

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – JUNE 20, 2012

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 20, 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

Prior to the start of Public Comment, Mr. Stainthorpe stated the Board allows the public to speak and allows different points of view to be heard; however, at the last meeting, they had three different speakers who spoke for over one half hour each, and when he tried to move them along, they told him it was their right to speak. Mr. Stainthorpe asked those speaking to voluntarily limit themselves to no more than ten minutes. He stated many other Townships and School Boards restrict public comments to three minutes per speaker and some places have a timer; and while he does not want to get to that point, he does not want the Board to have to listen to someone take a half hour to explain themselves as he feels they should be able to make their point in ten minutes.

Mr. Stainthorpe stated he has discussed this with the Township solicitor and found that while the public has the right to make a public comment, they do not have a vested right to talk for one half hour; and the Chair does have the power and authority to cut off public comment. Mr. Stainthorpe stated he likes that their meetings are open and provide a chance for everyone to talk; but he asked that the public speakers respect the time of the Board of Supervisors and the rest of the audience.

Mr. Harold Koopersmith, 612 B. Wren Song Road, stated he needs an estimate as to how much the Township would need to fix all the roads within the Township, and Mr. Fedorchak stated currently they are on a twenty-five year schedule, and it requires that they spend \$750,000 to \$800,000 per year for twenty-five years. Mr. Koopersmith also asked if the Township has any unfunded pension liability, and Mr. Fedorchak stated

their pensions are being funded at the 80% to 85% level based on the actuarial funding levels. He stated on an annual basis, whatever the difference is, the Township is funding in accordance with the actuaries. He stated at the end of each year, they are therefore funding it at 100%. Mr. Koopersmith asked what is the maximum amount that the Township could borrow, and Mr. Fedorchak stated he feels it is in the range of \$24 million. Mr. Koopersmith stated he hopes to have a proposal for the Board's first meeting in September.

Ms. Helen Heinz, 1355 Edgewood Road, stated with regard to the sale of the Satterthwaite House, she asked that the Board consider the addition of a right of first refusal clause if the property does proceed to a sale since there is currently nothing related to this in the bid document or in the easement.

Ms. Donna Doan, 2814 Langhorne-Yardley Road, Yardley, stated on May 1 she requested a number of documents from the Township through the Right-To-Know Request Form; and some of those documents were the correspondence between Lower Makefield Township and their legal representative and Thomas and Alice Patterson and their legal representatives pertaining to the Township's acquisition of the Patterson Farm to include all correspondence prior to, during, and after the condemnation. She stated she also requested the Leases for the Patterson Farmhouse and Cottage.

Ms. Doan stated with regard to the condemnation of the Farm, she was provided with ten letters; and she does not feel that the condemnation or sale of the 200 plus acre Farm could have been accomplished with only ten pieces of correspondence. She stated she also feels it is disturbing that there is a gap of five months when there seems to have been no correspondence between the Pattersons and the Township, and she feels this is suspicious.

Ms. Doan noted specifically a letter dated November 13, 1997 written to the Township Manager which is a report from the Township solicitor relating his conversation with someone associated with the Pattersons who was acting as their Realtor who had indicated that he was "98% sure but nothing was for certain that the Pattersons could be convinced to accept an offer from the Township." Ms. Doan noted a letter dated December 10 which was a letter from the Township solicitor to the person who was acting as the Realtor for the Pattersons; and she quoted the following statement: "The Township's offer is very competitive when viewed in the context of offers made by other developers doing business in the region." Ms. Doan stated she feels it is curious that the Pattersons would have needed to be told that the offer was competitive if they were already entertaining other offers. She read the concluding statement made by Mr. Garton as follows: "I hope you would prevail upon the Pattersons to seriously consider the Township's offer in the hopes that we can bring this matter to a conclusion expeditiously." Ms. Doan stated she does not feel that it is a Realtor's place to prevail upon his clients, and it is her understanding that a Realtor is supposed to present an offer in an unbiased fashion. She stated she is also concerned about the wording that the

Township seemed to want the conclusion to come expeditiously. Ms. Doan noted a letter dated December 16, after a prior discussion in the paperwork that had mentioned the sale price of \$7.5 million, an offer was presented to the Pattersons for a purchase price of \$7.1 million; and she stated she feels this is curious since normally the price would go up if someone were holding out. Ms. Doan stated there is also a statement in the letter discussing the acquisition method which states, "If the parties can reach agreement, the Township will then acquire the property by a friendly condemnation." Ms. Doan stated this made her question whether a condemnation would have gone ahead seeing that the offer was now lower, and possibly this was a final offer as the proposal was to expire December 22, 1997. Ms. Doan stated the Pattersons therefore had just six days to decide whether or not to accept the offer.

Ms. Doan stated with regard to the Leases, the current tenant of the Patterson stone cottage pays less than the previous tenant paid nine years ago. She stated she feels a Commercial use would have more value in rental than a residential property so that she feels the costs for rent should have gone up rather than down. She stated she also wonders if it is a coincidence that the wife of the Township Golf Course executive is the current tenant. Ms. Doan read from an article from In Your Prime On-Line.com written after an interview with the Artists of Yardley which indicated they were able to "creep in the back door."

Ms. Doan stated on June 4 she requested a copy of the Act 319 thirty-day notification that the Township was going to subdivide the Patterson Farm. She stated the notification according to the Act was due to be sent to the taxing authority thirty days prior to the Subdivision, and that request for that document was not responded to.

Ms. Doan stated on June 11 she requested all documents pertaining to the condemnation and sale of the Patterson Farm including notes taken internally by the Township, and she was furnished with nothing.

Ms. Gudrun Alexandra, 256 S. Fieldstone Court, stated the speeding on Bluestone Drive is "horrendous," adding there are a lot of children in the area; and Chief Coluzzi agreed to look into this. Ms. Alexandra stated the grates in the detention basin between Fieldstone and Marble are covered with debris and grass. She stated there is no way for the water to drain quickly if there is a heavy rain. She also stated that there is a dead tree on Bluestone and a number of trees are being choked with grape vines. Mr. Fedorchak agreed to look into these matters.

Mr. Scott Fegley, 12 Delaware Rim Drive, stated he was curious about the comments regarding the Patterson Farm. He stated he was on the Board of Supervisors in 1997; and he met with Mr. Patterson and Mrs. Patterson, and they were thrilled to know that their Farm was going to be preserved. He stated Hal Roberts was not only their Realtor, he was also their nephew. He stated he would be more than happy to share his experiences

about the Patterson Farm and how that transaction took place. He stated the competing offer was a shopping center, and he feels it is better to have the beautiful farm there today as opposed to a shopping center. He stated he is proud to have been part of this.

Ms. Doan asked if the Patterson Farm is now preserved farmland, and the Board indicated it is.

APPROVAL OF MINUTES

Mr. Dobson moved, Ms. Tyler seconded and it was unanimously carried to approve the Minutes of June 6, 2012 as written.

APPROVAL OF MAY 21, JUNE 4 AND JUNE 18, 2012 WARRANT LISTS AND MAY, 2012 PAYROLL

Mr. Benedetto moved, Mr. McLaughlin seconded and it was unanimously carried to Approve the May 21, June 4, and June 18, 2012 Warrant Lists and May, 2012 Payroll as attached to the Minutes.

DISCUSSION AND APPROVAL OF RECYCLING PROGRAM

Ms. Tina Leck, George Leck & Son, was present and stated a few weeks ago she and Mr. Leck met with the Environmental Advisory Council to present a proposal for having an electronic collection day for Lower Makefield Township residents. She stated they recently had an electronic collection in Newtown Township which was very successful and was done as a drive-through event on a Saturday. She stated residents would pull up, the electronics were taken out of their vehicle, and they would then drive off. She discussed Act 108 that will require residents to properly handle and dispose of computer equipment. She stated there is also a push for electronic recycling besides computers including VCRs, DVD players, cell phones, office equipment, and televisions all of which need to be disposed of properly. She stated the purpose of Act 108 is to transition the huge amount of electronics and computer devices that previously have been going to landfills or incinerators and making sure that they are recycled and put back into better use.

Ms. Leck stated they made a presentation to the Environmental Advisory Council and set a tentative date for such an event in Lower Makefield to be Saturday, October 13; and it would be held at the Pool parking lot on Edgewood Road. She stated George Leck & Son and their new Division, Electronic Recycling, would man the entire event at no cost to the Township. She stated they would also do advertising and would like to

advertise the event on the Township Website. Ms. Leck stated they held the Newtown event the beginning of May, and they collected six tons of electronic recycling during the course of five hours so six tons will be added to the total tonnage that Newtown Township will be able to put into their request to the State for their Recycling Grant.

Mr. Stainthorpe stated he does not see any reason not to do this. He stated the County holds a few events during the year, but he still feels this would be a great event for the Township residents.

Ms. Tyler moved and Mr. Dobson seconded to move forward with the recycling program.

Mr. McLaughlin asked that the advertising be about the event itself and not company specific. Ms. Leck stated the day of the event, they would have information available that their company is able to pick up electronics and make the residents aware of how they need to properly handle the disposal of electronics so that the environment is being protected. Mr. Stainthorpe stated he does not have a problem with Leck letting the residents know that they are doing this event free of charge as it is a service to the community, and Leck should be able to take credit for this since they came to the Township with this idea.

Mr. Benedetto asked if Leck was involved in the Household Hazardous Waste Collection held previously at the Township, and Ms. Leck stated that was run by the County. She stated on the Township level, the tonnage of volume collected during the event being discussed this evening would go into the Township's recording at the end of the year. Mr. Benedetto asked if the event Leck held in Newtown was just for Newtown Township residents; and Ms. Leck stated anyone could come. Mr. Benedetto asked if they did a survey to determine how many were residents of Newtown Township, and Ms. Leck stated they did and everyone who came through was from Newtown Township. She stated they found that they collected six tons of materials from approximately 140 cars that came through.

Mr. Benedetto asked Ms. Leck where they take the materials, and Ms. Leck stated they use a facility in Philadelphia, and they are fully insured and certified. She stated the computer hard drives are shredded before being melted down and recycled. Mr. Benedetto asked if they go to Blue Mountain Recycling, and Ms. Leck stated they use that facility for co-mingled materials. Mr. Benedetto stated the Township materials that go to Blue Mountain do not go into the Township's recycling bank; but Ms. Leck stated this is incorrect, and that does get included in the reporting for the Township. She stated everything that goes into the recycle bank program regardless of the collector is added to the tonnage for the Township's Grant.

Ms. Leck stated Mr. Bray has information about the facility where the materials would go and other documentation. She stated he also has a copy of the tentative flyer they would like to have posted on the Township Website.

Ms. Tyler asked the arrangement between Leck and the facility in Philadelphia with respect to the processing of the material, and she asked if they pay Leck to accept the material or does Leck pay them to take the material. Ms. Leck stated for certain materials they get paid; however, there are also other materials for which there is a charge to Leck to dispose of them. She stated this is also market dependent as the markets fluctuate based on supply and demand.

Mr. Jim Bray, Chairman of the Environmental Advisory Council, stated at the request of the Chairman, Pete Stainthorpe, the EAC looked into this proposal and met with Leck some months ago. He stated the EAC was very pleased with the program. He stated he and Mr. Dresser went to the Newtown event, and it was a very smooth operation. He stated the EAC would be willing to coordinate the program and work with the Board and Leck to make the program go smoothly.

Mr. Stainthorpe stated the Township had a successful shredding program in May which was put on by the Neighborhood Watch Group, and the residents like these kinds of services.

Mr. Bray thanked Mr. Stainthorpe for bringing this to the attention of the EAC.

Motion carried unanimously.

FINANCE REPORT

Mr. Fedorchak stated the detailed May Finance Report is available on the Township Website which also includes audits and quarterly reports for the last five years. Mr. Fedorchak stated the financial news for the first five months of the year is excellent. He stated the General Fund Revenues have been tracking as forecasted, and in many cases, a bit better. He noted specifically the Property Tax which is the single most important revenue source to the Township. He stated receipts in the aggregate for the first five months are running \$100,000 ahead of the same time last year. He stated with regard to the Deed Transfer Tax, it is performing as it has for the last two years. He stated by the end of the year they anticipated it would be between \$800,000 and \$1 million; and he feels this will be the case unless they see some dramatic tick up in the next three to four months which is when they typically receive most of the Deed Transfer Tax. With regard to fees, they are tracking ahead of what was forecast in most accounts. He stated these fees including plumbing, building, electrical, and the Cable TV Franchise Fee.

Mr. Fedorchak stated with regard to the Business Enterprise Funds, the Golf Course has had five excellent months; and year-to-date revenues through May are \$240,000 ahead of the same time last year because of the good weather. He stated Pool revenues are okay; but year-to-date the receipts are down approximately 3 ½% when compared year-to-date last year. He stated if this continues, it will be the third year in a row that they have seen a slight tick down. He stated he has brought this to the attention of the Park & Rec Board and suggested that at the conclusion of the Pool season, they discuss this. He stated 3 ½% translates to approximately \$20,000 less in revenue. He stated this will not make a difference to the 2012 bottom line.

Mr. Fedorchak stated in general Expenses for all funds are tracking as forecast with the exception of Sewer where they are spending a great deal more, but this is solely due to the Capital projects – Edgewood Village and the pump station. He stated if these projects were backed out, the Expenses would track exactly as they have in the past.

Mr. Benedetto asked the Budgeted amount for road resurfacing this year, and Mr. Fedorchak stated it is \$750,000. Mr. Benedetto asked the variance from the 2011 snow expenses to 2012; and Mr. Fedorchak stated currently it is approximately \$125,000. Mr. Benedetto asked the amount spent in 2011 for road resurfacing, and Mr. Fedorchak stated he feels it was approximately \$550,000. Mr. Benedetto asked the amount needed per year for road resurfacing according to the twenty year plan; and Mr. Fedorchak stated the numbers vary and on the low end it is approximately \$700,000 and on the high end approximately \$900,000 to \$950,000. Mr. Benedetto asked when was the last time the Township spent \$750,000 as is proposed for 2012; and Mr. Fedorchak stated to his knowledge, they have never spent this much.

Mr. Benedetto stated he still gets complaints that they are not repairing the roads which he feels is the greatest service that they can provide to the Township residents. He stated last year they under funded this by approximately \$200,000; and he would like to see any savings in the snow removal fund used to fund the road program that they did not fund in 2011 and prior years. He stated he recognizes they are not at this point yet since they do not know what will occur with regard to snow removal the rest of the year. He stated they did not do their due diligence in years past with regard to road resurfacing.

Mr. McLaughlin stated in Revenue they have State shared revenues of \$390,000 and the Township has yet to see any of this; and Mr. Fedorchak stated this is just a timing issue. Mr. McLaughlin noted the Real Estate Transfer Tax Revenue where they have budgeted approximately \$1 million, and Mr. Fedorchak had indicated that they could be under that number. Mr. Fedorchak stated this is a possibility since looking at the trending for the first five months, it is identical to the previous two to three years, and he feels it could be between \$800,000 to \$1 million by year end. Mr. McLaughlin noted the Cable TV Franchise Revenue which he feels would be evenly spread across every month, and Mr. Fedorchak stated they get quarterly payments.

Mr. McLaughlin stated with regard to the Road Resurfacing Program, he and Mr. Stainthorpe pushed very hard with the previous Board to make sure that it was funded as much as they could. He stated they had been in a situation of a little bit of financial distress so choices were made, and they funded it as much as possible with \$520,000 funded in 2011 and increased it to \$775,000. Mr. McLaughlin stated he also hears complaints about the roads, but typically many of these complaints are about the State roads which are the responsibility of the State. Mr. McLaughlin stated they are just getting their financial footing back in order thanks to the efforts of the Chief and all the Department Heads. He stated a Budget of \$775,000 for the roads is adequate based on what Mr. Majewski indicated; and he would be in favor of continuing on the path of maintaining the Budget as a goal.

Mr. Benedetto asked the projected General Fund Balance at the end of 2012, and Mr. McLaughlin stated it is \$1.260 million which is actually a decrease from the actual fund balance for the end of 2011 of \$1.6 million. Mr. Fedorchak stated he is concerned about projections being made now about whether or not there will be snow before the end of the year. He stated the \$120,000 to \$150,000 that they are indicating is an excess now as a result of not having snow earlier this year will show up in the 2012 balance if not used; so when they look at 2013 and money that will be available for all of the Capital needs, they could look at that money if it is still available and possibly add it to a \$700,000 number for road resurfacing next year.

Mr. Benedetto stated he imagines that they do not have a separate account for Patterson Farm, and it all goes into the General Fund. Mr. Fedorchak stated there is a separate line item account within the General Fund for the Patterson Farm. Mr. Benedetto stated now that they will be bringing in additional revenue, he would like to see a separate account set up for Patterson Farm with the Bright Farms money going into that account to maintain some of the infrastructure on the Farm and use it towards maintaining the Patterson Farm rather than having it go into the General Fund. He stated he would like to see it used for this purpose to keep the Patterson Farm the gateway to the community which he feels is an expectation a lot of people in the community have.

Ms. Donna Doan stated she feels this is a great idea. Ms. Doan stated she did ask for records of receipts and expenses that were supposedly spent on the Farm. She stated the Township has a Patterson Farm Cost Study that indicates that almost \$610,000 was spent on maintenance and capital improvements, and she does not see this when she drives by the property. She stated the Township did not furnish any of those documents to her. Ms. Doan stated she feels there should be a Preservation Fund, and it should not just be a line item from the General Fund where expenses go. She stated the money that is earned on the Farm including the rents and the leaf recycling should go into a separate fund that would maintain the Farm in perpetuity which she feels was the Pattersons intention.

Ms. Doan asked if they have a figure on the total debt for the Golf Course, and she asked when they expect the total debt to be paid off. Mr. Fedorchak stated they anticipate that 2032 would be when the last bond payment will be made for the Golf Course. Ms. Doan asked if this on schedule with how it was projected when the Course was built, and Mr. Fedorchak stated it is. Ms. Doan asked how much was the loss last year at the Golf Course; and Mr. Fedorchak stated while the Audit has not yet been completed, Operating Revenue did exceed Operating Expenses. Ms. Doan stated she believes that a comment was made at a previous meeting that last year the Course finished “slightly in the red.” Mr. McLaughlin stated he feels once the interest was paid, there was a slight negative; but operation of the Golf Course itself runs positive. Mr. Fedorchak stated all Golf Operating Revenues are covering all Golf-related Expenses, and this includes debt service, principal, and interest; and it did so in 2011.

Ms. Doan asked if there is anything set aside for the verdict on the Dalgewicz case, and Mr. Fedorchak stated there is not. Ms. Doan asked if there is a Judgment that requires a payment to the Dalgewicz family, how would this be obtained; and Mr. Fedorchak stated they would have to examine the options at that time. Ms. Doan asked if there is a cost tracking as to what it has cost the Township for the lawsuit against the Dalgewicz family, and Mr. Stainthorpe stated they do not have a lawsuit against the Dalgewicz family. Ms. Doan stated she is discussing the cost for the defense of the lawsuit against the Dalgewicz condemnation, and Mr. Fedorchak stated he would have to go through the records. Mr. Stainthorpe stated there is not a lawsuit against the Dalgewicz condemnation, and it is an Appeal. Ms. Doan stated the Dalgewicz’ were not happy with the condemnation. Mr. Stainthorpe stated there is an Appeal of the amount that they received.

AWARD OF THE 2012 PAVING PROGRAM

Mr. Eisold stated they received six Bids for the Paving Program from \$881,260 to \$1.228 million. He stated the Township has worked with the low bidder, Harris Blacktopping, Inc.; and they would recommend that they are the responsible low bidder to receive the bid. Mr. Eisold stated when they received the Bids two to three months ago, gas prices were higher than currently; and it may make some difference as there is an escalator clause which could make it go lower if they meet certain thresholds. He stated this would be determined when they start the project.

Mr. Eisold stated he and Mr. Fedorchak discussed the Budget as they are over what they originally projected and there are a number of things they can do to bring it back in line with what they were looking at for the project. Mr. Eisold stated included in this number is some work on some of the bike paths in addition to the regular road work; and Mr. Fedorchak stated they Budgeted \$25,000 for the bike paths.

Mr. Eisold stated with regard to base repairs, there are some areas that are really poor where they are digging out and replacing those areas, and they can take out one minor section that will not change the structural capacity of the pavement, but would reduce the cost by approximately \$70,000.

Mr. Stainthorpe stated he understands that the recommendation this evening is that the \$881,260 Bid be accepted, and Mr. Eisold and Mr. Fedorchak will work on ways to trim this back; and Mr. Eisold agreed. Mr. Eisold stated typically with PennDOT within 20% up or down there is leeway; and they did speak to PennDOT, and they are fully aware of this and the Contractor is aware of this as well, and they did not have a problem with this. Mr. Fedorchak stated they can accomplish this post-award through change orders, and the target is to get down to approximately \$775,000 which they feel they can do; but it should be awarded for the full amount.

Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to award the 2012 Paving Program Bid to Harris Blacktopping, Inc. in the amount of \$881,260.

DISCUSSION AND APPROVAL OF TOWNSHIP LEAF COMPOSTING AREAS AND SUBMISSION OF 902 RECYCLING GRANT

Mr. Fedorchak stated the staff is trying to plan ahead with regard to leaf composting areas in the Township. Mr. Fedorchak stated currently there are two leaf staging areas, one of which is on the Patterson Farm and the second is located on the Samost Tract. He stated they have been using those sites for approximately thirty years. He stated there are changes afoot with respect to both sites. Mr. Fedorchak stated they generate approximately 25,000 cubic yards of leaves a year, and this number has been growing.

Mr. Fedorchak stated through the recent Grant the Township has received, two ball fields will be located on the Samost Tract where the mulch piles and leaves have been located. He stated they also have the potential sale of the Satterthwaite Farmstead; and included in the Specs and Conditions, is the requirement that there be a 500 foot setback surrounding the perimeter of the property. Mr. Fedorchak also stated that the main driveway that is used to access the Satterthwaite Farm has been used by Township Public Works to access the staging area which is located near to the Satterthwaite barn and house. Mr. Fedorchak stated they must therefore find alternate locations.

Mr. Fedorchak stated the State DEP has just reinstated the Section 902 Grant Program (the Recycling Grant Program) which had been frozen for the last two to three years. He stated prior to that the Township had been able to access that Program for over a decade and purchased almost all of the leaf vacuum machines and two of the tub grinders using that Grant. He stated at the last Budget meeting, it was noted that the next tub

grinder they would have to purchase could be \$800,000. Mr. Fedorchak stated he directed Mr. Eisold some months ago to begin working with Public Works to come up with alternate sites. He stated if the Board finds these sites acceptable, they will package these sites as part of the Grant Application.

Mr. Eisold showed a picture of the Samost Tract showing the existing site for the leaves and mulch operation. Mr. Fedorchak stated they are suggesting that they flip the location to the other side at a location shown on the picture by Mr. Eisold. Mr. Eisold stated they have designed it to handle about half the volume of the 25,000 cubic yards. Mr. Stainthorpe stated this is the site where they are considering putting the Senior Center. Mr. Eisold stated they did consider this, and they kept that portion open.

Mr. McLaughlin stated this portion is used for overflow parking for PAA events, and he asked what would happen when these events are held. Mr. Eisold stated he feels they will need to look at alternatives for parking for those events which are only held a few times a year. Mr. Fedorchak stated he agrees that this would be a problem, and they would have to examine this further. He stated he does not feel the entire five acres will always have leaves on it all the time, and there is the possibility that they will be able to shuffle the locations of the rows in advance of knowing that there will be parking required in certain areas during certain times of the year.

Mr. Eisold stated he understands that there is a certain process with the leaves to that by the summer, they should be clearing out somewhat. He stated the leaves also go to several areas – some ground up as mulch for the residents and some used as mulch on the Patterson Farm and spread out as fertilizer every few years, and the remainder has been sold off to local landscapers; so the potential is there to accelerate that somewhat in the spring months so that the material is removed and there could be a wider area for parking. Mr. McLaughlin asked if these are the only two alternative locations; and Mr. Fedorchak stated they have all considered this and looked at other locations, but he feels at this point these two sites are the best locations. He stated he feels it is important to stay on the Samost Tract for leaves being hauled from the eastern and southern sections of Lower Makefield rather than having to travel to Patterson Farm which would cost more in terms of time and labor. Mr. Fedorchak stated the Samost site would continue to be used for the mulch staging operation as this location is familiar to the residents. He stated the free mulch program is very popular. He stated they are producing the mulch by grinding the yard waste across the street from this site and it saves money and employee hours being able to continue to use this site.

Mr. Eisold showed a slide of the Patterson Farm and showed the location of the Satterthwaite Tract that the Township is looking to sell. Mr. Fedorchak stated Mr. Eisold has identified an area 500' from that Tract. Mr. Fedorchak stated they felt it was best to push the leaf operation as far away as possible yet still maintain easy access in and out

of the location. Mr. Fedorchak stated they are recommending that it be pushed up against the loop ramp, which he feels is a perfect storage/disposal site for the leaves that are transported from the north end of the Township.

Mr. Benedetto asked the location of the Conservation Easement, and Mr. Fedorchak stated the location they are proposing is off the Conservation Easement; and Mr. Eisold showed the location of the Conservation Easement on the slide. Mr. Benedetto stated it appears that a portion of the entrance drive to the facility is on the Conservation Easement; and Mr. Eisold showed where the line comes along the bottom edge of the Easement adding they wanted to line up the driveway with the driveway across the street which made sense from a safety standpoint. Mr. Benedetto asked if they discussed this with the Bucks County Planning Commission since there is a portion on the Conservation Easement; and Mr. Fedorchak stated once they make the decision that this is the location they want to use, they will have this discussion with them.

Mr. Benedetto stated he understands that on the Satterthwaite Bid documents there was language that the Township was willing to move the leaf pile, and he asked what was the specific language. Mr. Fedorchak stated they have to move the leaf piles because they are using the existing driveway that serves the Satterthwaite House and Farm and it is within the five acres that is proposed to be sold. Mr. Fedorchak stated if they were to maintain the existing staging area and move it back slightly, they would still need to locate another driveway in between the driveway serving the Janney-Brown Farmhouse and the driveway serving the Satterthwaite House; and he is not sure that the PennDOT would give a Highway Occupancy Permit for that. Mr. Eisold also stated he feels in the Sale Agreement for the Satterthwaite House, there is a requirement for a 500' setback. Mr. Benedetto stated at the 500' mark, they are in the midst of the Conservation Easement; and Mr. Eisold agreed. Mr. Fedorchak stated they wanted to avoid the Easement; however, he feels if they discussed this with the County, they would probably be comfortable with locating the staging area there; but it was felt it made more sense to push it all the way up against I-95.

Mr. Stainthorpe asked if the Satterthwaite House does not sell, would they still recommend moving the leaf piles; and Mr. Fedorchak stated he would although they may not have to do it right away. He stated the assumption they made in considering this was that both the ball fields would be going in and the Satterthwaite parcel would be sold, and they wanted to have a plan in place now. Mr. Fedorchak stated he would recommend that the leaf piles be moved to the proposed location even if the Satterthwaite House does not sell.

Mr. Stainthorpe asked if they left the leaf piles where they are, would the Township still be eligible for the Grant; and Mr. Fedorchak stated they would be. Mr. Eisold stated the money would not be maxed out if they only did one of the two sites. Mr. McLaughlin stated if they do not move the leaf pile on the Patterson Farm, could they still claim the existing leaf pile on the Satterthwaite parcel as part of the Grant, and Mr. Eisold stated they could not because the money from the Grant is for the construction of the new sites so if one of them is not built, the construction costs would be less. Mr. Stainthorpe stated they are indicating that this will have to be done at some point anyway; and Mr. Eisold agreed adding that the Grant is available at this point so it makes sense to do it at this time. Mr. McLaughlin asked if the Grant money is available for equipment, and Mr. Fedorchak stated it is; and Mr. Eisold stated it can be used for a number of things. Mr. Fedorchak stated the cost for each of the new staging areas will be approximately \$120,000 to \$140,000 each; and the total Grant that the Township is eligible for is \$250,000. Mr. Stainthorpe stated this is totally separate from buying any equipment at this point, and Mr. Fedorchak agreed.

With regard to the Patterson Farm site, Mr. Benedetto asked how much larger would the new leaf pile site be than the current site at the Patterson Farm; and Mr. Eisold stated they have designed the new site to meet the DEP requirements. Mr. Benedetto asked if a detention pond is required as there is not one now, and Mr. Eisold stated it is a detention/leaching pond. Mr. Eisold stated there is one now, but Mr. Benedetto stated it is not the same size as the one that is proposed. Mr. Fedorchak stated they are also trying to add a little bit more square footage to the piles planning on five to ten years in the future when they will probably get 5,000 to 10,000 more cubic yards of leaves. He stated they did try to increase the footprint of both locations beyond what they are using now at both of the locations.

There was further discussion on the Grant, and Mr. Fedorchak stated the Grant has to be submitted by June 29; and he would recommend that the Board proceed recognizing that they do not know whether or not they will get the Grant. He stated if they get the award, he would report back to the Board; and at that time the Board could determine if they are comfortable with the locations he has suggested. Mr. Stainthorpe asked if they proceed this evening, are they locked into these locations; and Mr. Eisold stated the Grant will ask for details of what the Township proposes to do and conceptual sketches will need to be provided, but he feels they would be able to re-locate them someplace else if they get the Grant.

Mr. McLaughlin stated he does not have a problem with the location on the Samost Tract, but he is concerned about the proposed location on the Patterson Farm since it seems large and is right in the view scape. He stated he does not feel this is what they want people to see first when they come into the Township. Mr. Fedorchak stated they could go back and consider other locations on the Patterson Farm.

Mr. McLaughlin stated they were proposing soccer fields at the Snipes Tract, and he asked if they could consider that Tract as a location for the leaf piles. Mr. Fedorchak stated the difficulty comes if they are going to use the leaves for the Patterson Farm itself, this would involve an extra steps in terms of transporting the leaves to the Patterson Farm.

Mr. McLaughlin stated he is not comfortable approving the location proposed for the Patterson Farm as he feels it takes away from the character of the property.

Mr. Benedetto stated he agrees with Mr. McLaughlin and would like to see Snipes considered or another location off of Mirror Lake Road on the Patterson Farm.

Mr. Stainthorpe stated he feels they should try to keep it where it is currently located.

Mr. Fedorchak stated they could discuss this with the County as it would end up in the Conservation Easement if it were right up to the 500' mark.

Mr. Benedetto moved, and Mr. McLaughlin seconded to Approve the submission of the 902 Recycling Grant with the location for the Patterson Farm left flexible.

Ms. Virginia Torbert asked about the location of the new driveway, and Mr. Eisold showed this on the Plan. Ms. Torbert stated they will be accessing onto 332, and Mr. Eisold agreed. Ms. Torbert stated she does not feel PennDOT will approve this. Mr. Eisold stated they would have to get a Highway Occupancy Permit. Ms. Torbert stated this is the location where the traffic goes from four lanes to two lanes, and is already a “nightmare.” Ms. Torbert stated the distance between the loop ramp and her driveway is only 400', and it is much shorter than it should have been so she feels what is proposed would be a very problematic location.

Ms. Torbert asked how much farmland would be used for the new leaf piles compared to how much is being used now; and Mr. Eisold stated the area shown is approximately five acres, and currently they are using approximately three and a half acres. Mr. Stainthorpe asked if those three and half acres would become tillable acres if the leaf piles are moved as proposed, and Mr. Fedorchak stated they will. Ms. Torbert stated wherever it is put, they will also need to account for the land for the driveway.

Ms. Torbert asked if they could put it next to the new greenhouse and use that driveway; and Mr. Fedorchak stated they did look into this, but his concern is that they are taking the equipment and driving it through the heart of Edgewood Village which would be difficult due to maneuverability because of the turning radius.

Ms. Tyler stated possibly they could have three sites for the leaves – the Samost relocation, a site on Patterson Farm that would be small enough to handle what is spread on Patterson, and a third site up at Snipes.

Ms. Doan asked the amount of the Grant, and Mr. Fedorchak stated it is up to \$250,000 assuming the Township can qualify for the entire amount. Ms. Doan stated they are proposing to sell Satterthwaite for \$265,000 but give up the access they need to build a road for heavy trucks which she feels will cost a lot of money. She stated she also has a problem with the 500' radius around the Satterthwaite House as she feels it is unfair to tailor make the Agreement of the Sale for the buyer when they know the intention is to have horses who make manure on the land which does not have a 500' boundary from the houses across the street. Ms. Doan asked if the Board would agree that her idea of restoring the Satterthwaite House has any more validity. She stated she does not feel they should give up the access as it works now and keeps the leaf pile out of the view of the public and is sufficient for the Farm. Ms. Doan stated the best person to know what to do with a farm is a farmer. She stated her father grew up in the Satterthwaite House, and she asked that the Township give the house and the barn to him, and he will fix it up. She stated the property is worth zero to the Township, and her family has a ninety-five year history there.

Ms. Benedetto asked if the Township has received any Bids, and Mr. Fedorchak stated while Bids are not due back yet, they have not yet received any Bids.

Motion carried unanimously.

APPROVAL OF AMENDMENT TO PARK & RECREATION RULES ORDINANCE IN REGARD TO FIREARMS

Mr. Garton stated the Township Ordinance regarding rules and regulations related to Park land which includes active and passive recreation areas has restrictions related to firearms, bows and arrows, etc. Mr. Garton stated the Commonwealth of Pennsylvania adopted the Pennsylvania Crimes Code which includes the provision in Section 6120 that indicates Municipalities may not regulate the ownership, possession, or transportation of firearms, ammunition, or anything related thereto to the extent it is regulated by the Commonwealth of Pennsylvania. Mr. Garton stated there is also a Pennsylvania Supreme Court Case that indicates that any Municipality may not regulate firearms within parks if it is preempted by the State.

Mr. Garton stated they received notification that the Township Ordinance was illegal, and he has therefore prepared an Ordinance that would Amend the Park & Recreation Ordinance related to firearms which indicates that an individual cannot bring in a firearm onto Township property unless they comply with State law. Mr. Garton stated this Ordinance was duly advertised in the Courier Times for a Public Hearing this evening.

Chief Coluzzi stated he agrees with the Ordinance, and he asked that it be approved by the Board.

Ms. Tyler moved, and Mr. Benedetto seconded to Approve the Ordinance.

Mr. Zachary Rubin, 1661 Covington Road, stated he believes the sense of the Board and the community is that they do not necessarily want to have firearms in the Township Parks. He stated while he understands that they have obey the law, if the Board passes this Ordinance, he urged the Board to make a Motion to go on record opposing this and send a letter to the State Legislature asking them to introduce a Bill or Legislation to rescind Section 6120 of the Pennsylvania Crimes Code.

Mr. Harold Koopersmith asked what the Pennsylvania Code says that raises this issue. Mr. Stainthorpe stated it says that if you are properly Licensed and Permitted, you can bring weapons into Township parks. Mr. Stainthorpe stated they are getting into compliance with the Supreme Court ruling that says the Township does not have the authority to regulate firearms. Mr. Garton stated the Township does have the authority to regulate the discharge of firearms, and you cannot discharge firearms in the Township parks.

Ms. Virginia Torbert stated she agrees with Mr. Rubin, and she would encourage the Board to make a Motion to the State Legislature. She questions why the Game Commission should indicate what they can do in the Township Parks.

Motion carried unanimously.

Chief Coluzzi stated many Police Chief Associations throughout the State have asked the Legislature to change this because it is a safety issue, and they do not want guns carried in the Parks; but they do have to abide by the State Law at this time.

Mr. Dobson moved, Mr. Benedetto seconded and it was unanimously carried to correspond immediately with the appropriate State Representatives to begin the process of making Amendments such that the Township can regulate firearms in Township Parks both active and passive.

**DISCUSSION AND APPROVAL OF STIPULATION REGARDING TAX
ASSESSMENT APPEAL FOR STONY HILL OFFICE DEVELOPMENT,
790 TOWNSHIP LINE ROAD**

Mr. Garton stated there has been a proliferation of litigation over the past four to five years at the County level and elsewhere related to the assessment of real estate for the

purpose of determining the taxes property owners pay. Mr. Garton stated the Township's practice is that when the property owner files an Appeal with the Board of Assessment seeking to have the property value reduced for the purpose of determining their tax burden, the Township does not participate until such time as a Decision is made by the Board of Assessments. He stated the Township's participation is usually limited to intervening in the process but not taking an active role because the Township millage compared to the School District millage is much smaller; and the School District always participates in major tax assessment litigation.

Mr. Garton stated this case relates to Tax Parcel #20-12-6-3-2 which is an office building. He stated when the Final Certificates of Occupancy were issued by the Township in 2009, the Board of Assessments fixed the assessment on an interim basis because the Certificate of Occupancy was issued early in the year. Mr. Garton stated the property owner Appealed that assessment. He stated when it got to the Board of Assessments for a Hearing, they did not have an Appraisal so the Board of Assessments Denied the Appeal leaving it at the value that had been fixed earlier. Mr. Garton stated when the permanent assessment was fixed on January 1, 2010, the property owner again took an Appeal, an Appraisal was provided, and the School District, County, and property owner reached an agreement with respect to the assessment beginning January 1, 2010; however, the nine-month interim period that was under Appeal, was not resolved.

Mr. Garton stated the School District, County, and the property owner have now reached an Agreement on that interim period fixing the assessment for that interim period at the same amount that the permanent assessment was fixed as of January 1, 2010. He stated the Board is now being asked to Approve the Settlement and authorize the Solicitor to execute the Stipulation.

Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to Approve the Stipulation and authorize the Township Solicitor to execute the Stipulation in accordance with the recommendation from the School District, the County, and the property owner.

Mr. Garton stated the Board met in Executive Session for approximately an hour and a half prior to the Public Meeting for the purpose of conducting interviews for potential employment for the Township which took approximately one hour as well as discussion of legal and Zoning Hearing Board matters.

DISCUSSION AND APPROVAL OF SCAMMELL'S CORNER PRELIMINARY PLAN

Mr. Garton stated this matter has been discussed for many years. He stated the Applicant is proposing to Subdivide Tax Parcel #20-16-32 into seventeen single-family detached lots and one separate lot preserved for stormwater management purposes.

Mr. Garton stated the prior Board of Supervisors entered into a Stipulation and Agreement related to this property in December of 2010 and that Stipulation and Agreement was entered as a Court Order so there are certain constraints imposed on the current Board of Supervisors as it relates to the Development. He stated at its meeting on 6/11/12, the Lower Makefield Township Planning Commission recommended Preliminary Plan Approval subject to various Conditions.

Mr. Garton noted Mr. Wayne Kiefer from Tri-State Engineering is present on behalf of the Township as their Township engineer for this Application due to Boucher & James involvement prior to their being engaged as the Township engineer.

Mr. John VanLuvanee, attorney, and Mr. Nick Casey were present. Mr. VanLuvanee stated the Stipulation was entered into as of December 1, 2010. He stated sometimes these Stipulations are entered into without much Township involvement, but this was not the case with regard to this Stipulation. Mr. VanLuvanee stated the Stipulation was only prepared after Mr. Casey and the Quaker engineers had worked on a Sketch Plan, met with the Environmental Advisory Council, and discussed the matter with the Supervisors and the Planning Commission so there was a lot of planning that was done before the Stipulation was signed. He stated there was also a Settlement Plan attached to the Stipulation, and that Plan had been carefully reviewed much the same as a normal Land Development Plan is reviewed so there was a lot of Township involvement in the entire process. Mr. VanLuvanee stated when they submitted the Preliminary Plans and started back through the planning process, it was with this background. He stated the Preliminary Plans were reviewed by the Environmental Advisory Council, the Township engineer, and they met with the Planning Commission on a number of occasions. He stated the Planning Commission ultimately did recommended Approval of the Plan.

Mr. Casey stated he is Vice President of Development for the Quaker Group and has been before the Board of Supervisors numerous times over the years, and he feels they have reached a point where they are in agreement with what will be developed. He stated the Plan is in general conformance to the Settlement Plan that was attached to the Stipulation Agreement. He stated the entry was limited to off of University Drive and access was restricted from Yale Drive. He stated they had some challenges to deal with because of the steepness of the site, but they were able to work out the grades. He stated the Plan proposes sixteen new homes on a cul-de-sac. He stated one of the key elements of the Settlement Agreement was to provide for the preservation of the Scammell House.

Mr. Casey stated during the Planning process, they also had to deal with stormwater management; and the Environmental Advisory Council found that they did a very good job in meeting the requirements of low-impact aspects of stormwater management. Mr. Stainthorpe stated this was the first time ever the EAC did not have a lot of negative comments.

Mr. Casey stated they were able to obtain an easement through an adjoining property which allows them to tie directly into the existing storm drainage system which provides for a very effective method of discharge from the site.

Mr. Casey stated they also had an opportunity to meet with the Historic Commission to walk the site and look at the outside of the structures. He stated they have agreed to arrange for the Historic Commission to document other structures on the property and detail as much from that as possible on those structures that will be removed. He stated if the Historic Commission can secure funding to have those structures moved to other locations, they would cooperate in that event. Mr. Casey stated they will also provide access to the Historic Commission to the interior of the Scammell House and seek their advice in terms of what portions are key to the preservation. He stated the Scammell House itself has had approximately five to six additions during different periods of time, and they want to make sure that what is being preserved is what is most important from an architectural and historic perspective. He stated they will be working with the Historic Commission between now and Final to work out those details.

Mr. Casey stated the Planning Commission had expressed concerns about steep grades along the fronts of the lots in an area Mr. Casey noted on the Plan. He stated they discussed with them alternatives incorporating retaining walls that will be detailed further on the individual Plot Plans to tie in with the architecture of the site to make sure that the houses tie in with whatever pieces are incorporated to provide a smoother transition and more usable area both in the front and the rear of the homes subject to approval of the Township engineer. He stated these Notes are being added to the Plan. He stated this is a unique site, and he feels it will lend itself to custom and semi-custom style homes; and they want to make sure that the architecture of the lot itself ties in well with the architecture of the buildings.

Mr. Casey stated they have asked for some additional relief particularly for the width of storm drainage easements from 30' to 20' to insure that the driveways themselves will not encroach within the easement. He stated they have been able to re-grade one area of particular concern and moved an inlet closer to the roadway and reduced the depth of the easement. He stated the storm drainage easements are very shallow, and the pipes are 18" and will only be 3' to 4' deep. He stated the main discharge pipe from the basin is only 15" and will only be 3' to 4' deep. Mr. Casey stated they are maintaining the setbacks required by Ordinance along W. Afton Road and Newtown-Yardley Road.

Mr. Casey stated they are also incorporating some rain gardens for stormwater management into the site which lends itself to the Low Impact Development standards. Mr. Casey stated the Historic Commission did not like using the standard overhead light fixture, and the developer has agreed to use a period-style light fixture that would be more appropriate to the site.

Mr. Benedetto stated the EAC did give a “glowing” report for low-impact development; but they did have questions about the driveway for home #10 and access to University Drive and had suggested that if it were connected to Yale Drive instead, it would reduce the length of the driveway. Mr. Casey noted Lot #10 on the Plan, and stated the existing residents expressed concern about having any access out to Yale Drive. He stated initially the house was moved back even further, and they have moved it up and re-oriented it so that it shortened the length of the driveway significantly.

Mr. Benedetto stated the EAC also noted homes #7 and #8 having a shared driveway instead of two separate driveways which would reduce impervious surface. Mr. Casey stated this may be a good idea from an impervious surface standpoint, but from a practical standpoint it does create problems for the homeowners themselves. He stated they have re-configured the lots slightly so that they were able to move the houses up further so that they have shortened the length of the driveways dramatically, but they feel it is important to keep the individual driveways rather than a common driveway serving two properties.

Mr. Benedetto stated the EAC also noted a geotechnical investigation for the proposed stormwater facility, a recommendation on the soil testing at the site including a recommendation that indicated, “due to the poor hydraulic conductivity found on site all soil being used for the stormwater management facility should be amended to bedrock with a non-woody compost.” Mr. Casey stated the study was done and was incorporated into the design.

Mr. Benedetto stated the EAC also made comments about a discrepancy in the size of rain garden #2. Mr. Richard Clemson, the developer’s engineer, stated there was an amendment made to the Stormwater Management Report that was submitted and the correct number is .32.

Mr. Benedetto also noted the comment on the loading ratio, and Mr. Clemson stated the eight to one ratio is a recommendation in the BMP Manual; but they outlined a series of rationale with the Planning Commission explaining why they felt that the design provided is suitable and is the best design they could come up with on this site. He stated there were several different parameters they looked at in terms of meeting all the low impact development requirements to try to keep from overtaxing the site. He stated one of these is a total area ratio and the other is the impervious coverage ratio. He stated they slightly exceeded the impervious loading ratio. He stated because the actual amount of

stormwater that will be stored in the bottom of the primary basin is so insignificant, there is about 4” of water that they actually have to infiltrate; and they felt that the loading ratio was insignificant compared to all the other features they have provided on the site. He stated they are confident that what they have provided is the best that could be done on this site.

Mr. Benedetto stated the EAC also discussed removal of some damaged or diseased trees, and he asked how many they are discussing. Mr. Casey stated they do not know the number at this point; but they will be walking the perimeter of the site with the Township engineer, and flagging those trees that are considered diseased or damaged. He stated in the areas where they are adjoining existing residential lots, they will be planting additional trees both deciduous and evergreen to meet the requirements of the Type II Buffer. Mr. Benedetto stated members of the EAC do have expertise, and he asked that they be included in this discussion as well.

Mr. Benedetto stated he attended the Planning Commission meeting last Monday, and there was a discussion about the piping under the driveway. Mr. Garton stated there are no Zoning restrictions on this and it is a Subdivision and Land Development issue. He stated they have re-designed the Plan and eliminated most of those issues. Mr. Casey noted on the Plan where there were questions about the easements. He noted on the Plan how changes were made to get the easement out of the driveways.

Mr. Casey stated they also had discussions with the Historic Commission about incorporating some of the materials that would be removed from the site into some of the site features. He stated one suggestion they discussed which everyone was in favor of was that in lieu of putting in the concrete spillway at the entrance to the site, that they construct the spillway with some of the stone which is on the site which would create a nicer character. He stated they would utilize the stone in conjunction with a geo-textile fabric for the spillway itself. He stated they have reviewed this with the engineer who did not anticipate any problems.

Mr. Benedetto stated the Historic Commission had a site visit in April, and there was discussion about working out the details with them on certain historic structures. Mr. Benedetto stated he would like to see the developer set aside a Bond for preserving some of those historic structures. Mr. Casey stated this was never discussed, and there was never an agreement reached on that. Mr. Casey stated once the details of the preservation are worked out, there will be Façade Easements to protect the structure in the future. Mr. Benedetto asked Mr. Casey if he would be open to setting aside a Bond, and Mr. Casey stated he feels this would be excessive. He stated they have agreed to certain standards, and there will be Permits issued for the work that is to be done on the home, and they will have to be complied with.

Ms. Virginia Torbert stated the Citizens Traffic Commission did review this Plan. She stated normally there is an emergency driveway, and she asked if that is planned for where the existing driveway is located; and Mr. Casey stated it is not. Mr. Casey stated it was discussed and felt that for the size of the development, this was not necessary; and Chief Coluzzi agreed.

Ms. Torbert asked about sidewalks, and Mr. Casey stated there is a 6' wide asphalt bike path along Afton. Ms. Torbert stated people do walk in the street from this area to Yardley and there is no shoulder. She stated Yardley will be developing in the area, and she feels it would be nice to have a sidewalk although she recognizes that this is not the responsibility of this developer as it is off site.

Ms. Maria Ferraro, 1002 Lafayette, stated she would also be in favor of a sidewalk to Yardley. Ms. Ferraro stated she backs up to Lot #10, and they had asked that the house be moved further toward Yale Drive because it is very close to her property line; but now it seems that it is back where it was originally. Mr. Casey stated that move was suggested by the EAC so that the driveway would be shortened and there would be less impervious surface. Mr. Casey stated they do meet the setback requirements and they will also provide buffers even though they are not required since they back up to residential property. Mr. Garton asked the distance from the back of the house to the property line, and Mr. Clemson stated it is 55' away from the property line, and there is a 25' buffer and then another 20' which is the actual building setback in addition to the buffer. Mr. Clemson stated if this were any other residential development, they would be able to put the new house within 20' from the line, and they are at 55'.

Mr. Benedetto asked why the house was moved back, and Mr. Clemson stated it had to do with impervious coverage. He stated they have moved the building forward in order to reduce the driveway lengths which was an issue discussed at length at the Planning Commission and was an issue raised by the EAC. Mr. Clemson stated they reduced the driveway length by just under 300' from the first plan that came forward.

Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to Approve the Preliminary Plans dated 2/1/2012, Addendum to the Storm Water Management Compliance Report dated 4/25/12, the Storm Water Management Facilities Maintenance Manual dated 2/3/12, last revised 4/25/12, the Erosion Sediment Control Plan Narrative dated 2/3/12, last revised 4/25/12, the Existing Features Plan dated 9/30/11, the Storm Water Management Compliance Report dated 2/3/12, the Geotechnical Investigation dated 2/1/12, the Environmental Impact Assessment Report dated 1/12, and the Traffic Impact Study dated 1/17/12 subject to the following Conditions:

1. Mutual compliance with the Settlement Agreement dated 12/1/10, as well as the Court Order which approved the Stipulation and Agreement;
2. Compliance with the Bucks County Planning Commission report dated 5/30/12 with the exception of Item No. 4. As it relates to the driveways within drainage easements, the Township Board of Supervisors granted a Waiver from the provisions of Section 178-56A and 178-56.C so as to permit a reduction in the width of the storm water easements from 30' to 20' as it relates to the easements located between Lots 3 and 5 and Lots 2 and 3. In addition, the Waiver also extends to permitting the driveway to cross the easement on Lot 1 and to permit the driveway on the Audette property to cross the easement;
3. Compliance with the Tri-State Engineers and Land Surveyors, Inc. letter dated 1/5/12 with the following modifications:
 - a) A Waiver was granted from the provisions of Section 178-93.F.3.C so as to permit certain storm water management pipes to be reduced in width from 18" to 15" as depicted on the Plan;
 - b) With respect to Item No. 7, a Note shall be added to the Plan acceptable to the Township and the Applicant noting the Township's concerns about the building envelope and the fact that any future changes in the building size, shape or location may require a change to the overall Site Grading Plan for storm water management design purposes; and
 - c) Any retaining walls and/or terraces shall be subject to the approval of the Township engineer;
4. The understanding reached between the Township and the Applicant as a result of conversations between the Applicant and the Lower Makefield Township Historic Commission shall be reduced to writing which said writing shall authorize the Historic Commission to document the historic significance of any buildings on the site, aside from the Scammell's Homestead; and if the Historic Commission has a funding source, it may move the buildings or otherwise preserve them notwithstanding the Stipulation and Court Order, but any costs

associated with preserving any buildings shall not be borne by the Applicant as the Township recognizes that there is no obligation on the part of the Applicant to preserve any buildings on site other than the Scammell's House located on Lot No. 9. Between now and consideration of Final Plans, the Applicant shall resolve with the Township what portion of the Scammell's Homestead will be Preserved and how it will be preserved;

5. The property shall be subject to a Declaration of Easement, Covenants, and Restrictions satisfactory to the Township engineer and Township solicitor, which shall include but not be limited to a Façade Easement over that portion of the Scammell's Homestead that is determined to be Historically Significant or worthy of Historic Preservation in accordance with the Stipulation and Court Order. The Declaration shall also include Conservation Easements and/or other Declarations requiring areas that are lotted out on individual lots, such as Buffer areas, Conservation Easements, and rain gardens to be preserved by the property owners that are subject to the Declaration of Restrictions, Covenants, and Easements;
 - a) The "cobra" lighting fixtures shall be replaced with a more appropriate period light fixture acceptable to the Township;
 - b) A Waiver shall be granted from the applicable provisions of the Subdivision and Land Development Ordinance so as to permit the Applicant to incorporate stone materials located on site from the existing structures into the spillway and related storm water management facilities in lieu of a concrete spillway;
6. Compliance with the Tri-State Engineers and Land Surveyors, Inc. letter dated 5/17/12, related to sanitary sewers;
7. Applicant to pay a Fee-In-Lieu of recreation and/or open space in accordance with the Township's applicable Fee Schedule;
8. Applicant to pay the Traffic Impact Fee in accordance with the Township's Fee Schedule;
9. Receipt of all Permits and Approvals from any agencies having jurisdiction over such matters including but not limited to PennDOT, DEP, Bucks County Conservation District et al;

10. Applicant shall pay all applicable fees at the time of dedication of any of the improvements within the development to the Township;
11. An Agreement shall be prepared and approved by the Township which said Agreement shall be recorded, permitting the Township to maintain any on-lot storm water management facilities such that if the lot owner fails to do so, the Township may maintain said facilities and charge back the individual lot owners for said cost;
12. Applicant shall comply with the Township engineer's recommendations in relation to Storm Water Management and Best Management Practices. Applicant shall execute a Storm Water Management Agreement in a form acceptable to the Township;
13. Applicant shall pay all review and professional fees in connection with all prior reviews and the reviews in connection with this Approval as required by the Township's Subdivision and Land Development Ordinance and its applicable rate structure;
14. Any signage proposed to be placed within the development shall comply with the Township Sign Ordinance and shall only be placed after securing any and all permits from the Township;
15. All lighting shall comply with all Township Ordinances and no glare shall extend on to adjoining properties and a Note to that effect shall be placed on the Plans;
16. Applicant shall execute a Declaration of Unilateral Restrictions and Covenants as it relates to the Notes contained on the Plan, which said Declaration will be filed contemporaneously with the Final Plans;
17. The Plan shall be ADA compliant;
18. Applicant shall arrange a meeting with representatives of the Lower Makefield Township Environmental Advisory Council and the Township engineer to inspect trees on site to determine which trees are damaged and/or diseased and need to be removed.

Mr. VanLuvanee and Mr. Casey agreed to the Conditions.

Ms. Tyler asked about the Note on the building envelopes and grading adjustments. Mr. VanLuvanee stated there was an extensive discussion with the Planning Commission regarding Comment #7 on Page 3 of the Tri-State review, and they wanted to make certain that future changes to the dwelling size, shape, or location would not significantly modify the overall site grading or stormwater management design. Mr. VanLuvanee stated the resolution to that was that there would be a Note prepared that would be satisfactory to Mr. Garton and Mr. Kiefer which would go on the Plan and indicate that any grading adjustments would have to be designed so that they did not adversely effect the overall grading and all of this would be subject to the approval of the Township engineer. Mr. VanLuvanee stated the Township does require individual Plot Plans at the time of the Building Permits, and those Plot Plans have to include the grading. Mr. VanLuvanee stated he has drafted the Note which the Township will review.

Motion carried unanimously.

APPROVAL OF EXTENSIONS – ARIA HEALTH HOSPITAL, JENNINGS TRACT, GRACE POINT PARKING LOT MODIFICATIONS, DOGWOOD DRIVE

Mr. McLaughlin moved and Ms. Tyler seconded to grant the following Extensions:

Aria Health Hospital Preliminary Land Development Plan	– 9/30/12
Jennings Tract Preliminary Plan	- 9/30/12
Grace Point Parking Lot Modifications	- 9/30/12
Dogwood Drive Preliminary Subdivision Plan	-10/07/12

Mr. Zachary Rubin asked Mr. Garton the status of the Aria Health Application, and what will happen if the Zoning Hearing Board votes to deny the Special Exception to the Hospital. Mr. Garton stated he assumes that if it is denied, Aria will Appeal this to Court; and if the Board approves it, he assumes Appeals will be taken by others, and there will be further litigation at the Court of Common Pleas. Mr. Garton stated in view of the precedent involving the Township as far as Matrix, the Zoning issues have to be resolved before the Land Development and Subdivision issues are resolved so no real action will take place on a Land Development Plan until the Zoning issues have been resolved. Mr. Rubin stated he understands that the SALDO Plan will be put in abeyance if the Zoning Hearing Board Denies the Special Exception, and the 9/30/12 deadline is moot. Mr. Garton stated there is still an obligation to act within a certain time frame. He stated the Applicant would not ask the Township to act and have the Board deny the Plan because they have not gotten the Zoning resolved which would be a basis for Denial. Mr. Garton stated the Extension will therefore keep going until the litigation related to the Zoning issue is finalized. Mr. Rubin stated he understands that under SALDO you cannot grant Preliminary or Final Agreement if the Zoning Hearing Board Denies the

Special Exception until they have the Appellant process run its course. Mr. Garton stated conversely if there is an Appeal from an Approval, this would be the same situation as well since the Zoning would not have been finally decided.

Motion carried unanimously.

ZONING HEARING BOARD MATTERS

With regard to the Christine Stoekel, 349 Sherwood Drive, Variance requests in order to permit construction of a fence within an easement, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Natalia Martyanova and Chris McCabe, 611 River Road, Variance requests to construct an in-ground pool, walkway, and enlarge driveway resulting in greater than permitted impervious surface, Mr. Dobson moved, Ms. Tyler seconded and it was unanimously carried to have the Township participate.

With regard to the Michael Wagner, 1237 Pine Grove Road, Variance requests to construct a two-car garage not located in the fourth of the lot farthest removed from the abutting street and also to be in excess of the maximum height permitted, Mr. Dobson moved, Ms. Tyler seconded and it was unanimously carried to have the Township participate.

With regard to the Ramon Vanderpool, 914 Hamilton Drive, Variance requests to permit an existing patio to remain resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

SUPERVISORS REPORTS

Mr. Benedetto stated tickets are going quickly for the Veterans Committee Night at the Trenton Thunder on July 20, and anyone interested can contact him about purchasing tickets.

Ms. Tyler stated the Citizens Traffic Commission is seeking members, and she asked that anyone interested send a letter of interest to the Township Manager.

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There being no further business, Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to adjourn the meeting at 10:00 p.m.

Respectfully Submitted,

Dobby Dobson, Secretary