

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – NOVEMBER 7, 2012

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on November 7, 2012. Chairman Stainthorpe called the meeting to order at 7:30 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  
  Jeffrey Garton, Township Solicitor  
  Mark Eisold, Township Engineer  
  Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Mr. Scott Burgess, 15 Glen Drive, reminded the Township about an upcoming Benefit Concert to be held Saturday November 17 with doors opening at 6:30 p.m. at the Woodside Church for the Christian Life Prisoner Recovery Ministries Scholarship Fund. He stated tickets are \$25.

Ms. Joy Grace, 937 Sandy Run Road, asked if the people who applied for flood buy-outs will be notified. Mr. Fedorchak stated while he does not know the status of her Application, he can find out and advise her. Ms. Grace stated she will need a letter indicating why she is not approved if that is the case. Mr. Fedorchak asked that Ms. Grace either call or e-mail him with this request.

Ms. Gudrun Alexander, 256 S. Fieldstone Court, stated they held their clean up last Sunday, and it was a great turn out with approximately thirty-seven volunteers including youth and adults from the Woodside Church. She stated the Township picked up ten to fifteen yards of debris that was collected. Mr. Stainthorpe thanked Ms. Alexander for organizing this event.

## APPROVAL OF MINUTES

Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to approve the Minutes of October 17, 2012 as written.

## DISCUSSION AND MOTION REGARDING HURRICANE SANDY

Mr. Stainthorpe stated they had a discussion earlier today whether the meeting should be held this evening given the snow storm; and he felt strongly that the residents had a lot to say about how the hurricane impacted them particularly those who did not have power, and he felt it was important to hold the meeting. He stated he feels that for the things that the Township had control over, he was proud of the work done by the Township employees. He stated the Public Works employees did an excellent job, and the Township was cleaned up by Saturday. He stated this is also true for the Police Department and all of the other emergency personnel.

Mr. Stainthorpe stated he feels it was a different situation for things over which the Township did not control. He stated there were issues coordinating with PennDOT and PECO, and there are a lot of issues that need to be discussed. Mr. Stainthorpe stated he serves on the Board of the Bucks County Association of Township Officials. He stated they met today, and no one was pleased with PECO's communication or coordination. He stated there are still 1,400 people in Doylestown who do not have power. He stated PECO was overwhelmed with the storm, and he feels they did the best that they could; but they need to do better.

Mr. Stainthorpe asked Mr. Fedorchak to describe how the Township managed the process. Mr. Fedorchak stated on Sunday, October 28 a decision was made to declare a State of Emergency effective 6 a.m. Monday morning in Lower Makefield Township. The weather at that point was forecasted to get very bad approximately 1:00 p.m. to 2:00 p.m., and they did not want the residents to have left for work in the morning and then have serious difficulty returning to their homes. Mr. Fedorchak stated also on Sunday the Township alerted the residents of the State of Emergency through the Ready Notify system. He stated they very much want the residents to avail themselves of this program, and they will get direct notification of what is happening. He stated they also put the Alerts on the Township Website and Cable Channel. He stated they used the Website and Cable Channel as the main sources of communication throughout the storm event, and they updated this three to five times a day. Mr. Fedorchak stated also on Sunday the Emergency Operations Center was activated, and it ran 24/7 throughout the Emergency. Mr. Fedorchak stated on Monday, the Township Public Works crews began working split shifts to provide 24/7 coverage through Wednesday. He stated they were busy installing barricades along roadways where there were unsafe conditions; and they

hailed portable generators and stop signs to signalized intersections where power had gone out, and there were a number of those areas. Mr. Fedorchak stated they also removed seventy trees from Township roads. He stated they did all this during very uncomfortable weather conditions. Mr. Fedorchak stated the State of Emergency was lifted at 6:00 p.m. Tuesday as they felt by that time most of the roadways were passable; however, they urged motorists to use caution.

Mr. Fedorchak stated on Wednesday, they opened the recycle yard to extended hours to make it convenient for the residents to bring in the storm debris and yard waste, and many residents took advantage of this. He stated through Tuesday, there has been 1,440 trips to the recycle yard. He stated they will continue the extended hours this week, and also run another Saturday from 7:00 a.m. to 3:00 p.m.

Chief Coluzzi stated the Emergency Declaration was put into effect because of the high winds and rains that were expected, and he thanked the residents for their cooperation during the storm as keeping off the highways enabled the Road Department and Public Works to do their jobs and kept everyone safe. He also thanked the Superintendent of the Pennsbury School District since as a result of their discussions, he acted quickly to close all the Schools in the Township which kept the children and staff safe. Chief Coluzzi stated the civilian Emergency Management Committee also came in during the storm to work the Emergency Operations Center and manned the phones twenty-four hours for two days and supported the Police personnel and Police administrative staff. He stated during the storm the Emergency Operations Center handled over 150 calls from the residents.

Chief Coluzzi stated due to the extended power outages, they put extra patrols on to patrol the areas that had power outages; and there were no reported storm-related crimes in those areas and there were no storm-related injuries.

Mr. Kevin Kall, Public Works Director, stated it is important to have a “pre-plan;” and they took the time earlier in the week to make sure the staff was properly prepared and had the right equipment to do their jobs in a safe, effective manner. He stated he worked on this with the Manager and the Chief of Police. He stated they were able to clean up the Township in an expedient time frame, and they worked with the utilities to help clear the lines to keep the roads open. He stated they had rented a number of generators to help the pumping stations. He stated all of the fourteen pumping stations that they manage were on back-up power. He stated this week they will review the incidents so that they can learn from their mistakes and celebrate the successes. Mr. Kall thanked everyone for their support. The Board asked that Mr. Kall thank his crew as well.

Mr. Patrick Frain, 16 Delaware Rim Drive, stated his neighborhood is one of the last developments that is still on septic systems and wells so that when the electricity goes out it is very challenging. He stated a tree fell down taking down wires and blocked the whole road. He stated Delaware Rim is one way in/one way out so that three quarters of the road was cut off. Mr. Frain stated he contacted PECO advising them that the electrical wires were laying on the ground. He stated he and his neighbors taped off the area. He stated the Township was also notified. Mr. Frain stated PECO advised that they would be sending someone out at 5:00 p.m.; and while someone came out, they were only standing guard. Mr. Frain stated at 10:30 p.m. another tree came down and took down the telephone poles and wires and he could not get out of his property. Mr. Frain stated he contacted PECO about the tree removal, and they advised that they would have to come out and assess the damage. He stated PECO came out mid-afternoon and cleared the roadway of the trees. Mr. Frain stated no one ever told him that the power lines that were laying on his property were de-energized. He stated in the future, he feels someone should advise the residents when the lines are de-energized.

Mr. Frain stated their power did not come back on until Sunday night. He stated on Sunday morning he went to Upper Makefield and spoke to PECO representatives who advised that they try to work in the areas where the most people are effected. He stated if you are on a grid of 1,000, you will go ahead of a grid of 200. Mr. Frain stated his grid has 241 homes; however, because Sunny Knoll has septic and wells, when they lose power they lose everything and if something like this were to happen again in the future possibly Sunny Knoll could be put closer to the front of the line because they do not have sewer or clean water. Mr. Frain stated he also did not see anyone from the Township coming to check on them. He also noted that the power lines are still laying on his lawn and in his driveway, and the telephone poles are still there and there is debris all over the road.

Mr. Fedorchak stated he hopes that there is going to be a change in PECO policy because of what happened at Delaware Rim with the tree. Mr. Fedorchak stated he and the Chief of Police were very concerned that the tree blocked off the road for the entire width of the road such that an emergency vehicle could not get behind it. He stated he contacted PECO and asked that they get a lineman to the area to certify that the line was de-energized, and the Township would remove the tree. He stated while they initially had some resistance, since that incident PECO has been taking the Township up on this offer so rather than waiting for PECO to get their tree-cutting crew up there, they are getting a lineman out to certify that the lines are de-energized, and the Township is taking out the trees. He stated the Township actually took out the tree in that area. He stated this also happened on Roelofs Road where there was a tree down with primary service lines intertwined in it in an area which was very close to Pennwood Middle School which was planning to open on Thursday. Mr. Fedorchak stated he contacted PECO to get a lineman out to certify that the line was de-energized. He stated he received a call from PECO at 11:00 p.m. Wednesday night indicating that the line was de-energized, and he contacted

Mr. Kall at midnight and they decided to get Township crews there by 5:30 a.m. to remove the tree which they did so that the School could safely open. Mr. Fedorchak stated he hopes that what happened at Delaware Rim has started a policy of cooperation between the Township and PECO. Mr. Fedorchak stated he will not allow Township employees to cut down trees if there is any question as to whether or not the lines are live.

Mr. Frain asked that in the future they go to the homeowners and let them know when the lines are de-energized as well since lines are still laying in his driveway and no one has told him whether or not they are de-energized. Mr. Fedorchak agreed to make sure that the lines are removed.

Mr. Frain stated they have learned that their grid is notorious for failing. He stated he installed a generator at his home a year and a half ago, and he has 200 hours on it already.

Mr. McLaughlin stated he feels they need to get an assessment from PECO on the state of the infrastructure. He stated he also feels they need to get help from their State Legislators who have more influence with the PUC to address these issues. He stated the Township has very little influence with PECO, and they need to get people involved who can put pressure on PECO through the PUC.

Mr. Benedetto asked Mr. Frain about the response from the PECO information line when they were contacted. Mr. Frain stated he spoke to someone on Monday who took the information including the fact that the wires were down on the ground. He stated subsequently, they would call every day and every day the recording indicated that their power would be on 11:59 p.m. Mr. Frain questioned why they would state the power would be on that evening when they knew that the power would not be back for a number of days. Mr. Stainthorpe stated he feels that this is a big flaw in their communication system because if you know that you are not going to have power for a number of days, you may decide to stay somewhere else; however, if you are told that the power is going to be on that day, you decide to stay. He stated it is not right that they do this three days in a row.

Mr. Benedetto stated his neighborhood experienced this as well. He stated their power went out at 7:00 p.m. Monday night, and PECO was indicating it would be back at a certain time, but they had not seen a crew until Sunday afternoon which was six days later. He stated it was a Chicago crew that came in, and it took only thirty minutes to take the tree off the power line. Mr. Benedetto stated it seems that once additional crews were called in Friday, they were able to see work being done. Mr. Fedorchak stated late Saturday they brought in fifty crews who were targeted exclusively for Yardley, Upper Makefield, Newtown, and Lower Makefield; and then things happened very quickly.

Mr. Fedorchak stated they received notification from PECO on Thursday that there were 200 to 300 crews coming to the area that were spread throughout a larger area, and the second wave that came in was directed more toward this specific area.

Mr. Rich Gorelick, 615 Countess Drive stated he does not feel PECO sets the bar high enough. He stated his area has frequent outages. He stated he feels PECO treats them like a “doormat” and they are at the end of the line which is not right. He stated they should have a full accounting on the infrastructure. He stated with regard to communication, he feels they need to do text messages since if you lose power unless you have a full-house generator, you cannot get Internet or Cable. Mr. Gorelick stated they should investigate with PECO what is their prioritization and their plans for fixing the infrastructure. He stated he envies the neighborhoods that have underground power lines since they have certainty that they will not lose power. It was noted by other present that this is not correct. Mr. Gorelick stated there should also be a policy on trees. He stated there is a tree on a neighbor’s property that is out of the ground and is leaning on a tree that is leaning over power lines, and they could be out of power again if this goes down; and he does not know if there is any recourse if this occurs. Mr. Gorelick stated currently there are many trees on Edgewood Road hanging over power lines. He stated he does not know if this is the residents’ responsibility or if the Township has a program to cite people and if it is not taken care of within a certain time period, that the Township will do it and bill them. He stated there are going to be more outages if this is not done and there will be more work for Public Works and the Police.

Mr. Fedorchak stated he feels they should ask PECO’s Government Affairs Representative to attend a future Board of Supervisors’ meeting; and in advance they could present him with a series of questions, and ask him to comment on those at the meeting.

Mr. Benedetto stated Mr. Bill Clark, who lives off of River Road, indicated that he was told by PECO that they are restricted by local Ordinance from trimming the trees. Mr. Benedetto added that he just recently received a letter from PECO indicating that they are going to be trimming the trees. Mr. Fedorchak stated in August PECO announced an extensive tree-trimming program; and a PECO representative who was managing that program came in to see him, and Mr. Fedorchak advised him that there were no limitations, and PECO could proceed with that program. Mr. Fedorchak stated Mr. Gorelick indicated there was a neighbor’s tree that posed a threat to a nearby power line, and the Township would not stop PECO from going in and trimming that tree, and in fact would encourage it.

Mr. Benedetto noted an area near the Wells Fargo Bank where there are trees that continually take out the power. Mr. Benedetto noted when the crews came out from Chicago on Sunday they indicated that in Chicago they proactively take out trees that pose a problem and they work in coordination with PECO, the homeowners, and the

Township. Mr. Benedetto asked if the Township does anything like this working with the homeowners and PECO with PECO picking up the cost. Mr. Fedorchak stated they anticipate that PECO would be doing this as part of their ongoing tree-trimming program. Mr. Fedorchak stated the Township could also get involved in this process. He added that there are number of areas where there is Township-owned open space and there is any kind of potential issues with trees and it is identified to the Township, they do go out and remove the tree.

Mr. McLaughlin stated he understands that PECO has the right to trim a tree that infringes on the easement, but he asked if they have the right to trim or remove a tree that is on private property but risks falling over and hitting a wire. He asked Mr. Garton if the Township has the right to avoid damage from a tree that is on private property. Mr. Garton stated if there is a clear and present danger to the public whether it involves a tree falling on a roadway or on a power line, the Township is within its jurisdiction to direct its removal; and if the property owner does not remove it, the Township has the right to remove it and lien the property as they are operating pursuant to police powers.

Mr. Benedetto stated his concern is that no one wants to take responsibility, and Mr. Fedorchak stated he would recommend that the Township sit down with all the parties and determine who owns the trees. He stated as he noted earlier that if it is clear that it is on Township-owned property, the Township would just remove the tree. He stated it does become more complicated if it is private property; but based on everything that has happened over the last several years, the Board needs to look at what kind of on-going policy they want to adopt. He stated if the Board wants the Township to get more involved, they will do so.

Mr. Benedetto stated an earlier speaker noted there were no problems with underground lines; however, this is not the case. He particularly noted six houses on Hudson Drive who have power underground, and they just got their power back Tuesday and it was a matter of crews showing up but not having the proper equipment or key to open the transformer box to fix the problem. He stated it took over a week for them to get their power back for a fix that eventually took only fifteen to twenty minutes which is frustrating.

Mr. Gorelick stated they only first saw a truck on Sunday so the recordings they had been hearing were misleading; and he would prefer they give a more accurate estimation of when power will be restored so that the residents can make plans. He stated if this happens again when it is January, there are not enough hotels in the area to handle all those who will need alternative housing.

Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to instruct the Township Manager to request PECO to send the Government Liaison Officer at the first meeting in December to discuss issues regarding the electrical grid in Lower Makefield Township.

Mr. Adrian Costello, 2122 N. Crescent Drive, stated when the PECO crews eventually came out to their street on Sunday, they had no idea where the downed lines even were. He asked if it would be possible for PECO to provide the Township with maps so they know where the grids are, and they can then tell PECO where the problems are.

Mr. McLaughlin stated he feels Public Works could get involved so that there is better coordination between those removing the trees and those working on the lines.

Mr. McLaughlin stated this is one of the questions they should ask at the first meeting in December. Mr. Stainthorpe stated he feels this will be an opportunity for PECO to explain how they make decisions and also talk about what the Township can do to help them.

Mr. Costello also stated there are too many trees that are too close to wires.

Mr. McLaughlin stated he would like to discuss what kind of assessment the Township can do about this; and if there are trees that represent a clear and present danger those trees should come down. He noted the large tree came down at Veterans' Square, and the tree had been hallowed out by termites. He stated there are also many dead and dying trees which should come down as this will help in the future. He stated he would not mind spending Township dollars to save the residents from this kind of situation in the future. He stated he feels they should expect more of this kind of weather in the future.

Mr. Dave Schrenk, Rose Hollow Drive, thanked the Board particularly Mr. Stainthorpe and Ms. Tyler for responding to his e-mails and calls. He noted the number of calls made to PECO on behalf of his parents who live on Kings Drive and they continually advised that the power would be on shortly, and it was not.

A gentleman from Lakeshore Drive stated he would like to see the Township take a harder line with PECO. He stated he feels the Township needs to have input into the hierarchy and needs to be much more involved with PECO. He stated he feels the Township also needs to help guide the out-of-State contractors for PECO as to where the outages are. The gentleman stated at Makefield Lakes, they are right on the edge of Yardley Borough so he is in touch with their Township Manager frequently. He stated there are a lot of neglected trees on Oxford Valley Road and Oxford Road. He stated he feels the Township did a very good job during the storm event, and the Township staff was very visible; and he stated he wished that PECO would have been as visible as the Township.

Ms. Tyler asked Mr. Fedorchak to speak to the prioritization efforts that the Township did make with PEC; and Mr. Fedorchak stated initially they prepared a list of specific priority areas, and he noted particularly River Road. He stated the information was channeled through the Bucks County Emergency Management Agency which is how PECO instructed that this be handled. He stated in the initial phase, the areas located where not specific neighborhoods but were roadways like River Road where they had

concerns for serious public safety because of the number of trees hanging on the power lines. He stated there were substantial problems for a good section of River Road. He also noted Mirror Lake Road. He stated there were dozens of areas like this that were identified to PECO that they felt would need to be addressed sooner rather than later. He stated in addition, as residents were calling the Township they advised the residents to go through PECO's 800 number and this was posted on the Township Website and Cable Channel. He stated when the residents called the Township the Township would contact PECO as well and provided PECO with specific areas that were having problems.

Mr. Steve Santarsiero was present. Mr. McLaughlin advised him that they had invited PECO to join the Supervisors at their first meeting in December, and he invited Mr. Santarsiero to attend as well as their State Representative. Mr. Santarsiero stated he knows that Yardley, Lower Makefield, and portions of Upper Makefield have a disproportionate number of problems with power outages. He stated since Hurricane Irene he has been in contact with PECO to find out what they can do not just during the catastrophic storms, but also how they can minimize the outages from the more minor storms as well. He stated they have met with the PECO representative for this area and tried to get PECO to start formulating a plan as to how to deal with some of these issues. He stated in September, they had a meeting with a number of the communities in the northern part of Lower Makefield; and approximately 100 residents came out and explained to PECO what the issues were and how unhappy they were with the level of service. Out of that meeting, they decided to have a follow up at which time PECO would come back and present a plan as to how they were going to try to mitigate these outages going forward. He stated that meeting is scheduled for November 15 at the Township Building at 7:30 p.m., and he invited everyone to attend. Mr. Santarsiero stated while this meeting was for discussion of that area, he feels the issues are applicable to all the different neighborhoods. He stated PECO is aware of the various areas that traditionally have these problems.

Mr. Santarsiero stated he feels one of the problems is operations and maintenance which includes tree trimming, and he feels PECO needs to identify those lines that are in areas where the vegetation is overgrown. He stated they should do a more frequent trimming of those trees. He stated currently PECO has a five-year cycle, and he feels that this is not frequent enough which is one of the reasons they are having these recurring problems. Mr. Santarsiero stated he also feels that there are problems with the infrastructure. He stated this includes the age of the transformers and the conditions of the sub-stations. He stated he also feels they need to have some kind of redundant circuitry so that if there is an outage, the duration of it will be minimized or the outage could be avoided altogether. He stated many other utilities have this, and it does not seem that PECO has this in our area; and they need to explore this with PECO and do a cost/benefit analysis as a community.

Mr. Santarsiero stated it is clear from this storm that there is no question that there is a communication issue, and PECO needs to do a better job in communicating to the residents what is happening. He stated he does feel it is good idea for the Township to make use of texting since if the power goes out and people do not have access to the Internet, texting is something that most people would be able to access. Mr. Santarsiero stated he was providing updates on Facebook, and those who had Smart Phones were able to access that and advise their friends and neighbors of his messages. With regard to the unrealistic restoration times that were given out, he raised this repeatedly with PECO over the last week. He stated he advised them just what Mr. Stainthorpe indicated which is if PECO is advising them that the power is coming on and they continue not to have the power back on at those times, this creates problems for those with young children or the elderly who could possibly make alternative arrangements but are not doing this as they feel that their power is coming back on shortly.

Mr. Santarsiero stated he recognizes that with this kind of catastrophic storm, PECO had issues with their high voltage lines that feed Lower Makefield; and they advised him that they had to basically re-build these before they could then work on the minor lines and determine where they had individual problems. He stated PECO indicated this is why they had a several-phase project that resulted in them not getting to the actual neighborhoods more quickly. Mr. Stainthorpe stated this is exactly the kind of information that they should communicate; and he feels if most of the residents were aware of this, they would understand it. Mr. Stainthorpe stated if PECO could advise the Township of the status, they could put it on the Township Website. Mr. Stainthorpe thanked Mr. Santarsiero for his involvement adding that it is very clear that the need help from the State Representatives and State Senators since the Township does not have any leverage. Mr. Stainthorpe stated the Township wants to find ways that they can help PECO. Mr. Santarsiero stated he agrees; and while he understands PECO's protocol where they want to help the most number of residents first, he feels that there are exceptions where the quality of life is so adversely impacted by the lack of power, that those residences should be pushed up on the priority list.

Mr. Benedetto thanked Mr. Santarsiero for communicating on Facebook. He stated he feels the recurring problems need to be addressed, and he asked if there is a way that they can identify these problem areas that existed well before Hurricane Sandy. He stated he would like to see a list of these areas so that PECO is on notice about these problem areas. Mr. McLaughlin stated he feels PECO would have these records. Mr. Santarsiero suggested that the Township put something on the Website asking residents to contact the Township if they have had recurring problems. He stated they can also see what PECO has. Mr. Santarsiero stated on Hudson Drive it seems as if there has been a recurring problem with the transformer.

Mr. Stephen Heinz, Edgewood Road, thanked the Township staff for the work they did removing the trees in a short period of time. He stated with regard to communication, he stated you can get updated information on the roadway conditions from Google and there should be some kind of coordination with Google Earth.

Mr. Benedetto stated there was discussion about measures taken prior to and during Hurricane Sandy which included hiring sub-contractors, and he asked if those costs are reimbursable. He also asked for a dollar amount of the costs involved. Mr. Fedorchak stated he will have to provide the cost figures in the future. He stated since there has been a Disaster Declaration, the Township has been collecting all the personnel costs including costs for contractors to cut down trees, and he assumes that most of that will be reimbursable. He stated since this was a very widespread event, he hopes the Township will be able to recoup at least a part of their expenses.

#### DISCUSSION OF DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION'S REPORT ON SOUND BARRIERS

Mr. Stainthorpe stated this has been an ongoing discussion. He stated the Scudders Falls Bridge is planned to be widened and as part of that I-95 will be widened. He stated there are areas that do not have sound barriers but may receive them, and there has been significant discussion about who is and who is not getting them. He stated there was a recent request about this, and they asked Mr. Eisold to review the Study that the Toll Bridge Commission had done.

Mr. Eisold stated Mr. Fedorchak provided him with the background documents and plans for this project including which areas were proposed to receive sound barriers and which were not to see why they did not. He stated there were a number of Hearings that took place in 2010 with resident comment. He stated originally there were \$3 million worth of walls proposed for this improvement project. He stated they then re-evaluated some of the areas that were questioned during public comment, and the Joint Toll Bridge added approximately \$4.5 million worth of additional walls on both sides of the River to address some of those issues.

Mr. Eisold stated there were three areas in Lower Makefield where walls were not proposed, and he looked at the documentation concerning those areas. He stated the criteria included distance and the decibel noise level. He stated for those three areas he provided a full report, a portion of which had been provided to the Board of Supervisors. He stated there are also maps and some other documents that are available in addition to the written portion the Board was provided. Mr. Eisold stated the three areas are Bridle Estates, the area between Patterson and Jockey's Way, Quarry to Dolington, and around the Rest Stop. He stated in reviewing the maps, you can see the distances in all those cases as well as the decibel levels as measured did not meet the requirements. He stated

while they have added a lot, there is a point where they feel they cannot keep going; and he feels they have addressed a lot of areas. He stated there are locations where the houses are further back that have not been included.

Mr. Stainthorpe asked Mr. Eisold if he feels that the data supports the Township taking further action on behalf of the residents, and Mr. Eisold stated the houses involved are quite far away and are approximately three hundred to five hundred feet away and they do not meet the cut-off points for the decibel levels. He stated the homes are clearly not in the range where the sound barriers were required and out of the range where the Joint Toll Bridge has added additional walls.

Mr. McLaughlin stated they undertook this review at the request of a resident who was adamant that the readings were wrong. Mr. Eisold stated he reviewed the Joint Toll Bridge data, and he feels they are on target. He stated the areas that are not getting barriers are clearly out of the required area, and he added that there does have to be some threshold for a cut off.

Mr. Santarsiero stated he was involved in this matter in 2007/2008, and they did get the Bridge Commission to agree to add additional areas, but there are still three areas that are not included. He stated he did go out to those neighborhoods at various times of the day. He noted specifically the neighborhoods that are adjacent to the truck stop, and it is loud. He stated he has gone to the Bridge Commission several times; and when he went to their meeting in July, he made the case again that they should re-examine these gap areas and re-assess the impact of tolling on the Bridge. Mr. Santarsiero stated with respect to the sound barriers, he feels that there are some members of the Bridge Commission that have an interest in re-assessing the issue to see if they could include those gap areas during the course of the project. Mr. Santarsiero stated the other question is when in the course of the project they will actually build the barriers, and he stated he has argued with them that they should do it at the beginning of the project because there is going to be a significant amount of noise associated with the work on the project since it is not just building a new Bridge, it is also widening I-95 between the River and 332.

Mr. Santarsiero stated it seems as if that widening is going to happen on the inside so they will not have to disturb too much land on the outside of I-95, and they should be able to build the barriers early on the project. He stated they seemed receptive to this as well when he raised this issue again in July. He feels the Township and his office could work together to continue to advocate for this. He stated he is also not giving up on the gap areas getting sound barriers, and he asked the Board to continue to push the Commission in that direction as he feels that it can be done for a marginal additional cost as part of the project and will impact the quality of life for those residents.

Mr. Stainthorpe asked if these decisions are made by the Commission at a public meeting, and Mr. Santarsiero agreed. Mr. Stainthorpe stated it seems that the Commission would therefore have real influence and not just the engineers and the staff. Mr. Santarsiero agreed and stated this is why he has attended a number of their meetings adding it is always good to go periodically and reacquaint them with the issues. Mr. Stainthorpe stated he feels one of the Supervisors, the Township Manager, or Mr. Eisold should attend one of their meetings. Mr. Santarsiero agreed to work with the Township on this and set up a meeting.

Mr. Zachary Rubin, 1661 Covington Road, stated five years ago he did attend a Township meeting with the Joint Bridge Commission, PennDOT, and the previous Board of Supervisors. He stated at that time the Bridge Commission presented their empirical evidence about the sound, and it was disputed by a number of Township residents including himself. He asked the Board to conduct their own audio readings since he feels the Bridge Commission took their readings at the wrong time. He stated a lot of the readings were done at rush hour, but it is at 2:00 a.m. when trucks are traveling 70 miles per hour on I-95 that is the problem and not when rush hour traffic is traveling at thirty-five to forty miles per hour and backed up at the Scudders Falls Bridge. Mr. Rubin stated the Joint Bridge Commission had indicated that they are only responsible to PennDOT to do any improvements on I-95 up to 332. He stated when they widen I-95, the traffic is going to increase. He stated there were recent Hearings before the Zoning Hearing regarding Aria and during that testimony studies done by the Bridge Commission including their Environmental Impact Study showed that there will be a tremendous increase in traffic on I-95 after they build the new Bridge. He stated the Bridge will be tolled; and he feels that since there are a disproportionate number of residents in Lower Makefield who use that Bridge and will be paying for it, it is incumbent upon the Bridge Commission and PennDOT to extend the improvements of I-95 south of 332 to at least US 1 including extending the sound barriers. He stated those at Bridle Estates where there gaps also need the sound barriers. He stated the cost for sound barriers was approximately \$2 million to \$2.3 million a mile; and on a \$200 million dollar project which will be tolled and for which a lot of Township residents will be paying for, he feels there should be pressure by the Board and other groups to extend the improvements of I-95 to take care of the whole Township. He urged the Board to conduct their own engineering sound studies as he disputes their findings.

Mr. McLaughlin asked Mr. Eisold if he took any of his own readings, and Mr. Eisold stated he just looked at their data and did not do any of his own studies. Mr. McLaughlin asked how complex is a sound study; and Mr. Eisold stated there are companies that do these, and they would have to find someone. Mr. McLaughlin asked how long it would take and asked about the cost. Mr. Eisold stated he feels they can do a decent study for a reasonable amount, and agreed to find out what it would cost and discuss it with the Township Manager. Mr. Fedorchak estimated that it could cost several thousand dollars.

**DISCUSSION OF PROPOSED DECEMBER MEETING WITH PECO  
GOVERNMENTAL AFFAIRS REPRESENTATIVE**

Mr. Fedorchak stated while the meeting was taking place, he had been in contact with the PECO Governmental Affairs Representative and he has indicated that he is not available the first week of December; however, he would be available on December 19.

Mr. Stainthorpe stated this is most likely when they will be voting on the Budget, and he is not sure the timing would be good to have that discussion at the same time.

Mr. McLaughlin asked if he would be available on November 17, and Mr. Fedorchak stated he was not available on that date.

Ms. Tyler asked if it would be appropriate for some of the Supervisors to meet with the PECO representative at a meeting other than the public meeting so that it does not go into the new year. Mr. McLaughlin stated he would prefer that they meet with him at a public meeting. Mr. Garton stated if there are more than two Board members present, it would have to be a publicly-advertised meeting. He stated Mr. Fedorchak or other staff members could meet with him.

Mr. Fedorchak asked if they would like to have a special meeting at some point.

Mr. Stainthorpe stated there is a special meeting which has already been scheduled with Mr. Santarsiero, and he asked if the Board needs a second special meeting.

Ms. Tyler stated she feels it is important that the Township outlines what they want to discuss with PECO so that when the representative does attend, he would already have answers to their questions.

Mr. Stainthorpe stated he understands that Mr. Santarsiero's focus was on improving the permanent infrastructure, and it would have been better for PECO to have discussed the storm-related issues this evening which is why he had hoped that the PECO representative would have been present this evening.

Mr. McLaughlin stated he could amend his previous Motion to have the meeting the first meeting in January; however, it was noted that the first meeting in January is the Re-Organization meeting.

Mr. Garton stated they should state publicly that they are not going to have this meeting at the first meeting in December so that the residents are aware that it will not be held at that time as the PECO representative is unavailable on that date.

It was agreed by the Board that Mr. Fedorchak will coordinate this meeting to be held at some point in the future.

## DISCUSSION AND APPROVAL OF WELLS FARGO BANK CERTIFICATE OF APPROPRIATENESS

Mr. Edward Murphy, attorney, was present with Mr. Vince Wolk, the project architect for Wells Fargo to have the Board consider the Certificate of Appropriateness for the 1,200 square foot addition to the Wells Fargo Branch Bank located within the limits of the McCaffrey's Shopping Center. Mr. Murphy stated the Board of Supervisors previously reviewed and approved the Land Development Plan for this small addition in the spring. He stated they are now ready to move forward.

Mr. Murphy stated last month the elevation representing the addition was the subject of discussion with HARB, and there was a disagreement about the treatment of the roof line. He stated they are present this evening to have the Board consider the addition so that hopefully they can move forward and start construction of the project. He stated the Board previously signed and funded the Development Agreements, and they are anticipating obtaining Building Permits.

Mr. Stainthorpe asked if the Certificate of Appropriateness was denied by HARB, and Mr. Murphy agreed. He stated there was a disagreement about the treatment of the addition which Mr. Wolk can show.

Mr. Garton noted that this property is not in the Historic District; however, as part of the approval of the Shopping Center, it was a Condition that the treatment in the Center would be subject to review by HARB with a final decision by the Board of Supervisors as far as the architecturals. Mr. Murphy agreed and stated this was a Condition in 1984 when the Shopping Center Plan was originally approved, and Mr. McCaffrey agreed at that time to have the Plan reviewed by HARB.

Mr. Murphy stated Mr. Wolk is the architect for the project and presented the Plans throughout the Land Development process and presented it to HARB last month as well. Mr. Wolk showed pictures of the existing and proposed elevations. He stated there is a somewhat rounded roof, and they are proposing to do a mansard which will match the same slope as the other low roofs on the building. He stated they kept the rounded roof since there is very difficult framing. He stated on the outside where the addition will go, they matched the lowest roof and wrapped it around the front of the rounded roof and it acts as a backdrop for the smaller roof. He stated they will use all of the same materials.

Mr. Benedetto stated he is the Liaison to HARB and was at the meeting, and he feels part of the issue was the review process. He stated Mr. Wolk indicated at the meeting with HARB that he did not realize that he was going to have to go before HARB. Mr. Wolk stated he went through this whole process not knowing that they had to go before HARB until they had all the construction drawings completed. He stated it is outside of the

Historic District, and he had no knowledge that they had to go before HARB because of a Condition of Approval for the Shopping Center. He stated when they filed for a Permit, they found out that they had to go before HARB. Mr. Benedetto stated he understands that Mr. Wolk found this out on the 15<sup>th</sup> which was the same day he went before HARB, and Mr. Wolk agreed. Mr. Benedetto stated it was a unanimous denial by HARB. He stated he understands Mr. Wolk's frustration finding out that this was a Condition the day of the HARB meeting. Mr. Benedetto stated he feels there needs to be a review of the process and there needs to be a procedure so that people know that they have to go through HARB. He stated it would have been better to know this at the beginning of the process before they have spent a lot of time, energy, and money. He stated he feels the process failed.

Mr. Stephen Heinz, Chair of HARB, was present and stated members of HARB have had a significant time in office and all take training on a yearly basis, and much of the cost they bear themselves. He stated they try to maintain a consistency and maintain appropriateness for the architecture that they are presented with. He stated he has personally worked for over twenty-five years with owners and homeowners who they have asked to "jump through quite a few hoops," make adjustments to their Plans, and even upgrade some of the finishes that they would normally expect to do on a small residential project, but because they are part of this historic area, they comply and they come up with a reasonable way to proceed.

Mr. Heinz stated in this case the Shopping Center has always been on HARB's Agenda; and they have dealt with not only the initial design and construction of McCaffrey's Market, but after the fire they were involved with working with them on adding the second floor as well. He stated HARB has a lot of experience dealing with larger projects and projects that have exposure from the road which they are most concerned with.

Mr. Heinz stated when they were asked to review this, they looked at it as a building in the round that has exposure from all sides and is visible from the parking lot and also from the street although it is through the trees; and there is a significant visual impact. He stated the curved roof was a point of major discussion when it was first presented, and HARB had difficulty in accepting it at that time. He stated the architect who presented that Plan made it clear by presenting background information and precedence as to why it was an acceptable historic visual treatment of the building. He stated when Mr. Wolk brought this latest presentation to HARB, they asked him about the facets of the project he went through and he talked a lot about the finishes and materials which are acceptable; however, when HARB pointed out the discontinuity between a very new type of construction which is the mansard up against a flat roof with the curved roof and peak that goes into the main roof from the south side of the building and questioned him about the appropriates of it and any historic precedence, they were not given any real answer

that satisfied HARB, and at that point a Motion was made to deny the Certificate of Appropriateness which passed unanimously. Mr. Heinz stated at that point they had further discussions about what could be done.

Mr. Heinz stated except for possibly two incidences, the Board of Supervisors has always complied with HARB's recommendations; and in those incidences, the Decisions that were granted have always come back to be a little less than what was desirable. Mr. Heinz stated HARB makes recommendations in the best of faith, and they hope that they can work with the developer in this case to bring about an appropriate response to the historic environment and to maintain continuity and a consistency in design. He asked that the Board support HARB's decision.

Mr. Stainthorpe stated there is a rounded roof there now, and they are keeping the existing roof. He asked what has changed from when the building was first approved to now which makes it unacceptable. Mr. Heinz stated the expansion of the lower area and the fact that it has the mansard that is not in any way connected with the piece on the inside that comes down and sits into a flat roof which architecturally he finds to be problematic in terms of flashing and roofing, although he added this is a technical item they can take care of. He stated in most cases, they would have done something similar to a shed that would come in and be framed. He noted additions that were done to the Church next to Veterans Park. He stated they added a number of additions which were all done in terms of sheds which is a historical approach, and HARB might have accepted this if it has been proposed in this way. He stated they were told that this is what they were going to do, and they wanted HARB to "rubber stamp" it.

Ms. Tyler asked what is wrong with the design that has been presented and what would Mr. Heinz propose should be done. Mr. Heinz stated the historic process that might have happened in the past is that if you have a high roof and you add something low to it, you bring that lower roof up into the high roof and make some kind of juncture. He stated there may also be another historic way to do it by coming from the new walls they are installing and bringing them up and framing above the existing peak, this would also be reasonable. Ms. Tyler asked if their recommendation is based on trying to get rid of the peak; and Mr. Heinz stated they do not need to get rid of the peak, but they want to get rid of the disconnect between the mansard at the lower level and the piece that sticks up like an "inverted ice cream cone" that is put down on the roof of the flat section. He stated they had a fairly significant discussion about this; however, they do not have Minutes they are able to present to the Board at this time because of timing.

Mr. Stainthorpe stated he feels what is missing in this discussion is "common sense." He stated this is not a historic building although because of the Development Agreement HARB does have the opportunity to review it. Mr. Stainthorpe stated he does not feel that the average person going into the bank would know about the historical significant of the roof line; and he feels that as long as it is attractive and does not distract from the

attractiveness of the Shopping Center, he feels it is fine. He stated it is covered somewhat by trees. He stated there is a rounded roof now; and while historically HARB may not feel it matches up with what it should be, it is not a historic building and is in fact a rather modern building.

Mr. Benedetto stated for the Board to overrule the professional judgment of HARB defeats the purpose of having HARB. He stated it is a designated historic area although he understands it is sort of an exception. He stated he is shocked that Satterthwaite is not under HARB review since it was built in the 1700s. Mr. Benedetto stated it was a unanimous vote by HARB, and he feels the Board should honor their professional judgment or they should not have a HARB review. He feels this “fell through the cracks,” and it is unacceptable that Mr. Wolk did not know that HARB review was part of the process and he had already spent a lot of money, time, and effort. Mr. Benedetto stated he does not feel that they can blame HARB for this; and in their professional judgment, HARB unanimously felt that this was something they would not approve.

Mr. Stainthorpe asked if the concern is really the architectural significance of the building or the procedure. Mr. Benedetto stated he feels the procedure needs to be changed, but he also feels that the Board needs to respect HARB’s judgment on the unacceptable architectural plans. He stated moving forward, the procedure needs to be changed so they do not have this kind of situation again. He stated he believes that if the process was different and they had done this at the beginning rather than the end of the process and HARB had advised what they should do before the developer had spent any significant money, they would have changed this.

Mr. Murphy stated he disagrees with this point adding that what has been recommend by HARB has a number of practical, adverse consequences. He stated one is that it would be a significant cost to eliminate the curved roof which is what the recommendation from HARB is designed to do.

Ms. Tyler asked what HARB asked them to do with the respect to the Plans; and Mr. Murphy stated while he was not at the meeting, Mr. Wolk did advise him what happened, and the curved element was suggested to be eliminated and a flat element created designed to match the other elevation. Ms. Tyler stated this would force a change on the existing building, and Mr. Murphy agreed. He stated this has an implication for the operation of the bank because under the current design the existing Branch could stay functional and the addition would be built outside and then connected at the end. He stated to have to remove the curved element to make it flat would require the inside of the bank operations to be stopped for some period of time while that was done. He stated it would result in a significant cost to renovate and eliminate the curved portion, and it has a direct impact on the operation. He stated even if it had been identified earlier on that they had to go before HARB, they still would have had this professional disagreement. Ms. Tyler stated the curved portion of the building was

already approved, and Mr. Murphy agreed it was approved when the branch bank was first built in the mid to late 1980s. Ms. Tyler asked Mr. Heinz if there is any remedy he would see that would allow the curved structure to exist that they could build around, and asked if there is a suggestion that would not involve removing the curved structure.

Mr. Heinz stated there were a number of suggestions offered, none of which is the responsibility of HARB as they are not there to design. He stated he is an architect, and he would not want to put his professional judgment in the place of anyone else who comes before them; however, they should be able to answer questions about what they have done and why they have done it. He stated at the start of every session they ask that all of the testimony and presentation respond to the historical correctness of what they have done and to couch it in terms of why it is appropriate and why it should be made that way. Ms. Tyler asked if HARB's objection is based upon the existence of the curved structure or limited to the addition that they are proposing. Mr. Heinz stated the objection was the juxtaposition of the confluence of the major gable that exists on the south side of the building and letting it go into a flat roof. He stated this was the major point of discussion and the major reason why they voted to deny it.

Mr. Wolk stated where this intersection happens, they will never see it; and the idea of the mansard is to appear that it is a gabled roof. He stated the idea was to hide it. Mr. Murphy stated they will not be able to see this 100' from the road.

Mr. Stainthorpe stated he feels common sense needs to be a part of this. He stated to add significant cost to the construction of a bank that is a business they want to have and has been here a long time, does not make sense. He stated a number of years ago he was Liaison to HARB, and he was there when Woodside Church was doing their addition; and he remembers lengthy discussions where members of HARB wanted to re-design the building. Mr. Stainthorpe stated when he was the Liaison he asked that they use common sense. Mr. Stainthorpe stated this is a Commercial building that is part of a modern shopping center; and he does not find it personally offensive, and does not feel many people would find it offensive.

Mr. Benedetto stated he understands Mr. Murphy's point about the process and that possibly they would not have changed it even if it had been reviewed by HARB earlier in the process; however, he feels the HARB review must be moved up much further in the process if they want to have HARB's input. Mr. Heinz stated he agrees, and added that HARB has been working on a timeline they would suggest be adopted in the future.

Mr. Heinz asked that the Board not make a decision based on their interpretation of what it is going to look like, and they should give support to the people on HARB that have spent many years of dedication to making a certain consistency and making arguments that are reasonable and justified.

Ms. Tyler stated they appreciate all of the volunteers, and she thanked them for their expertise in what they do. She stated her concern with this particular situation is that they are trying to take a “second bite” at getting rid of the curved structure, and Mr. Heinz stated they were looking at the effect; and as to how easily it could be done, he asked that Mr. Murphy concentrate on doing law instead of engineering and architecture. Mr. Heinz stated he is not saying that it would be easy; but he feels that if it were done the way he foresaw it from the outside, they could probably do it without shutting down the Bank and creating undue difficulty.

Mr. McLaughlin moved and Mr. Dobson seconded to Approve the Certificate of Appropriateness for the Wells Fargo Bank. Motion carried with Mr. Benedetto opposed.

#### APPROVAL OF REGENCY AT YARDLEY PHASE IV DEVELOPMENT AND FINANCIAL SECURITY AGREEMENTS

Mr. Garton stated he prepared these Agreements and they were reviewed by the appropriate parties, and it is another Phase of what has been approved in the past. He stated the staff recommends Approval.

Mr. Dobson moved and Mr. Benedetto seconded to Approve the Regency At Yardley Phase IV Development and Financial Security Agreements.

Mr. Zachary Rubin advised the residents of the Settlement Agreement involving this project. He stated when Toll Bros. took over this section of the project, they agreed to all the previous Agreements. He stated in addition to all of the Transfer Taxes the Township will receive from every property sold, and the property tax that will be generated for the Township and the School District, the Agreement requires that Toll Bros. pay the Township \$1,375,000 paid in three equal payments beginning after the completion of 200 residential units. He stated currently they have 191 residential units planned; however, the Agreement also indicates in the alternative it is to be paid beginning eighteen months from the issuance of the first Certificate of Occupancy. He stated in addition, Toll Bros. will contribute \$1,650 when each Certificate of Occupancy is issued which is non-refundable and is to be used for a use to be determined. He stated this results in \$315,150 additional to the Township for the 191 units. Mr. Rubin stated in addition Toll Bros. will pay the Township the present value of \$75,000 per year for ten years with an interest rate of 6% in three equal installments beginning on the fourth anniversary of the issuance of the first Certificate of Occupancy. Mr. Rubin stated this project will be quite beneficial to the Township and will not put any burden on the School District because there will be no school-age children living there. He stated he feels this was an excellent settlement that the Township, Residents Against Matrix, and the original owners of the property made.

Mr. Fedorchak stated the Township issued Toll their first Certificate of Occupancy in March; and as a result, the first payment of approximately \$470,000 will be made in September, 2013. He stated he has already put this number into the Capital Budget.

Motion carried unanimously.

#### SUPERVISORS' REPORT

Mr. Benedetto asked if Dr. Bentz has filed paperwork to appear before the Zoning Hearing Board, and Mr. Garton stated she has not to his knowledge.

#### APPROVAL OF GRANT OF EASEMENT TO PAWC AT VETERANS' SQUARE PROPERTY

Mr. Fedorchak stated they are asking the Board of Supervisors to approve a 20' easement for the sum of \$1 to the Pennsylvania American Water Company on the Veterans' Park property on the westernmost boundary. He stated this will allow Pennsylvania American to provide water service to those residences on Yardley-Langhorne Road including Dave Miller.

Ms. Tyler moved, Mr. Dobson seconded and it was unanimously carried to grant a 20' easement to PAWC for \$1 for the Veterans Park property on the westernmost boundary.

There being no further business, Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to adjourn the meeting at 9:55 p.m.

Respectfully Submitted,

Dobby Dobson, Secretary