

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – OCTOBER 1, 2014

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on October 1, 2014. Chairman Dobson called the meeting to order at 7:30 p.m.

Those present:

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

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

PUBLIC COMMENT

Ms. Donna Doan, 1584 Edgewood Road, asked that the Board consider a ban on alcohol, open flames, and smoking at the Patterson Farm which could result in a catastrophic loss of life or property on Patterson Farm. She provided some information on Patterson Farm. She provided statistics on drunk driving, cigarettes, and fires. Mr. Stainthorpe stated they do not sell alcohol at the Patterson Farm although he understands that the Artists of Yardley occasionally serve wine. Ms. Doan asked if there is not a concern that there is no public transportation to pick up anyone who is inebriated as they leave the Farm.

Ms. Tyler asked Ms. Doan to state on the record her residence; and Ms. Doan stated she lives at 1584 Edgewood Road and 2814 Langhorne-Yardley Road and has a mountain house up State.

APPROVAL OF MINUTES

Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried to approve the Minutes of September 17, 2014 as written.

APPROVAL OF COMMUNITY CENTER LAND DEVELOPMENT PLANS

Mr. Mark Eisold and Mr. Ron Jackson were present with architect, Mr. George Hibbs. Mr. Eisold stated they had attended another meeting with the Planning Commission; and they had asked that a number of changes be made to the Plan, and that they be provided with a Sketch Plan showing what that would look like. This Plan was shown to the Board this evening. Mr. Eisold stated the Planning Commission wanted to save as much of the tree area around the water tower as possible, so the building has been shifted slightly away from the trees. Mr. Eisold stated they also moved the infiltration detention basin somewhat out of the trees as well. He stated they also added a retaining wall around the building so that they would not have to encroach as far into the wooded area. Mr. Eisold stated with these changes they were able to save approximately 35% of the original amount of trees that had been proposed to be removed.

Mr. Eisold stated in addition they decreased the size of the parking lot in front of the building along Oxford Road. He stated previously the parking lot was approximately 20' off the road, and now it is approximately 50'. He stated they also added a berm and landscaping along Oxford Valley Road to buffer the building and the parking better. Mr. Eisold stated those parking spaces removed from the front were put in the rear of the property, and the long aisle of parking has been extended to include the approximately twenty parking spaces that were shifted from the front to the rear. Mr. Eisold stated they also provided a side drop off. He stated the Planning Commission recommended that twenty of the spaces in the rear be put into reserve so that they would not be constructed now, but it would still be designed so that they could be constructed at some point in the future if there was the need for those spaces.

Mr. Eisold stated the fully-engineered Plan would have to be adjusted to make these changes if they are acceptable to the Board of Supervisors.

Mr. Stainthorpe stated in the Planning Commission's vote they recommended that two of the Waivers requested not be granted. Mr. Garton stated one Waiver request was that they not be required to show the caliper of the trees and the other that they not be required to provide an Environmental Assessment Report. Mr. Eisold stated with regard to the trees, the proposal was to do the same as with Samost and not count the trees at this point but rather count them right before the work was being done so that they would know what the count was. He stated this would be more efficient and it would be less costly at that point. Ms. Tyler asked if the net result would be the same amount of replacement trees, and Mr. Eisold agreed. He stated it would actually be more accurate since they would know exactly where the limit of disturbance was.

Mr. Eisold stated with regard to the Environmental Assessment Report, the trees are really the major environmental issue they are dealing with so in effect they have done this in a shortened version. Mr. Stainthorpe asked if Mr. Eisold would recommend that the Board of Supervisors grant the Waivers, and Mr. Eisold agreed.

Mr. Eisold stated with regard to the costs, they have calculated the difference between the cost of the original Plan and the cost of the adjusted Plan. He stated removing twenty spaces will decrease the cost by \$50,000; but even with taking that out, the new Plan will cost approximately \$60,000 more than the old Plan. He stated the majority of that is the retaining wall which costs approximately \$40,000. He stated originally they just had a graded slope which did require more trees to be removed.

Mr. Stainthorpe asked Mr. Garton if a Conditions letter has been prepared, and Mr. Garton stated if the Board is inclined he can enumerate the Conditions. Mr. Garton stated the Applicant, the Township, is proposing to construct a Public Recreation Facility on Oxford Valley Road at or near the intersection of Oxford Valley Road and Edgewood Road on Tax Parcel #20-34-47 including the construction of a 75,184 square foot building, parking spaces, and related improvements. Plans are dated 7/27/14 and the Revised Site Lay Out/Sketch Plan dated 9/12/14 would need to be incorporated into the Plans.

The Planning Commission recommended Approval on 9/22/14 subject to the following Conditions:

- 1) Compliance with the Tri State Engineers Land Surveyors report dated 7/29/14
- 2) Compliance with the memorandum received from Captain Roche dated 7/1/14
- 3) Compliance with the letter received from James V.C. Yates dated 7/21/14
- 4) Compliance with the Bucks County Planning Commission letter dated 8/6/14
- 5) Compliance with the Gilmore Associates letter dated 7/23/14
- 6) Compliance with the Lower Makefield Township Environmental Advisory Council comments in their letter of 7/23/14
- 7) Receipt of all Permits and Approvals from any agencies having jurisdiction including Bucks County Conservation District, etc.

- 8) Applicant's requested Waivers from the provisions of the Subdivision and Land Development Ordinance that are set forth in the letter from Boucher & James dated 9/22/14 Waiver #6 is granted with the understanding that the count of trees will be made at the time of commencement of construction.

Mr. Garton stated the Planning Commission had comments concerning Waivers #10 and #11 which were sidewalks and bike paths, and they want to make sure that the Township looks forward in the future to connectivity with respect to this location and the rest.

- 9) Waiver #17 is supported by the Planning Commission if foundation landscaping and Plan Bid Alternates are adhered to. Mr. Eisold stated as an Alternate there is a Foundation Landscape Plan.
- 10) Planning Commission recommends holding twenty parking spaces in reserve.
- 11) Planning Commission has requested that the Plan comply with the Township's Green Building Ordinance so as to be constructed in accordance with the LEED standards and also if possible to complete in the future adding additional green parking at the Fred Allan site
- 12) Applicant shall comply with the Stormwater Management Best Management Practices requirements and execute a Stormwater Management Agreement
- 13) No smoke, or use, or anything like that shall interfere with the public's right to be free of those kinds of involvements
- 14) All lighting shall comply with all Township Ordinances
- 15) Plans shall be ADA compliant
- 16) Applicant shall execute a Declaration of Restrictions and Covenants related to the Notes on the Plan to be filed contemporaneously with the Plans.

Mr. Eisold agreed to accept the Conditions.

Mr. Stainthorpe moved and Mr. McLaughlin seconded to grant Land Development Approval with the Conditions as read by Mr. Garton.

Ms. Denise Graham, 1150 Waterwheel Drive, asked the distance from the end of the parking to her property line, and Mr. Jackson stated it is 245'. Mr. Jackson stated this is to the reserve parking, but to the actual parking it is 414'. Ms. Graham asked the location of the pathway, and Mr. Jackson showed this on the Plan. Ms. Graham stated the first Plan that is still shown on the Township Website from March, 2014 shows eighty-five parking spaces in the front. She stated the last Plan had approximately forty parking spaces in the front and forty on the side, and she did not find that objectionable. She stated she finds the current Plan quite objectionable. She stated this Community Center is supposed to serve predominantly the Senior Citizens, and she does not feel they will walk all the way from the back parking to the building.

Mr. McLaughlin asked the distance from the last parking space to be built to the front door, and Mr. Jackson stated it is approximately 200' from the last spot (not the reserve) to the side entryway.

Ms. Graham stated she understands the Planning Commission recommended not to build the other twenty spots, but they are approved. She stated she does not know that someone in the future will not authorize construction of the remaining spaces which will look like a Mall parking lot with associated lighting. She stated she did not purchase a home that is adjacent to a Mall parking lot. She stated they have done a lot to accommodate the few residents along Oxford Valley Road, and have moved the burden to her neighborhood. She noted her home on the Plan. She stated she feels the reserve parking spaces need to be planned for in another location.

Mr. Stainthorpe stated they have to have parking that equals the number of people that could use the building. He stated he does not feel they could promise that they will never build those reserve spaces. He stated even if the reserved spaces are built, they would still be 245' from the property line. He asked if there are trees on her lot, and Ms. Graham stated there are not other than what she put in at her own expense. Mr. Stainthorpe stated he feels they could put in additional trees.

Mr. Eisold stated he does feel they could put in trees and a berm. He noted there is a sewer and possibly a water easement as well in the area, but they could put a berm closer to the parking lot and install trees. Mr. Stainthorpe stated there are developers that owe trees, and he would recommend that they install them here. Ms. Tyler asked if these should be planted at the outset or if the reserve is built, and Mr. Stainthorpe and Mr. Dobson stated they feel it should be done now. Ms. Graham thanked the Board for this being done.

Ms. Graham stated she does not understand why the engineers cannot put the reserve spaces someplace else, and Mr. Eisold noted an area where there is a slope. He stated it was also laid out to accommodate the overflow parking for special events and to keep some green space behind the building where the Seniors wanted there to be picnic tables, bocce courts, etc.

Mr. Garton suggested an additional Condition as follows:

- 17) There will be a berm constructed at the end of the location for the reserved parking and that appropriate trees be added on and along the berm to create the buffer and it will be there even before the reserve parking is constructed

Ms. Graham asked what would be required at some future date to approve the construction of the reserved parking; and Mr. Garton stated it would be an agreement of the Board of Supervisors to do that, and the public would be notified.

Ms. Graham asked about lighting; and Mr. Eisold stated there is lighting proposed for safety, but the back of the parking lot will probably not be used on a normal basis, and the Township could probably phase it such that the lights along the front and the side of the building could go on but the ones in the rear would only be used in certain circumstances when there was a bigger event. He stated normally in the evening, it would be local athletic associations and other small groups so that they would not need all of these spaces. Ms. Tyler stated parking lights are normally twelve to twenty feet high, and she asked if there could be a shorter light as they get further back; and Mr. Eisold stated they could look into this as it is really just safety lighting for people who are parking in that area in the back.

Ms. Catherine Beath, 1049 Countess Drive, asked if they are looking at a Master Plan to coordinate all the activities that are going to take place in this quarter mile area including the Pool, the Library, the Township Building, and the ball fields. She stated if events are taking place all at the same time at these facilities it is going to be worse gridlock than they already have on Oxford Valley and Edgewood. She stated part of the Master Plan should also include what the building is going to be used for other than the Seniors. She stated she feels it should be in writing what will be done at the building. Ms. Tyler stated they will ask Park & Recreation to have a user guide much like they do for many of the other facilities. She stated they do not want this to be a twenty-four hour building, but they do not know yet who will come and ask for use of the Community Center. Ms. Beath stated she feels they could come up with some general statements.

Mr. Garton suggested the following Condition:

- 18) Rules should come back to the Board of Supervisors for approval at a public meeting.

Ms. Beath stated she feels there should be something that if it is a big event, it should come to the Township Building since the parking is here. She stated she also hopes that the Community Center is closed when the Tournaments take place. Ms. Beath stated as a taxpayer she would not want the Township Municipal Building not to be used except for Supervisors' meetings.

Ms. Beath asked if there is any reason other than leaving a light on by the building why the parking lot lights cannot be turned off. Mr. Stainthorpe stated he feels the lights should be off every night unless there is an activity going on. Ms. Beath stated when the activity is over the lights should be off, and Mr. Stainthorpe agreed. Ms. Tyler stated they could be timed.

Ms. Laura Falcon, 1154 Waterwheel, stated river birches would thrive in the area because it is a wet area. She thanked the Board for listening to Ms. Graham and she particularly noted their concerns about bigger events. Ms. Tyler thanked Ms. Falcon and all those who came consistently to the Planning Commission meetings, and she hopes they feel their voices have been heard through the changes in the Plans.

Mr. McLaughlin stated he does not feel there is any intention to rent this out for parties, etc., and it will strictly be a Community Center and not a revenue-generating building.

Mr. Falcon asked that they consider planting trees prior to the construction.

Mr. Frank Fazzalore, 921 Countess Drive, thanked the Board of Supervisors for the courage they have had to do this project which has been discussed for over fifteen years.

Mr. Alan Dresser, Environmental Advisory Council, asked if they are still planning pervious paving for the forty-four parking spaces; and Mr. Eisold stated what is shown is lighter colored, not the center drive aisle, but all the spaces themselves, will be in porous paving. Mr. Dresser stated the EAC strongly supports the use of pervious paving as it has a lot of environmentally-positive aspects, and the Township is setting a good example by using it. He noted a number of locations in the Township where pervious paving is being installed.

Mr. Dresser stated the EAC strongly recommends the adoption of the Foundation Landscape Plan Bid Alternative 1 as it will make the site look better and add a number of trees and other plantings to the area which will give curbside appeal. He stated the EAC agrees with the Planning Commission that it should be eventually connected to all the other buildings in the Complex including the Township Building and Library by sidewalks and bike paths.

Mr. Dresser stated at the September 3 meeting there was discussion as to who would be the Green Building Administrator, and he was not clear if it was going to be the Environmental Advisory Council or Ms. Frick. Mr. Dobson stated he felt it was going to be the Zoning Enforcement Officer. Mr. Garton stated he feels Ms. Frick would be the Administrator in consultation with Mr. Dresser and Mr. Bray.

Ms. Falcon thanked the Board for moving the dumpster. She also asked why they have cordoned off the ball fields as she walks her dog on a path in that area. Ms. Tyler stated the new baseball fields have not been turned over to the Township, and it is currently the construction company's responsibility to maintain them; and the Township will not accept delivery of the fields until everything is completed. Ms. Tyler stated they do not want anyone on that property at this time. She stated they should be open by April or May, 2015.

Mr. John Zack stated he has been working with the Seniors for many years, and the Board of Supervisors have been very patient listening to everybody; and he thanked them for doing hard work on behalf of the Seniors.

Motion to approve the Plans with the additional Conditions noted during the course of the discussion carried unanimously.

STATUS OF 2014 ROAD RESURFACING PROGRAM

Mr. Eisold stated the contractor has finished the first major road – Schuyler although it still needs to be lined. There have also been discussions with the contractor about the schedule for completing the rest of the roads. He stated there are approximately six to seven roads to be completed. He stated the contractor hopes to be done by mid October; however, since this is past his time frame of October 1 Mr. Eisold stated he has had discussions with Mr. Fedorchak and Mr. Garton about this. Mr. Eisold stated they had added a road and a half so they would have to given him a few additional days for this.

Mr. Dobson stated currently he is in breach of the Contract, and Mr. Eisold noted the fine is \$1,535 per day. Mr. Dobson asked who will decide when he is completely finished the work which would include the lines, and Mr. Eisold stated they will

monitor the work and determine when everything is fully completed to the Township's satisfaction. Mr. Garton stated the primary goal is to get the work done. He stated they will see how long this takes, confer with Mr. Fedorchak and Mr. Eisold and discuss this with the Board to see where they stand when the work is done.

Mr. Fazzalore asked what will be done along Oxford Valley Road from the Church down to the underpass which is a "disaster." Ms. Tyler noted this is a State road, and the State has not seen fit to repair any of the State roads in the Township this year. Mr. Fazzalore stated when he was on the Board they had this problem as well, and they took care of the roads. He stated this is a very serious situation, and they should contact the politicians to get some money from the State to do this.

Mr. Dobson asked Mr. Fedorchak to formulate a letter to the State Senator, Mr. McIlhinney, and the State Representative, Mr. Santarsiero to plead their case to get that road taken care of.

Mr. McLaughlin asked what is the normal process for a State road that needs repair, and Mr. Fedorchak stated the normal process would be to contact the State Representatives. He added that Mr. Kall has been in contact with the local PennDOT maintenance offices on a regular basis for the last few years.

Mr. Dobson asked if they could look at the road noted by Mr. Fazzalore to see if they could at least patch the bad pot holes. Ms. Tyler stated the problem is that the holes have been filled, so that it is a very uneven surface. Mr. Fazzalore stated the winter is coming so that they will not stay filled for long.

Mr. Fazzalore asked about the sewer situation between the Township and Yardley. Mr. Fedorchak stated he and Mr. Garton have been actively negotiating with Yardley Borough Sewer Authority, and they are close to finalizing a new Transmission Agreement; and he feels they will bring this before the Sewer Authority and the Board of Supervisors within three months. Mr. Fazzalore asked about the moratorium. Mr. Fedorchak stated through the Transmission Agreement the Township will be obligated to work with the Yardley Borough Sewer Authority toward effectuating certain improvements to the connection lines, transmission lines, and the pump station in Yardley; and once that is signed, the ban will be lifted.

DISCUSSION OF ARTISTS OF YARDLEY LEASE AND RESULTANT SAVINGS TO THE TOWNSHIP

Mr. Fedorchak stated a short time ago he was directed by the Board of Supervisors to prepare an expense/savings analysis of the Artists of Yardley's Lease of the Janney-Brown farmhouse. Mr. Fedorchak stated he did prepare this report which was submitted to the Board of Supervisors and it is currently posted on the Township Website. Mr. Fedorchak stated in the Report he attached three spreadsheets which detail various expense items associated with the House. He stated the first spreadsheet details the Township's costs for fuel oil during the three-year period proceeding the start of the AOY Lease which began in October, 2012. Mr. Fedorchak stated during that three-year period before October, 2012, the Township spent over \$10,000 leading up to the AOY Lease; and the Township has paid nothing since. He stated the Artists of Yardley pay all the fuel oil costs for the Janney-Brown farmhouse. Mr. Fedorchak stated during the previous three years even though the House was not occupied, they had to keep it warm; and the cost for that to the Township was over \$10,000.

Mr. Fedorchak stated the second spreadsheet details electric costs. He stated PECO charged the Township approximately \$6,900 for electric service during the last three and a half years since the Artists of Yardley assumed the Lease. He stated the Artists of Yardley reimbursed the Township 100% of those costs so the Township has spent nothing on electric costs since the Artists of Yardley have taken over the Lease.

Mr. Fedorchak stated the third spreadsheet details various repairs and improvements to the Janney-Brown farmhouse since 2009; and for 2009 and 2010 which is prior to AOY taking over the Lease, the Township spent nearly \$11,000 on a variety of improvements to the House. Mr. Fedorchak stated under the Lease with AOY, the Artists of Yardley are responsible for minor repairs and certain major improvements to the House. He stated since they took over in October, 2010, they reimbursed the Township for over \$4,400 on various maintenance items most of which would have fallen on the Township to have paid for.

Mr. Fedorchak stated he feels it is fair to state that by having the Artists of Yardley occupy the Janney-Brown farmhouse for the last three and a half years, conservatively, they have saved the Township \$20,000.

Ms. Maggie Robinson was present on behalf of the Artists of Yardley, and she showed a summary of the Artists of Yardley Operating Expenses. She showed pictures of what the property looked like when they moved in. She noted work that has been done by volunteers including repairs and painting the outside. She stated they have also installed a handicap ramp, insulation, landscaping, and a hardscape patio installed by the Boy Scouts with AOY paying for the materials. She stated the screen porch was in poor repair, and this was rebuilt. She stated the basement was cleaned out and they removed two old refrigerators. They also added a dehumidifier. She showed pictures of the house currently.

Ms. Robinson showed a slide of what the Artists of Yardley have spent for Operating Expenses from 2010 to 2014 totaling \$37,764. She stated they also installed a security system. She noted Repairs and Improvements including painting in the amount of \$14,608. She stated they added a Comcast cable line from Mirror Lake Road up to the house, and Comcast donated the service to them. She noted electric work which was upgraded. She discussed furniture and glass shelving which was added as well as safety lighting outside. She stated they also repaired the mailbox. She stated over all expenses from 2010 to 2014 were \$83,356. She calculated the value of the volunteer hours during this time to be \$27,912.

Ms. Robinson stated volunteers have not only donated their time but also significant materials. She stated they also donated and installed the kitchen corner cabinet since the one that had been in the house had been removed before they went in. She reviewed work done each year that they have been in the house.

She stated the intangibles of being on the property include the building being occupied and maintained by a non-profit promoting the arts in the community. She stated they have multiple shows, events, concerts, poetry readings, documentary films, and speakers; and they also offer classes for adults and children including camps in the summer. Ms. Robinson stated that the integrity of the property is maintained for public enrichment and enjoyment. She stated the farmer has reported that crop theft is near zero due to AOY presence.

Ms. Robinson stated the total investment from AOY is \$122,928.

Mr. McLaughlin stated he would like to thank AOY for their time and support. He stated some people can find negatives in everything, and he feels anyone who finds fault with the Artists of Yardley is wrong. He stated this was a Township asset that was deteriorating, and it was turned into something positive and good and has not been a cost to the taxpayers. He stated this is a grass roots organization at its best. He stated they have brought joy to the community. He stated he will continue to support their work. Mr. Dobson agreed that they have done an extraordinary job.

Ms. Tyler asked that Ms. Robinson talk about the upcoming event the Artists of Yardley are holding this weekend. Ms. Robinson stated they are having another Artoberfest, although they cancelled the pig roast. She stated on Saturday they will have a music concert with seven bands. She stated they will install tents in case of rain.

Mr. Stainthorpe agreed with Mr. McLaughlin's prior comments about the Artists of Yardley. He stated what the Board did with the Artists of Yardley is one of the good things the Board has done, and it is a pleasure to look back at 2010 and know that was a good decision which made a difference in the community. He thanked the Artists of Yardley for making that possible.

Mr. Zachary Rubin, 1661 Covington Road, stated he is Chair of the Electronic Media Advisory Commission. He noted the \$7,300 donation from Comcast and stated he was under the impression that with the Franchise Agreement with Comcast, they must provide cable service to every single residence or business in the Township. Mr. Garton stated he feels there are some restrictions as to how many feet they are required to extend the line, and he does not feel it would extend to this property because of the length of the driveway. Mr. Rubin asked Ms. Robinson if they have Internet and Cable TV with Comcast; and Ms. Robinson stated there is no TV in the house, but they do have Wi-Fi. She stated they do pay a monthly bill to Comcast.

Ms. Donna Doan read from the Lease with the Artists of Yardley that was written by Mr. Truelove. She noted page 17 of the Lease indicates "that the Lease is the entire Agreement of the Parties with respect to the matters contained herein, and no other Agreement, statement, or promise made by any Party hereto or any employee, officer, or agent of any Party hereto which is not contained herein shall be binding and valid." Ms. Doan stated this states that this is the written Agreement that was forged between the Township and the art group. Ms. Doan noted in Section 44 on Page 17 it states, "Time is of the essence and all times set forth in this Lease shall be of the essence and may not be amended except by the written agreement of the Parties.

Ms. Doan stated Exhibit A discussed repairs that were to be done on the Farm as follows "... the exterior – stripping and restoring all doors and shutters, eaves and window frames and painting the entire exterior of the garage; and she asked if this was completed. Ms. Robinson stated with regard to the garage, it was determined by one of their members who is a chemist who works with paint and how paint adheres to wood that the wood was so far gone that the paint would not stick to it. She stated they discussed this with Mr. Fedorchak, and they are trying to come up with another solution. Mr. Fedorchak agreed, and they have decided to pause and look at alternatives.

Ms. Doan asked about painting the entire exterior of the pole barn. She stated she had come before the Board at one time and asked them to clarify this since there is not a pole barn, and she would assume this means the barn. She asked if the barn has been painted. Mr. Fedorchak stated what they are referring to as the pole barn would be the structure between the garage and the main barn. He stated this would be on the right hand side of the driveway. He stated the situation in this case is the same as with the other structure just discussed so that they can determine the best way to deal with it. Ms. Doan stated the last time that was painted was when Mr. Patterson was alive, and the Township has never maintained the building. Mr. Fedorchak stated they have not painted it.

Ms. Doan stated the Lease Agreement was made September 27, 2010 which was approximately six months after the Artists of Yardley had already occupied the house. She stated the Lease states that “the lessor and the lessee intending to be legally bound hereby agree as follows: The Lease premises means the Janney-Brown farmhouse and the lawn immediately surrounding it as defined in Exhibit B.” Ms. Doan stated Exhibit B delineates the immediate area around the Janney-Brown house, and there is an outline. She stated it does not include any field access and only includes the yard immediately surrounding the house.

Ms. Doan noted Page 1 Section 4 discusses the intended use of the premises as follows: “The lessee intends to occupy and use the leased premises for a meeting, exhibition, auction, and educational facility in connection with the lessees purpose to support and encourage local visual artists. The lessee shall not be permitted to use the lease premises for any other use whatsoever without the written consent of the lessor.” Ms. Doan asked if the Township gave written consent for a music festival with the service of alcohol on the property, and Mr. Fedorchak stated they did. Ms. Doan asked that she be provided with a copy of this, and asked if she had to file a Right to Know Request; and Mr. Fedorchak stated she would have to file a Right to Know Request.

Ms. Doan stated on Page 2 regarding use of the leased premises, it states, “The leased premises may be used and occupied for the intended use of the leased premises only and no other provided same is permitted under the Zoning Ordinance of the lessor.” Ms. Doan asked if an art school is permitted under the Zoning R-1, and Mr. Fedorchak stated it is. Ms. Doan stated this also states, “... and the lessee obtains at its sole cost and expense any and all required approvals, certifications, and Permits from the Township or any State, Federal, or Government agency having jurisdiction thereof. Lessor makes no representations, warranties, guarantees, or assurances that the intended use of the Lease premises is or shall continue to be permissible in the Township of Lower Makefield.” Ms. Doan asked if the Artists have obtained Permits for all work that was done on the property, and Mr. Fedorchak stated they have. Ms. Doan stated she would like copies of those as well.

Ms. Doan noted with regard to the option to renew it states, "The Lease shall expire on July 31, 2013," so the Lease expired in excess of one year ago; and she asked why it has not been re-visited. Mr. Fedorchak stated it continues on a month-to-month basis, and they have been having conversations from time to time with Artists of Yardley officials. He stated they are working toward a new Lease and are identifying various items and improvements the Township wants the Artists of Yardley to consider. He stated he hopes to bring this before the Board in the next two to three months.

Ms. Doan asked when the house goes up for lease, as the farmland goes up for lease every so often, will that be open to the public for a fair and open and unbiased bidding process. She stated the farmer has to submit sealed bids for the farmland, and she asked if the Lease will also be available to the public perhaps for other groups. Mr. Fedorchak stated they will make the details of the Lease available to the public, but the direction they will be going is to look at renewing the Lease with the Artists of Yardley. He stated as was heard earlier this evening so far the relationship with the Artists of Yardley has been an outstanding success, and they wish to continue that. Ms. Doan stated this is Mr. Fedorchak's opinion, and she will address this at another time..

Ms. Doan stated the Lease states that, "The lessee must notify the lessor in writing at least three months prior to the expiration of the original term of the Lease;" and she asked if the Artists of Yardley notified in writing as stipulated to the address on the terms of the Lease their intention to renew the Lease. Mr. Fedorchak stated they did several times. Ms. Doan stated she would like to see a copy of that as well.

Mr. McLaughlin asked Ms. Doan if there is a reason why she is reading line by line of the Lease, and Ms. Doan stated she just wants clarification. Mr. McLaughlin asked if she intends to go through every clause of the Lease; and Ms. Doan stated she does not, and she does have things highlighted. Ms. Doan stated she wants the public to be aware that a Lease was created which is a binding legal document, and there are events that occur outside of the stipulations of this document. Ms. Tyler stated that is Ms. Doan's opinion.

Ms. Tyler stated the Board provides Ms. Doan ample time at their meetings almost every two weeks, and she asked that she complete her comments in the next few minutes and then be seated.

Ms. Doan read from the Lease as follows, "... compensation for failure to timely undertake and complete repairs and improvements up to \$10,000 could be assessed for failure to timely undertake and complete the repairs and improvements as set forth in Exhibit A." Ms. Doan also stated there should be additional rent because the Artists of Yardley are now holdover tenants and as holdover tenants they are

supposed to be paying to the Township \$1,250 a month in rent; and she asked if that rent has been collected. Mr. Fedorchak stated he wants it made very clear to the public that it is his opinion that the Artists of Yardley have far exceeded the requirements dictated by the Lease. He stated they have gone over and above what the Township asked them to do.

Ms. Doan read from the Lease, "...except as otherwise provided in the Lease any and all repairs and maintenance..."

Ms. Tyler thanked Ms. Doan for her comments indicating she has had sufficient time to discuss this tonight, and she asked her to take her seat. Ms. Doan continued to read portions of the Lease as follows: "... Artists of Yardley are responsible for maintenance of the on-site septic system..." Ms. Doan was asked to take her seat. Ms. Doan continued, "... they are responsible for snow removal, landscaping..." and she asked who is it that performs yard maintenance as she feels it is the Township. Ms. Tyler asked that Ms. Doan send her questions to the Township Office, and to please take her seat. Ms. Doan continued speaking stating there are e-mails stating that the Janney-Brown house was "beat up." She stated she can forward the e-mail to the Board. She added the Lease clearly states that it must be kept in good working order. Ms. Doan stated the Board does not want the truth to come out. Ms. Tyler stated they do want to truth to come out, and it is difficult to listen to someone who cannot tell her proper residential address.

AWARD 2014-2015 SALT BID

Mr. Kall was present and stated the low Bid is from Morton Salt, also known as International Salt from last year, at \$57.57 per ton which is an increase of \$7 per ton. He stated the next closest Bid was at \$64.20.

Mr. Stainthorpe moved and Mr. McLaughlin seconded to award the 2014-2015 Salt Bid to Morton Salt, Inc. through the Bucks County Consortium.

Mr. McLaughlin stated he has heard this may be a worse winter than last year, and he asked if this will guarantee the stock. Mr. Kall stated in the Contract it states that they at least need to make contact with the Township or an inquiring body within twenty-four hours, and they need to fill that order within seventy-two hours. Mr. McLaughlin asked if they found themselves short last year, and Mr. Kall stated they did due to the fact that a tragedy had taken place at International Salt. He stated International Salt merged with Morton. Mr. Kall stated they also have a number of contingencies in place. Mr. Dobson asked if they were able to order and

fill up prior to this new Agreement, and Mr. Kall stated they were, and they purchased at last year's prices. He stated as of today they are at this price, but they purchased five hundred tons at the \$50.70 price.

AWARD LEAF COLLECTION BID

Mr. Kall stated with regard to the 2014 Leaf Collection, the Bids were opened on Wednesday, September 24. He stated the low bid was Corcoran Landscaping at \$125 an hour. He stated the next closest Bid was at \$140 per hour, and the third was at \$152 per hour. Mr. Stainthorpe stated he felt Mr. Kall indicated on the Road Tour that they were not going to use contractors this year, and Mr. Kall stated they are going to use them on an as-needed basis. He stated they indicated on the Road Tour that they will have eight pieces of equipment on the roads on a daily basis. He stated it is possible an issue could come up such as snow or ice; and if they are behind, they would have the contingency of using the outside contractor.

Mr. Stainthorpe moved and Mr. McLaughlin seconded to award the Leaf Collection Bid to Corcoran Landscaping.

Mr. Dobson asked if there are dates set yet, and Mr. Kall stated the start date will be November 3, and the schedule will be posted on the Website and on the TV Channel in the next two weeks. Mr. McLaughlin asked when they anticipate to be completed assuming there are no weather incidents. Mr. Kall stated last year they were done in five to six weeks.

Motion carried unanimously.

AWARD SNOW REMOVAL BID

Mr. Kall stated they opened Bids on September 24, and seven contractors had bid. He recommended that they go with all seven contractors. Mr. McLaughlin asked if they are all at the same rate, and Mr. Kall stated they are not. He stated it is varying depending on the size of the equipment.

Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried to award the Snow Removal Bid as recommended by Mr. Kall.

AWARD ROOF REPLACEMENT BID

Mr. Eisold stated on September 23 they opened Bids for replacement of a portion of the upper roof on the Administration Building. He stated it is a flat roof which needs to be re-sealed with a rubberized type of material. He stated they received four Bids ranging from \$34,675 to \$57,415, and they recommend that the low Bidder, WillCof Construction Inc. be awarded the Bid for the base Bid of \$34,675.

Mr. Dobson asked if they know this company; and Mr. Eisold stated while they do not know them specifically, they did check their references and they received positive responses. Mr. Eisold stated he feels they are ready to proceed – before the winter months.

Mr. Stainthorpe moved, Ms. Tyler seconded and it was unanimously carried to award the Bid to WillCof Construction, Inc. in the amount of \$34,675.

APPROVAL OF EXTENSIONS TO ORLEANS-MOON NURSERY, PETERS LOT LINE CHANGE, AND JOSEPH JENNINGS

Mr. Stainthorpe moved, Ms. Tyler seconded and it was unanimously carried to approve the following Extensions:

Orleans-Moon Nursery to January 10, 2015
Peters Lot Line Change Plan to January 10, 2015
Joseph Jennings to April 30, 2015

TABLING OF FLOWERS FIELD DEVELOPMENT AGREEMENT

Mr. Garton recommended that the Board Table the consideration of the Flowers Field Development as Mr. Troilo has some issues he would like to work out with the Township before the Agreement is executed.

Mr. McLaughlin moved, Mr. Stainthorpe seconded and it was unanimously carried to table the Flowers Field Development Agreement.

Mr. Garton noted that the Board was in Executive Session for about fifteen minutes prior to the meeting to discuss Zoning Hearing Board Applications.

ZONING HEARING BOARD MATTERS

With regard to the Michael and Maria Cornwall Variance request for the property located a 516 American Drive in order to permit construction of a fence within an easement, it was agreed to leave this matter to the Zoning Hearing Board.

With regard to the Emanuel C. Butera Variance request for the property located at 15 Kenmore Drive in order to permit construction of a screened-in porch, it was agreed to leave the matter to the Zoning Hearing Board.

SUPERVISORS REPORTS

Mr. McLaughlin stated the 2014 Yardley Christmas Parade will be held on Saturday, December 6 at the American Legion on S. Main Street at 3:30 p.m.; and it will be sponsored by McCaffrey's Food Market. Mr. McLaughlin stated anyone wishing to be in the Parade should contact Ms. Bobbie Moore at 215-431-8474. He stated anyone wishing to be a sponsor for one of the marching bands should also contact her as well, and there are various sponsorships available.

APPOINTMENTS

Mr. Stainthorpe moved and Ms. Tyler seconded to appoint Bill Clark to the Planning Commission.

Mr. Rubin asked if there are any other vacancies on the Planning Commission with the appointment of Mr. Clark, and it was noted there are not. Mr. Rubin stated as a member of the Planning Commission for the last eight years, Tony Bush, has not been re-appointed, and the Board agreed. Mr. Rubin stated Mr. Bush's term expired March of this year, and three months before that expiration, he expressed an interest that he would like to be re-appointed in December, 2013; however, he received no response. Mr. Rubin stated when Mr. Bush's term expired in March no one expressed an interest in that position until one month ago. He stated Mr. Bush had kept asking the Township to be re-appointed. Mr. Rubin stated he maintains that the denial of Mr. Bush to serve the community again is an act of "arbitrary and capriciousness" by the Board, and it is an illustration of somebody who has been denied the right to serve the community because of his political affiliation. Mr. Rubin stated for a point of clarity, he himself is a Democrat who was appointed by the Board of Supervisors to his position; however, Mr. Bush's credentials for the Planning Commission far, far exceed his credentials to be involved on a voluntary Board. Mr. Rubin stated he feels it is a "disgrace" that a member of the community, Tony Bush, has not been given the right to serve. He feels one of the reasons is his

opposition to a number of projects that this Township has championed. He also feels it is because he is a very active member of the Democratic Party of the Township. Mr. Rubin stated the failure of the Board not to appoint him is a “disgrace.”

Ms. Helen Heinz stated she received an e-mail from Mr. Benedetto who asked her to read it and it is something similar to what Mr. Rubin just said. Ms. Heinz read as follows:

“How does tonight’s action serve the interests of the public? Why would anyone want to freely give of their time to serve on a Township Committee if certain permissible actions would be subject to heightened scrutiny by the very Board that has the power to appoint and thus remove them from their volunteer positions? It is political pay-back directed at an individual, Anthony Bush, with the temerity to exercise his Constitutional right and support his preferred candidates in the most recent Supervisors’ race. How unfortunate that his very involvement in the electoral process directly resulted in his removal from a Commission that has effectively served the interests of our community. This brazen action serves notice that every citizen volunteer serves at the political whim of the current party in charge of the Board of Supervisors and is subject to removal for simply exercising their Constitutional right. It is everything wrong with politics today and perfectly crystalizes it in a single unanimous vote. It should once and for all shatter the notion that this type of petty politics doesn’t go on at the local level; and to add insult to injury, in his stead the Board has appointed a loyal Republican Committeeman who was recently selected to serve as an Executive by the County Party in Doylestown. Interestingly in order to serve on the Planning Commission, he abruptly resigned his position on the Citizens Budget Committee, a term which still had over six months left in it. I might add as Liaison to this group, that the Citizens Budget Commission now has four vacancies in light of this recent resignation. It is an indisputable fact that this position has been advertised without success for months. One must really go back to the numerous listings in the Bucks County Courier Times as well as the advertisement on both the Township Website and Community Access Channel; and yet, not until very recently did someone step forward to serve on the Commission.”

Ms. Heinz stated he then went through what Mr. Rubin just said and adds the following:

“And yet this Board deemed it acceptable to have Mr. Bush twist in the wind for six months until they could find a replacement – any replacement for this seat – and then they finally grant him a sham interview that took place earlier this evening prior to the Supervisors meeting knowing full well that Mr. Bush’s candidacy was doomed from the start, and he would never be re-appointed. In addition the Board of Supervisors received in August a sterling letter of support from the current Chairman of the Planning Commission, Karen Friedman. In it she described Mr. Bush as a highly-regarded member of the Board bringing valuable insight and observation. She further commended his objective viewpoints as being well researched and concluded that it is in our best interest to continue Mr. Bush’s service to our community as a Planning Board member. Ms. Friedman, a former Republican candidate for Supervisor in 2003, can see the benefit of putting politics aside in the interest of our community, and yet this Board cannot, instead resorting to personal enmity and political reprisals.”

Ms. Heinz stated she agrees with Mr. Benedetto’s words and asked how does tonight’s actions serve the interest of the public. She stated she served in the same position herself, and she was left twisting in the wind.

Ms. Heinz stated looking at the meeting Agenda, one of the Extensions was the Orleans-Moon Nursery. She stated no one on the Historic Commission is calling the Board’s attention to this project. She stated she gets requests from Kaaren Steil “begging” her to please look at the Plans and comment. Ms. Heinz stated she cares about the community and history and she advised the Board that there is a cemetery at the edge of that property on Quarry road, and she reviewed the history of the cemetery and those who are buried there. She stated she finds it incredible that people are willing to discount our history and not care about it.

Mr. Mark Moffa, 1531 Derbyshire Road, asked the qualifications of the gentleman they are appointing, and in what way do they exceed those of Tony Bush.

Mr. Stainthorpe stated he does not feel the Board needs to answer any questions about who they appoint as it is the Board’s discretion to appoint whoever they want.

Ms. Tyler stated they are not here to debate the abilities of either of those being appointed. She stated she is comfortable with the appointment being made.

Mr. Moffa stated he feels the process is about debating the abilities. Mr. McLaughlin stated it is the Board’s assessment and choice. He added they did not debate

Mr. Moffa's qualifications when he was appointed by the Board of Supervisors to the Zoning Hearing Board. Mr. Moffa stated it is a public process, and Mr. McLaughlin stated every candidate is interviewed in public; and the public is welcome to come and see those candidates interviewed. Mr. McLaughlin stated the Board does not have to justify why they make those appointments. He stated it is the purview of the Board, and they are exercising it. Mr. Moffa asked if they do not feel they have to justify their decisions, and the Board stated they do not. Mr. McLaughlin stated they did not debate in public Mr. Moffa's appointment to the Zoning Hearing Board against all the other candidates that they interviewed. Mr. McLaughlin stated Mr. Moffa is a Democratic who ran for office, but the Board still appointed him to perhaps the most important Board in the Township besides the Board of Supervisors which is the Zoning Hearing Board. Mr. McLaughlin stated Mr. Gruen is also a Democratic, and he was appointed to the Zoning Hearing Board by the Board. Mr. McLaughlin stated for anyone to argue that this Board operates in a partisan way on its Appointments, is "ridiculous."

Mr. Moffa stated he is "disgusted" with the Board.

Ms. Donna Doan stated there are people who are concerned about the community who want to serve on Boards and have proven themselves. She stated she feels they should give Tony Bush another chance. She stated she is a life-long resident and has never lived anywhere other than Bucks County. She stated she grew up on Edgewood Road and her family has farmed here since the time before the American Revolution. She stated when citizens want to come up and give their opinion, or serve, or help preserve our history and speak out and do good things, there should not be this negative attitude from the Board. She stated as a life-long Republican, she is ashamed by what she sees here, and she does not like the "cronyism." She stated she does like to see people be berated, and she feels the Board needs to re-adjust their attitude as this is not going in a good direction; and she stated the Board is an embarrassment to our Township.

Motion carried unanimously.

There being no further business, Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried to adjourn the meeting at 9:15 p.m.

Respectfully Submitted,



Pete Stainthorpe, Secretary

