and the larger field is being final top soiled and will be seeded in the next few days to try

to get the most out of the fall growing season. He stated fencing is also starting to go up. He stated originally they projected that there could be possible minimal play in the fall of 2014, with spring of 2015 being the primary time they would want to get on the fields, and that seems to be on schedule.

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APPROVE AWARD OF SALT BID TO INTERNATIONAL SALT COMPANY

Mr. Kall stated they propose that the Board accept this Bid. He stated International Salt Company is located where the Steel Mill was located, and this is one of the reasons the costs are low since transportation is the higher of the costs; and the other three vendors are not local. He stated the price has come down approximately \$.74 over last year. Mr. McLaughlin asked if they get enough for the year at one time, and Mr. Kall stated they purchase approximately 500 tons several times throughout the year. Mr. Kall stated they are going to institute a liquid brine solution, so the salt use should go down.

Mr. McLaughlin moved, Ms. Tyler seconded and it was unanimously carried to Award the Salt Bid to International Salt Company, LLC at \$50.44 per ton through the Bucks County Consortium.

APPROVE RESOLUTION ACCEPTING DEDICATION OF PUBLIC IMPROVEMENTS AND PUMP STATION AT CHANTICLEER

Mr. Garton stated the Conditions are that they will make a contribution to the Township of \$5,000, that the Township engineer certifies that the improvements have been constructed in accordance with the Development Agreement, that they have provided Title Insurance guaranteeing good Title to the property, all bills are paid, and all homes are occupied by Final Certificate of Occupancy. Mr. Garton stated this is a standard Resolution which the staff recommends the Board approve.

Mr. Dobson moved, Mr. McLaughlin seconded and it was unanimously carried to Approve the Resolution.

There being no further business, Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to adjourn the meeting at 10:30 p.m.

Respectfully Submitted,

Dan McLaughlin, Secretary