

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – FEBRUARY 1, 2012

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on February 1, 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 (via telephone)
 Dobby Dobson, Secretary
 Jeff Benedetto, Treasurer
 Kristin Tyler, Supervisor

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

PUBLIC COMMENT

Mr. Jim Bray, Chairman of the EAC, stated they have found out that there is a proposal by the Township to sell twenty-one acres of Municipal open space land to the Bible Fellowship Church located on Oxford Valley Road. He stated the Church is undergoing an expansion and needs more parking area and has a need to increase their building facilities. Mr. Bray stated the EAC feels this is a reversal of the direction that Lower Makefield Township has historically taken over the years. He stated Lower Makefield has been in the forefront of communities that have purchased open space in Bucks County which he feels is an admirable trait and one which they should continue. Mr. Bray stated this proposal went before the Planning Commission last week, and they unanimously rejected the proposal indicating the plan did not have merit and the land was not costing the Township anything. Mr. Bray stated several neighbors were also in attendance at that meeting, and they were very upset about this proposal.

Mr. Bray stated the EAC is unanimously opposed to the land sale and feels it is illogical and inconsistent with the path that Lower Makefield has taken over the years. He stated the idea in Lower Makefield is to purchase open space and not to sell open space. He added that three to four years ago the Board of Supervisors unanimously passed a Resolution to put on the ballot a Referendum for up to \$15 million to be used to purchase open space in Lower Makefield Township. He stated the Referendum passed with 70% of those voting in the election voting in favor of the Referendum. Mr. Bray stated he has lived in the Township for almost forty years, and in that time he has never seen any

mandate like that, and he feels that this shows that the people were concerned about acquiring open space and were willing to pay for it. He added that this Referendum took place during the current recession when money was tight.

Mr. Bray stated the EAC also feels that open space when left alone has great environmental and economic value. He stated the Delaware Valley Regional Planning Commission put out a booklet which paraphrased a large study and they put an economic value on open space. He stated if you have a home in the area where there is a lot of open space, it adds \$10,000 to the value of the home; and if your home is contiguous to open space, it can add even more. Mr. Bray stated over the last five to six years, the EAC has had an excellent relationship with the Board of Supervisors, and together they have turned Lower Makefield Township into a preeminent environment community, and they have earned a number of awards including the United State EPA which distinguished Lower Makefield Township as a Community of Environmental Excellence and was the only community so honored in the Mid-Atlantic Region. Mr. Bray stated they want to move forward with the Board of Supervisors on future projects, and they feel what is being considered is a reversal and not in the best interest of Lower Makefield Township.

Mr. Stainthorpe stated they plan to have the Church come to a future Board meeting probably in March to make their case and everyone will have an opportunity for input at that time. He stated the Planning Commission is an Advisory Board, and the Board of Supervisors will consider all sides. He stated nothing has been decided at this time.

Mr. Benedetto stated he and his wife attend the Bible Fellowship Church so he will recuse himself from voting on this issue.

Mr. Dobson stated the first time he heard about this was at the Planning Commission meeting. He stated he wants as much open space in the Township as possible.

Ms. Grace Godshalk, Countess Drive, stated she was on the Board of Supervisors when they purchased the land; and they bought it because it was contiguous to the Township park. She stated now they are pecking away at the open space, and she does not feel this is what the voters wanted. She stated she feels the land should be preserved in perpetuity. She stated part of the land has the silt on it from Silver Lake and the Silver Lake Association may have some rights to this land as well

Ms. Karen Steil, Historic Commission, stated the Board of Supervisors has received an Invitation to attend the Open House on Sunday, February 19 from 1:00 p.m. to 3:00 p.m. She also invited the public and stated the presentation will be on William Penn's Religious Tolerance and the First Amendment. She stated they will have a program on the third Sunday of the next four to five months from 1:00 p.m. to 3:00 p.m. in the Township Community Room. She stated it will also be recorded and will be on the Township Channel and DVDs will be available.

Ms. Lilianna Frankel, announced a benefit concert to be held at St. Andrews from 2:30 p.m. to 7:30 p.m. on February 11 for the benefit of Lake Afton. Flyers were left with the Township Manager. Ms. Lisa Gage stated a number of Pennsbury students are involved in this project which is a very worthwhile project. Ms. Gage announced that she is hosting a fundraiser at Crossings Vineyard on February 22 to raise money for a documentary that is being produced in Washington Crossing. She stated the documentary needs to be produced in time for when the Visitors Center opens in the fall and will also be distributed Nationally on cable TV.

Ms. Gudrun Alexander, 256 S. Fieldstone Court, stated six of her neighbors had problems with their sewer and Gloria at the Township was very helpful and sent someone out. Ms. Alexander stated she volunteers for GOAL, Greenbelt Overhaul Alliance of Levittown, and she feels this would be a good program for Lower Makefield. She provided this evening a brochure on this organization.

Ms. Sue Herman stated as a resident who voted for the Open Space Referendum, she hopes the Board will not go in the wrong direction by selling the open space to the Church. She stated the Planning Commission and EAC are comprised of citizens who bring professional knowledge to the Township free of charge and put their heart and soul into contributing to the Township so that others in the Township have the highest quality of life possible. She stated she concurs with their advice that the Township not sell the open space to the Church, and hopes that the Board will concur as well.

Ms. Donna Doan, Langhorne, stated at a previous meeting she had proposed that the Township take advantage of a Conservation Easement program offered by the Pennsylvania Department of Agriculture with regard to the Patterson Farm; and at that time she had stated that if the Township did do a Conservation Easement, they would net approximately \$1.6 million to preserve the Farm in perpetuity. Ms. Doan stated this was an error as she had miscalculated the acreage of the Farm; and it is actually higher than she calculated, and the net would be \$1.7 million. Ms. Doan stated she feels they could therefore preserve the Farm and build the Veterans Monument as well; and \$1.5 million would go into the Patterson Farm Preservation Land Trust, and \$200,000 would complete the construction of the Veterans Monument. Ms. Doan stated she has discussed this with the Veterans representatives, and they are very excited about this possibility. She stated she has information on the Farmland Preservation program and the Clean and Green Program (Act 319), and she has brochures on both of those programs.

Ms. Doan stated with regard to the Satterthwaite Subdivision, she would like to have an understanding of how the Township subdivided a preserved farm in Act 319 as she understands that when you subdivide a farm in Act 319, you become subject to a seven year roll back tax. Mr. Garton stated it is not the Subdivision, it would be the change in use that triggers the roll back. He stated if you subdivide for an agriculture purpose, it does not trigger the roll back. Ms. Doan stated her research indicates that if you

subdivide a certain quantity of acreage that results in less than a ten acre parcel, it is subject to the roll back. Mr. Garton stated if the viability of the farm itself is lost, you are subject to the roll back, but the viability has not been lost and it does not lose its 319 status. He stated if it did, it would only be for the portion that was subdivided off and not the balance. Mr. Garton stated there is no roll back tax penalty at the moment. Ms. Doan asked what would happen if it were transferred to a new buyer; and Mr. Garton stated it is not the transfer that makes the difference, it is the use of the property that makes the difference. He stated it would have to be a change in use that no longer fits within the definition of the roll back issue.

Mr. Benedetto stated Ms. Doan had provided the Application at the last meeting and Mr. Fedorchak had indicated that a grant writer was working on this, and he asked who specifically is working on this. Mr. Fedorchak stated last week he reached out to Mr. Rich Harvey who is the Administrator of the program and works with the Ag Board. Mr. Fedorchak stated he discussed with him what they would be looking for and the timing; and it is his understanding that the Township can submit an Application any time during the year, and the Ag Board makes decisions in January of each year. Mr. Benedetto stated he understands it is a short Application, and Mr. Fedorchak stated it is a number of pages, and there may be some studies that they need to perform, and he will get clarification on this. He stated he anticipates it will take them a few months to do this. Mr. Benedetto stated he understood that a soil study was already done; and Mr. Fedorchak stated a study was done some time ago, and he will check the file to see how recently that was done.

Mr. Ken Seda, 912 Weber Drive, stated he feels open space is very important, and it was an important issue during the campaigns as well. Mr. Seda asked Ms. Tyler to comment on the issue of the Church. Ms. Tyler stated the Township was not out seeking to sell open space, and the Church came to the Township. She stated at this point they are only listening to what they are proposing, and there is no consensus or thought of not preserving open space. She stated they are giving the Church the opportunity to be heard as they would anyone else the opportunity to be heard.

Mr. Seda stated he feels that a lot of citizens of the Township may have the opinion that decisions are being made behind closed doors before they get to the floor for discussion which may or may not be true. Mr. Garton stated the Township cannot enter into an Agreement with an individual, agency, or a Church to sell property; and it must go to public bid and be authorized at a public meeting. Mr. Seda stated he hopes that it does in fact operate in that way.

Mr. Seda stated he understands the situation that the Church may be in, and he asked if the Church could offer to purchase alternative open space to compensate for the open space that they need. He stated ultimately the goal is to preserve open space; and he does

not know that the location is as important as having more open space, although there may be a reason to have that space open. He stated this should be considered as an option. Mr. Benedetto stated Grace Point Church is on the Agenda later this evening where they are getting an exception to impervious surface to expand their parking; and while he is recusing himself from the Bible Fellowship issue, they could explore this option as well.

Mr. Seda stated Mr. Stainthorpe indicated that the other Township boards are serving in an advisory capacity, and he does not feel that those serving on these Boards would be very happy to hear this being stated and he makes it sound like the Board will hear the comments from the advisory committees but will then make the decisions they feel are best. Mr. Seda stated the democratic process means the Board was elected by the people, and the advisory committees are also representative of the people and their purpose is to advise the Board as to the desires, wants, needs, and thoughts of the people; and the Board should take that into consideration and respect those opinions because they are important.

Mr. Stainthorpe stated the boards are advisory in nature; and the Board of Supervisors certainly respects their opinions, and they are invaluable to the Board in doing their job. Mr. Stainthorpe stated he has been a liaison to a lot of Boards, and he never misses a meeting; and to say that the Board of Supervisors does not appreciate them, is not the case.

Mr. Bob Neubaum, 1604 S. Crescent Boulevard, stated he moved to the Township eleven years ago; and when they did, they looked at the elementary school and were concerned about where they would go to Church and where their children would meet their friends. He stated shortly after moving to the Township, they found the Bible Fellowship Church which is looking to expand; and they are expanding because they are serving the community in a very large capacity. He stated two of his children are at the Church this evening for their Wednesday evening education program. Mr. Neubaum stated the property they are discussing is between Oxford Valley Road and on two sides of the railroad tracks. He stated the Church serves well over 1,000 people every Sunday and is growing. He asked the Board to think about the community and how they are being served by the groups and organizations that choose Lower Makefield as their place to serve.

Mr. Alan Dresser, EAC, stated the 21.4 acres of Township open space behind Edgewood School is costing the Township nothing to maintain; and it is not like Elm Lowne or the Satterthwaite House which cost a lot of money. He stated at the Planning Commission meeting one of the reasons the Township gave for selling the property was because they had no plans for the land, but he does not feel they should sell Township open space simply because there are no plans for it. He stated the property is used by the local people for hiking, and he suggested that the Board walk the area before they consider this further. Mr. Dresser stated if the property is put up to bid, and the Church is the

successful bidder, they will build a 1,000 seat sanctuary which he feels is very large. He stated the other alternative is possibly a developer will win the bid; and according to the Township map, twenty homes could be built there. He stated neither of these appeal to him. Mr. Dresser asked when they will hear the presentation from the Church, and Mr. Stainthorpe stated they have not determined which meeting it will be in March. Mr. Dresser asked if they will vote on it at that time, and Mr. Stainthorpe stated they will not. Mr. Dresser stated the Subdivision Plan had an expiration date of March 9, and Mr. Fedorchak stated they could have the Church come in on March 7.

Ms. Donna Doan stated she saw the Application for the Farmland Preservation for Patterson Farm, and it is a three-page Application and should not take months to complete. She stated it is a simple Application that asks for acreage and type of crops that are grown. She stated Sam Stewart has this information as he is required to have those records as a farmer. She stated there is a request for a Conservation Plan for the Farm, but it does not have to be submitted at the time that the Application is submitted. She stated they could do a Conservation Plan later if there is not one, although there could already be one for this Farm. She stated this could have been done in 1999 as soon as the Farm was condemned and taken from the Pattersons, and the Application could have been put in and been funded by January, 1999. She stated saying it will take months to occur is “stonewalling,” and there is a limit to the public’s patience on this as they have been asking for this preservation for a very long time.

Mr. Stainthorpe stated the Board did instruct the Township Manager to apply for this, and they appreciate Ms. Doan bringing it the Board’s attention at the last meeting, and they have every intention of going forward with it. Mr. Fedorchak again stated that Mr. Harvey, the Administrator of the Program, advised him that the Township can submit an Application any time during the course of the year; however, the final decision will not be made until January of next year. Ms. Doan stated she understands this but feels there is no reason to delay putting in the Application so that they will be on the list when the Applications are considering in January. She stated the Township took the Farm in 1998, and this could have been done at that time. Ms. Tyler stated they are moving forward with this. Mr. Benedetto stated this is his highest priority, and he will follow this through. Ms. Doan stated she appreciates that since it has been such a long time that so many people have been asking the Township to preserve the Farm.

Mr. McLaughlin stated with regard to the Church’s request, the Township has not made any plans about the property, but they were approached by the Church. He stated everyone has the right to present their ideas to the Board. He stated it is wrong to state that the Board has a desire to sell open space. He stated at this point all they are doing is allowing a party to present their idea to the Board. He stated they give this opportunity to everyone including the EAC and the Planning Commission. He stated it is false to state that the Board has a plan to sell this land.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, stated she understands that there is a balancing act, and there have been many times when Churches have come to the Township requesting additions and expansions; and she understands that the Board would want to try to accommodate that as much as possible. However, she stated the current Church is located in a residential area, and they have already expanded at least once. She stated at some point they may be too big for this area, and it might behoove the Church to be looking for more land elsewhere. Ms. Torbert also noted that there is widespread community support for the open space, but she recognizes that the Board is responding to a request and doing their due diligence.

APPROVAL OF MINUTES

Mr. Dobson moved, Ms. Tyler seconded and it was unanimously carried to approve the January 11, 2012 Special Meeting Minutes as written.

Mr. Dobson moved, Ms. Tyler seconded and it was unanimously carried to approve the January 18, 2012 Minutes as written.

APPOINTMENT OF TOWNSHIP ENGINEERS

Mr. Stainthorpe stated a Special Meeting was held on January 11, and they interviewed six different engineering firms which ranged in size and capabilities; and he feels they had a good cross section to choose from. He stated all of the firms were qualified. He stated they have decided to have a regular Township engineer, a traffic engineer, and a sewer engineer.

Mr. Dobson moved and Mr. McLaughlin seconded to appoint Boucher and James as the Township engineer.

Mr. Benedetto stated his preference would be Pennoni, and he feels the Township deserves a full-service firm. He stated during the campaign he indicated that the Township had four engineers, and he did not feel that the Township needed four engineers, but needed a full-service engineer to do the job. He stated Pennoni is a local firm, Mr. Craig Bryson is a Lower Makefield Township resident, and Mr. Phil Wursta is a Bucks County resident. Mr. Benedetto stated they have experience with Pennoni and other firms use their labs and facilities. He stated he does not feel Pennoni is too big for a Township the size of Lower Makefield where they want the best, and he feels Pennoni is clearly the best. He stated with regard to rates, Pennoni as well as Gilmore and Boucher and James all came in with the same rates as Remington Vernick so that it is not so much a financial issue as much as it is a competency and qualifications issue as far as he is concerned.

Mr. Benedetto stated projects Pennoni worked on range from Citizens Bank Park to the Township's Memorial Park Phase I Master Plan. Mr. Benedetto stated the issue he has with Boucher and James is that they also have had experience with the Township which has been mixed as they had a situation at Memorial Park where there was a giant pile of soil that eventually Mr. Majewski had to find a home for. He stated they also had a situation with a water meter pit which they did not coordinate well with Pennsylvania American Water Company. He stated Pennoni is a full-service firm, and he is not sure why Boucher and James is being considered over them. He stated Boucher and James does not provide traffic engineering service so they will have to hire a traffic engineer, and Pennoni does provide that service. He feels if the Township wants to have the best, Pennoni is the best.

Mr. Stainthorpe stated he has worked with Boucher and James, Gilmore, and a number of other engineers through the Bucks County Water and Sewer Authority where he is on the Board. He stated Boucher and James has done outstanding work there, and they just completed the construction management of an \$80 million renovation to a treatment plant; and their experience with them has been nothing but positive. He stated they have an outstanding Planning Division and outstanding Park & Rec history. He stated in terms of construction inspection and things that have been deficient, they provide expertise he feels is worth taking advantage of. He stated none of the Board took this process lightly, and he and Mr. Benedetto have a difference of opinion. He stated he agrees that Pennoni is a very capable firm, but they are huge, and they operate at least ten offices throughout the northeast United States. He is concerned that the Township would be just one of a thousand clients, and with Boucher and James and some of the other firms that work primarily in Bucks County; Lower Makefield will be a very major client, and the Township will get the top attention which he feels is important.

Mr. Zachary Rubin, 1661 Covington Road, stated Jim Majewski is a local resident and has been the Township engineer for ten years. He stated he understands that engineers work at the pleasure of the Board, but he asked why Mr. Majewski was terminated. Mr. Rubin stated he feels there should be the continuity of the local engineer who has been with the Township for ten years. Mr. Stainthorpe stated Mr. Majewski is not being terminated, but his firm is not being considered for further work. Mr. Stainthorpe stated while a lot of their work has been good, some of the work has been "shoddy." Mr. Stainthorpe stated Mr. Rubin was very involved with the issue of trees being cut down at the PNC Bank, and he is concerned that this was not being properly monitored. He stated there were also some issues with paving contracts that were not done right and corrections that could have been made during inspections. He stated he likes Mr. Majewski and by and large the work was good; however, he feels there is a benefit to changing engineers and getting some new capabilities.

Mr. McLaughlin stated he understands that Remington Vernick chose not to participate in the bid process. Mr. Rubin asked if they were invited to be interviewed, and Mr. Stainthorpe stated he did have a discussion directly with Tom Beach. Mr. Benedetto stated he feels this is disingenuous because Remington Vernick knew that they did not have a realistic chance of getting the Township's business because they contributed to the opposition. He stated he does not feel it is fair to say that Remington and Vernick did not want to continue to be the Township's engineer. Mr. McLaughlin stated he would have given them consideration.

Mr. Rubin stated he did come before the Board about removal of the trees at the PNC Bank which was a violation of the Agreement they had with Matrix; and when he did bring it before the Board, Mr. Majewski had indicated that this was already being rectified. Mr. Stainthorpe stated his comment was not meant to be against Mr. Majewski, and he noted that there are a number of other people in the firm that do construction inspection that are supposed to make sure of what is happening.

Mr. Benedetto moved to have Pennoni be considered.

Mr. Stainthorpe stated there is already a Motion on the floor, and they will vote on that first.

Mr. Ken Seda stated he heard it stated that Remington did not do some good work in the Township and also Boucher and James did not do some good work in the Township, but they are going to give Boucher and James another opportunity which he feels is convenient. He stated he has also heard talk about wanting to put things out for open bids and do the right thing by the Township; and from what he can tell it seems like there have been attempts that have fallen on deaf ears. He stated the Township solicitor discussion never happened whether or not they should keep Mr. Truelove, and he feels there is an inconsistency which is not good for the Township. Mr. Seda stated he feels the role of the Board is to take into consideration the needs of the Township which is to bid this out and get the best price and greatest value to deliver the best result. He stated he is hearing that there will be three firms instead of one. He stated he wants to believe that this is not a response to campaign support or being in the right Political Party; and he would like to see this change. He stated the new members on the Board have an opportunity to change past practices if they saw that there was some patronage going on that was misplaced.

Motion carried with Mr. Benedetto opposed.

Mr. Dobson moved and Mr. McLaughlin seconded to appoint Gilmore as the traffic engineer.

Mr. Benedetto stated he did research on Gilmore, and they are extremely well regarded; however, the one hesitancy he has other than the fact that he would like to have a full-service firm, is that he feels they should have continuity and he feels TPD makes good sense as they have done excellent work. He stated he talked with Ms. Torbert from the Citizens Traffic Commission, and he greatly values the Citizens Traffic Commission's opinion. He feels there is a value of having TPD continue; but in the alternative, he feels there is a value in having Phillip Wursta from Pennoni since the Township is familiar with his work from the Zoning Hearing Board Aria situation. He feels both TPD and Penonni are better qualified to be the traffic engineer than Gilmore. He stated he had discussions with some of the Supervisors from Newtown Township where Gilmore did the Stoopville Road traffic-calming project which the Township was not pleased with. He stated if Lower Makefield wants to be the best, it does not make sense why they are settling for a firm that is not the best when they have TPD that has done the work exceptionally well or Mr. Wursta from Pennoni who has also done work with the Township

Ms. Torbert stated she feels TPD has done excellent work for the Township. She stated with regard to Pennoni she just met Mr. Wursta at the Aria Hearing, and she feels he did an excellent job and was very effective.

Motion carried with Mr. Benedetto opposed.

Mr. Dobson moved and Mr. McLaughlin seconded to appoint Tri-State as sewer engineer for 2012.

Mr. Benedetto asked Mr. Garton if Mr. Dobson has, if not a legal obligation, a moral obligation to recuse himself since Mr. Dobson has indicated that he has a forty-five year relationship with the CEO of Tri-State, Lou Spadaccino. Mr. Garton stated as he understands it, Mr. Dobson knows the CEO of Tri-State because he is a friend of his father; and Mr. Garton inquired of Mr. Dobson whether he had any business relationship between himself and Mr. Spadaccino, and Mr. Dobson has indicated there is not, so he does not feel there is any legal conflict because there is no economic benefit to be derived by Mr. Dobson by virtue of a decision made. Mr. Benedetto stated he feels there is a moral obligation, and he asked Mr. Dobson to recuse himself. Mr. Dobson stated his father and Mr. Spadaccino have known each other for a long time, and he knows Mr. Spadaccino through his father. He stated he has had no business dealings with him, and he does not socialize with him. Mr. Dobson stated he would decline to recuse himself.

Mr. Stainthorpe stated Tri-State has done extensive work for the Bucks County Water and Sewer Authority, and they have done some large complex projects. He stated the work has always been on time and the quality has been good. He feels they are a good fit for the size of the Township's sewer operation.

Mr. Benedetto stated he feels this "smacks of crony capitalism," which is a phrase heard in National politics, and he feels it is now true of local politics. He stated he understands that Mr. Dobson does not have a legal obligation, but he feels there is a moral obligation similar to how he himself recused himself from consideration of the open space initiative because he attends Bible Fellowship Church. He stated he calls into question Mr. Dobson being able to be impartial. He stated during the campaign there were a lot of questions about a "pay to play" situation; and now for this situation to come before the Board, he feels it is unacceptable for Mr. Dobson to vote given his forty-five year relationship with this individual.

Mr. Rubin stated he attended the meeting when the engineers were interviewed and Tri-State was asked the size of their firm, and they indicated they had four licensed engineers and support staff. He stated the other firms not only had many more licensed engineers, they had more regional offices than Tri-State had engineers. Mr. Rubin stated he feels the Township's sewer system is extensive and is aging, so he questions the resources that Tri-State can bring. Mr. Stainthorpe stated he has worked with them at Bucks County Water and Sewer, and he would not bring someone in who he was not confident could do the work. He stated they have done excellent work, and he feels the Township will be very pleased with them as the sewer engineer.

Mr. Benedetto stated he agrees with Mr. Rubin, and they are basically a "Mom and Pop shop," and to entrust them with the sewer is unacceptable; and this mistake could cost the Township hundreds of thousands of dollars when there are qualified firms that interviewed like Pennoni. He stated Gilmore could not be part of the process because they have a conflict and are the sewer engineer for Yardley Borough. He stated when you compare a firm the size of Pennoni with Tri-State, he feels it is contradictory to say the Township wants the best.

Mr. Seda stated there are three firms being selected to do the job of one firm that they used to have. He stated he is hearing discussions about cronyism and patronage and a Supervisor who does not want to recuse himself. Mr. Seda asked if any of the Supervisors received campaign contributions from any of the firms being considered and Mr. Stainthorpe stated he did in the past. Mr. Benedetto stated he did; and if it were up to him, he would say anyone who has contributed to campaigns should be excluded from the whole process. Mr. Benedetto stated Pennoni did not make a contribution to any of the sitting Supervisors. Mr. Seda stated he feels they have created more jobs for more engineering firms. Mr. Seda asked Mr. Dobson about his feelings about having a friend

that contributed to him, and Mr. Dobson stated he has not had any business dealings with them, and his rates were the least so they will be spending less which was also what he ran his campaign on. Mr. Seda asked Mr. Fedorchak if they are “farming out” any work on things that could be done internally. Mr. Stainthorpe stated they do not have any engineers on staff.

Mr. Benedetto stated he feels it would be best to have one, full-service firm doing the job like Pennoni, and it would be a less-expensive venture. He stated comments were made during the campaign about what the candidates would do differently at the Township; and there was a question as to why they have four Township engineers, which he feels is an inefficient process, and they are now doing this again and hiring three Township engineers. Mr. Seda stated he lost to Mr. Benedetto and he respects the fact that he is trying to keep up with his campaign promises.

Mr. Fran McDonald, 937 Randolph Drive, stated he is a seventeen year resident, and this is the first time he has heard someone speak like Mr. Benedetto is speaking; and he thanked Mr. Benedetto for this. Mr. McDonald stated it is one thing to save money and be efficient, but if the main goal is to save money and maybe sacrifice quality, this is a problem. He stated he is in favor of being efficient and saving the Township money, but he is concerned that they may be sacrificing quality to save money. Mr. Dobson stated he talked to Lower Southampton, Upper Southampton, and Middletown about Tri-State and they had nothing but glowing remarks about Tri-State. He stated it is also important to save money.

Mr. McLaughlin stated Tri-State came in with very competitive rates in comparison with the other engineers; and if money was the only thing they were looking at, they would have appointed them as the only Township engineer and saved a substantial amount of money. He stated the Township is concerned about the capabilities, and they are looking at the quality of the firms. He stated Mr. Stainthorpe has worked with Tri-State at the Bucks County Water and Sewer Authority and has vouched for them so he does not see why they should not appoint them.

Mr. Benedetto read an article from the paper during the last campaign where the question was asked, “What is one area of Township operations you would like to see changed, and why;” and Mr. Benedetto’s answer was “I am immediately struck by the fact that we have four Township engineers in Lower Makefield. In 2005, we had exactly one. Pay to play politics needs to be a thing of the past. We need an open, competitive bidding process on all Township contracts to ensure taxpayer dollars are spent wisely.” Mr. Benedetto stated he stands by that and wishes tonight that everyone would stand by it. Mr. McLaughlin stated they did have an open, competitive bidding process, but this did not necessitate one engineer. Mr. McLaughlin stated one engineer was considered, but he did not feel that it was the best course of action. Mr. Benedetto stated he wanted one engineer.

Motion carried with Mr. Benedetto opposed.

BRIGHT FARMS GREENHOUSE PROPOSAL FOR PATTERSON FARM

Mr. Stainthorpe stated Jim McCaffrey approached the Township some time ago about a company he was partnering with whose business is to build greenhouses to provide locally-grown, organic, high-quality produce to local supermarkets. Mr. Stainthorpe stated the company came down to look for places to potentially build the greenhouse, and one of the suggestions was on the roof of McCaffrey's; however, that was unacceptable because of height restrictions and visual considerations. Mr. Stainthorpe stated they also looked at the Masonic Lodge property across the street; however, that was not of an adequate size to do what they needed. Mr. Stainthorpe stated they then asked if the Township would consider leasing land at the Patterson Farm, and they are present tonight to present what they do; and this is just an initial presentation for the education and information of the Board and the public. No decisions will be made tonight.

Mr. Paul Lightfoot, Mr. Sal Grasso, and Mr. Zak Adams were present. Mr. Lightfoot stated his colleagues and partners want to be ingrained in the community and contribute to the community and this includes partnering with Mr. McCaffrey, Sam Stewart, and with a local farmer who will work with them to grow and sell local food, locally. He stated they would like to continue the rich legacy of the Patterson Farmland and build a greenhouse that will grow produce for McCaffrey's Market and give back to the community. He stated the area and Patterson Farm was based on an agricultural economy; and if they are allowed to do this project, they are determined to continue that history. He stated today the modern produce supply chain has moved away from local agricultural and the local economy; and for every dollar Americans spend on food, no more than 16 cents on average goes to the farmer, and 84 cents goes to the distribution process and away from the economies where the food is consumed. Mr. Lightfoot stated they want to reinforce the Township's local agriculture and local economy, and they feel by respecting, building upon, and returning to the history of local agriculture, they will be able to improve the entire Country starting with what they are doing in Lower Makefield Township. Mr. Lightfoot stated this will also preserve the land as a farm and preserve farming as a profession in Lower Makefield. He stated the entire staff at Bright Farms are committed environmentalists, and they produce food in a way that preserves the livelihood of farmers, the quality of food, the health of the society, and the environment.

Mr. Lightfoot stated they build responsible greenhouses on site at supermarkets sometimes on the roof and sometimes on local farmland. He stated they finance, build, and manage the greenhouse farms close to supermarkets which cuts time, distance, and cost from the produce-supply chain. He stated they put up the capital to build the greenhouses. He stated they also hire, train, nurture, and support a local farmer who has his own business working inside their business and working as their partner to grow food locally.

Mr. Lightfoot stated Mr. McCaffrey cares deeply about the people of the community and his customers. He stated he is a great businessman and a great visionary, and he has a vision to be an adopter of this type of system where he is committed to bringing great, consistent local produce to his customers the day they are picked. Mr. Lightfoot stated they also care about McCaffrey's customers and are not an anonymous farm two thousand miles away. He stated their farmer will be living in the community.

Mr. Lightfoot stated they want to preserve the character and aesthetics of the Patterson Farm, and they want to build a beautiful state-of-the art greenhouse farm that creates local jobs, increases the agricultural productivity of the farm, preserves the environment, reduces truck traffic, increases the economic activity, contributes local taxes, and brings fresh and healthy food to the community.

Mr. Grasso stated they want to preserve the integrity of the space and preserve the currently tilled farmland and contribute to the food production history of the Patterson Farm. He showed on a Plan where they are proposing the location for their facility at the southern end of the Farm. He stated their facility will be an acre in size which is less than 1% of the total farmland that is currently in use at the Farm. He stated the one acre facility includes the growing area, a small processing and packaging facility, and support space. He stated their greenhouses are easy to build and easy to remove, and it is a pre-engineered, pre-manufactured structure which is light and can be removed and re-used at a different location. He stated it is made of glass and polycarbonate so you can see what is growing inside, and the frame is made of aluminum and galvanized tube steel. He stated they feel the transparent greenhouse will be an attractive symbol of agriculture and productivity on the Farm. He stated views of the greenhouse will only be available from within the Farm at the proposed location, and it is buffered from the road by a large wooded area that spans several acres. He stated they have checked with the local engineer, and it is a permitted use for a greenhouse by right in the R-1 Zoning District. He stated at the proposed location much of the infrastructure they need already exists as there is sanitary sewer, water, and gas connections near the proposed location. He also noted the location of the original driveway of the Farm, and they propose to utilize this, and there will not be the need for a curb cut and there will be minimal driveway construction needed.

Mr. Stainthorpe asked if they were up and running and producing enough fruit and vegetables to supply McCaffrey's three stores, what would they anticipate the volume of truck traffic to be and on what kind of regularity. Mr. Adams stated they still need to discuss with Mr. McCaffrey how often they would like deliveries as they would pick produce and deliver it to them very soon after; but the volume of produce coming out per week is actually only equivalent to one twenty-five foot box truck. He stated they would also have five to six full-time employees who may or may not drive to the facility.

Mr. Stainthorpe asked about the educational component, and Mr. Lightfoot stated their organization has a history of building greenhouse classrooms for schools, and they have some in New York City. He stated they would like to do this here as well, and they are about to start discussions with the local School District. Mr. Lightfoot stated it would be their desire to use a portion of the greenhouse which would be segregated from an air and water perspective for food safety, but would look visibly as if it were part of the rest of the greenhouse. He stated approximately 1,200 square feet of the greenhouse would be available to have a teacher teaching the science of local food production to local school children. He stated children really respond to this, and it changes the way they think about food, where it comes from, and how it effects their health.

Ms. Tyler asked if the intent is for all the food produced to be sold to McCaffrey's exclusively; and Mr. Lightfoot stated because of the way that yields work, there are bumper crops at times, and probably at certain times of the year there will be excess produce that will be sold elsewhere, and most likely they will enter into an agreement with a distributor that will sell it to restaurants in the Philadelphia area.

Mr. Benedetto stated he did extensive research on Bright Farms; and while he feels it is a great concept, he feels it is a terrible location and it makes no sense to build a greenhouse on top of perfectly-tillable farmland. He stated he looked at all of their projects since their start up, and he understands that typically their greenhouses are on roofs. He stated currently they also do not have a 50,000 square foot operation anywhere, and Mr. Lightfoot stated they do not. Mr. Benedetto stated he also read about the Science Barge which is a 1,300 square foot greenhouse boat docked in Yonkers. Mr. Benedetto asked about the size of the facility at the Manhattan School for Children, and Mr. Lightfoot stated it is also about 1,300 square feet. Mr. Benedetto asked the size of the demonstration greenhouse at Whole Foods in Millburn, and Mr. Lightfoot stated this was built as part of the entrance to the store and is about 1,000 square feet.

Mr. Benedetto stated he is troubled because they have several projects that are less than 2,000 square feet but are proposing to have a 50,000 square foot greenhouse on farmland where there may not be a need since there are local farmers who currently sell to Mr. McCaffrey; and he is concerned that they may be taking business away from them. Mr. Lightfoot stated if the local farmers do not want to work with them, they will not do the project as they were only going to work with local farmers. Mr. Benedetto stated they would be competing directly against them, and Mr. Lightfoot stated he feels they would be working in partnership with Mr. Stewart and they feel he is excited about it. Mr. Lightfoot stated they advise local farmers that they will capitalize the construction of this state-of-art greenhouse that many local farmers would not have a chance to work in. He stated building greenhouses on farms is not a new concept, but is a way to get higher yields year round out of farms. He stated they tell the farmers that they will not have to deal with sales and marketing and they will take care of this for the farmers. He stated farmers often like to grow food, but they do not like to raise capital or be involved with

sales and marketing so it is a good partnership. He stated they count on the farmers for growing the produce. Mr. Benedetto stated currently they have no project like this, and he understands that McCaffrey will be the first that has agreed to this type of large-scale project. Mr. Lightfoot stated this was the first announced project, and they are presently working with nearly 20% of the top fifty supermarkets in the United States, and McCaffrey is actually the smallest client they are working with. Mr. Benedetto stated they have no current project like this operating; and Mr. Lightfoot stated this is a new business model for them, and they feel the Country is responding well to it because it is bringing agriculture back to local communities which is something the Country has been yearning for.

Mr. Benedetto stated he understands a 50,000 facility would produce 500,000 pounds of produce a year, and Mr. Lightfoot agreed. Mr. Benedetto asked if this is what Mr. McCaffrey needs to fulfill his needs or will it be taking away from local businesses. Mr. Lightfoot stated McCaffrey does sell a lot of produce at their stores. He stated at this time of year almost all of the supermarket tomatoes in the United States are transported in 53 foot trucks from Mexico, and this diminishes their taste, nutrition, and shelf life. He stated almost all supermarket lettuces in this Country come from Salinas, California in the summer or Yuma, Arizona in the winter so the question is would people like to have better tomatoes and lettuce that lasts longer, is safer, and is better for the environment.

Mr. Benedetto asked if there is any way Mr. McCaffrey's roof could accommodate a 15,000 square foot greenhouse or is it because of the proposed size that they are not able to accommodate it. Mr. Lightfoot stated they have an open mind, and this is one of a number of options they considered. He stated it does not seem like the roof is feasible from a time or economic feasibility perspective. Mr. Benedetto asked about Gotham Greens which he understands is a 15,000 square foot greenhouse in Brooklyn which services Whole Foods and Fresh Direct. Mr. Lightfoot stated this is on top of a warehouse building in Brooklyn; and they know this project well as the individuals who own it and run it were former colleagues of theirs, and they did do some consulting work on that project. He stated the Whole Foods customers in Manhattan are thrilled with the product, and it is better than the food that is shipped across the Country.

Mr. Benedetto stated he feels this is a great concept, but he has a problem with the proposed location. He stated if it could be built on other land that is not usable or on top of McCaffrey's Supermarket he feels it would make sense. He also questions if it needs to be 50,000 square feet to fill McCaffrey's need. Mr. Lightfoot stated they felt that this would be using farmland for farming and using it year-round as productively as possible.

Mr. Stainthorpe stated this would make the Patterson Farm productive 365 days a year with products that the residents want to have. He stated it would improve the quality of food for the residents. He stated the Patterson Farm sits without crops growing on it from October to May, and he felt that this would be a smart way to utilize a small piece of the

Farm to actually improve the productivity of the Farm. Mr. Stainthorpe asked how much tillable land would be taken out of production with this location, and Mr. Grasso stated they can put the facility wherever they prefer. He stated they would have to take shadow lines into consideration. He stated the parking and loading area is a very small percentage of the overall area. He stated 50,000 square feet is the facility size, and this is all the tillable area they plan on taking up.

Ms. Tyler asked how they arrived at the 50,000 square foot calculation, and Mr. Lightfoot stated it was based on making sure that it matched up well with what they felt the demand would be and also making sure that they had a sufficiently-robust business that would be worth making the capital investment since these are fairly capital-intensive projects.

Mr. Benedetto asked why they are asking for a ten year lease, with three-year extensions; and Mr. Lightfoot stated this is because it is a large capital investment, and they will invest more than \$1.5 million. Mr. Benedetto stated he understands that Bright Farms would be the management company, and the local farmers would actually grow the produce; and Mr. Lightfoot agreed. Mr. Benedetto stated he understands that this will service all three McCaffrey locations, and Mr. Lightfoot agreed. Mr. Benedetto asked if the 50,000 facility will provide more than enough produce for McCaffrey's needs, and Mr. Lightfoot agreed. He stated they produce a relatively small number of varieties of products which enables them to cover a lot.

Mr. Dobson asked the height of the greenhouse, and Mr. Adams stated the top peak would be 35'. Mr. Dobson stated he understands they would generate five to six jobs, and he asked if these would be full-time jobs; and Mr. Lightfoot stated it is full-time employment, and this is an estimate of the number of jobs.

Mr. Benedetto stated they indicated that the utilities exist at the Patterson Farm, and he asked if they would pay for the utility hook ups; and Mr. Grasso stated Bright Farms would pay for this. Mr. Benedetto stated he is concerned with the ten year lease since this is a start-up situation, and he is concerned that if McCaffrey does not want to continue with this the Township should secure a deposit to insure that the land can be restored. Mr. Lightfoot stated he is not sure what was in the proposal, but in the final contract it would be a reasonable request for the Township to require them to fund an escrow to remediate the land at the end of the lease. Mr. Benedetto asked about paving of the road, and Mr. Stainthorpe stated they would be responsible for any development, and they would have to go through the whole Land Development process with the Planning Commission just as any developer would have to.

Ms. Grace Godshalk stated she spent a lot of time looking at their Website and the videos and she feels this is a visionary project, but it is not for Lower Makefield. She stated she is aware of these projects in New York where there are numerous roof top gardens, but she does not feel they should be using the Township open space. She stated Patterson

Farm was built for open space or passive recreation if the day ever comes when there are no more farmers. She stated she does not feel any of the local farmers are skilled at hydroponics. She stated it is shown on their Website that there is an Agreement with McCaffrey's. She stated she feels Mr. McCaffrey should look at the industrial/business park in Langhorne where it could be built on a roof there or in the parking lot since she understands a lot of these projects are in parking lots. She also suggested the Route 1 Corridor where there are a number of vacant buildings. Ms. Godshalk stated she is also concerned about this use in the Historic Village and using the open space. Ms. Godshalk stated the people voted to purchase open space to preserve the land. She stated she hopes the Board will turn this down and send it to another area.

Mr. Zachary Rubin stated they would be leasing land and paying a lease to the Township; and Mr. Stainthorpe stated if they were to get to that point, there would be legal questions about this and it would probably be some kind of yearly lease based on square footage. Mr. Rubin stated since it is leased land, he assumes there would not be any ratable property tax from this for-profit corporation. Mr. Stainthorpe stated they would have to defer to the Township solicitor on this. Mr. Garton stated it may effect the tax exempt status, but would not effect it 100% because when the Board of Assessment does an analysis of public property, it has to be used for a public purpose; and to the extent that a portion is not, they may not get a full abatement of taxes. Mr. Rubin stated the land would still be owned by the Township. Mr. Garton agreed and stated a lot of public property in part has non-public purposes. He stated the Township could lease a building out to a third party; and if you do not use the property for an inherent Municipal purpose but rent it to someone for profit, it makes the exempt status no longer valid. However, when you have a partial use that is not exempt, it does not eliminate the exemption for the balance of the site. Mr. Rubin stated he is talking about the two acres that would be leased, and Mr. Garton stated the two acres would no longer be tax exempt. Mr. Rubin stated in their presentation, they indicated that they would contribute to local taxes, and Mr. Lightfoot stated they assumed that they would be paying real estate taxes.

Mr. Rubin stated he researched the firm, and he thinks they are forward thinking, and he would welcome the concept. He feels this is a good corporation to do business with.

Mr. Arthur Cohn, 7906 Spruce Mill Drive, asked if it would be for the private use of McCaffrey's Market and asked if this would be a problem since it is public land. He asked if they would not have to open this up and sell the produce to anyone in the area. Mr. Garton stated a public body can lease property to a profit organization. It would just be a lease. Mr. Cohn asked if there could be a legal problem for the Township and some other supermarkets would ask why they were not allowed to come in here. Mr. Stainthorpe stated the Township would not own it, and they will not build or develop it. Mr. Cohn stated it would still be for the benefit of McCaffrey only. Mr. Garton stated rent would be paid. He stated this will not be a gift, and there are no public dollars being transferred from the Township to anyone. He stated this would not be considered

preferential treatment because they would be paying fair market rent if this were to proceed. Mr. Cohn asked if other supermarkets could not then come in and say they want to build one of these on the land as well; and Mr. Garton stated the Township would not be obligated to do this. He stated the Township has the right to control their own real estate.

Mr. Benedetto stated they would not have to put this out to public bid because it would be leased land similar to the Artists of Yardley leasing land at Patterson Farm, and Mr. Garton agreed that this would be a leasehold and not a transfer of ownership, and there would be no sale of an asset. Mr. Garton stated the Township previously rented out a number of historic buildings that they owned to third parties and received rent.

Mr. McLaughlin asked who would own the building and does this open the Township up to any product liability if any unsafe food got out to the public. Mr. Garton stated any lease would have an obligation to have the appropriate insurance naming the Township as an additional insured. He also noted that the Township is not marketing, selling, or making any representations concerning the products, so the Township would not be liable for any claims. Mr. Garton stated with regard to ownership of the building, the building would be a leasehold improvement owned by Bright Farms because it can be removed at the expiration of the lease term, and they will post security in a manner which will permit the pad and other improvements to be removed, and it would be returned to open ground.

Ms. Joanne Lewis stated she feels this is a great idea but feels it is better in an urban area similar to the work they have done in New York where they go on a roof or use land that has already been built upon. She is concerned that this would be going on pristine land, and she suggested that they look at a piece of land that has already been built on and suggested the U.S. Steel site in Falls Township. She stated she is concerned that the Patterson Farm is surrounded by two lane roads; and if they are serving the three McCaffrey stores there would be at least three trucks going out every day. It was noted that this would not be the case as there would be one truck serving the three stores. Ms. Lewis stated she is concerned about the increased traffic; and while she feels this is a great idea, it would be best in an urban area or on a roof.

Ms. Tricia Bunn, 1105 Gloria Lane, stated she has been a lifelong resident of the Township, and she feels the people from Bright Farms have wasted their time as Lower Makefield is not forward thinking. She stated there are 36' wide "highways" going through the Subdivisions because the Township was so slow in implementing an LED Ordinance. She stated she does not feel the Township necessarily embraces new ideas. Ms. Bunn stated she feels this is a good opportunity for the Township. She stated she is a member of the Park Board, and they do not know what they are going to use Patterson Farm for, and this would be an opportunity. She stated she does not feel they should send them to Falls Township or on Lincoln Highway since this is a good use for the Township. She asked that the Township be forward thinking.

Mr. Duane Doan stated he has lived on farms all his life, and he reviewed the crops that were on the Patterson Farm. He stated he does not feel it would be proper to put another building on the property. He stated he does feel that they have a good idea and by 2040 we are going to be short of food in this County. He stated every acre of ground that they save will help, and every acre of ground where they can put these, they will be able to grow more food. Mr. Doan stated 60% of our food now comes from South America and Mexico. He stated they have used so much weed spray on the farms, that they can no longer kill the weeds, and they will have to plow and till the soil instead of no-till cultivation. Mr. Doan stated he feels Bright Farms could make use of the old General Motors plant in Trenton where they could put acres and acres of the greenhouses.

Mr. Casey Lawrence, 301 Robin Hood Drive, stated he feels this was a very thoughtful and informative presentation. He stated he does want there to be a thorough investigation of this, but he feels they should not always be negative about any business that wants to open up in the Township. He stated open space is nice and he applauds the efforts that have been made in the Township; but he feels open space is a luxury; and in this economy, he feels they should start considering more businesses that want to open in Lower Makefield. He stated he feels what has been presented is very appealing and would be appealing to most people. He stated he feels they should give this a lot more consideration and be open to a balance of keeping open space but getting business in the area and adding employment.

Mr. Benedetto stated he agrees with Mr. Lawrence and Ms. Bunn and does not feel they should push this off to Falls Township or any other area; and he feels it is a great idea. He stated the issue is the open space. He stated there was a specific question asked by the Courier Times during the last campaign, and they asked what they would do with Patterson Farm, and his running mate and Ms. Tyler made comments about it not being made a deed-restricted property. He stated he is in favor of the Bright Farms concept, and feels they will help the community, but he does not like it on Patterson Farm because that was a campaign promise which he intends to keep. He stated this concept has been done in other locations on rooftops and in other areas where they do not need to build over a farm.

Ms. Donna Doan stated she agrees that it is a good idea but a very bad location. She stated they are not using soil so they would not need the prime farmland. She stated the farmland at Patterson Farm is superior to 98% of the farmland in Pennsylvania and building on any amount of that farmland is taking away from future generations. She stated there are brown fields in the Township where it would be a great idea to do it, and she noted the Harris Tract and an area near Macclesfield. She stated these locations would still be very close to McCaffrey's. Ms. Doan stated she does not feel that Mr. Stewart is "on board" because she talked to him, and she does not feel Mr. Stewart is interested in diversifying what he is doing. She also stated a comment was made about what they were doing with the Patterson Farm, and she stated they have been farming the

Patterson Farm; and it is leased out and that component of the Patterson Farm has been very successful. She stated they have always had bids, and it has been an open bidding process. She stated they have had problems with managing the buildings, and they are moving toward something that will bring in revenue so that will not be a problem in the future. Ms. Doan also suggested a location at the Lower Bucks Tech School for the greenhouses.

Ms. Doan stated Mr. Stainthorpe had indicated that it is organic, but she understands that it is not 100% organic. Mr. Grasso stated they will be doing organics, but it will not be all organics and initially probably not at all. He stated they will be using almost all the same techniques, and they consider it almost beyond organic as they use integrated pest management wherever they can instead of chemical pesticides, and they are more sustainable than almost all organic farming.

Ms. Virginia Torbert stated she lives on the Torbert Farm which is directly across the street from the Patterson Farm and was a former member of the Patterson Farm Stakeholders Committee. She stated she feels this is a fantastic idea, is totally supportive of locally-grown food, and is excited about the concept of hydroponics; but she shares the concern about the location. Ms. Torbert asked how far away from the Supermarket is it feasible for them to be under their business model. Mr. Lightfoot stated he did not really know. Ms. Torbert stated she would like to keep this in the Township as it would be good to have the food itself and also because of the educational component which was discussed in the Stakeholders Report that they wanted for the Farm. She suggested that they ask Bright Farms to look in a certain radius from McCaffrey's and explore other sites to see if there is some feasibility as she feels there are a number of other sites where it could be. She stated she does not want to send them out of the Township.

Ms. Torbert stated she also shares the concern about the fact that the Farm has not been legally protected. She also asked about the road, adding that she feels they would need an easement or would have to purchase the land so they could run the road as it is not part of the Patterson Farm going all the way out to Yardley-Langhorne Road. Mr. Fedorchak stated they do have direct access to Yardley-Langhorne Road from that section. Ms. Torbert asked if the neighbors have been notified on either side, and Mr. Stainthorpe stated they are not at that point. Ms. Torbert stated going forward they will be having a road where there has not been a road for a very long time. Mr. Stainthorpe stated they are only at the beginning of a very long process.

Mr. Benedetto moved to explore non-Patterson Farm locations. Mr. Stainthorpe stated that would be up to those from Bright Farms to pursue, and a Motion is not called for. He stated they have received the public's sentiment tonight.

Mr. John H. Torbert, Sr. stated he and his son are farmers and grow vegetables. He stated he does not see how this project will help the farmers. He stated there are only about six farmers left in the area. Mr. Grasso stated local farmers are going extinct in this Country. Mr. Torbert stated Lower Makefield Township wants the farmers to stay. Mr. Grasso stated he is in favor of doing everything they can to help farmers. Mr. Torbert stated he feels they will be cutting into his business. Mr. Grasso stated opportunities for local farmers have been getting worse and supermarkets increasingly are not making it easy for local farmers. He stated they are working on deals with supermarkets around the Country and in this region to do deals where they agree to buy food from local farmers, and they are finding local farmers to provide it to them. He stated they would like to talk to Mr. Torbert about potentially being the farmer on this site. He stated they are creating a market for local farmers in areas where they feel have been shrinking for years, and they are looking to expand it over the next couple decades. He stated they are replacing produce coming from Mexico, California, and Canada. Mr. Torbert stated he does not feel they are going to make a difference with what comes overseas. Mr. Torbert stated he feels the Township should support the local farmers as they have with the Farmers Market, and not allow this to come in. Mr. Torbert stated he also feels the Patterson Farm should remain a farm as that is what it was purchased for. He stated the Patterson Farm is growing products on it 365 days a year, and currently there is rye growing on 35 acres so that it does not become dormant.

Mr. Benedetto asked Mr. Torbert if he sells produce to McCaffrey's, and Mr. Torbert stated he does not, but he does sell products at the Farmers Market. Mr. Torbert stated he also heard the Bright Farms representatives state that they entered into a partnership with Sam Stewart, and Mr. Lightfoot stated they have been talking to him.

Ms. Helen Heinz stated it was noted that the Farm road goes out to Yardley-Langhorne Road, but that has not been open for at least fifty years so they would have to take down quite a lot of trees which would be a serious consideration. Ms. Heinz stated she is also not in favor of the proposed location up against the woods. Ms. Heinz stated she feels there are a number of places in the Township where this would be a perfect match, and she particularly noted the Harris Tract which would be within one mile from McCaffrey's.

DISCUSSION AND APPROVAL OF WELLS FARGO PRELIMINARY/FINAL PLAN FOR A BUILDING ADDITION AND EXTERIOR SITE CHANGES/ALTERATIONS INCLUDING PARKING LOT REVISIONS

Mr. Garton stated the Applicant proposes to construct three separate additions to the existing Wells Fargo Bank building located at the intersection of Heacock and Stony Hill Roads. He stated the additions total 1,215 square feet. In addition the Plan proposes the elimination of a current drive through the replacement of a new configuration. The net

effect of the additions and the traffic circulation changes will actually reduce the impervious surface modestly from 71.2% to 71%. He stated the Plan encroaches into the required setbacks at two locations, but the Applicant secured a Variance from the Lower Makefield Township Zoning Hearing Board which is presently under Appeal.

Mr. Garton stated the property in question is identified as Tax Parcel No. 20-16-68-3, and the Plans are dated in part on 8/31/11 and part on 10/14/11. He stated the Plans consist of eighty-two pages. He stated the Lower Makefield Township Planning Commission recommended approval of the Preliminary/Final Plans subject to certain Conditions; and if the Board were inclined to do so, he has an enumerated list of Conditions.

Mr. Edward Murphy, attorney, was present and stated the Plan has been the subject of review by the consultants and most recently the Zoning Hearing Board and Planning Commission which did unanimously favorably recommend approval of the Land Development Plan. He stated the Zoning Hearing Board in December approved the request for two front yard Variances that were shown on the Plan and also modified a prior Condition of an earlier Zoning Hearing Board decision to expand the hours of the ATM that exists today in the vestibule.

Mr. Murphy stated they have proposed additions which total 1,200 square feet with three separate small additions. The other significant design change is to eliminate the current drive-through facility that wraps around the building which most users felt was cumbersome; since if you were in the queue, you were not sure how long you were going to have to wait which was problematic since there was not an opportunity to back out. He stated they are now proposing an alternate route which was supported by the Township engineer during the Sketch Plan stage that enables them to access the drive-through by way of the existing parking lot, and enables users to see if there is a stack up of cars and avoid it if they choose.

Mr. Garton reviewed the Conditions of Approval as follows:

- 1) Compliance with any and all Variances granted by the Lower Makefield Township Zoning Hearing Board which said Variances were granted pursuant to a Decision rendered by the Township's Zoning Hearing Board on 1/4/12;
- 2) Applicants shall secure any and all applicable Zoning approvals and Permits including final resolution of the Appeal from the Decision of the Zoning Hearing Board.

- 3) Compliance with the Remington & Vernick review letter dated 12/6/11 with the understanding that the Applicant has requested certain Waivers from the provisions of the Subdivision and Land Development Ordinances as follows:
 - A) Section 178-18 where they are requesting a Waiver to have this Plan considered a Preliminary/Final.
 - B) Section 178-20-C-6 where they are asking to be relieved of the obligation to show contours at 2' intervals. They do show it for the area around the bank itself where the improvements are going to be made, but not for the whole site.
 - C) Section 178-20-C-9 related to the obligation to show features within 200' of the site. They have provided an aerial photograph depicting this.
 - D) Section 178-20-C-10-B which requires that the species, size, and location of mature trees standing alone be shown. They have shown the trees in the vicinity of the Bank improvement but not the whole site.
 - E) Section 178-20-C-10-F which requires slopes of 15% or greater be met. Slopes in the area of the Bank are manmade and not natural resources.
 - F) Section 178-20-G which would require an Environmental Impact Assessment; and they are requesting a Waiver because of the minor nature of the improvements.
 - G) Section 178-40-C which would require that they improve the existing streets along their frontage to Township standards, and they are already approved to Township standards.
 - H) Section 178-85C which would require a tree protection area of at least 15' from any trunk of any tree to remain, and they are requesting the Waiver because they are actually going to remove paving within 15' of a current tree.
 - I) Section 178 -85-D3 which would require snow fencing as the tree protection and they are proposing to use 30" super silt fencing in lieu of the snow fencing.

- 3) Compliance with the Remington & Vernick sanitary sewer report dated 10/31/11. The Township has received from the Department of Environmental Protection Planning Module Approval;
- 4) Compliance with the TPD letter dated 11/23/11;
- 5) Compliance with the Bucks Count Planning Commission letter dated 10/28/11;
- 6) Applicant to fund and execute Development and Financial Security Agreements in a form satisfactory to the Township solicitor and Township Manager;
- 7) Applicant shall pay any and all Permits required from any agencies having jurisdiction over the project including the Conservation District;
- 8) Applicant to pay all review and professional fees in connection with this Application in accordance with the Township's rate structure;
- 9) Any signs to be placed shall comply with Township's Ordinances and all signs cannot be erected until Permits are issued;
- 10) All lighting shall comply with Township Ordinance except to the extent that any Waivers have been granted and no glare shall extend onto adjoining properties;
- 11) Plans shall be ADA compliant.

Mr. Murphy agreed to the Conditions as listed.

Mr. Dobson moved and Ms. Tyler seconded to approve the Preliminary/Final Plans subject to Conditions noted by Mr. Garton.

Mr. Zachary Rubin asked if any existing parking spaces will be eliminated, and Mr. Murphy stated three spaces will be eliminated. Mr. Rubin stated he understands that the other Wells Fargo Bank in the adjoining shopping center will close. He asked who owns that building on the Giant shopping center side; and Mr. Murphy noted that Wells Fargo does not own the building but was a tenant of the owner who is the owner of the shopping center. Mr. Rubin asked if there are any plans for the vacated building, but this was not known.

Mr. Kurt Shaffer, attorney, stated he represents the owners of the adjoining shopping center, the Lower Makefield Shopping Center. He stated he reviewed the Township engineer's letter of 12/6/11, and he noted Comment #3 discusses the calculations being used in order to determine if adequate parking was provided, and the Township engineer raises the question of whether the appropriate calculations were done; and he asked if that was every clarified. Mr. Garton stated it has been clarified. Mr. Murphy stated at the time of the meeting with the Planning Commission, the Applicant provided copies of the earlier Approved Plans and the parking calculations required at the time the Shopping Center was built. Mr. Murphy stated at the time the shopping center was built the requirement was that the square footage of the bank be included in the parking calculations in accordance with the parking ratio required for shopping centers. Mr. Murphy stated that requirement is still being satisfied today even with the loss of the three parking spaces. He stated they did provide evidence of those parking calculations to the Township staff, and the Township staff was satisfied with this.

Mr. Shaffer stated the Lower Makefield Shopping Center abuts this Shopping Center and they share an access drive. He stated there is a Wells Fargo branch at the Lower Makefield Shopping Center. He stated the Bank expansion under consideration, if approved, would result in the closing of the Wells Fargo Bank at the Lower Makefield Shopping Center. He stated Wells Fargo did have an option to renew their lease for another four years, but they have decided they want to consolidate and move which he assumes is a financial consideration. Mr. Shaffer stated this is a concern for his clients who desire to provide continuity for their customers at their Shopping Center. He stated they feel they have an obligation to their tenants and the public to keep the Shopping Center experience undiluted by the removal of this key tenant. He stated they are not trying to object to the project just to frustrate a competitor. He stated their purpose is to try to give their customers the same service as they have been accustomed to at the Center. He stated his clients have a good relationship with Mr. McCaffrey both personally and professionally; but they feel that there are some flaws in the Plan, and they would be remiss if they did not point them out to the Board of Supervisors.

Mr. Shaffer stated they have Appealed the Decision of the Zoning Hearing Board which is going through the Court of Common Pleas.

Mr. Shaffer asked that the Board make note of the fact that banks traditionally measure their size by the amount of deposits they have on hand; and in using that formula, the Wells Fargo at the Lower Makefield Shopping Center has a 6% larger amount of deposits than the branch at the Edgewood Shopping Center. He stated they are therefore expanding the building by 50% but are increasing the customer load by more than 100%. Mr. Shaffer stated at the Zoning Hearing Board, Wells Fargo representatives commented that these days more customers use on-line banking and ATMs with greater frequency, and as a result they are consolidating their branches; and this was the statement that was used to justify the elimination of the first branch. However, Mr. Shaffer added that this

Plan proposes drive-through tellers none of which access the ATM which is inside the building; and the only need for three drive-through lanes is to accommodate an increase in customer traffic and all of that traffic will be vehicular and will be worse if the three lanes are not all open at the same time. Mr. Shaffer stated they also have a concern about traffic flow in the parking areas between the Bank and the McCaffrey Supermarket proper. He stated they feel the lay out of the parking is a poor design, and queuing will occur in the middle of the parking aisles. Mr. Shaffer stated there is also no by-pass lane with respect to the drive-through aisles, and there is no way to get out of the line especially when you are limited to the number of cars that can fit for which they obtained a Variance.

Mr. Shaffer stated of concern to his client is also the fact that a lot of the McCaffrey employees park in the Lower Makefield Shopping Center parking lot. He noted Page #4 where the aerial photograph is shown, you can see all the cars lined up against the Chinese restaurant in the Lower Makefield Shopping Center; and he stated these are McCaffrey employees who then enter the back door of McCaffrey's. Mr. Shaffer stated there are cross easements in place between the Shopping Centers, but they do not apply to employee parking. Mr. Shaffer stated his clients estimate that between six to twelve cars are parked in this area at any time.

Mr. Shaffer stated they want the Board of Supervisors to be aware of the parking and traffic flow difficulties and would suggest to the Board that the Plan requires greater examination and is not really in a position for Final Approval this evening.

Motion to Approve carried unanimously.

Mr. Garton asked that the Board vote to authorize him to intervene and enter his appearance in connection with the Appeal from the Decision of the Zoning Hearing Board. He noted he will not be actively participating, but will be monitoring the circumstances.

Mr. Dobson moved, Mr. Benedetto seconded and it was unanimously carried to authorize Mr. Garton to intervene and enter his appearance in connection with the Appeal from the Zoning Hearing Board Decision with regard to this matter.

APPROVE EXTENSION FOR GRACE POINT CHURCH

Ms. Tyler moved, Mr. Benedetto seconded and it was unanimously carried to grant the Extension for Grace Point Church parking lot modifications/improvements to 3/31/12.

SUPERVISORS REPORTS

Mr. Benedetto stated the Veterans Committee held a Texas Hold'em Tournament this past weekend which netted \$2,375.

APPOINTMENTS

Mr. Dobson moved, Mr. Benedetto seconded and it was unanimously carried to re-appoint Helen Heinz to the Historic Commission.

Mr. Dobson moved, Mr. Benedetto seconded and it was unanimously carried to re-appoint George Crawford and Lisa Huchler-Smith to the Disabled Persons Advisory Board.

Mr. Dobson moved, Ms. Tyler seconded and it was unanimously carried to re-appoint Darrell Kates, Grace Godshalk, and Pat Frain to the Golf Committee.

Mr. Dobson moved, Ms. Tyler seconded and it was unanimously carried to re-appoint Phil Tyler to the Sewer Authority.

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

Respectfully Submitted,

Dobby Dobson, Secretary