

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – FEBRUARY 15, 2012

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on February 15, 2012. Chairman Stainthorpe called the meeting to order at 7:30 p.m.

Those present:

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

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

PUBLIC COMMENT

Ms. Donna Doan, 2814 Langhorne-Yardley Road stated in November she had requested a link to her website, Patterson Farm Preservation.com, on the Lower Makefield Township Website; and so far the request has been denied. Mr. Stainthorpe stated they are denying that request because the Township's Website is for informational purposes only; and the Patterson Farm at this point in time is somewhat controversial. He stated they do not put any links on the Website for anything that is controversial where there is an advocacy for one side or the other. He stated they do not put links on for the Republican or Democratic Party, Residents Against Frankford Hospital, etc. Ms. Doan stated her Website does include information about the Farm so it is historical information, and there is not much advocacy. Mr. Stainthorpe stated he feels there is quite a bit of advocacy on the Website including some negative things about the Township and some things that are not correct.

Mr. Benedetto stated he is in favor of having this on the Township Website. He stated there are a number of links on the Township Website, and he would like to vote on this. Mr. Stainthorpe stated he feels every advocacy group who is on one side of an issue or the other will then demand a link. He stated what is currently on the Township Website are links to Social Security, Bucks County Performing Arts Center, etc.; and they are all non-controversial, information only items; and this is what he feels they should keep on the Township Website.

Ms. Doan stated her reason for having the Patterson Farm Preservation.com several years ago was because she saw what was happening in this Country with the loss of farmland. She stated because this was a farm that was taken with eminent domain, everyone in the community has a stake and invested their money in preserving this Farm. She stated she is concerned that saving a farm would be a controversial issue when it is so vitally important to our life. She expressed concern with the amount of food coming from other Countries and the increase in population in the United States. She stated this is a matter of food security for our citizens, and she feels the Government should be very concerned that they are losing the food supply. She stated the Patterson Farm is one of the finest farms in terms of soil content in the State.

Ms. Doan stated she has also offered the Township a \$1.7 million solution for the preservation of the Farm, and she still feels like she has been vilified and painted in the press as an outsider despite the fact that she grew up on this Farm.

Mr. Benedetto moved to have the link included on the Website. Motion died for lack of a Second.

Ms. Grace Godshalk stated she just attended the informational meeting with Bright Farms regarding the 50,000 square foot greenhouse with their prime location being Patterson Farm. Ms. Godshalk stated she reminded everyone at the meeting that the open space and farmland that the residents voted for is the environment, and they should not jeopardize it by putting something of this magnitude on that farmland. Ms. Godshalk stated the farmland is leased year-round, and there is something grown there all the time. She stated they would be taking away a few acres, and it is also behind Edgewood Village. Ms. Godshalk stated Betsy Miller was at the meeting this evening, and she has one of the prime homes in Edgewood Village and this would be right behind her home, and she was not notified about this.

Ms. Godshalk stated she spoke with Mr. Grasso of Bright Farms, and he told her that the Supervisors recommended that they consider Patterson Farm. Mr. Stainthorpe stated he was the first person to have contact with him, and at that point they were talking about possibly putting it on the roof of McCaffrey's; and Mr. Stainthorpe advised them that would not be possible because of the height restrictions in the Township. Mr. Stainthorpe stated he sent them to the Masonic Temple, but there was not enough land there. He also sent them to Farmland Preservation. They then came down to the Township on their own and drove around, and they came back and stated they felt Patterson Farm was the perfect place. Mr. Stainthorpe stated they are open to that discussion and to other locations as well. He stated they will discuss this at their next meeting on March 7, and they will get further input from the public.

Ms. Godshalk stated they should preserve the open space that was paid for over the years and worked for as well as the work they did on the Historic Village getting it on the National Register. She stated she does not feel that the right place for this is behind someone's home that is on the National Register.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, stated somewhere on the Township Website, possibly under the EAC, she feels there is a link to the Patterson Farm Stakeholders Report; and she would suggest that Ms. Doan work with the EAC to come up with a shortened version of some of the content on her Website, not including the advocacy content. She stated she feels they could submit this to the Township for approval to be put on the Township Website. Mr. Stainthorpe stated he has no problem with that as he only wanted to avoid controversy on the Township Website, and he has no problem with providing information.

Ms. Torbert stated she also attended the meeting with Bright Farms which was well attended. Ms. Torbert stated she understands that their business model does assume a payment of rent, and she asked them why they did not approach local farmers to see if they would want to rent their land to them; and they indicated that they wanted the money to go to the Township. Ms. Torbert stated she feels the local farmers may be interested in leasing land, and they should be part of the equation. Ms. Torbert stated she was concerned that the only areas they were considering were the Patterson Farm and Snipes, and she feels this is too narrow.

APPROVAL OF MINUTES

Mr. Dobson moved, Ms. Tyler seconded and it was unanimously carried to approve the Minutes of February 1, 2012 as written.

APPROVAL OF FEBRUARY 6, 2012 WARRANT LIST AND JANUARY PAYROLL

Mr. Benedetto moved, Ms. Tyler seconded and it was unanimously carried to approve the February 6, 2012 Warrant List and January Payroll as attached to the Minutes.

DISCUSSION OF POTENTIAL COMMUNITY/SENIOR CENTER SITES

Mr. Stainthorpe stated they appointed a Committee in the fall with people with different stakes and different positions in the Township to investigate the right place to build a Community Center, and they are present this evening to make their initial report.

Mr. Stainthorpe stated the Committee was made up of Tony Bush, Planning Commission, Trish Bunn, Park & Recreation Board, Gail McPhaden, Ada Derr and Frank Fazzalore from the Seniors, and Dave Rogers, Disabled Persons Advisory Board.

Mr. Bush stated in addition to those mentioned by Mr. Stainthorpe those who regularly attended their meetings included Mr. Fedorchak, Township Manager, and Mr. Majewski, the former Township engineer.

Mr. McLaughlin thanked everyone for their work on this project which took a lot of time and commitment.

Ms. Bush stated their mission was to make recommendation to the Board of Supervisors for a site for the Community/Senior Center. He stated they were not tasked with discussing the specs of any building. He stated during the last six to seven months, they met numerous times and had a field trip to many of the sites. In total they considered thirteen sites and narrowed it down to four.

Mr. Bush showed a general lay out which was prepared by Mr. Majewski which was a basic building they looked at on each of the sites. He stated he understands from discussions with Mr. Fedorchak that the approximate building size was arrived at based on discussions that happened about seven years ago between the Seniors organization, an architect, and the Township; and Mr. Fedorchak agreed. Mr. Bush stated their Committee has discussed that the Board of Supervisors should look at that information again since it was based on seven-year-old needs, and needs may have changed. He stated technology has changed, and a lot of Seniors are living more active lifestyles and their needs have changed as well.

Mr. Benedetto stated sixty-three parking spaces are shown, and he asked how many spaces are at the Township Building currently. Mr. Fedorchak stated there are approximately seventy between the Township Building and the Library. Mr. Bush stated sixty-three is the number Mr. Majewski provided; but during the discussions, some on the Committee felt that there was the need for more parking possibly as much as up to one hundred spaces.

Mr. Benedetto asked if they are considering a two-story building, and it was noted it is one-story.

Mr. Bush stated Mr. Majewski provided Zoning requirements for the building and indicated that the building would need to be on a minimum five acre lot, 300 feet minimum lot width, 100 feet minimum building setback, and one parking space for each three seats provided. It was noted that this would be a permitted use in C-1, R-4, and the TND Overlay District. Mr. Benedetto asked if this is just a guideline since he is aware that one of the four finalist sites is significantly under that minimum, and Mr. Bush stated there would need to be Zoning relief for that one site.

Mr. Bush showed a list of the thirteen sites considered, nine of which they considered unsuitable which included Five Mile Woods, Macclesfield Park, the house on the Golf Course that is currently empty, Memorial Park, Township-owned land between the Railroad tracks and the Township Complex, Patterson Farm near the Brown House, Patterson Farm in Edgewood Village, and putting an addition or building adjacent to the Library. He stated all of these sites were eliminated for reasons of location, parking, neighbors, environmental issues, or traffic. Mr. Bush stated the Committee felt the four sites that should be considered were the Patterson Farm barn reuse, Samost Tract, Snipes Tract, and Veterans Square. Mr. Bush stated the Committee was not able to reach a consensus in prioritizing these sites. He stated three members felt that the Samost Tract was the number one site, and two felt it should be Veterans Square. They were unanimous in their second choice site which was the Snipes Tract.

Mr. Bush stated they looked at the pros and cons of each of the four sites. He stated with regard to the Patterson Farm barn reuse, they were concerned about how much it would cost to retrofit the barn for this use. He stated it did have adequate parking available, but the down side was the need to extend utilities to the site, widen the road going back to the barn, the need for a Use Variance, and the potential impact to farmland and farm buildings. Mr. Bush stated currently the building is empty, and like many of the other structures on the property that have no use, the Township has had to maintain them for years. Mr. Bush stated he personally feels whether it is this use or some other use, the Township should continue with its efforts to do something with these buildings. Mr. Bush stated they were concerned with the construction and land development costs for this property. He stated they did like the building itself if the cost situation was different.

Ms. McPhaden stated she was concerned about the location since it is very difficult to find, and she feels Seniors would be more comfortable with a more community-based setting where they are used to going; and this site has quite a long road. She stated they were very concerned about the cost as it would need lights, roads, sewer, etc.

Mr. Fazzalore stated he was concerned about using this facility for Seniors and disabled people. He stated he feels driving for that length to get the Center would be very detrimental to the disabled. He stated they would also have to have an elevator which would be very expensive.

Mr. Bush stated with regard to the Samost Tract, they found it to be centrally located and has adequate parking. He stated they looked at two locations on the Samost Tract. He stated use of this site would impact an Approved Park Plan and would require a Use and Setback Variances. Mr. Bush showed an overview of the Samost Tract with the two proposed locations shown.

Mr. Benedetto asked if the Planning Commission weighed in on the Samost Tract; and Mr. Bush stated they had an informal discussion, and the feeling was that this was not an appropriate site, but they did not take a formal vote. He stated the members of the Planning Commission who discussed this felt that there should be a re-use of an existing structure. He stated they were in favor of the Library location or some other empty, possibly non-Township owned property recognizing that there would be land acquisition costs which they had hoped to avoid. Mr. Bush stated Planning Commission members felt that the Samost Tract was a site which had been opposed by neighbors when a Community Center had previously been discussed for this location.

Ms. Bunn stated the Park & Recreation Board did discuss this last evening at their meeting and made a recommendation to the Board of Supervisors to eliminate this site from consideration.

Mr. Rogers stated from an ADA perspective and the disabled community in general, this site is the best site of those considered. He stated when this site was opposed a number of years ago, what was being considered was a much-bigger structure. Mr. Fedorchak stated at that time, they were considering an 80,000 square foot structure. Mr. Dobson asked which of the two locations at the Samost Tract would be the more agreeable, and Mr. Rogers stated either one would be fine.

Mr. Bush showed Option #1 at the Samost Tract which would interfere with the proposed tennis courts and also contemplates additional parking along the side of the softball field along the left-field line. He stated at other Township locations, they have had problems with parking adjacent to baselines so that the parking in those locations is basically not usable because of cars getting hit by balls.

Ms. McPhaden stated for the Seniors and the disabled, the Samost Tract is part of the Township community and is in the vicinity of many other Township facilities where they have a comfort going to. She stated to put them in a whole new environment will be very unnerving for them. She stated the only location that meets all the needs of the Seniors and the disabled and the community in general is the Samost Tract. She stated if the Center is put at a distance, the cost of gas will impact the Seniors since some of them are on a tight budget.

Mr. Fazzalore stated he was the strongest proponent of the Samost Tract mainly because of its location and proximity to everything. He stated he lives in this area and Oxford Valley Road is not a very heavily-traveled road. He stated if the Seniors had to go across from Elm Lowne with the large number of intersections and Schools, it would be a concern for Senior drivers. He stated Samost is where it should be located, and they have petitions signed by almost their full membership asking that the Board consider the Samost Tract as their first priority.

Ms. Bunn stated the Park & Recreation Board is concerned that this location is between two very active recreation locations in the Township. She stated they have an Approved Master Plan for this site which involved community input. She stated any site that is selected and any building put up would have to meet ADA requirements so she does not feel it is fair to state that this is the best location to meet those requirements as any site would have to meet those Federal requirements. Ms. Bunn stated if they were going to proceed with this location, the site would have to be advertised, and they would have to get community input to amend an already Approved Master Plan.

Mr. Benedetto asked if the proposed parking would be shared with the softball complex, and he asked the number of parking spaces. Mr. Bush stated in Option #1, the parking would be shared along the left-field line. He stated for Option #2, theoretically the parking is not shared; but the strip of land between the two rows of trees is often occupied by those at the softball fields. The exact number of spaces was not known.

Ms. McPhaden stated she believes that a Senior/Community Center is recreation since it is what people will go there for. She stated she feels it is a perfect fit.

Mr. Stainthorpe reminded everyone that no decision will be made this evening, and there will be a lot of time for additional input. Mr. Fazzalore stated they have been working on this for seven months, and he hopes that they will not continue to stall on this. Mr. Stainthorpe stated they do have to move on this within a set period of time because of the Grant restrictions. Mr. Stainthorpe stated they want to make sure they are doing the right thing and get plenty of community involvement.

Mr. Benedetto asked if the mulch pile would need to be moved for Option #1 or #2; and Ms. Bunn stated it will be moved when they develop the ball fields.

Mr. Bush noted the Snipes Tract which provided several options with access either from Quarry Road or Dolington Road. He stated currently that tract of land is planned as a Park, but the group's understanding was that the placement of the Center would not interfere with plans for proposed fields. He stated there are no environmental restrictions and no Use Variances required. He stated utilities would need to be extended. He showed an overview of the Site with the two proposed locations – the first with access on Quarry Road and the second with access on Dolington Road. Mr. Bush stated the group would have liked this site better if it had been located elsewhere in the Township as they felt it was not central enough in the Township.

Mr. Benedetto asked if there is opposition to this site from the Park & Recreation Board; and Ms. Bunn stated there is opposition to this site from the Park Board, but she did try to explain to them last evening that there are other reasons why she feels other sites will not be viable. She stated she respected the fact that they did not want to have to amend the Plan for the Snipes Tract, but she felt they could do it in a way that would swap the

location for where they had proposed to put the second Fire Station; and this would not really impact the Approved Plan. She stated some members of the Park Board felt that this again was an active recreation site; and while she respects Ms. McPhaden's opinion that the Community Center is for recreation purposes, this is an active recreation site, and there are very few acres of active recreation left in the Township. She stated the Park Board felt they did not want to disturb any active recreation sites which is why they were not in favor of the Samost or Snipes Tracts for the Community Center.

Ms. McPhaden stated putting this Center on the Snipes Tract is like putting them "out to pasture." She stated it is too far away, and they will not then be part of the community. She stated this is true not only for the Seniors, but also for the rest of the Community that will use this facility. Mr. Benedetto asked about other area communities, and Ms. McPhaden stated Falls Township's Center is in the center of everything. She noted a number of other Townships where they have their Centers in the center of their community. Mr. Benedetto asked if it is only the Samost Tract that she feels is centrally located. Ms. McPhaden stated she feels Veterans Square is centrally located, but she feels that has been dedicated to the Veterans and is way too small as it is less than three acres.

Mr. Benedetto stated with regard to the site size, he stated Samost Tract is twenty-five acres; but they are not putting the Community Center on twenty-five acres, and he asked why that is considered an in-kind contribution of twenty-five acres when they are using only two to three acres when you take the building and the parking into consideration. He stated Veterans Square was not, in theory, able to match the \$1 million since there is only 2.7 acres.

Ms. McPhaden stated she feels the Veterans Square land has been dedicated to the Veterans and the Veterans Committee does not want the Center there. She stated she does not feel there will be sufficient parking, and there are no sidewalks so she does not feel it will be safe. Mr. Benedetto asked why it was not eliminated from the list of recommended sites, and Ms. McPhaden stated she would have eliminated it from the list. Ms. Bunn stated the reason it was not eliminated was because it was a continuous parcel and has not been subdivided. Ms. McPhaden stated they must take into consideration the space the monument will take up. Mr. Fazzalore stated he is a Veterans Committee member, and they are not in favor of that site at all. He stated they remember that the Board of Supervisors dedicated a Park to the Veterans. He stated though they have discussed that the Center would attract people to the Veterans monument, it will be a big distraction to the monument; and he suggested that they eliminate this site immediately.

Mr. Bush stated Veterans Square was the fourth of the sites that was not eliminated. He stated it is the smallest of the sites at 2.87 acres. The site has access from Edgewood Road, it has 102 parking spaces available on site, and utilities are available. Mr. Bush stated it would potentially impact the Veterans Square lay out. There are no environmental restrictions. Lot Area and Setback Variances would be required.

Mr. Bush stated the Planning Commission liked this area because they spent years trying to encourage the development of Edgewood Village, and they felt it would make the Monument a little more meaningful because people would be at the Center and could then see the Monument. He stated he has heard Ms. McPhaden say just the opposite, but there are two sides to every issue. Mr. Bush showed a Plan for the Center at this location keeping the Monument at its proposed location.

Mr. Rogers stated the Disabled Persons Advisory Committee felt this site presented a lot of concerns. He stated there are only 102 parking spaces available. He stated there is a Township Agreement with the Masonic Temple and the Church across the street for parking; but if there is a large event and people have to cross the street, it would not be a desirable situation. He stated this could present problems for people who have difficulty walking, and they would be slow crossing the street; and it would not be a safe environment.

Mr. Stainthorpe thanked the Committee for all their work. He stated there will be a lot more discussion to reach community consensus on a location. He stated the Board of Supervisors' role is to make decisions that are good for the whole Township and to balance the needs of each constituency – the Veterans, the Seniors, the disabled, and the rest of the community; and the Board will do this.

Mr. Stainthorpe stated he feels the Ten Year Park & Recreation Master Plan needs to be reconsidered since the Township has changed a great deal since that was put into place. He stated there are now financial constraints, and the population is topping out. He stated he would not want to be locked out from a particular parcel just because they felt ten years ago a soccer complex should go at a particular location. Ms. Bunn agreed.

Ms. Bunn stated at the “eleventh hour,” they looked at the Library site, and she feels they did not have enough time to really consider the possibilities for that location. She stated they were trying to stay focused on the fact that the Grant is only for \$1 million and this must include site development, utilities, and all the infrastructure needed so to assume that they can afford a 10,000 square foot building may not be realistic. She stated she feels the Committee should look further into the possibilities at the Library site.

Mr. Stainthorpe agreed.

Mr. Bush showed the Library site with a 7,500 square foot addition with twenty additional parking spaces shown in a shaded area. Ms. Bunn stated currently there are about 113 spaces. Mr. Rodgers stated they were only able to add about 20 spaces, and he does not feel this would result in a sufficient number of spaces for the Community Center.

Ms. Tyler stated she has been attending some of these meetings, and there is no consensus; and they have not found a property that everyone can agree on. She stated she does feel the Library is worth further exploration, and she would be glad to assist in that endeavor.

Mr. Dobson stated cost is a big factor, and he feels they have \$1 million to spend, and he is not inclined to authorize any other money.

Mr. Benedetto stated it would be good to know if the 2.87 acres at Veterans Square would be considered an in-kind contribution; and if that does not count toward the \$1 million match, they should eliminate that site. Mr. Fedorchak stated at this point they do not have a formal appraised value for that acreage, and he could informally discuss that piece of property with the appraiser and see if he can provide an estimate without being formally engaged. Mr. Fedorchak stated while he is not an appraiser, he feels that it would be less than \$1 million.

Mr. Dobson asked if they have to build on the site that they use as the match for the Grant; and Mr. Fedorchak stated he feels they would have to, but he can look into this further. Mr. Fedorchak stated in the case of Phase I, they used the Samost Tract as the match. He stated the appraised value of the Samost Tract was approximately \$2.1 million. He stated two aspects of Phase I were offsite; however, the bulk of Phase I in the amount of \$700,000 was for the construction of the ball fields which will be constructed on the Samost Tract.

Mr. McLaughlin asked if they identified a specific site for the Community Center, and Mr. Fedorchak stated they did not. He stated they were upfront with the State as they were not sure where this was going to be put, and the only requirement the State imposed was that the Senior/Community Center be located within Lower Makefield Township and it was not a requirement that it be on Township land. He stated while he is not advocating any site, if they used the Samost Tract, the \$2.1 million appraised would allow them to match \$1 million for the first phase and \$1 million for the second phase.

Mr. McLaughlin thanked the Committee for their work so far. He stated sometimes dreams do not always turn out as envisioned. He stated Memorial Park had been envisioned as a place where people would come and play, and they have found that it is not a totally-utilized Park & Rec facility. He stated he is going to consider what drives people to a Community Center, and he feels the Veterans Square site scores high on

that scale, and putting something on the Snipes Tract would score lower on that scale. He stated there are also other considerations. He stated the success of the building is the most important thing. He stated this will be a place where everyone can come and be a community, and the location is the key to that. He stated the failure of the recreation side of Memorial Park not attracting people to that location for recreation is something he wants to take into consideration.

Ms. McPhaden stated with regard to the Library site, she feels the maximum size of the building at that location would be cut down to 7,500 square feet. She stated the Committee was formed a year ago December; and while she likes the location of the Library, to go into another entire segment will just prolong the process. She stated there is not sufficient parking at the Library.

Mr. Fazzalore stated there was another restriction on the Library site because of the creek that runs in the area, and Mr. Majewski felt that this would cause some restrictions.

Ms. Grace Godshalk stated she has been involved in several Community Centers over the years. She stated they had designated the Samost property as one of the prime areas for a Community Center, and she still feels it is the best. She stated that property has proximity to the Township Building which is important since the Park & Rec Director oversees the Senior programs. She stated that site also has proximity to the Emergency Squad which is also important. Ms. Godshalk stated the Veterans Square location was considered at one time for the Emergency Squad, but they did not want it because of the traffic in the area, so she feels Veterans Square is a bad place for a Community Center. Ms. Godshalk stated at Samost they can share the parking lot with the ball fields. She stated she also feels the Community Center should be at a place where they could plan for enlargement because 10,000 square feet will be very small.

Mr. Benedetto asked Ms. Bunn if Park & Rec is equally opposed to Samost and Snipes, and Ms. Bunn stated they were most concerned with Samost because when they were considering the expansion of the ball fields at that site, the neighbors across Oxford Valley Road came out and were very concerned about any further expansion; and they were very concerned about more cars and more children. She stated eventually they were in support. Ms. Bunn stated the location being considered for the Community Center most concerned the Park & Rec Board because they hear from user groups every year; and one of the user groups they hear from which has not been taken care of is tennis. The Park & Recreation Board was not in favor of taking away the tennis courts proposed for the site and putting in a Community Center. She stated they were less concerned with Snipes, and she agrees with Mr. Stainthorpe that they should look into this as they may not need the soccer fields that are on the Approved Master Plan.

Mr. Fran McDonald, Randolph Drive, stated at last night's Park & Recreation Board meeting, they wanted to make it very clear that they are 100% behind the Community Center being built. Mr. McDonald stated he appreciates Mr. McLaughlin's comments as he feels what he has indicated will help this project be successful.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, stated with regard to the Snipes Tract, there was a lot of community concern from nearby residents when there was discussion about a Fire House at that location. She stated she feels they will also have concerns with a Community Center at that location. She stated she agrees there will also be concerns by neighbors with a Center at Samost. Ms. Torbert stated she does not feel Veterans Square is an appropriate spot. She feels it is important to put the Center in an area where the Seniors will come.

Ms. Helen Heinz stated the Historic Commission discussed this matter at their meeting yesterday, and they would be in favor of using the site in Edgewood Village and hope to have traffic-calming take care of some of the issues that were mentioned. She stated they also would suggest consideration of the Picnic Grove instead of the Library. She stated this is on the east side of the Township Complex, and at one point there was a house there. She stated currently there is a bank barn on the property. She stated there are also bathroom facilities on the site.

Mr. Stainthorpe stated they will discuss this matter again in the not-too-distant future.

APPROVAL OF RESOLUTION NO. 2224 EXPANDING THE MEMBERSHIP OF THE ECONOMIC DEVELOPMENT COUNCIL FROM FIVE TO SEVEN PEOPLE

Mr. Stainthorpe stated at the first meeting of the year, it was suggested that the Township could do a better job at economic development; and it was encouraged that the Economic Development Committee come up with new ideas to interact with the Governor's Office, the City of Philadelphia, and the Chamber of Commerce. He stated the current Committee has done a good job, and the members are solid; but they felt that it would be good to bring in some new people and expand the Committee from five to seven.

Mr. Dobson moved and Ms. Tyler seconded to approve Resolution No. 2224.

Mr. Benedetto asked the maximum numbers of members on any of the Township Committees, and Mr. Stainthorpe stated this varies with the largest being the Golf Committee with nine members. He stated most Committees have five to seven members.

Mr. Robert Smith, Chairman of the Economic Development Committee, stated the Committee did vote unanimously to ask for this expansion from five to seven members as they look for some more creative ideas.

Motion carried unanimously.

Mr. Fedorchak was asked to add this to the existing advertisement for those interested in serving on Township Boards and Commissions.

2011 YEAR-END FINANCIAL REPORT

Mr. Fedorchak stated this Report details where the Township finished in 2011. He stated in October and November they discussed and finalized the 2012 Budget, and at that time they made certain projections as to where they thought they would end 2011. He stated those projections established the beginning fund balances. Mr. Fedorchak stated there were no unexpected variances the last few months of 2011. He stated the Report shows that they will finish 2011 as expected. He noted particularly the Golf Course which despite difficulties earlier in the year with weather, had good weather in November and December; and they were \$100,000 over what they had Budgeted for those two months which provided a strong finish to the year. He stated the result is that from the Golf Operation perspective, the revenues will be able to cover expenses looking at it from a cash-basis accounting.

Mr. Fedorchak stated this Report has already been posted on the Township Website.

Mr. Stainthorpe stated they have done a good job managing the expenses over the last several years, and they know that Mr. Fedorchak will continue to do this for the taxpayers.

Mr. McLaughlin asked about the Transfer Tax, and Mr. Fedorchak stated during the Budget process he advised the Board that he did not feel they would reach \$800,000; and they came in just slightly less than this. He stated last year they broke \$1 million, and the year before that they were at approximately \$800,000. He stated the year they broke \$1 million they had tax rebates which impacted housing purchases that year. He stated there was no such stimulus for 2011, and the Transfer Taxes fell back to 2009 levels.

CONDITIONAL USE HEARING – NEW CINGULAR WIRELESS PCS, LLC d/b/a/ AT & T TO REPLACE ANTENNAS ON EXISTING MONOPOLE ON TAX PARCEL #20-16-41-5 AND TO PLACE ADDITIONAL EQUIPMENT WITHIN THE EXISTING EQUIPMENT SHED LOCATED AT 1000 STONY HILL ROAD

Mr. Garton stated there are two Conditional Use Hearings this evening. The first is an Application by New Cingular Wireless seeking the Board's Approval to replace certain antenna on the existing 130' high wireless communications monopole and to add additional equipment within the existing equipment shelter. He stated the tower is located on Tax Parcel #20-16-41-5 and the Application is made pursuant to the provisions of Article 13A Section 200-50.1 of the Zoning Ordinance. Mr. Garton stated Notice of the Hearing appeared in the Bucks County Courier Times on 1/27/12 and 2/3/12. The property was posted on 1/25/12 by the erection of nine signs at various locations on the referenced property. A copy of the Certification to that fact is contained in the Township's files having been certified by Nancy Frick, the Director of Zoning, Inspection & Planning. Mr. Garton stated the Application and all reports and recommendations received from the Township engineer, Planning Commission, and others will be incorporated into the Record. Mr. Garton stated the plans were dated 8/16/11, last revised 11/16/11. In addition incorporated in the Record is a letter prepared by American Tower Corporation dated 11/28/11 and a structural evaluation prepared by American Tower Corporation dated 4/8/11. Mr. Garton stated the Lower Makefield Township Planning Commission at its meeting on 1/9/12 recommended Approval of the Conditional Use.

Mr. Garton asked if anyone in the public had an interest in becoming a Party to this proceeding, and no one indicated that they did.

Mr. Garton stated Ms. Kate Durso, attorney, is present on behalf of the Applicant, and assuming the Board agrees, they are prepared to receive evidence by virtue of an Offer of Proof from Counsel to be verified by the sworn statements of her experts to verify what in fact she has said during the course of her Offer of Proof. There was no one opposed to proceeding with the Offer of Proof.

Ms. Durso provided pre-marked Exhibits 1 through 7.

Ms. Durso stated the first Witness would be Ms. Marquis who would confirm that she is employed by Network Building and Consulting LLC, which company was retained by New Cingular Wireless to provide site acquisition services. She would confirm that she is the person responsible for getting the necessary Approvals from the Tower owner. She would confirm that the owner of the property is Newtown Investment Partners LP, and that Newtown entered into a Lease Agreement with AWACS Inc. in March, 1998. She would confirm that AWACS did business as Comcast Metrophone in 1998, and then as American Cellular Network. She would also confirm that Comcast and American

Cellular then sold their markets to SBC which is Southwestern Bell Corporation, now known as AT & T; and that the tower was then sold to SpectraSite and that SpectraSite was purchased by American Tower so that the current owner of the tower is American Tower. She would confirm that New Cingular Wireless is managed by AT & T Mobility and thus is the successory interest to the AWACS rights under the existing Lease Agreement.

Ms. Durso stated Ms. Marquis would verify Exhibit A-1 which is the underlying Lease Agreement between the property owner as AWACS as well as a number of Memorandums of Agreement that takes you through the transfer of ownership of the tower and the equipment.

Ms. Marquis was sworn in and stated this would have been her testimony, and she has nothing further to add.

Ms. Durso stated the second Witness would be Mr. Joseph Frega, and Ms. Durso stated he would confirm that he is a professional engineer Licensed in the Commonwealth of Pennsylvania and that he prepared the Plans submitted with the Township. He would authenticate Exhibit A-2 which is a reduced copy of the Zoning drawings that were submitted with the Application materials. He will confirm that he is familiar with the subject property, and that the property is located at 1000 Stony Hill Road, and currently contains a 134' high wireless communication monopole with numerous carriers' antennas, equipment shelters and cabinets at the base within a fenced compound. He would confirm that New Cingular currently has twelve panel antennas at the 122' elevation and is proposing to replace three of the existing antennas with three new antennas at the same elevation and to place additional equipment within the existing equipment shelter. He would confirm that the new antennas although located on the same mounting brackets are longer than the antennas that are currently there, but will be similar in appearance because they will all be panel-type antennas and not omni-whip antennas. He would confirm that the Zoning drawings accurately depict the existing and proposed improvements.

Ms. Durso stated Mr. Frega would also verify that a Structural Analysis was performed to confirm that the monopole can accommodate the swap out of the equipment, and that the construction would meet the industry requirements. He would also confirm that, as requested by the Planning Commission, the Structural that was prepared for New Cingular was compared to the prior Structural in the Township file; and a letter was issued by the professional engineer who prepared the Structural Analysis explaining what differences were there between the 2009 and 2011 Structural Analyses as the Planning Commission requested. Ms. Durso stated he would verify Exhibit A-3 is the Structural Analysis from 2009, 2011, and the letter explaining the differences between the two.

Ms. Durso stated Mr. Frega would confirm that the equipment will continue to be unmanned and will be similar in appearance to what is there. He would confirm that the improvements will not generate any noise, fumes, smoke, or odor so as to constitute a nuisance. He would confirm that there will be no impact on public water or sewer. He would confirm that no additional traffic would be generated and that there would be no adverse impact on public health, safety, or welfare.

Mr. Frega was sworn in and stated this would have been his testimony, and he had nothing further to add.

Ms. Durso stated the last Witness would be Mr. Brock Riffel. Mr. Riffel would confirm that he is a radio frequency engineer employed by RF Services as a consultant to provide radio frequency services to New Cingular Wireless for this project. He would authenticate Exhibit A-4 which are copies of New Cingular's FCC Licenses to provide 4G services in Lower Makefield Township and the surrounding Bucks County area. He would also verify Exhibit A-5 which is the specification sheet for the proposed new antennas that would be placed on the monopole.

Ms. Durso stated Mr. Riffel would also verify Exhibit A-6 which is an RF Emissions Compliance Report which was done to confirm that the emissions from the proposed antennas would operate well below the maximum exposure limitations set by the FCC. He would confirm that Report was done by an outside consultant and sealed by a professional engineer in the Commonwealth of Pennsylvania, and that the analysis took into account the cumulative effect of all the carriers who have equipment on the site as well as the proposed equipment. Ms. Durso stated as seen on Page 1 of that Exhibit, it indicates that it is well below the 5% threshold.

Ms. Durso stated Mr. Riffel would also verify Exhibit A-7 which is an Affidavit confirming that the proposed equipment would not cause any interference with other users of the radio spectrum or other carriers currently located on this facility. He would verify that the antennas are necessary for the 4G License which is essentially to allow people to have data and related services delivered to their phones and other handheld devices more quickly and more efficiently than what is currently provided. He would also confirm that New Cingular's equipment will be in compliance with the FCC and FAA requirements.

Mr. Riffel was sworn in and stated this would have been his testimony, and he had nothing further to add.

Mr. Garton stated they will accept in the Record Exhibits 1 through 7.

Mr. McLaughlin moved and Mr. Dobson seconded to approve the Conditional Use Application with the following Conditions:

- 1) Receipt of all Permits and Approvals from any Agency having jurisdiction over such matters to the extent applicable;
- 2) Applicant to provide a financial guarantee so as to insure removal of the facilities in the event they are abandoned or otherwise discontinued which financial guarantee shall be in accordance with the provisions of Lower Makefield Township Zoning Ordinance;
- 3) The Applicant shall pay any and all Township expenses incurred in connection with the Application to the extent that they have not been paid previously;
- 4) Applicant to comply with Section 200-50.1 of the Lower Makefield Township Zoning Ordinance to the extent same has not been previously demonstrated within the Application;
- 5) Any signs to be erected shall comply with the Township's Sign Ordinance.

Ms. Durso agreed to the Conditions of Approval.

Ms. Tyler stated that on the Exhibits submitted some information was redacted from the Master Lease, and Ms. Durso stated the financial terms were because there is a confidentiality provision.

There was no public comment. Motion carried unanimously.

CONDITIONAL USE HEARING – NEW CINGULAR WIRELESS PCS, LLC d/b/a/ AT&T TO ADD THREE NEW ANTENNAS ON EXISTING TOWER ON TAX PARCEL #20-034-022-002 AND TO PLACE ADDITIONAL EQUIPMENT WITHIN THE EXISTING EQUIPMENT SHELTER LOCATED AT 1100 EDGEWOOD ROAD

Mr. Garton stated the second Conditional Use Application relates to the facility at 1100 Edgewood Road which is the Township Building. The Applicant is New Cingular Wireless, and they filed a Conditional Use Application with the Township requesting Approval to add three additional antennas on the existing 190' high wireless communications tower and to add additional equipment within the existing shelter. The property is Tax Parcel #20-034-022-002. The Application is made pursuant to the provisions of Article 13A, Section 200-50.1 of the Lower Makefield Township Zoning

Ordinance. Notice of the Hearing appeared in the Courier Times on 1/27/12 and 2/3/12. The property was posted on 1/25/12 by the erection of nine signs at various locations on the referenced property. The Certification to that effect from the Director of Zoning, Inspections & Planning will be made a part of the Record. The Applicant's Application as well as all reports and recommendations received from the Township engineer, Planning Commission, and others will be incorporated in the Record. The Plans submitted with the Application were dated 9/15/11, last revised 1/3/12. In addition, incorporated into the Record is a structural evaluation dated 11/16/11 and 3/25/10. The Lower Makefield Township Planning Commission recommended Approval with a minor Condition at its meeting on 2/13/12.

Mr. Garton asked if anyone desired Party status, and no one requested Party status.

Ms. Durso presented Exhibits 1 through 8. Mr. Garton stated the Township will accept Exhibits 1 through 8.

Mr. Jim Prokopiak, Mr. Joseph Frega, and Mr. Brock Riffel were sworn in.

Ms. Durso stated Mr. Prokopiak would confirm that his company was retained by New Cingular Wireless to provide site acquisition services for this specific site. He would confirm that he was responsible for getting the necessary Approvals from the owner of the tower. He would confirm that the owner of the property is Lower Makefield Township and that the Township entered into a Lease Agreement with SBA Towers, Inc. in April, 1999. Mr. Prokopiak would authenticate Exhibit A-1 which is the Lease Agreement between the Township and SBA. Ms. Durso noted the financial terms are redacted in this copy.

Ms. Durso stated Mr. Prokopiak would confirm that AT & T Wireless PCS of Philadelphia LLC entered into a Site Sub Lease and Construction Agreement with SBA in July, 2011 to allow them to co-locate their equipment on the facility. He would also confirm that New Cingular Wireless is managed by AT & T Mobility and is a successory interest to AT & T Wireless PCS of Philadelphia.

Ms. Durso stated Mr. Prokopiak would verify Exhibit A-2 which is a short form of the Sub Lease and Construction Agreement between SBA and AT & T Wireless PCS authorizing the proposed equipment at the proposed elevation.

Mr. Prokopiak agreed that the summary provided would have been his testimony, and there was nothing he wished to add.

Ms. Durso stated the next Witness would be Mr. Joseph Frega, and he would confirm that he is a professional engineer Licensed in the Commonwealth of Pennsylvania and prepared the Plan that was submitted to the Township. He would also confirm that the Plan has since been revised to address the Township engineer's review letter requesting that the fence height be added to the Plan. Ms. Durso stated Mr. Frega would verify Exhibit A-3, which is a copy of the Revised Plan noting the existing height fence of 8' with barbed wire. The fence is currently there and not being touched by the proposed equipment.

Ms. Durso stated Mr. Frega would also confirm that he is familiar with the property, and the property contains an existing 190' high wireless communications tower with numerous carriers' antennas, numerous equipment shelters and cabinets at the base all within the fenced compound.

Ms. Durso stated Mr. Frega would confirm that New Cingular currently has nine panel antennas at the 141' elevation and that it is proposing to add three new antennas at the same elevation as the existing antennas, and that they would place additional equipment within the existing equipment shelter.

Ms. Durso stated Mr. Frega would confirm that the Revised Zoning Drawings which is Exhibit A-3 accurately depicts the existing and proposed improvements. He would confirm that a Structural Analysis was performed and confirmed that the tower can accommodate the three additional antennas and the cabling, etc. that accompanies that equipment. He would also confirm that they meet the industry standards and the Township requirements. Ms. Durso stated Mr. Frega would also confirm that the Structural Analysis, as requested by the Planning Commission, was also compared to a prior Structural submitted by Clearwire in 2010; and would verify that the Structural Analysis confirmed that the proposed installation will be done in accordance with the industry standards and that the proposed equipment would not cause any adverse impact from a structural standpoint of the existing tower. Ms. Durso stated Mr. Frega would verify Exhibit A-4 which is the Structural Analysis dated 11/16/11 as well as the Structural Analysis dated 3/25/10 that was submitted for Clearwire.

Ms. Durso stated Mr. Frega would confirm that the equipment will continue to be unmanned, and that the antennas and equipment will be similar in appearance to what is currently located. He would confirm that no additional traffic will be generated by the proposed equipment, and that none of the improvements will generate any noise, fumes, smoke, or odors so as to constitute a nuisance. He would confirm that there will not be any adverse impact on public health, safety, or welfare with the attachment of the additional antennas.

Mr. Frega agreed that this would be his testimony, and he had nothing further to add.

Ms. Durso stated the last Witness would be Mr. Brock Riffel who would confirm that he is a radio frequency engineer employed by RF Services to provide services to New Cingular Wireless for this project. He would verify and authenticate Exhibit A-5 which are the 4G FCC Licenses of New Cingular confirming that they can provide the 4G services in Lower Makefield and the surrounding area.

Ms. Durso stated Mr. Riffel would verify Exhibit A-6 which is the antenna specification sheet for the proposed three new antennas on the site which includes the loading, specific weight, and dimensions of those antennas. Ms. Durso stated he would confirm that the proposed antennas are necessary to allow New Cingular to provide data and related services pursuant to its 4G License. He would confirm that the emissions from the facility would adhere to the FCC approved levels, and he would verify and authenticate Exhibit A-7 which is the RF Emissions Compliance Report which was also based on a cumulative analysis of all the existing equipment as well as the proposed equipment. That Analysis verified that the cumulative effect is well below the maximum permitted by the FCC.

Ms. Durso stated Mr. Riffel would also verify Exhibit A-8 which confirms that the proposed antennas will not cause any interference with other users of the radio spectrum. Mr. Riffel would also confirm that the proposed improvements will be in compliance with the FCC and FAA requirements, and there will not be any adverse impact on surrounding properties or public health, safety, and welfare.

Mr. Riffel agreed that the summary given would be his testimony, and he had nothing further to add.

Mr. McLaughlin moved and Ms. Tyler seconded to approve the Conditional Use subject to the following Conditions:

- 1) Receipt of all Permits and Approvals by agencies having jurisdiction over such matters to the extent applicable;
- 2) Applicant to provide financial guarantee so as to insure removal of the facilities in the event that they are abandoned or otherwise discontinued which financial guarantee shall be in accordance with the provisions of the Lower Makefield Township Zoning Ordinance;
- 3) Applicant to pay any and all Township expenses incurred in connection with the Application to the extent not paid to date;
- 4) Applicant to comply with Section 200-50.1 of the Lower Makefield Township Zoning Ordinance to the extent same has not been previously demonstrated within the Application and through testimony;

- 5) To the extent any signs shall be erected, same shall comply with the Township Sign Ordinance.

Ms. Durso agreed to the Conditions of Approval.

Motion carried unanimously.

INFORMAL DISCUSSION AND APPROVAL OF EXTENSION OF TIME TO FERRI TRACT REVISED PRELIMINARY SUBDIVISION PLAN

Mr. Garton stated there is an offer for Extension through 6/1/12, and Mr. Murphy would then like to present an Informal Sketch Plan because there are three new Board members who may not know the history of the Application and what it consists of.

Mr. Dobson moved, Mr. McLaughlin seconded and it was unanimously carried to grant an Extension to 6/1/12.

Mr. Edward Murphy, attorney for the Applicant, stated at least three of the Board members are new, and this matter has been lingering for a long time. He stated the first Sketch Plan for the project was submitted to the Township in the fall of 2004. He stated the Plan was originally proposed to the Township by the Orleans Corporation; and while they were close to an Approval, Orleans dropped out. The owners of the property had to sell the property at auction and the current owner of the property, Erin Development, was the purchaser of the property at auction in late 2008. Since then the Plan that is currently before the Board has been pursued. He stated this Plan in terms of lot count is identical to the first Plan that was submitted in the fall of 2004.

Mr. Murphy stated on Monday night, the Township Planning Commission did recommend Preliminary Plan Approval for the Plan that is being shown this evening. He stated the Plan proposes that the eighteen acre site which is Zoned R-2 with 800' of frontage on Big Oak Road across from Charles Boehm Middle School would be subdivided into fifteen lots, fourteen of which would be new. He stated there is one home existing on the property now located on the inside of the single cul-de-sac loop that accesses from Big Oak and continues in a circular fashion to its point of termination at the end of the cul-de-sac.

Mr. Murphy stated the property shares a common boundary line with Falls Township at the bottom of the Exhibit. He stated the roadway is what is the most dominant feature that is located along the common boundary.

Mr. Murphy stated multiple reviews have been issued by the consultants, all of which were reviewed in some detail with the Planning Commission Monday evening. He stated Mr. Eisold has been recently appointed as the Township's engineer and he was just recently back from a vacation and was not at the Planning Commission meeting so he felt they should defer seeking any decision from the Board of Supervisors until their second meeting in March in order to give Mr. Eisold sufficient time to review the Plan.

Mr. Murphy stated the subject that dominated the discussions at the Planning Commission meeting Monday night was stormwater and in particular issues of stormwater that were raised by the property owners living in Falls Township along the common boundary line with the property. He stated those homeowners reported, as they have regularly over the years, that they have suffered and continue to suffer from drainage problems principally in their basements because currently the property is sloped so that water from the edge of this property flows in that direction; and according to their testimony, it gets into their homes. Mr. Murphy stated the Plan and the design of the roadway that is located closest to that common boundary, is designed to re-grade the property and tilt the property so that all the water from the Applicant's site is collected and discharged into the stormwater facilities located on the inside of the loop. He stated there are two principal storm drainage facilities in the area of the internal loop where stormwater will be directed via the storm sewer system that would be installed in the bed of the roadway directed into the wetlands and was designed for that purpose in order to feed the wetlands.

Mr. Murphy stated there is also a smaller stormwater management facility adjacent to the entrance at Big Oak Road, but that collects water that comes from the Gates property to the west in Lower Makefield. Mr. Murphy stated Ms. Gates, the owner of that property, was present at the Planning Commission meeting on Monday night; and she asked that some of the 97 replacement trees required by the Ordinance to be installed, be scattered along the common boundary line with her property because most of the trees in the existing buffer are deciduous in nature. Mr. Murphy stated they agreed to this request and also indicated that they would supplement the buffer along the common property line with the Falls Township residents to enhance that buffer as well.

Mr. Murphy stated the other stormwater related issue relates to the fact that because of the length of time that this Plan has been pending and part of the delays associated with that had been the need for re-verification of the jurisdictional determination for any wetlands that may have been located near the entrance, they had waited because if there were wetlands at that location, it may had caused a need to re-design the entrance at that location. He stated it has been determined they were not wetlands. He stated the NPDES Permit has already been issued for stormwater which is unusual, and normally this would be a Condition of Approval.

Mr. Murphy stated the review letters discussed with the Planning Commission Monday evening were all essentially “will comply” responses. Mr. Murphy stated the former Township engineer review letter was relatively short because they have been considering this for so long. Mr. Murphy stated he does not feel that there are any design issues that have not been addressed. He stated they will also have to go through the process again for Final Plan Approval.

Mr. Stainthorpe stated they will not make a Decision tonight, but he recognizes some Falls Township residents are present this evening. He stated their needs will be taken into account, and they will not do anything that imperils their safety and welfare. He stated when this Plan was last considered, they had instructed the then Township engineer to review the Plan to make sure that this would not negatively impact the existing homes. He stated there will be further opportunity to discuss this when they consider Preliminary Approval in a few weeks.

Mr. John Bossman, 15 Hilltop, stated he has lived there for over forty years; and he would like his son to speak on his behalf since he also lived there for many years and knows the area and is acquainted with the wetlands. Mr. John W. Bossman stated the concern of the Falls Township residents is not stormwater, it is ground water. He stated it has never been an issue of stormwater management so Mr. Murphy is incorrect. Mr. Bossman stated at a prior meeting he had asked that a hydrologic study be done on the area. He stated if you dig a foundation, you will hit water at about one foot. He stated he has a lot of information he would like to share with the Board. He stated the Falls Township residents are very concerned. He stated if this development proceeds, there will be adverse consequences; and they have been advised that they should move this to a legal matter. He stated the residents cannot use their back yards, and they have had their basements flooded. Mr. Bossman stated it is a growing problem. He stated while they have the NPDES Permit, it is addressing the production of stormwater but not the groundwater which is coming from Lower Makefield Township as development progresses. Mr. Bossman stated the data that was collected is flawed, and Alan Dresser of the Lower Makefield Township EAC had pointed this out and was “shunned.”

Mr. Stainthorpe stated they have a new engineer, and they will ask him to look at the data. Mr. Stainthorpe stated they are going to balance the landowner’s rights to develop the property with the impact that it may or may not have on the existing residents. Mr. Stainthorpe stated he is not being dismissive of the EAC, but they have never had a project come through that Mr. Dresser did not feel was going to cause a problem.

Mr. Bossman asked that the Township officials come out and see what they are dealing with. He stated the property does not pitch toward the road. He stated he did elevations, and he has photographs of the problems with the groundwater. Mr. Bossman provided his contact information to Mr. Eisold so that he can get in touch with him.

APPROVE GRANTING EXTENTION OF TIME TO DOGWOOD DRIVE REVISED PRELIMINARY PLAN

Mr. Dobson moved, Mr. McLaughlin seconded and it was unanimously carried to grant an Extension to Dogwood Drive Revised Preliminary Plan to 7/7/12.

ZONING HEARING BOARD MATTERS

With regard to the Lou Allegretto and Erin Byrne request for four Variances to construct a shed on the property located at 399 South Milton Drive, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Piotr Bryla, 347 Pondview Court, Variance requests to permit an existing shed to remain which encroaches into the Special Setback of Stony Hill Road and into the Buffer Easement, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the James Ferraro, 1002 Lafayette Drive, Variance request to construct an all-season patio enclosure resulting in greater than permitted impervious surface and encroaching into the rear yard setback, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Eleanor Cherry, 1572 Brock Creek Drive, Variance requests to construct a screened-in room resulting in encroachment into the Special Setback of Oxford Valley Road and increase in non-conforming structure, it was agreed to leave the matter to the Zoning Hearing Board.

SUPERVISORS REPORTS

Mr. McLaughlin stated the Golf Committee met on Tuesday, and it was noted that the Golf Course has benefited from the good weather, and the Course is open.

Mr. Benedetto stated he attended the Lake Afton Benefit Concert on Saturday and it was an excellent event.

Ms. Tyler stated this Sunday in the Township Building there will be a cultural history Open House which is Chapter 2 of Lower Makefield's history and concerns William Penn's religious tolerance and the First Amendment. She stated this event is free of charge. Ms. Tyler stated the Senior Citizens are encouraging Township Seniors to join their group as there are a lot of activities available. Ms. Tyler also stated the Township Community Pool is offering four new programs this year – a Mommy and Me Class,

a Forever Fit Class for those with limited physical capacity, Swim Camps, and a Boot Camp from 6 a.m. to 7 a.m. She stated the Discount Period for Membership Dues ends March 2. She stated in order to participate in programs at the Pool, you must be a member of the Township Pool. She asked that those interested contact the Township Building or review the Township's Website lmt.org.

AWARD SIGN MATERIAL AND POST BIDS FOR THE 2012-2013 SEASONS THROUGH THE BUCKS COUNTY CONSORTIUM

Mr. Fedorchak stated this is a recommendation from the Public Works Department and these are the materials that go into making the signs. He noted a number of years ago, the Township purchased its own sign machine and these are the materials needed.

Mr. McLaughlin moved, Ms. Tyler seconded and it was unanimously carried to award the Sign Material and Post Bids for the 2012-2013 seasons through the Bucks County Consortium.

APPOINTMENTS

Mr. McLaughlin moved, Ms. Tyler seconded and it was unanimously carried to appoint Kaaren Steil to the Historical Commission.

Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to appoint Dave Malinowski to the Park & Recreation Board.

Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to appoint Mark Bortman to the Environmental Advisory Council.

Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to re-appoint Rick Ewing to the Environmental Advisory Council.

APPROVAL OF RESOLUTIONS NO. 2244 AND 2245

Mr. Fedorchak stated there were costs to the Township associated with Hurricane Irene and Tropical Storm Lee such as Police and Public Works overtime and other items. He asked the Board of Supervisors to adopt two Resolutions which will designate the Township Manager as the agent authorized to sign any documents, Contracts, and forms associated with these two reimbursement requests. He stated the Township could potentially recoup approximately \$50,000.

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Mr. Tyler moved, Mr. Dobson seconded and it was unanimously carried to approve Resolution No. 2245 related to Hurricane Irene and Resolution No. 2246 related to Tropical Storm Lee.

There being no further business, Mr. McLaughlin moved, Ms. Tyler seconded and it was unanimously carried to adjourn the meeting at 9:35 p.m.

Respectfully Submitted,

Dobby Dobson, Secretary