

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – JUNE 6, 2012

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 6, 2012. Chairman Stainthorpe called the meeting to order at 7:35 p.m.

Those present:

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

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

BUCKS COUNTY COMMISSIONER, ROB LOUGHERY

Mr. Stainthorpe introduced Bucks County Commissioner, Rob Loughery, who was first appointed County Commissioner after Jim Cawley was elected Lieutenant Governor; and he was then elected Commission in his own right this past November. Mr. Stainthorpe stated Mr. Loughery is reaching out to every Municipality to spend a little time getting to know their issues, and the Board met briefly with him in Executive Session.

Mr. Loughery stated he is trying to get to all fifty-four Municipalities and hopes to do so over the next few years. He stated the purpose is to introduce himself and get to know each of the Municipalities a little better, discuss the priorities of the County Commissioners this year, and hear from the Municipalities about their concerns and issues. He stated the Commissioners are focusing on the Budget and added they adopted a difficult Budget last year, and are working hard this year to meet that Budget. He stated there was a deficient of \$24 million so in addition to a modest tax increase last year which covered about half of that deficit, after not having had an increase in five years, they have been working on trying to meet the other half of the deficit through attrition with the size of County Government. He stated they started the year with approximately 2,600 employees and are close to 2,400 now, and they are getting closer to their goal. He stated they are also very focused on the construction of the new Justice Center which is about 20% underway. He stated the project is behind schedule in terms of what they hoped for; but he feels for a project of this size, some of that is expected. He stated they hope to be occupying the facility by February, 2014. Mr. Loughery stated they also need

to determine what to do with the existing Court House/Administration Building, and they are in the process of selecting a firm to start on a design for the existing facility. He stated one of his goals is to shrink the footprint of County Government. He stated the County owns and occupies other buildings, and one of their goals is to move away from the leases they have and possibly sell some of the buildings they have and put them back on the tax rolls. This will shrink the footprint and reduce the overhead, and they can use this as an opportunity to come up with better efficiencies that do not exist now. He stated they are re-thinking how they deliver some Government services, particularly social services and human services.

Mr. Loughery stated another priority is economic development to see what they can do to foster and enhance new economic development opportunities. He stated two years ago the County Economic Advisory Board completed a Plan with key recommendations which were adopted by the Commissioners. He stated over the last year, they have been working on implementation. He stated one of the recommendations they adopted was to do a better job to engage Municipal partners with respect to economic development. He stated he has been working closely with the Director of the Planning Commission, Lynn Bush, to see how they can do this; and in the next few months, they will be able to announce some new innovative ways to approach economic development in order to support the Municipalities.

Mr. Loughery stated they are also working on the unfunded mandate from the FCC to upgrade the radios to 911. He stated there has been some question as to whether this is a requirement; but they have already started on this mandate, and what is in question at this point is the deadline which was January 1, 2013. He stated if this deadline was not met, there were severe penalties; however, they believe the deadline has been moved, although they are not sure of the date. He stated the need is still there to upgrade the systems, and the total project cost is \$50 million. He stated they have borrowed a portion of that to begin to put in the infrastructure needed. He stated the next part will impact the Township as to how they will deal with the Police, EMS, and Fire Departments. He stated they are working with the Municipalities to determine the number of radios needed, and they will do what they did some years ago so that whatever the Township needs to buy the radios can be borrowed from the County at the same rate and same way the County is borrowing. He stated this upgrade will help with better efficiencies in the communication system.

Mr. Benedetto stated he has a concern with something that happened with the Open Space Board which on May 23 had a meeting regarding the seventy-one acre Conservation Easement on Patterson Farm. Mr. Benedetto stated the Bright Farms project was moved onto the County Easement and it was considered an agricultural use by Lynn Bush at the Bucks County Planning Commission; however, the Open Space Board disagreed with this wholeheartedly, and were “astounded” that it was something that was going to be put on land they spent close to \$700,000 to purchase the Easement.

Mr. Benedetto stated once the discussion took place, Ms. Bush was contacted and told by the Open Space Board to send a letter to the Commissioners indicating in writing that the Open Space Board did not feel the greenhouse should be on that land and it was setting a bad precedent as it was not an agricultural use and was more of a commercial/industrial use. Mr. Benedetto stated Ms. Bush indicated she would not write the letter but would advise the Commissioners verbally. Mr. Benedetto stated he is concerned that Ms. Bush did not write the letter. He also asked what the Commissioners feel about this, and he asked if Mr. Loughery feels this sets a bad precedent to put a 50,000 square foot greenhouse with roads, trenches, and water pipes on a perfectly-tillable County Easement which is supposed to be open space and protected land.

Mr. Loughery stated the Open Space Board is an advisory board, and this was not an Agenda item or a special action for them. He stated he trusts Ms. Bush as do the other Commissioners as to her efforts for open space and agricultural preservation. He stated they all rely heavily on her in terms of her opinion. He stated this matter was not the forum for the Open Space Advisory Board to tell Ms. Bush what she should do. He stated he feels Ms. Bush handled this the right way, and she did meet with all three Commissioners and explained the situation and they are aware of the issues which were raised. He stated they were in support of Ms. Bush's opinion on this matter. He stated he feels Ms. Bush puts the community, the natural environment, and the policy intent first. Mr. Loughery stated while the Open Space Board may have their opinion on this, it was really not a technical Agenda item or action item for them to respond to.

Mr. Benedetto stated this matter was on the Open Space Board's Agenda. Mr. Loughery stated he does not feel it was in their purview. He stated the Open Space Board made their recommendation years ago when the Grant and Easement for that property was put together. He stated the issue now was a technical issue, and it was answered by the County staff, Ms. Bush, and solicitors. Mr. Loughery stated they had many discussions about the issue raised by Mr. Benedetto. Mr. Benedetto asked Mr. Loughery if he spoke to anyone on the Open Space Board about this, and Mr. Loughery stated he did not because he has an Open Space coordinator and Ms. Bush to talk to and felt comfortable with what they were sharing with the Commissioners.

Ms. Tyler asked if Lower Makefield Township went through the right steps in seeking the permission of the County in approving the Bright Farms construction, and Mr. Loughery stated they did. Mr. Stainthorpe stated the Township solicitor contacted Ms. Bush's office in writing, and they received an approval from that office in writing. Mr. Benedetto stated he asked for a copy of the letter sent from the Township solicitor to Mr. Bush, but he has not received it. He stated he did see a copy of Ms. Bush's response letter.

Mr. Zachary Rubin, 1661 Covington Road, stated for the last year and a half the County District Attorney has investigated some alleged irregularities in Voter Registration, and he concluded that there was no criminal conspiracy. Mr. Rubin asked what the Board of Elections of Bucks County is doing to insure that all the eligible citizens have the right to vote in the November election given the new State law requiring a photo ID. He asked what educational process and outreach will the Board of Elections of Bucks County do to make sure that people can get access to free photo IDs if they do not have them now. Mr. Loughery stated tomorrow at 2:00 p.m, they will their first Voter ID Education Group Meeting. He stated they will be considering what they can do to educate the voters of the new photo ID law. He stated the Commission has a cross-section of interest groups that want to understand and help the community and promote the information to the public on the new Voter ID law. He stated at the meeting tomorrow, they will establish at least two more meetings to come up with recommendations that the group will bring back to the County Commissioners at their first or second meeting in July. Mr. Loughery stated new information is coming in daily from the State so they want to make sure they have all the right facts.

Mr. Loughery was thanked for attending this evening's meeting and Mr. Stainthorpe wished him success with his initiatives.

PATTERSON FARM DISCUSSION

Mr. Stainthorpe stated he was very upset about the behavior of a fellow Supervisor and others with regard to the Bright Farms issue and statements made about himself and Supervisor Dobson. He stated he was also very disappointed with the Open Space Committee since they did not ask if there was another side to this issue. Mr. Stainthorpe stated an e-mail was sent by Donna Doan indicating that the greenhouse was only being built to do a favor for Jim McCaffrey and because Mr. Stainthorpe and Mr. Dobson were his friends, it was "cronyism." Mr. Stainthorpe stated he disagrees with Ms. Doan on this issue, but he has never gone after her personally. He stated she has come after him personally, and it is slander and is unsubstantiated. He stated he is very disappointed that Mr. Benedetto participated in this.

Mr. Stainthorpe stated what is done in the Township is done in a much broader scope than one piece of farmland. He stated they are charged first and foremost with providing for public safety and maintaining the roads and the physical integrity of the Township. He stated after that there are voluntary things that include Park & Rec, running the Golf Course, historic, open space, and farmland preservation. He stated he feels all five Supervisors try to operate from the context of what is better overall for the taxpayers and the residents of the Township; and this is how he tries to make decisions.

Mr. Stainthorpe stated in the overall scheme of issues for the Township, he would put the Patterson Farm at around number 15 to 20 because the Patterson Farm is not a problem. He stated there is someone who is not a resident of the Township, a taxpayer, or a vote who would like to make it a problem; but he thoroughly disagrees. Mr. Stainthorpe stated things have been said in public and on a Website which are not true. He stated the property was taken from the Pattersons through an Agreement of Sale that was reached before eminent domain was employed. He stated eminent domain was only used in this case to save the Pattersons about \$80,000 on transfer taxes. He stated there have been implications made that the Pattersons were harassed and the land was stolen, and nothing could be further from the truth. Mr. Stainthorpe stated it has been often said that “the voters approved this;” and this is incorrect as it was not done through a Voter Referendum. He stated the voters did approve a later Referendum on Open Space borrowing.

Mr. Stainthorpe stated the Board stepped up to preserve this land and the property has been continuously farmed by a farmer since the Township bought it; and it has been used for agriculture and nothing else. He stated there are buildings on the property that they have issues with and the Board stepped up and addressed them; and they have the Artists of Yardley in one building, and it is a tremendously successful organization which brings a new dimension to the community. He stated another building is in bad shape, and they have it up for sale.

Mr. Stainthorpe stated he looks at a greenhouse as agriculture; and while Ms. Doan may not agree with this, she cannot say that he is a “crook” because he does not agree with her. Mr. Stainthorpe stated he feels he and Mr. Dobson deserve an apology from both Ms. Doan and from Mr. Benedetto. Mr. Benedetto stated he has no idea what Mr. Stainthorpe feels he did. Mr. Stainthorpe stated he is responding to the letter he saw from Ms. Doan as well as Mr. Benedetto’s comment that the Open Space Board was overwhelmingly against the greenhouse since they only heard one side of the story. Mr. Stainthorpe stated while someone can have a Website and an opinion, he does not have to agree to it.

Mr. Benedetto stated the Open Space Board met on May 23; and this was an Agenda item, and he had nothing to do with putting it on the Agenda. Mr. Benedetto stated he received notice by Ms. Doan that it was on the Agenda, and he attended the meeting. He stated he feels that if he had not been there, they still would have overwhelmingly voted against this, and they laughed at the consideration that it was agricultural use. He stated they were shocked at the amount of money the Township was receiving, and they considered a 50,000 square foot structure industrial use and not agricultural. He stated people can disagree with this, but the Open Space Board did not find it to be an agricultural use at all.

Mr. Benedetto stated an individual at the meeting had asked if the Township had been notified; however, Mr. Benedetto stated it was not his purview to notify the Township and he advised that they were not but that the Township considered this to be an agricultural use, and they “scoffed” at that consideration. He stated they advised that they just recently denied a fruit stand in Doylestown Borough; and stated that if they allowed this greenhouse, it sets a tremendously poor example and precedent. Mr. Benedetto stated he did not slander anyone, and he was there because he has an interest in preserving the Farm just as he ran his campaign on when he indicated he wanted to see Patterson Farm preserved as farmland. He stated he has consistently indicated that there are better uses for the Farm and a better location for the 50,000 square foot greenhouse. Mr. Benedetto stated he spoke to Sal Grasso who indicated they have an Agreement with an Oklahoma supermarket chain where they are putting a 40,000 square foot structure in the parking lot of one of the supermarkets; and he feels this makes great sense. He stated he feels to put it on tillable farmland makes not sense to him. He stated he has been consistent and has not slandered anyone.

Mr. Benedetto stated he attended the Open Space meeting because he was notified of it, and he did not slander the Township. He stated he advised them that the thought was that it is agricultural use. He stated he never saw any letter than went from Mr. Garton to Ms. Bush, and he only saw the letter of one or two lines from Ms. Bush that indicated they agreed with the Board of Supervisors that it is agricultural use.

Mr. McLaughlin asked Mr. Benedetto who notified him of the meeting of the Open Space Board, and Mr. Benedetto stated it was Donna Doan. Mr. McLaughlin asked Mr. Benedetto if he made any attempt to notify any of the other Supervisors that this meeting was occurring; and Mr. Benedetto stated he was notified of it the day of the meeting at 12:00, and added it was not incumbent upon him to notify everybody. Mr. McLaughlin stated the person who wrote a slanderous letter notified Mr. Benedetto about the meeting, and Mr. Benedetto accepted the invitation and did not feel the need, obligation, or courtesy of notifying the other Supervisors that it may be in their best interest to also attend; and Mr. Benedetto stated he gave the other Board members’ opinion that he received from Mr. Fedorchak that it was agricultural use.

Mr. Stainthorpe stated this is an approved project, and they have no plans to make any changes to that. He stated at this point if the County Open Space Board asked him to come in and explain his position, he would not attend such a meeting.

Mr. Benedetto asked Mr. Fedorchak to provide him with a copy of the letter that Mr. Fedorchak indicated was written to Ms. Bush asking for the opinion as to whether this is an agricultural use.

PUBLIC COMMENT

Ms. Donna Doan, 2814 Langhorne-Yardley Road, Langhorne, stated while she does not live within the boundaries of Lower Makefield, her tax dollars did go to help preserve the Patterson Farm. She stated she is a life-long member of the community and a resident who cares about the future of the community, and she feels entitled to speak. She stated her father farmed the Patterson Farm from 1936 until the time when the Pattersons stopped farming. Ms. Doan stated she was at the Farm many times when a Supervisor's car would pull up unannounced. She stated she was also at her father's home when a phone call came in from the Township asking that Mr. Patterson be told to get in touch with the Township. She stated Mr. Patterson did not want to return the Township's calls, and he would not get off the tractor when the Township arrived at his Farm unannounced. She stated it is a lie to state that she did not have any idea what when on or how the Pattersons were coerced.

Ms. Doan stated many of the current Supervisors are new and have not been following this process all along. She stated in 2007 the Township retained the services of the Penn State Cooperative Extension Service, and the County Extension Director to sample the soils at the Patterson Farm. She stated this week she obtained his report through the Right-To-Know Act from the Township, and she read from the Report which discussed the excellence of the soils. Ms. Doan stated this is the Farmland that the Board wants to build on when there are plenty of brown fields areas that would be more suitable for Bright Farms to occupy. Ms. Doan also read an article from the Yardley News dated 7/3/97 discussing the added protection to the Patterson Farm by being added to the Agricultural Security District. Ms. Doan stated any condemnation of land that is within the Agricultural Security District was supposed to go before the State Agricultural Board for review, and this week she has learned that the Township never went before that Board before the Farm was condemned so it was an illegal condemnation.

Ms. Doan stated the issue of money has come up many times, and it was always the Township's contention that the Farm cost them money. She stated when the Farm was condemned, there was an article in the paper that said it should cost less than \$50 per household to obtain the Farm. Ms. Doan stated when PennDOT condemned the land for the I-95 Exit loop, the Township was given \$483,581.09, and the rent from the Tanners was \$105,000. She stated the rent for the stone cottage on the Patterson Farm was \$42,000. She stated the land leases that she asked for from the Township between the years 2007 and 2010 were not provided to her but she approximates that value to be \$80,000. Ms. Doan stated Mr. Stewart's current Lease will net the Township another \$99,000. She stated the Township also gets proceeds from the leaf recycling program. She stated she feels over \$809,000 is netted from the Patterson Farm, and she asked how much would be enough money to save the Farm. She stated they did not apply for the Conservation Easement that would net the Township \$2 million, so she does not feel they have a strong commitment to preservation.

Ms. Doan stated she feels this project is a “gift” to their friend, Jim McCaffrey. She stated if they have to have some superior person to review this process and subpoena people to come in and talk about what exactly happened with this Farm, this is what they should do.

Mr. Benedetto stated there is a sign on the property that says, “Patterson Farm, 234 acres preserved as open space by LMT,” and he feels this is completely misleading and should be taken down as false advertising. He stated they are putting on a 50,000 square foot structure which is an industrial use.

Ms. Doan stated the Open Space Board felt this was “laughable.” Ms. Doan stated she feels Bright Farms is a great idea, but they must understand the gravity of taking this farmland out of production. She stated Bright Farms should be a companion piece to the Patterson Farm and should not be a means to bring all this infrastructure onto the Farm. She stated there is room for both uses. She stated she feels that there is more to the story, and asks why there is a harsh push to make sure that it is on the Patterson Farm. She stated when Mr. McCaffrey owns the land that is next door to the Patterson Farm and has friends on the Board and people on the Board who sit on the Board of his charity and people that he socializes with, she feels there are people on the Board who should not have voted because of their closeness to him. She stated she will stand by this, and she wrote the letter to the Open Space Board because those are her feelings, and she feels it is “crooked” and wrong.

Mr. Stainthorpe stated Ms. Doan is wrong. He stated he would be happy if she has an investigation because it would finally clear the air. He stated he disagrees with Ms. Doan about Bright Farms, and he feels it is a great idea, is food production, and is the cutting edge. He stated it is environmentally-sound and will provide fresh fruits and vegetables year round, and is a great deal for the Township. He stated he does not socialize with Mr. McCaffrey although he does consider him a great friend of the community who has done a lot for the community. He stated his name does not deserve to be smeared either. Ms. Doan stated she is not smearing Mr. McCaffrey’s name.

Ms. Doan stated the Bright Farms complex will involve cutting down wooded area and bringing in infrastructure and traffic. She stated the Bright Farms complex will not reduce any trucks on the roads, and the semis that pull up at McCaffreys will still pull up every day. She stated this was sold to the public as a green project when really it is not. She stated it destruction of property that the taxpayers paid for.

Mr. Paul Roden, 307 Dalveview Drive, thanked the Board for his appointment to the Environmental Advisory Council. He stated he is in support of the Bright Farms project, and it is fantastic to be able to grow food year round. He stated he feels they need to be creative and flexible when approaching these things, and he hopes this does not lead to any more litigation.

Ms. Helen Heinz stated she would like to discuss another parcel on the Patterson Farm. She stated after reviewing the tape from last month, she was concerned about the bidding documents that are on the Website for the Satterthwaite property. She stated she recalled that several Supervisors were expressing some concern about the fact that the documents seemed to indicate that the Zoning for the Satterthwaite parcel would be changing from R-1 and it called into question whether it could be construed as spot zoning and whether it could be used as a legal instrument to encourage the Zoning Hearing Board to grant extraordinary Variances to a preferred buyer. She stated she has read the Zoning Ordinance and also looked at some things that could be changed in the bidding documents as they are presented on the Website. She read Item #14 which lists what the property could be used for including veterinarian hospital for large animal care and related uses. She stated added from the original bid document was that it could not be used as a kennel; however in the C-2 Zone where a veterinarian hospital is permitted, a kennel is also permitted.

Ms. Heinz stated the documents also indicate that the seller is willing to permit construction of an addition to the rear of the house with the understanding that the addition shall be consistent with the existing style of the house and subject to demonstrating there are structural deficiencies located in the house. Ms. Heinz stated it also indicates that one more residence can be constructed on the premises provided the additional residence is equal to or smaller in size of the current residence on the premises and providing that the additional residence shall be constructed in a manner consistent with the existing architecture of the premises and consistent with depictions of single-family dwellings attached as Exhibit C. Ms. Heinz stated when you click on Exhibit C, you find an advertisement for Connor Homes of Vermont. She stated this is a modular company that is doing “fake” old houses which come in on a truck. She asked who approved Connor Homes to go on the Website as an advertisement. Ms. Heinz stated she also reviewed the Secretary of Interior Standards for historic preservation and it specifically says that you should not be erecting on a structure that is eligible for National Register something that appears to be historic. She stated the bid documents also included the Standards as the required way to renovate the house so they are contradicting themselves.

Mr. McLaughlin asked if the Satterthwaite House is on the National Register, and Ms. Heinz stated it is not because the Board decided not to Register it. Mr. McLaughlin stated this would therefore not pertain; however, Ms. Heinz stated they do pertain because it is already considered eligible under State mandate, and for State standards in order to get the Grant to fix the roof, it was certified as eligible for the National Register. Mr. McLaughlin asked if the rules therefore apply, and Ms. Heinz stated they do under the bid documents, and the person who fixes the house is required to adhere to the National Standards. Mr. McLaughlin stated he feels Connor Homes was just for illustrative purposes, and it was not an endorsement. Ms. Heinz stated she feels it is very destructive to local contractors, local designers, and local architects who could probably

create something that is Mid-Atlantic architecture rather than New England, Vermont, and New Hampshire architecture and would be much more suitable for that particular house. Mr. Stainthorpe stated he agrees that there should not be a commercial advertisement on the Website, and he asked that this be changed now as the implication could be that they expect a Connor Home, and this is not correct. Ms. Heinz stated the appearance of these houses is incorrect for Mid-Atlantic architecture and what they are showing is New England architecture.

Ms. Heinz stated language was added to the new bid documents that a wooden post and rail fence could be put up around the property. She stated it also indicates that no part of the adjoining tract owned by the Township shall be devoted in whole or part to a Senior or Community Center which she feels is strange to have public policy included in the bid documents. She stated it also indicates that the seller agrees to leasing a portion of the adjoining property for pasturing related to the purchaser's veterinary business or personal use.

Ms. Heinz stated this is a five acre parcel, and they are allowing another house to be constructed; and she is not sure that the Board is aware that by doing this, there are a lot of areas in the Township which are very much related to historic preservation with five acre pieces with historic homes whose owners will be coming in immediately to get their second house on their property, and this will impact River Road and Yardley Road.

Ms. Heinz read to the Board various portions of the Zoning Ordinance. Ms. Heinz stated the Zoning Ordinance would permit two structures on a five acres tract but would not permit another structure within 150' of the property line and she feels with the existing structures on the property some of them will have to be taken down. Ms. Heinz read information from the Zoning Ordinance about other uses including riding stable, a school in conjunction with a veterinary hospital, and a veterinary hospital itself. Ms. Heinz read from the Zoning Ordinance information with regard to animal hospital/livestock in a Residential District which indicates that the minimum net lot area should be five acres and no more than two livestock units shall be permitted for every five acres of lot area and according to the code one livestock unit could be one cow or one horse so they could have two horses on the five acre site.

Ms. Heinz asked if the Board is comfortable with the language in the Sale document since it seems that they are zoning in on allowing this property to be sold to the veterinarian knowing that she may be able to take this directly to the Zoning Hearing Board and indicate this is already on the Deed of Sale and they do not have the right to change this. Mr. Stainthorpe stated they did discuss at the last meeting that she would need Zoning relief, and that the risk was on her. Mr. Stainthorpe stated they have not received any bids at this point so they do not know whether or not she will bid.

Ms. Heinz stated she questions if this could be considered as an alteration or tampering with the Zoning Code. Mr. Koopman stated it is not unusual for a property owner to put restrictions on a sale, and it does not obviate or negate the provisions of the Zoning Ordinance, and they will have to be in full compliance with the Zoning Ordinance although anyone is entitled to seek relief by way of Variance but there are standards that are applied over which the Zoning Hearing Board has jurisdiction. Ms. Heinz stated she hopes that the Township is getting good legal advice.

APPROVAL OF MINUTES

Mr. Dobson moved, Ms. Tyler seconded and it was unanimously carried to approve the Minutes of May 16, 2012 as written.

DISCUSSION AND TABLING OF RESOLUTION NO. 2251 SUPPORTING THE REQUEST THAT STATE HIGHWAY 32 (RIVER ROAD) BE KNOWN AS THE DELAWARE AND LEHIGH DRIVE AND BE DESIGNATED A PENNSYLVANIA BYWAY

Mr. McLaughlin moved and Ms. Tyler seconded to approve Resolution No. 2251.

Mr. Larry Wiederspahn, a resident of the Township and Judge of Elections for South 7, stated he had addressed the Board about this matter previously; and he would like to provide additional information so that the Board can make a more-informed vote. He asked the Board if they are informed about a Program called Agenda 21, and the Board indicated they were not. Mr. Wiederspahn stated Agenda 21 is a program promulgated by the United Nations for biodiversity; and it was proposed at the Rio Summit as a Treaty and there is a push to incorporate this in the form of sustainable development. He stated those who are in favor of this differ from him and most people who own property in the Township. He stated this started at the United Nations Conference on Human Settlements held in Vancouver in June, 1976. He read the Preamble from the Land Section which states, "Land because of its unique nature and the crucial role it plays in human settlements cannot be treated as an ordinary asset controlled by individuals and subject to the pressures and inefficiencies of the market. Private landownership is also a principal interest of accumulation and concentration of wealth and therefore contributes to social injustice. If unchecked it may become a major obstacle in the planning and implementation of development schemes. Public control of land use is therefore indispensable to its protection as an asset and the achievement of the long-term objectives of human settlement policies and strategies." Mr. Wiederspahn this was used as an outline for future conferences of the U.N. and led to the Biodiversity Treaty which he does not feel they have signed onto, although this has not stopped the

people who are pushing this agenda. Mr. Wiederspahn encouraged the Board to make themselves knowledgeable about Agenda 21. He stated the main thing that it does is turn over control of our land in our Municipalities to regional bodies who are unelected and do not answer to the residents of the Township or the State.

Mr. Wiederspahn stated they lay out different methods for putting this Plan for how they think land should be used into place. He stated in the same document from the Vancouver Conference there were certain bullet points made part of the document and one of them was “Land is a scarce resource whose management should be subject to public surveillance or control in the interest of the Nation;” and another is, “Change in the use of land especially from agriculture should be subject to public control and regulation.”

Mr. Benedetto asked Mr. Wiederspahn how he knew that this was an Agenda this evening, and Mr. Wiederspahn stated he received a call from Mr. Benedetto.

Mr. Benedetto asked if anyone was present from River Road, and no one in the audience indicated they were from River Road. Mr. Benedetto stated this matter came up in March over four years ago, and no property owners were notified. Mr. Benedetto stated Mr. Wiederspahn is indicating that property owners are at risk for an over reach by a non-Government organization, and Mr. Wiederspahn agreed and stated they are unelected officials who want to take over control of what happens to the property that is within what is called the view shed of the scenic corridor. He stated it is interesting that the people that this would effect the most have no idea that this meeting is going on or what the implications of approval of such a Motion would have on them. Mr. Benedetto asked the risk of approving this Resolution, and Mr. Wiederspahn stated the risk is abdicating control of what goes on in the Township under the portion that would be deemed the view shed, and this is the part that they do not want to talk about when they come in and propose this. He stated they indicate that they want to preserve the scenic corridor for historic purposes and make it amenable to tourism, but they do not tell you that their control involves the view shed which is defined as anything that can be seen from the roadway or any point in the Township from which you can see the roadway. He stated this could mean a hilltop ten miles away.

Mr. Benedetto stated they were told that there is a benefit of having money come in. Mr. Wiederspahn stated this is how this is marketed, and the people who do these presentations are professional facilitators and members of non-Government organizations affiliated with the United Nations. He stated they come in and tell the Townships that there is no downside. He stated at the last meeting Ms. Garofalo indicated there are a lot of “carrots” that come with this program. He stated there was no mention of any downside, and these people are trained to avoid answering questions on the downside and are here to tell how good it is and get you to sign on, and only later will you find out what comes with this. He stated the Grants that were referred to do exist, but they are so narrowly defined in terms of what they can be used for, and the Board

will be frustrated further along if they go along with this in terms of the Township's inability to have any input on what they are used for. He provided this evening examples where other Townships signed on with the promise that there would be money available for improvement, but it was found that the money was restricted to things like kiosks, restrooms, and visitors' centers. He stated a twenty mile stretch ended up with four to five visitors' centers. Mr. Benedetto stated this takes away money that could be used for road repairs, etc.

Ms. Tyler asked what would be the specific downsides he foresees for the property owners along River Road; and Mr. Wiederspahn stated they have no idea that there will be property restrictions that come along with this designation. He stated those who own property that can be seen from Route 32 would no longer be able to put up a cell tower and if you have a blue barn, you would have to keep it a blue barn because the effect of this is that you are effectively taking a snapshot of how the Byway exists now; and if you want to change it in the future, it is not easy, and you have to get the approval of the stakeholders who are not elected but are politically approved, and are people that are on board with the program, and they are the people who the property owners have to petition to do anything with their properties.

Mr. Stainthorpe stated he specifically asked the Township solicitor to investigate this, and he indicated that this was not the case and the Township Ordinance are still what would have to be followed, and they can make not changes to the Township Ordinances; and the only thing that might be restricted was the installation of billboards and since it is a Residential neighborhood, they would not be putting billboards there anyhow nor would they put in cell towers so he felt fairly comfortable with this proposal. Mr. Stainthorpe stated Mr. Wiederspahn raised these concerns some years ago, and the Board chose to take no action at that time. Mr. Stainthorpe stated he is relatively comfortable that this is okay, and Mr. Wiederspahn stated this is what troubles him.

Mr. McLaughlin read from the Minutes of May 16 when this was previously discussed regarding the view shed, and Ms. Garofalo's response that indicated the local Ordinances would cover this and the only Ordinance required would be a Sign Ordinance that restricts billboards. Mr. Wiederspahn stated they are only being told part of the story. He stated what happens when you put this designation in motion is they proceed to develop a comprehensive plan for the corridor, and this is when you find other things out. Mr. Wiederspahn read from a land-use control tutorial. He noted particularly information related to Scenic Rivers and Byways which indicates that the Scenic Byways Program of the U.S. Department of Transportation, and when a highway is designated as a Scenic Byway everything contained within the view shed of the highway is subject to the control of the stakeholders' council created by the designation. Mr. Wiederspahn stated once you agree to this and try to de-designate it, it is a "nightmare." He provided information from three Municipalities who have tried to have it de-designated.

Mr. Benedetto asked Mr. Wiederspahn if he was ever notified about this or if there were any efforts made to talk to those living on River Road, and Mr. Weiderspaun stated there was not. He stated he feels they sensed “push back,” and so they went on to other Municipalities the last time this was before the Board; but now that they have put together a chain of communities in a row, and they are now back to the Township.

Mr. McLaughlin noted the document Mr. Wiederspahn read from regarding restrictions on the view shed, and Mr. Wiederspahn stated it is from the U.S. Department of Transportation. Mr. McLaughlin stated this program is from the Pennsylvania Department of Transportation, and Mr. Weiderspaun stated they have the identical restrictions, and the same program is operated under the auspices of the National program; and the next logical step is that after this is a State Byway, they will come back and ask that it be made a National Byway which further tightens the control over what you can and cannot do with the land along there.

Mr. Wiederspahn read excerpts from an article that was in a Missouri paper about Scenic By-Laws which indicates that this is not a “benign” honor but is a legal instrument for taking away private property rights administered by a “faceless and generally hostile bureaucracy.” Mr. Wiederspahn stated the Board will be ceding control of decisions to people who are non-elected, handpicked stakeholders, and the property owners will have to petition them to make changes to their property or to develop it in any way in the future. Mr. Wiederspahn stated the article indicates that with all these restrictions the land values drop nearly to zero. It also indicates that there could be no development or demolition and re-development of deteriorating buildings, and no repaving, straightening, or widening of dangerous sections of the road and everything must remain “frozen in time” as it was when the Scenic Byway went into effect.

Mr. Wiederspahn stated he reviewed the video of the last Board meeting and Ms. Garofalo suggested going to their Website; and when he did this her resume indicated she was a ToP facilitator in training. He stated he researched this and found that she is trained by a group called the Institute for Cultural Affairs in U.S.A., and they train people to make presentations like the one before the Board. He stated ToP stands for Technology of Participation and trains them how to get consensus. Mr. Wiederspahn stated consensus is not agreement, but is the lack of vocal or visible opposition; and does not mean that everyone is on board. He questioned why all the people who are along the corridor were not brought together in one room to voice concerns, and he feels they are being separated and this is being done in bits and pieces under the auspices of consensus and indicating that everyone else is on board which may not be the case. He stated this method is the Delphi technique and it involves getting consensus to a pre-determined conclusion by giving the appearance of public approval. He stated the stakeholders are already established, and the Board is being asked to approve something for which the governing group has already been handpicked and this is done by getting people together who are sympathetic to the program which is being promoted. He stated these are the

people who the landowners in the Township will have to ask for permission to do things with their property in the future. He stated the Board is about to advocate this by signing off on this Agreement.

Mr. Wiederspahn urged the Board not to sign, and asked if they are compelled to proceed, they should do some homework and also afford the landowners in the view shed the same consideration that is given to a property owner who adjoins a property who wants to do an addition to his house. He stated the property owners who will be effected deserve to be heard.

Mr. Wiederspahn stated they are getting all of the communities along the River to sign on, and he questions how long it will be before they come in with a plan for light rail; but Mr. Stainthorpe stated he does not feel this will happen. Mr. Wiederspahn stated this has already happened in New Jersey and there is light rail from Trenton to Camden that nobody rides.

Mr. Zachary Rubin, 1661 Covington Road, stated he is in support of the Resolution. He stated he is not aware of Agenda 21, but the prior speaker was criticizing and fearful of more public control of private property. He stated Ms. Heinz just demonstrated that there is a lot of public control of private property and he supports this; and he added it is called Zoning Ordinances and they are there to protect the public. He stated he has no problem with Zoning Ordinances that restrict private property rights. Mr. Rubin stated the previous speaker also basically criticized the concept of consensus, and he hopes that elected officials are consensus builders which is their job. He stated he supports this and feels it is a nice idea to have a scenic highway. He stated he feels it is ironic that he has not heard opposition when the State Legislature has passed Stated laws to take away the right of Municipalities to regulate where they are going to put a gas drilling rig, and he feels that is where the real fear is. He feels a lot of power has been put in the hands of energy companies in the State, and this is where the opposition should be.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, stated she has been a stakeholder several times. She stated she has read the Guidance Manual put out by the State on Scenic Byways, and she has been predisposed to be in favor of the Scenic Byway; but she is disturbed that when they talk about stakeholders, they do not mention people who live along the road even though they are the ones most directly effected. She stated she feels it is a valid point that if a stakeholder committee is created and there are not residents of the road on the committee, this is a problem. Ms. Torbert stated she also has a problem that the residents of River Road were not notified before a decision will be made, and they should be given the opportunity to ask questions.

Ms. Tyler stated she would like to ask Mr. Garton if they can add specific language to the Resolution not abdicating any of our Zoning rights and to preserve the Zoning rights in writing within the Resolution. Mr. Stainthorpe stated he believes that they are preserved; but if it is the sense of the Board that they would like to table this to another meeting, he would not be opposed.

Ms. Tyler moved, Mr. McLaughlin seconded and it was unanimously carried to table this matter.

UPDATE ON VETERANS MONUMENT

Mr. Kevin Treiber and Ms. Kathy Kraeck from the Veterans Committee were present. Mr. Treiber stated they are excited to move forward with the Monument. He stated they have had some “speed bumps” which they are addressing. He stated they came up with a great Plan; but when they went out to bid in June, 2011, the bids came back much higher than they anticipated. He stated the consensus was to address the fact that the cost of the project needed to come down so they decided to scale the project down about 30% in size to help reduce the cost of materials and labor that would be needed. He stated when they did this they felt that it took away from the spirit of what they wanted to do and the usability of the space. He stated they then challenged the design team to come up with another proposal that would still be in the spirit of what they wanted to do to honor the Veterans of the community.

Ms. Kraeck stated the design team came up with a Plan they are all very pleased with which is to eliminate one wall making the Monument a single wall, and they feel the design still accommodates all the features that were originally part of the design including the bronze eagle, plaques, and the civic statement. Ms. Kraeck read excerpts from their initial design purpose. Ms. Kraeck stated with the elimination of the one wall they have been able to still maintain the flow of the design and there is an interior that embraces the viewer and creates a center for the flag pole. She stated the height of the wall rises from two to nine feet so that the bronze eagle can take flight. She stated they allow for wheelchair access. She stated they will continue with the brick and granite features and will work further with the design team to determine the material that goes along the inside and outside of the walls, but it will be a durable material that will last for generations to come. She showed the Plan for the revised monument. She stated all the granite pavers at the various sponsorship levels will still be there as will the individual bricks. She stated they feel they have kept the same feeling and same purpose, and it still designed to be an uplifting monument and gathering place. She stated it is proposed for the same location as it was previously so there is still room for the Farmer’s Markets, the Labor Day Concert, and other activities that take place at the Park.

Ms. Kraeck stated they feel these changes will save a significant amount of money over the first design. She stated the first bids came in at \$468,000 which was double what they expected it to be. She stated since that time, they worked on becoming their own non-profit which was more time consuming than they had hoped; but they have also continued to raise funds, and they have a balance to date of \$140,000. She stated they hope they can build the monument without having to raise a huge amount more. She stated becoming a non-profit will allow them to function more as a private entity, and they hope that there are contractors in the community that want to work with them knowing that they are a Veterans group.

Ms. Kraeck stated they hope to do the project in a two-phase process, and they would like to get the flagpole installed before the Veterans Day Parade; and the second phase would be done at a bit later.

Mr. McLaughlin asked what they estimate the \$468,000 would come down to given their status as a non-profit since the \$468,000 was with paying prevailing wage. Ms. Kraeck stated they have been told that prevailing wage increases the cost 25% to 40%. She stated even if they left the original design intact they were concerned that they have been fundraising for some time. She also stated there are a lot of World War II Veterans in the community who have been supporting them, and they want to build the Monument so that they can come and enjoy it and the Park so there is a strong push to get something by Veterans Day and at least have the flagpole in place. She stated they also feel that when they start building, people will see they are making progress.

Mr. McLaughlin stated he feels this has been a tremendous project and he thanked them for all their efforts. He stated he is concerned that with the new design it appears that they are trying to reach an end any way possible. Mr. Stainthorpe stated this is a project that they always left to the Committee although the Board has the final say since it is Township land; however, he does not want to impose a design on them or tell them they have to do something bigger. He stated he understands that they want to get something built so that the World War II Veterans can see it. He stated people have also purchased pavers, and they would like to see them. Mr. Stainthorpe stated while the project has been scaled back, fundraising is difficult; and he feels they have done a great job, and he would support whatever they want to have.

Ms. Kraeck stated they discussed this with the design team. She stated the first design was a \$1 million design, and they realized that this was not going to happen given the problems with the economy. She stated when the bids came back on next design, it was very disappointing. She stated they were not getting any Grants to fund this, and it has all been funded via the stepping stone campaign, some large sponsor donations, and the rest from individuals in the community. She stated they feel events will take place at this Park long after they are gone and other groups will come and use the Park. She stated their purpose is the same which is to make it an uplifting place for the community to

gather although it will not be as grandiose as it was in the beginning. She stated the Committee was disappointed but all felt that the goal was the same and it does not diminish the honor that they want to bestow on the Veterans. Mr. Stainthorpe stated while he is not a Veteran, most of the Veterans that he knows do not feel that “grandiose” in anything is important but it is the acknowledgement, gratitude and the thanks. He stated he feels the efforts they are putting forth already say that to the Veterans community, and he asked that they continue their work.

Mr. Treiber stated he also was not sold on the re-design initially, but he has grown to accept it. Mr. McLaughlin stated he was just wondering if patience to get to the \$325,000 would be rewarded; and questioned if it is really that far away that they could not get there, although he would understand it if the Committee wants to continue with what they have now proposed.

Mr. Dobson stated he supports everything the Veterans Committee has done. He stated he purchased a brick for his father who is a World War II Veteran, and he would like his father to have a chance to see it.

Mr. Treiber stated it could take another five years to get to the \$325,000 level.

Ms. Kraeck invited everyone to the Flea Market this Saturday. She stated Mr. Benedetto is also coordinating sales to the Trenton Thunder game on Friday, July 20 and he can be e-mailed about tickets to that Game. She stated they have Yoga in the Park every Tuesday from 6:30 p.m. to 8:00 p.m. She stated they will also have their Second Annual Labor Day Concert.

EDGEWOOD VILLAGE SEWER UPDATE AND APPROVAL OF RESOLUTION NO. 2249

Mr. Hank Hoffmeister was present with Ms. Danielle Farrell. Ms. Farrell stated the Township adopted the 537 Plan which included evaluation of on-lot disposal systems and adopted the requirement to construct public sewer systems and tonight they will discuss the extension of public sewers to the Edgewood Village area. Ms. Farrell stated this project was estimated to be a \$1.3 million project, and this cost was high considering the amount of pipe to be installed but this project is primarily in State roads and it is a deep sewer. She stated they knew that the project was only going to serve approximately thirty properties, and they looked for a long time to see if they could obtain a funding source. She stated two to three years ago they approached PENNVEST, but they denied the request. Ms. Farrell stated Steve Santarsiero and Chuck McIlhinney did support the Township and an Application to the Commonwealth for an H2O Grant was submitted, and they did receive this and it funds 66% of the project costs up to \$850,000.

Ms. Farrell stated this funding was very important in that for past sewer extension projects, the Township funded 40% of the sewer extension projects; and through the H2O Grant they will provide for 66% so the property owners contribution for this project will only be 34%.

Ms. Farrell stated the infrastructure has been constructed and approximately 3,900 linear feet of pipe has been put in the ground, and there will be thirty-four connections. She stated the Township is looking at a cap of \$1 million and 66% of this will be covered by the Grant which leaves a gap of \$340,000. She stated they are looking to have an assessment for that gap, and the Township will access it on a front foot basis in accordance with the provisions of the Pennsylvania Second Class Township Code. She stated the Township will pay the costs up front, and there will be a reimbursement process. She stated sixty days after service it is expected to be paid; but if that cannot be done, there is the opportunity for the property owners to make payments not to exceed ten years with an interest rate of 2.8%.

Ms. Farrell stated the \$340,000 is for the installation of the sewer main, and there are other costs individual property owners would have for improvements that may be necessary on their property. She stated this could include the abandonment of their on-lot system, costs to plumb their home to the main, and possibly the need for re-plumbing in their home.

Ms. Farrell stated the Township graded the on-lot disposal systems in 1999 as part of the Act 537 Plan when it was adopted. She stated they have recently gone out again with certified mail to all of the property owners questioning the condition of their system. She stated the Township has a list as to how the properties are functioning. She stated some properties will be required to connect immediately; however, upon being contacted, the property owners will have four months to make the connection. Ms. Farrell stated if a property owner feels that since the time their system was evaluated they have either abandoned the on-lot system so that it is no longer in operation, the home has been demolished, or they have replaced the system, they have the right to come in and make the Township aware of this. She stated if they want to have a re-evaluation of the on-lot system, it would need to be performed by a Sewage Enforcement Officer. Ms. Farrell stated other conditions that would require the connection of a property would be if there is a sale of the property. She stated there have been some situations where there was a fire, and a Building Permit may need to be obtained; and upon the request for the Building Permit it is also a time that they would request a property owner to make the connection and to abandon the on-lot system. Ms. Farrell stated all property owners are required to coordinate with the Township prior to attempting to make their connection or hire a plumber. She stated the Township has record drawings of where the lateral stubs are for each property, and they want to make sure property owners know this before they hire their plumber. She also stated some of the pipes are gravity collection and some are pressurized, and they would not want a homeowner to have a gravity line installed and then find out that they cannot make the connection to the pressure system.

Mr. Stainthorpe asked if they know yet what the assessment per lineal foot will be, and Mr. Hoffmeister stated this has yet to be determined because it is going to be based on the total cost which they do not have yet. He stated once they have the final cost, the assessments will be levied on a front foot basis. He stated this project is different from prior projects as those prior projects were all residential, and this project includes commercial properties and presents a slightly different tactic that the Township must follow by virtue of the Second Class Township Code.

Mr. Koopman stated Ms. Farrell's estimate of the total cost is pretty close and she has calculated in all of the costs except for a few additional costs still to come in. He asked Ms. Farrell for an estimate of the front foot number; however, Ms. Farrell stated she did not have this tonight. Mr. Hoffmeister stated in this case there is a commercial project with significant front footage versus residential lots that may have 150' frontage. He stated they should have something finalized within the next week or two.

Mr. Fedorchak stated Ms. Farrell indicated that there were thirty-four possible connections; and he asked how many of these would have to be connected immediately or in the very near future because they failed, and Ms. Farrell stated she feels between one third and one half of the of the properties would have to connect in four months of receiving notification. Mr. Stainthorpe stated he understands that if you have a failed system, you will receive notification and you are required to hook up; but if you do not have a failed system, but you choose to, you can still hook up, and Ms. Farrell agreed. Mr. Stainthorpe stated if you do not hook up at this time, at the point you sell your home, you are required to hook up at that time; and Mr. Hoffmeister agreed. Mr. Hoffmeister stated this is the policy they have followed in that if you have a failed or marginal system, you are required to hook up. He stated if you do not have to hook up to the system, you are still subject to the assessment; but once the property is sold, an addition is put on, etc. then the property owner must make the connection. He stated if the assessment is through the ten-year lien program at the 2.8% interest, it will have to be paid off at the time of a sale.

Mr. Koopman stated paragraph #7 identifies approximately fourteen parcels that will be required to connect based on the study that was previously done; and if any of those property owners can show that since they have put a new system in or they have an A-rating, they will not have to connect until they sell the property in the future.

Mr. Koopman stated the Resolution is very similar to the Resolutions that were previously adopted by the Township in connection with the Hillside/Spring Lane project and the River Road/Robinson Road project and some others. Mr. Koopman stated in the past however, they had a situation where the properties that were subject to the extension were all residential properties with approximately the same front square footage, and there was not a mix of commercial and residential which they have in this project.

He stated in those other projects, the assessments were based on an equal assessment against all of the property owners; but here one of the difficulties is that you have a diverse situation where there are large commercial properties and single-family, detached dwellings. Mr. Koopman stated the Sewer Authority spent a considerable amount of time analyzing the project and making a recommendation that the front foot assessment would be the most practical and equitable way to assess the properties. He stated there are provisions in the Resolution for equitable adjustments in certain cases. Mr. Koopman stated as noted by Ms. Farrell he feels it is fortunate that the H2O Grant was obtained from the State and the State is bearing 66% of the cost of the project. He stated sewer extensions are very expensive, and they are fortunate that they found a contribution from the State. He stated there are not a lot of additional costs that will add to the estimated cost, and Ms. Farrell agreed. Ms. Farrell stated there are administrative costs for closing out the Grant.

Mr. Koopman stated there is a requirement for a connection Permit, and the property owners will also have to pay a tap-in Fee when they connect; and this is a requirement of the sewer regulations of the Township and the Second Class Code.

Mr. Gauck stated the Sewer Authority did recommend to the Board of Supervisors to go with the front foot assessment.

Mr. Benedetto moved and Mr. Dobson to approve Resolution No. 2249.

Mr. David Miller, 1648 Yardley-Langhorne Road, stated he is one of the potential customers for this system. He stated he is pleased to see that they are at this point with the sewer service, but he is disappointed in that he expected more information. He stated he would liked to have seen the Resolution before the meeting this evening.

Mr. Koopman stated the Resolution was advertised for consideration on May 25 and has been available for the public to view at the Township. He stated the Resolution provides for approval of the extension of the sewer system and the approval of the method of assessment based on the front foot basis. It also has details about the manner in which the assessment is to be paid and that the resident are being given the opportunity to pay it over ten years at an interest rate approved by the Sewer Authority. He stated the cost of the system will be assessed against the property owners on a front foot basis, although they do not have the exact number this evening.

Mr. Miller stated he received a letter about this meeting on Saturday although he knew about the meeting a couple of weeks ago because Mr. Dobson had discussed it at one of the meetings. Mr. Miller stated he did go on the Township Website and put in Resolution #2249 and nothing came up. He asked how he could have seen it before the meeting.

Mr. Fedorchak stated he could have called or e-mailed the Township. Mr. Koopman stated the advertisement that was in the Courier Times indicated that the Resolution was available at the Township.

Mr. Miller stated he heard that there were thirty-four potential properties to be assessed, and he asked by owners name what those properties are; and Mr. Koopman stated the Resolution lists all of the Tax Parcels. Mr. Miller stated he assumes that for someone to know if they are on the list, they would have to know their Tax Number or go to the Tax Office. Mr. Miller stated assuming he wanted to know who is on the list, he would have to look up every Tax Number. Mr. Koopman stated it also indicates that these are properties that are in Edgewood Village; so if you know you live in Edgewood Village, you would likely know that you are on the list. Mr. Miller asked how any of those who live there get the specific information easily who is on the list; and Mr. Fedorchak stated they could call the Township Building at any time. Mr. Fedorchak stated currently he has the list by Tax Parcel Number. Mr. Stainthorpe stated it is every property owner in Edgewood Village. Mr. Koopman stated there will also be an assessment notice mailed out to every individual property owner in accordance with the terms of the Resolution; and as soon as the project costs are finalized, this will be done.

Mr. Miller asked if Edgewood Crossing is on the list, and Mr. Stainthorpe stated it is. Mr. Miller asked how many assessments does Edgewood Crossing have, and Mr. Stainthorpe stated it depends on the frontage of that property. Mr. Dobson stated it is on a front footage basis. Mr. Miller stated Edgewood Crossing is on a corner; and he asked if they have frontage both sides, and Mr. Stainthorpe stated they do. Mr. Miller asked if Flowers Field is on the list, and Mr. Stainthorpe stated it is.

Mr. Miller stated he understands there are three ways they could have based the assessment – one is by front footage, one is flat rate, and there is also a lateral count; and he asked why it was recommended that they use road frontage as the way to assess. Mr. Koopman stated according to the Second Class Township Code there are three ways to assess – one is how it was done historically for residential subdivisions and it was equal against all the properties. He stated the other two methods they can use are either the front foot assessment or a benefit assessment which is a cumbersome process by which every property is appraised; and the assessment is apportioned among the properties based on the benefit to each property which is determined based on an appraisal. He stated this is a cumbersome, time-consuming, expensive process; and the cost of the appraisals go into the cost of the project. He stated with the number of properties involved, the Sewer Authority felt the front foot assessment option would be the best method under the circumstances; and this is what they recommended to the Board of Supervisors.

Mr. Miller asked why they decided to go with the front foot rather than a charge per property. Mr. Koopman stated the Sewer Authority felt it was inequitable to assess a person who had one single-family, detached dwelling the same amount that Mr. Troilo would be assessed for his large property that can be developed into a shopping center or other uses. He stated he feels the Sewer Authority felt doing it equally against all the property owners would not be equitable.

Mr. Dobson stated they felt this was the fairest method. He stated if you own 100', you would pay for 100'; and if you own 2,000', you would pay for 2,000'. Mr. Gauck stated the properties were unequal; and they could not do as they did in the past, and assess it equally amongst all of the properties because of the differences in the footage, and the difference in the properties themselves.

Mr. Miller stated most of the properties in the Village are approximately the same size although Edgewood Crossing, Flowers Field, and his family's property is not. He stated his road frontage is approximately the same as Edgewood Crossing, but he has only one dwelling. He stated Edgewood Crossing at this point has three buildings and big income from the bank and hopefully tenants in the other buildings; and yet he and his family will pay the same amount of money as Edgewood Crossing. Mr. Dobson stated he does not feel this is correct, and the owners of Edgewood Crossing will pay more than Mr. Miller. Mr. Koopman stated they are discussing frontage of sewer along the property. He stated it would depend on how many linear feet of sewer he has along the frontage of his property. Mr. Dobson stated it appears that Mr. Miller has 350.' Mr. Fedorchak stated Edgewood Crossing has 752 linear feet. Mr. Miller stated he will therefore be paying half as much as Edgewood Crossing for one house but Edgewood Crossing has a bank and several other buildings.

Mr. Miller stated every time he has come before the Board or discussed sewers, he has always spoken on behalf of everyone living there; and he never spoke about himself personally, but he is now on this subject because he has no way to offset these costs by income on his property. Mr. Miller stated he feels because all of the properties are pretty much the same size except for his property and the two commercial developments, that a per property assessment might be the fairest way. Ms. Farrell stated there is one property that has a 12' frontage and multiple properties that have 60' frontage, and multiple with 100' frontage; and they are not homogeneous.

Mr. Fedorchak advised Mr. Miller that he would be able to subdivide his lot; and while he is unsure of the number, he would have the opportunity to have two to three lots on his property depending on the frontage. Mr. Miller stated while this may be true, it will not happen in his lifetime. Mr. Fedorchak stated there is still this possibility. Mr. Stainthorpe stated what Mr. Fedorchak is indicating is that this could make his property more valuable than it is because he has public sewer; and he could, if he so chose, to subdivide.

Mr. Stainthorpe stated they have reviewed the assessment; and he does not feel they could come up with a method that is fairer, especially when you consider the commercial properties, than to use the front footage method. Mr. Stainthorpe stated Mr. Miller has been the most vocal resident about this project for years; and when the Township received the Grant, they were finally able to proceed. He stated they want to be fair to Mr. Miller and to everyone else as well. Mr. Stainthorpe stated he does not feel it would be equitable at all to charge each property the same. Mr. Stainthorpe stated the commercial properties will use more sewage capacity and will pay more for their day-to-day costs, but the pipe in the ground is the same for everyone; and he feels this way is the most fair.

Mr. Miller stated Ms. Farrell noted the additional costs that the property owners will have sending the laterals to their homes, reversing the plumbing because most people have their cesspools out back, and they will have to bring the plumbing to the front to tie in to the lateral, and the abandoning of the on-lot systems. Mr. Miller stated several properties including his own will have to have a grinder pump because they are below grade. He asked Ms. Farrell for an estimate per foot of running a lateral to the house, but Ms. Farrell did not have this information. Mr. Hoffmeister stated the cost to make the connection in Lower Makefield Township is \$1,964 for the tap-in fee; and above that is the plumber's cost, and he would estimate that a plumber would charge \$35 per foot to make the installation to the pipe at the street. He stated it will cost between \$500 and \$600 to have the septic tank pumped out and backfilled with stone so that it is rendered useless for sewage operations. He stated if the homeowner wishes to take the downspouts and put it into the old tank, this would be fine provided the fresh water does not go into the sanitary system. He stated each lot will be different because of the footage being different. He stated some of the homes in the past, the tanks were out front; and all they had to do was break the pipe at the tank so it was a minimal cost. He stated some homes had to have pipes run around the side, and some people had to have internal plumbing reversed. He stated this would involve getting a Plumbing Permit. Mr. Hoffmeister stated for a low-pressure system, the pump will cost approximately \$4,000 plus the additional cost for the piping to get out to the street to connect to the terminus that was put in by the contractor.

Mr. Miller stated from this information he would estimate that it could cost \$8,000 per property owner plus their road frontage charge. He asked what the tap-in fee is for, and Mr. Stainthorpe stated the tap-in fee is for capacity at the treatment plant; and this is standard practice. Mr. Miller asked if there was an estimated figure per foot they could use as a guide; but Mr. Koopman stated they indicated they do not have an estimate yet.

Mr. Miller read from various Minutes of past meetings including the Board of Supervisors meeting of 6/1/11 and 8/18/11 when sewers were discussed. Mr. Miller noted particularly a comment made that the developer in Edgewood Village had put up a half million dollars and other improvements it was suggested the developers would be doing; and he asked what happened to the half million dollars and all the improvements. Mr. Stainthorpe stated Mr. Troilo would be obligated to put sewage at his development, but he would not be obligated to provide sewer for the entire Village. Mr. Stainthorpe stated they discussed that they were in violation of the 537 Plan, and needed to get this work done. He stated they had a choice to wait until Mr. Troilo built his projects or move forward, and this is where the Grant money came in. Mr. Stainthorpe stated they were proactive in getting the Grant money so that the property owners will pay less of a percentage of the costs than in prior projects. Mr. Stainthorpe stated Mr. Troilo is still responsible when he builds the next phase of his development for the roads, pipes, etc.

Mr. Stainthorpe stated Mr. Troilo would not have been required to run a pipe all the way to Mr. Miller's house or run pipes to other residences. He would have been required to connect to the public system. Mr. Miller discussed how he feels Mr. Troilo would have had to connect to the public system.

Ms. Farrell stated Mr. Miller had asked where the half million dollars went, and she stated this was an expense that Mr. Troilo incurred as part of the Flowers Field project that he provided to the Commonwealth so that the Township could receive the Grant. She stated it is considered a local match and was a requirement so that the Grant could be issued to the Township. She stated the half million was an amount that Mr. Troilo incurred for the development of his parcel, and the Commonwealth accepted this as a local match for the general area; and because of that, the Commonwealth provided the Grant to the Township. Mr. Dobson stated he paid out a half million and without that contribution, they would not have received the Grant, and the property owners would be paying 66% rather than 34%. Mr. Miller stated while he understands this, it is all on paper; and he is actually spending the half million dollars on his own project. Mr. Miller stated he did not really spend it for the Village in any way, and he did not pay for the installation of the sewer lines or for the road resurfacing. Ms. Farrell stated he will be assessed just as everyone else will be assessed for a share of the work based upon the foot frontage.

Mr. Miller stated he has two Tax Parcels and he has two wooden stakes on his property. He stated if you go from Stony Hill Road toward Langhorne along the Flowers Field property, there are seven of those stakes which to him means that seven laterals will go in. He stated around the corner on Stony Hill Road there are two more. Mr. Miller stated one of the seven is the Flowers house, so there are eight laterals going to the Flowers Field property and everyone else has one or two. Mr. Miller stated those eight laterals will generate so much for Mr. Troilo, and yet the rest of the property owners are not generating any money.

Mr. Stainthorpe asked that Mr. Miller advise the Board what he would like, and they will take this information and act on it. Mr. Miller stated what he wants is some equality between the homeowners and the two commercial projects. He stated he does not feel there is any equality. Mr. Stainthorpe asked if Bright Farms is one of the thirty-four assessable properties, and Ms. Farrell stated there is no lateral provided to that property. Mr. Stainthorpe stated that property does not have any road front footage. Mr. Miller stated he does not feel this is fair since they will be tying into the system. Mr. Koopman stated they are limited by the requirements of the Second Class Township Code as to how they can make the assessments. Mr. Koopman stated Mr. Troilo will pay significantly more than anyone else because he has more front footage. Mr. Miller stated he has eight laterals, and Mr. Koopman stated it is not legal to assess on the number of laterals. Mr. Miller stated it seems that the developers are benefiting from this and not the individuals. He stated this is a “windfall” for the developer.

Mr. Miller stated Bright Farms will be getting this for free, and Mr. Dobson stated they will have to pay the tap-in fee and pay for the lateral; but they have no frontage assessment because they do not have frontage. Ms. Tyler stated they are only authorized to assess based on the frontage.

Mr. Miller asked about the Nursery School, and Mr. Hoffmeister stated the Nursery School is already connected to a private system, and will not be assessed. He stated they will be given the choice to connect otherwise; but they will not be assessed because they are already connected.

Mr. Miller again read from various Minutes of previous meetings including 7/21/10 Board of Supervisors meeting regarding the \$500,000 from Mr. Troilo and the 10/5/11 Board of Supervisor meeting regarding this sewer issue.

Mr. Miller stated he feels that the residents are being overcharged, and the developers are being undercharged; and it is not fair.

Ms. Tyler stated she feels it is as fair as it can be. She stated each homeowner is paying based upon the feet of pipe in front of their home, and she can think of no fairer way to establish the reimbursement cost other than the cost of the project. Mr. Miller stated it seems that he is “getting a good deal” because he is at the end, and the pipe does not go the whole length of his property which is approximately 600’. He stated the people who are in the middle of the system are paying for their whole road frontage. Ms. Tyler stated he is not “getting a good deal,” he is paying his fair share. Ms. Tyler stated if he had 600’ of pipe, he would be paying for 600’ of pipe. Mr. Miller stated he feels the individual private owners are not getting a fair deal.

Mr. Miller asked when they will get the figures, and Mr. Hoffmeister stated within the next two weeks, they should have the final figures. He stated the property owners will be notified of the figures and what their assessment is. He stated anyone who is required to make a connection will be notified. Mr. Hoffmeister stated he does not feel that Mr. Miller will be required to make a connection, and Mr. Miller stated when he has the opportunity he will hook up to the system whether he is required or not and he would advise anyone else who is in the Village to do it immediately and take advantage of the payment plan before something changes.

Motion carried unanimously.

GRANTING CERTIFICATES OF APPROPRIATENESS

Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to grant the following Certificates of Appropriateness:

- 680 Stony Hill Road – Alter structure by replacing siding on rear of mansard roof
- 734 Stony Hill Road – Alter building's exterior from the originally-approved exterior
- 1724 Yardley-Langhorne Road – Alter the structure by constructing an accessibility ramp and repair brick walkway on rear of building

ZONING HEARING BOARD MATTERS

Mr. Koopman stated the Board met in Executive Session for approximately fifteen minutes prior to the public meeting to discuss various potential litigation matters.

Mr. McLaughlin moved, Ms. Tyler seconded and it was unanimously carried that with regard to the Mike and Shelley Joseph, 25 West Ferry Road, Variance requests to construct a garage encroaching into the side yard setback and greater than permitted impervious surface, the Township should participate.

With regard to the Doug Schenck, 79 Manor Lane South, Variance requests to permit a shed to remain in its existing location which encroaches into the side yard setback and construction of an addition resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

Mr. Koopman noted the Scheiring matter which involved a Decision of the Zoning Hearing Board made in May, 2012. He stated the property is located at 1417 N. River Road; and the Zoning Hearing Board granted numerous Variances to allow the construction of a garage facility to have square footage in excess of the house and also a side yard Variance to allow an encroachment into the side yard to about 3.9' from the

adjacent property. Mr. Koopman stated if the Board would like to Appeal this matter, they should make such a motion. Mr. Dobson moved, Mr. Benedetto seconded and it was unanimously carried to Appeal this Decision to the Court of Common Pleas.

APPROVAL OF RESOLUTION NO. 2250 DESIGNATING BIRDSALL SERVICES GROUP AS AGENT FOR THE HAZARD MITIGATION GRANT PROGRAM

Mr. Fedorchak stated FEMA is requiring that this be done. He stated the Township submitted and received three Grants to elevate homes along River Road. Birdsall was brought in to handle the paperwork, and they are trying to close out some of these Grants, and FEMA is requiring this Resolution.

Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to approve Resolution No. 2250.

AWARD CONTRACT FOR THREE YEARS' UNIFORM RENTAL

Mr. McLaughlin asked if there is a reason why this is three years as it seems long. Mr. Fedorchak stated in the past it has produced a better annual cost.

Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to award the Contract for three years' uniform rental to UniFirst Corporation as recommended by the Public works Director.

There being no further business, Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to adjourn the meeting at 10:45 p.m.

Respectfully Submitted,

Dobby Dobson, Secretary