

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – APRIL 4, 2012

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on April 4, 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  
  Judith Goldstein, Township Engineer  
  Kenneth Coluzzi, Chief of Police

Mr. Stainthorpe announced that former Supervisor, Fred Allan, passed away recently and added there are very few people who have touched the community more than he did. He stated that while Mr. Allan was Supervisor he was instrumental in selecting the Police Chief and in getting the girls softball fields built. Mr. Stainthorpe stated when 9/11 happened, Mr. Allan organized a Day of Healing at Macclesfield, and when McCaffrey's burned down, he organized an event that raised money to maintain the medical benefits of the McCaffrey's workers; and this then became the Christine McCaffrey Fund. Mr. Stainthorpe stated Mr. Allan served as one of the finest citizens and always looked out for others. A moment of silence was held at this time. Mr. Stainthorpe stated it is rare that people step up the way Mr. Allan did, and he feels the community has lost a great asset; and he challenged the next "Fred Allan" to come forward to fill his shoes. Mr. Stainthorpe thanked Mr. Allan's family, who were present this evening, for all that he did.

Mr. Dobson stated Jim McCaffrey sent a letter to the Supervisors asking for consideration for naming a park or field after Mr. Allan, and he feels the Board should consider this. Mr. Dobson stated he knew Mr. Allan for twenty years and because of him he himself got involved in community service, and he will miss him tremendously.

## SWEARING IN OF FIRE POLICE

Mr. Stainthorpe stated the Fire Police are an adjunct to the volunteer Fire Department and are at every call and work very hard. He stated they would like to give them exposure to the public for the hard work they do.

Mr. Larry Schwalm was present on behalf of the Yardley-Makefield Fire Company Fire Police and introduced other members present with him this evening. Mr. Schwalm stated every year they are sworn in by Judge Burns, and this gives them their policing authority. He stated not all Fire Companies have a Fire Police unit. He stated the Fire Police work with the public on the scene when there is a fire and provide the safety, security, and traffic aspects. He stated they are very fortunate to work with Chief Coluzzi and the members of the Police Department. Mr. Schwalm stated he is a member of the Recruitment and Retention Committee and they appreciate this opportunity to bring attention to the Fire Company and the Fire Police; and he thanked the Board and Mr. Fedorchak for allowing them to attend this evening. He asked those interested in the Fire Company to look at their Website, and they would be happy to talk to anyone interested in volunteering.

Mr. Stainthorpe stated the community is extremely fortunate to have the volunteer Fire Company who are professionals and very effective.

The Fire Police were sworn in this evening by Chairman Stainthorpe.

## PUBLIC COMMENT

Mr. Harold Koopersmith, 612 B. Wren Song Road, expressed concern with a personal issue he is having with the Federal Government.

Ms. Sue Herman was present on behalf of Residents for Regional Solutions Inc. She stated last week Newtown Township officials and engineers held a special meeting to discuss the second phase of the Stoopville Road Traffic Calming Project, and the new Plans propose expanding the intersection at Stoopville Road and Route 413 by installing a new traffic signal and lane improvements which she feels is a “red flag.” She stated in 2010 a majority of Newtown Township Supervisors formally approved the concept to upgrade this intersection which is located in Wrightstown. She stated she feels they are orchestrating a giant step toward a major north/south highway which is also known as the Northern By-Pass. She stated in the Delaware Valley Regional Planning Commission’s Plan entitled “1988 Newtown Township Traffic Study,” there will be two southern ends of the expressway – one that runs along Stoopville and Lindenhurst Roads and one that runs along Swamp Road.

Ms. Herman showed a map of the North/South Expressway that was discussed by a Regional Traffic Advisory Committee in the early 1990s. She showed where the Expressway connects Interstate 78 to I-95. She also showed a map which shows the North/South Expressway that appeared in a March, 2006 Delaware Valley Regional Planning Commission publication entitled, “Executive Summary Limiting Traffic Congestion and Achieving Regional Goals.” Ms. Herman stated the Expressway runs along Route 611 to I-95 and is referenced in the legend as an emerging regional corridor. Ms. Herman stated in the DVRPC 1988 Newtown Township Traffic Study, the Northern By-Pass Alternative was studied and one end was along Stoopville Road and extended Silver Lake Road on the east side of Newtown Borough, and the other end was along Swamp Road on the west side of Newtown Borough. Ms. Herman read portions of the Study to the Board on the Northern By-Pass Alternatives. Ms. Herman stated due to development the Northern By-Pass cannot go on Stoopville over to Silver Lake Road and would go along Stoopville and then along Lindenhurst Road. Ms. Herman stated recently PennDOT working with the DVRPC tried to expand Swamp Road to accommodate a four-lane plan, and the community rejected this, and it has temporarily been stopped.

Ms. Herman stated in 2001 under the leadership of State Representative, Dave Steil, there was a plan to construct the Northern By-Pass along Stoopville and an extended Silver Lake Road; and this plan was stopped due to opposition from citizens. Ms. Herman stated today, because of development, the Northern By-Pass would be constructed along Stoopville and Lindenhurst Road. She stated recently residents have successfully opposed a round-about proposed for the intersection of Stoopville and Washington Crossing Road as it would have realigned Stoopville to facilitate construction of a future expressway. She read portions of a May, 12, 2008 Courier Times Guest Opinion written by Dave Steil which show that the round-about was a key component of the Northern By-Pass. She stated this is consistent with comments made by Mr. Steil in a June, 2002 letter to the President of RRTS indicating that Stoopville Road is a State highway and an arterial route routing traffic flows over four Municipalities.

Ms. Herman stated a majority of the Newtown Township Board of Supervisors is now proposing to take funds that were to be used for a multi-use trail along the full length of Stoopville Road and use them for upgrading an intersection in neighboring Wrightstown instead. She stated the trail would have connected thousands of residents and allowed them to safely walk and bike to a number of parks and facilities.

Ms. Herman stated RRTS wants the Lower Makefield Township Board of Supervisors to be fully aware of what is happening in neighboring Townships that will severely impact the quality of life of residents along Lindenhurst Road and throughout the area. She asked that the Board be proactive and take steps to stop the creation of a four-lane highway through their back yard as this highway will create a vicious cycle of more growth and more buildings that will significantly change the region’s quality of life.

Mr. Benedetto asked Ms. Herman if Wrightstown is in favor of the traffic light, and Ms. Herman asked that Mr. Benedetto talk to Newtown Township politicians about this. She stated she did not feel that Wrightstown Township was in favor of the upgrade to the degree being discussed.

#### APPROVAL OF MINUTES

Mr. Dobson moved, Ms. Tyler seconded and it was unanimously carried to approve the Minutes of March 21, 2012 as written.

#### AWARD BANKING SERVICES TO FIRST FEDERAL OF BUCKS COUNTY

Mr. Stainthorpe stated at the Re-Organization meeting in January the Board committed to a full review of all financial services to look for places to save money and get better returns with the ultimate goal by the end of the year to have reviewed banking, pensions, and anything that money is spent on. He stated banking was the first item they reviewed, the RFP came in early March, and they have finished the review process.

Mr. Fedorchak stated in early February, they publicly advertised that the Township was seeking proposals for new banking services. He stated currently the Township banks with Sovereign which has been their banker for the last eight years, and has done a fine job over that period of time. Mr. Fedorchak stated three bids were received which were opened on March 5 from First Trust, Bank of America/Merrill Lynch, and First Federal of Bucks County.

Mr. Fedorchak stated in order to establish an objective standard by which to compare the bidders, they developed a comparative analysis where they based the December, 2011 actual fund daily balances and compared that to the transactions. He stated they asked each of the bidders to apply their interest rate to the daily balance and the fees they proposed to the actual transactions for the month of December. He stated in the case of the interest rate First Trust and Bank of America submitted a proposal of .3% and First Federal was .35%. He stated this calculation produced a number which he referred to as excess net earnings for that month. He stated the result was that if Bank of America had been the Township's banker for the month of December, the excess earnings for that month would have been \$84.23, in the case of First Trust, it would have been \$1,201.81, and in the case of First Federal it would have been \$1,798.86. He stated he feels they can conclude that First Federal is offering higher earnings and lower fee rates. He stated they looked at First Federal in competition with their existing bank, Sovereign, for the entire year of 2011; and if First Federal had been the banker for the entire year of 2011, the

Township would have earned nearly an additional \$14,000 in interest. Mr. Fedorchak stated he is very comfortable recommending to the Board of Supervisors that they award the new four-year Contract for banking services to First Federal Bucks County.

Ms. Tyler moved and Mr. McLaughlin seconded to award a four-year Contract for banking services to first Federal of Bucks County.

Mr. McLaughlin asked about First Federal's financial health, and Mr. Fedorchak stated from what he researched it appears that First Federal is in excellent financial shape. He stated there are also representatives from First Federal present this evening to answer questions.

Mr. Bruce Iacobucci, President and CEO of First Federal Savings of Bucks County stated they are a highly-capitalized bank and did not take any TARP money during the economic problems. He stated the last two years they have had their highest earnings rate in their history. He stated they are a 127 year old bank. He stated they are a Mutual Savings and Loan, and their credit quality and portfolio are excellent. He stated they have been extremely conservative throughout the economic period which is why their credit quality has been so strong. He stated they have always asked their borrowers to show an ability to repay before they loan money. He stated most of the mortgages they have made have been kept on their books and were not sold to investors.

Mr. Stainthorpe noted other representatives present from the bank this evening. He stated he feels when the CEO comes to their meeting, it means the Township will be an important customer. He stated the Township does want to be an important customer to whoever has their banking services, and he is comfortable with the bid. Mr. Stainthorpe stated their Operations Center is also in Lower Makefield although their Headquarters is in Bristol. Mr. Iacobucci stated their Sales and Administrative Offices are in Floral Vale, and they opened their most recent branch on Stony Hill Road. Mr. Stainthorpe stated earlier this evening they were interviewing for vacancies on Boards and Commissions and talking about what needs to be done by the Economic Development Commission, and this is a good example where a local business is supporting the Township, and the Township is supporting them which he feels is a good mix. He stated they are happy that First Federal has moved their Operations Center to the Township.

Mr. Iacobucci stated if the Board moves forward and approves the Manager's recommendation, the Board will be able to look back and feel that this has been a fine relationship.

Mr. Benedetto stated he understands that they have worked with the Veterans Committee, and Mr. Iacobucci stated they have contributed to the monument. He stated as a community bank, they strongly believe in giving back to local charitable organizations; and they give up to 5% of their net income to local charities.

Mr. Benedetto stated he is the liaison to the Historic Architectural Review Board and they had a question about the lights at their branch bank. Mr. Iacobucci stated it is his understanding that the lighting they have at the facility went through all the Boards and Commissions required and was approved. He stated he is not aware of any conflict. He stated he knows that some adjustments were made to the down lights over the drive-up facility at the ATM. He stated the lights surrounding the entire facility, which is owned by Mr. Troilo, were also approved by the Township; and those lights are actually brighter than what the Bank has. Mr. Iacobucci stated one light over the ATM does need to be brighter than the bank's other lights so that there is enough light to get a picture if necessary for security reasons. Mr. Benedetto stated he felt there was a light intensity issue, and he asked if there were recent changes. Mr. Iacobucci stated he feels the only issue which they had to address was how the light was reflecting outward. Mr. Fedorchak stated he feels they need to define which lights are of concern since, after the adjustments were made, it may be an issue with the lights owned by Mr. Troilo.

Mr. Zachary Rubin, 1661 Covington Road, asked if the transaction fees will be guaranteed at that rate for four years. He also asked the advantage of a four-year Contract versus a one-year or ten-year Contract. Mr. Fedorchak stated the .35% earnings interest rate has been locked in for four years; and Mr. Iacobucci stated this is correct, and it was a request of the Township that it be this rate or the higher of the ninety-day T Bill rate.

Mr. Stainthorpe stated from the Township's point of view, you always want the Contract to be long enough for it to be attractive; and you would not get the best deal with a one-year Contract because it would be felt that it would be "shopped around" in twelve months, and ten years would be too long. Mr. Stainthorpe stated he hopes that it will become the policy of the Board of Supervisors going forward that they review these items every four to five years.

Mr. Rubin stated the Township would be putting more than \$250,000 into a Bank that would be guaranteed by the FDIC; and he asked the Bank the percentage of bonds that they purchase to guarantee the money is there when needed by the Township. Mr. Garton stated it is not a guarantee, but rather they have to collateralize all of the Township's funds beyond the limits set by the Statute. He stated there are certain prescribed State requirements as to what investments need to be used as collateral. He stated they have committed to fully collateralizing the Township's money.

Motion carried unanimously.

#### APPROVAL OF ZUBAIDA FOUNDATION DEVELOPMENT AND FINANCIAL SECURITY AGREEMENTS

Mr. Garton stated the prior Board granted Final Land Development Plan Approval to the Zubaida Foundation in September, 2010. He stated the Application was for a 6,300 square foot addition to their existing building and some additional parking. He stated the Agreements were prepared by Mr. Truelove, the Township's prior Solicitor; and they have been funded and executed by the appropriate representatives of the Zubaida Foundation, and they have posted with the Township \$322,000 in cash to guarantee the improvements. Mr. Truelove reviewed the signed Agreements and everything else provided, and he has recommended that the Board approve the Development and Financial Security Agreements.

Mr. McLaughlin moved, Ms. Tyler seconded and it was unanimously carried to approve the Zubaida Foundation Development and Financial Security Agreements.

#### REJECT PLAN FOR THE GATHERINGS AT YARDLEY PRELIMINARY PLAN

Mr. Garton stated this matter has a long history. He stated in 2006, Beazer Homes submitted a Preliminary Plan where they were seeking to subdivide Tax Parcel #20-12-28 which consisted of seventeen acres into twenty-five single-family dwellings and thirty-four single-family attached age-qualified dwellings. He stated the Board has seen previously various review letters including a letter from Schoor DePalma dated 9/4/07 with thirty-four separate comments indicating deficiencies, a letter from TPD dated 9/5/07 with five comments, a Remington & Vernick letter dated 8/9/07 with numerous comments, a memorandum from the Police Department dated 7/19/07 noting deficiencies, a report from the Bucks County Planning Commission dated 8/17/07 noting deficiencies, and a memorandum from the Environmental Advisory Council dated 8/16/07 noting numerous deficiencies.

Mr. Garton stated there have been nineteen Extensions granted with respect to this Application. Mr. Garton stated the last time the Applicant appeared before the Planning Commission to discuss this Application was 9/24/07. Mr. Garton stated no Plan revisions have been made with respect to the various comments noted.

Mr. Garton stated seeing that this matter was coming up for consideration, he contacted two individuals at Beazer Homes to advise them that the Plan was expiring; and one individual indicated that he felt they were out of the project. Mr. Garton stated they have been advised that this matter was on the Agenda, and that the Plan was expiring.

Mr. Garton suggested that they incorporate all of the review letters noted into the Record and that the appropriate action would be to reject the Plan for the reasons noted in the various review letters including Zoning violations, Subdivision and Land Development violations, and the failure of the Applicant to secure Waivers for certain elements.

Ms. Tyler moved, Mr. Dobson seconded and it was unanimously carried to deny Approval as noted by the Township solicitor.

#### SIGN MYLARS FOR ZUBAIDA FOUNDATION

Mylars were signed following the meeting.

#### APPROVE EXTENSION FOR CAPSTONE TERRACE

Mr. McLaughlin moved, Ms. Tyler seconded and it was unanimously carried to approve an Extension for Capstone Terrace Final Land Development Plan to 8/15/12.

#### SUPERVISORS' REPORTS

Mr. Stainthorpe stated the County and Bensalem Township are planning a salute to the Veterans on Armed Forces Day, May 19, from 10:00 a.m. to 3 p.m. in Bensalem Township at the TD Bank Amphitheater. He stated it will include a job fair for Veterans and Veterans Benefits sign up as well as other support services. Mr. Stainthorpe passed this on to Mr. Benedetto so the Veterans Committee is aware of this.

Mr. McLaughlin stated the Disabled Persons Advisory Board has moved their meetings to the first Wednesday of every month.

Mr. Benedetto reviewed a number of upcoming Veterans Committee events including Yoga in the Park Tuesdays in May 6:30 p.m. to 8:00 p.m., Zumbathon on Sunday, May 6 2 to 4, and the fourth annual flea market on Saturday, June 9 from 8 to 1 p.m. He stated more information is on the Website. He stated Veterans Square Trenton Thunder night is Friday, July 20 at 7 p.m. and he asked that those interested in tickets contact him on the LMT Website.

Ms. Tyler stated the Historical Commission has an ongoing lecture series – cultural open houses. She stated information can be found on the Website. She stated they are presented at the Township meeting room and they are presently going through religious development in Bucks County.

#### AWARD BID TO LEASE GOLF CARTS

Mr. Bob Doria, General Manager, was present and stated they recommend that the bid for lease of Golf Carts be awarded to Golf Cart Services for the Easy-Go golf carts.

He stated presently the current fleet is the Easy-Go golf carts. He stated there were three responsive bidders. He stated they would like to continue with the Easy Go golf carts as the Yamaha cart is 3.3” larger than the Easy Go; and because of space limitations, they would like to continue with the Easy Go.

Mr. McLaughlin asked the lifespan of a cart, and Mr. Doria stated body wise it is approximately eight to ten years; and the lifespan on the batteries is approximately three and half to four years. He stated currently they are at the end of the lease, and the batteries are starting to fail. He stated the cost to replace all the batteries in the carts would be approximately \$45,000. He stated the cost of the balloon payment at the end of the lease is \$112,000.

Mr. Dobson asked if Easy Go is currently the vendor; and Mr. Doria stated they are, and they have been extremely responsive to any issues they had.

Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to award the bid for leasing golf carts to Golf Cart Services.

#### APPOINTMENTS

Mr. Dobson moved, Mr. Benedetto seconded and it was unanimously carried to appoint Sally Haulman and Jesse Levy to the Economic Development Board, re-appoint Paul Bamburak to the Zoning Hearing Board, appoint Bill Clark and Tom Taylor to the Citizens Budget Committee, and Paul Roden to the EAC.

There being no further business, Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to adjourn the meeting at 8:30 p.m.

Respectfully Submitted,

Dobby Dobson, Secretary

