

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – MAY 2, 2012

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on May 2, 2012. Chairman Stainthorpe called the meeting to order at 7:30 p.m. Mr. Stainthorpe announced that the Township Manager, Terry Fedorchak, is absent due to family matters, and Mr. McLaughlin was called out of town.

Those present:

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

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

Absent: Dan McLaughlin, Vice Chair Board of Supervisors
 Terry Fedorchak, Township Manager

PUBLIC COMMENT

There was no public comment at this time.

APPROVAL OF MINUTES

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

APPROVAL OF RESOLUTION #2248 – RECOGNIZING FREDERICK (FRED) M. ALLAN

Mr. Stainthorpe stated they spoke at length a few weeks ago about Mr. Allan and had discussed at that time doing something more permanent to honor him, and they are prepared to move forward with that this evening. He stated they have drawn up a Resolution to re-name the girls softball complex the Fred Allan Complex.

Mr. Dobby read Resolution #2248 into the record.

Ms. Tyler moved and Mr. Dobson seconded to approve Resolution #2248.

Mr. Stainthorpe stated he knew Fred Allan very well for a number of years, and he is pleased to be able to do this. He stated he will always be a part of the community especially for those who knew him so well, but this will make him a part of the community when those who knew him are no longer around. He stated Mr. Allan made a great impact, and they want to recognize him for that and do something that will last in perpetuity. Mr. Dobson agreed and stated he knows all that he has done for the community.

Mr. Greg Caiola, 929 Pickering Drive, stated as Commissioner for PAA, he is present to endorse this Resolution with the full support of the PAA Board. He stated many of the Board members worked with Mr. Allan long before he did, and they recognize the impact he has had on the community. He stated PAA voted to support the endeavor for the new signage and will pay \$200 toward the cost.

Mr. Jim McCaffrey asked those who were present on behalf of Fred Allan and to support the Resolution to stand, and many people in the audience did so. Mr. McCaffrey stated on behalf of the Christine McCaffrey Community Emergency Fund that Mr. Allan founded and ran for many years, they thank the Board for recognizing Mr. Allan in this way.

Mr. Allan's daughter stated she has her best memories of her Dad at the fields, and she hopes that many more girls who play softball there will share some of this. She stated she appreciates that the Board is doing this.

Motion carried unanimously.

Mr. Stainthorpe stated once the sign is ready, they will have a ceremony to unveil the sign to officially recognize the fields as the Fred Allan Complex.

**PRESENTATION OF LOWER MAKEFIELD TOWNSHIP'S PRESERVATION
AWARD TO THOMAS AND DANIELLA KOVALCIK, JAMES KOVALCIK AND
ANDY LARSON**

Ms. Ellen Conoscenti and Ms. Rosanne Friehs of the Historic Commission were present. Ms. Conoscenti stated this is being presented to Thomas and Daniella Kovalcik, James Kovalcik, and Andy Larson who were responsible for restoring the Grange Hall located at 1669 Edgewood Road. Ms. Conoscenti stated their restoration of this property is an excellent model of preservation, and they have maintained the historical and architectural integrity of Edgewood Village. Ms. Conoscenti stated they turned it into a

two-story office building, with the lower level dedicated to their offices, Federated Lending Corporation. Ms. Conoscenti stated the original Grange Hall was built in 1920 and she showed pictures of the original structure and pictures of the restoration.

Ms. Tyler, Historic Commission Liaison, presented the plaque this evening. Ms. Tyler stated Thomas and James Kovalcik are life-time residents of Lower Makefield.

Mr. Stainthorpe stated being able to give awards like this is what makes Lower Makefield special. He thanked the volunteers who serve on the Historic Commission for their work in putting the award together and the award winners for helping to preserve the character of the community.

APPROVE BRIGHT FARM LEASE

Mr. Garton stated at the prior meeting the Board authorized Mr. Fedorchak and himself to meet with representatives of the Bright Farms organization to have discussions with respect to preparing a Lease for the Board's consideration. Mr. Garton stated at the last meeting, there were issues concerning the greenhouse's location near the rear of Mr. Miller's property and some other questions arose about trees. Since then the EAC made a tour of the Patterson Farm, and there were further discussions; and the Plan shown depicts the new location where it is proposed that the greenhouse will be located which is close to 95 off of Stony Hill Road with an access way through the existing Child Care facility. Mr. Garton stated it is also intended as part of this process that the Township in concert with the tenant will be constructing a small detention basin. He stated the tenant will be reusing most of their stormwater, and this detention basin will help alleviate some of the issues Mr. Miller raised about water getting to his property. Mr. Garton stated shown in green on the Plan is the access easement that they are almost finished negotiating with the owners of the Child Care facility, and this will be acquired at no cost.

Mr. Garton stated it is proposed that the Lease would be for a period of ten years; and at the expiration of the ten year term, the tenant has an option for two additional three-year periods. The last offer as to Lease payments was for the first sixty months it would be \$20,000 a year, for the next year it would be \$25,000, and for the balance of the term it would go up by the cost of living Urban Wage Earner of Philadelphia, Department of Labor Statistics. Mr. Garton stated the payments are to be paid in monthly installments of \$1,667 a month, they would pay all utilities, and they would pay their proportionate share of the taxes including all the taxes that would be assessed because of the improvements.

Mr. Garton stated the tenant has the obligation to complete the greenhouse and related facilities. They are to use the premises solely for the greenhouse and all improvements will belong to the tenant. He stated the Township has the right to inspect the premises. He stated they will not permit any hazardous waste to be applied to the ground. He stated they will have use of the access and utility easement. He stated the tenant will also participate in the final grading and preparation of the detention basin. They will also have the responsibility of bringing all the utilities to the location including electric, gas, water, and sewer. They will also comply with any and all Township requirements, and they will be required to secure any and all Approvals from the Township with respect to the Land Development Application. He stated they will also agree to maintain the property in good condition.

Mr. Garton stated they will provide insurance naming the Township an additional insured in the amount of \$2 million. He stated if the property is destroyed by fire, they have the obligation to re-build unless the fire occurs in the last three years. Mr. Garton stated if the property were to be condemned, the Township and tenant would participate in the outcome of that process. Mr. Garton stated the tenant can assign the Lease to someone else provided the assignee operates a greenhouse. Mr. Garton stated also included in the Lease are issues related to default and remedies.

Mr. Garton stated the Lease includes certain rules and regulations about keeping the property in good order and repair. He stated the tenant is to post \$25,000 to guarantee that all the improvements will be removed at the expiration of the Lease.

Mr. Sal Grasso from Bright Farms was present and stated they would like the Board to take into consideration that there are significant land development costs including Permitting fees, engineering fees, and bringing all the utilities to the site.

Mr. Dobson moved and Ms. Tyler seconded to approve the Execution of the Lease.

Mr. Dobson asked about the thirty-six months for completion, and he asked if this is after Land Development. Mr. Garton stated it is not – and it is from the time the Lease is signed. Mr. Dobson stated he feels this seems like a long time. Mr. Grasso stated they have every intention to complete this by the end of this year. Mr. Benedetto stated he understood that this was one of Bright Farms' requests to change it to thirty-six months and it was initially to be the end of the year. Mr. Grasso stated this is correct, and they do have every intention of completing it by the end of the year. He stated they had made the thirty-six month request in case of issues with financing or any other reason. He stated the construction schedule now begins in July, and it would be completed by October. He stated it is a simple greenhouse structure, and it should not take any longer than that.

Mr. Benedetto stated he feels thirty-six months seems excessive. Mr. Stainthorpe stated he agrees that this is quite a bit of time; but he does not have a problem with them being cautious as he has been part of start-up businesses in the past, so he has no problem granting that amount of time just in case they need it.

Mr. Benedetto asked Mr. Grasso if they have a Lease Agreement with the supermarket in New Jersey where they have a facility; however, Mr. Grasso stated he is not aware of this facility. He stated they have a Lease Agreement in Long Island with a private landowner. Mr. Benedetto asked the terms of that Lease Agreement; however, Mr. Grasso was unable to answer this. Mr. Grasso **stated** they are building a greenhouse in St. Paul, Minnesota with a landowner there. It is a ten-year Lease with two, three-year options as well. Mr. Benedetto stated the \$20,000 a year for five years seems generous on the part of the Township, and he would like to know what their other Lease terms are as he does not know if what they are proposing for the Township is typical. Mr. Grasso stated this site is very different because there are no utilities or driveway to the property. He stated there are also Land Development costs such as Permitting and Filing Fees. He stated the Land Development of this project is much higher than past projects he has dealt with.

Mr. Benedetto noted Page 18 regarding security deposits. He stated initially they had discussed an escrow account; and if the plan now is for a Letter of Credit, if Bright Farms goes out of business, the Township will have to line up for repayment with everyone else. Mr. Garton stated while he **cannot speak to whether or not** the \$25,000 is sufficient or not, the Letter of Credit will not need to be “chased down” because **the** Township will have the Letter of Credit in their hand, and they **could** draw the funds from the bank. He stated this would be similar to approving a Subdivision where the developer posts a Letter of Credit to guarantee the completion of streets; and if they do not, the Township can draw the funds. Mr. Benedetto **stated** this would be in addition to the security deposit, and Mr. Garton agreed.

Mr. Benedetto asked Mr. Grasso if Bright Farms has an escrow account with their other Lease, and Mr. Grasso **stated** they do not.

Mr. Benedetto noted the new proposed location, and **stated** he understands that Bright Farms was in favor of moving it **to** this location. Mr. Grasso **stated** they are open to anywhere on the Farm. He stated this location is a drier piece of land, and the EAC and the community were in favor of this new location.

Mr. Benedetto asked if the proposed detention basin is something that came up because of Mr. Miller’s comments, and Mr. Garton stated the detention basin was an initiative from the Township side. Mr. Grasso stated this is acceptable to them as well.

Ms. Tyler asked if LMT Greenhouse LLC was formed for the specific purpose of this project, and Mr. Grasso stated it was. Ms. Tyler asked if there is a parent company affiliated with LMT Greenhouse LLC, and Mr. Grasso stated it is Bright Farms. Ms. Tyler asked the relationship directly between Bright Farms and LMT Greenhouse, but Mr. Grasso stated he did not know. Ms. Tyler asked for an address for LMT Greenhouse LLC; and Mr. Grasso stated while he does not have it, he could provide this.

Ms. Tyler asked the location of the greenhouse on Long Island, and Mr. Grasso stated it is in Huntington. Ms. Tyler asked the size of the greenhouse, and Mr. Grasso stated it is 2,000 square feet. Ms. Tyler asked the annual rent at that location, but Mr. Grasso did not know.

Ms. Tyler asked with regard to the security for removal of the greenhouse, would he agree that LMT Greenhouse LLC would be responsible for the actual cost of removal without a cap of \$25,000; and Mr. Grasso agreed.

Ms. Tyler asked Mr. Grasso if he was in a position to offer the Township a higher amount of annual rent; and Mr. Grasso stated because of the Land Development costs, there is not much “wobble room” to make this financially viable. Ms. Tyler asked if they would consider stepping up the annual rent each year for the first five years of the project in recognition of the up-front costs. Mr. Grasso stated they have had a few meetings at the Township to determine the rents, and they would like it to stay as proposed. Ms. Tyler stated she is not comfortable with that amount of annual rent. She asked if they would consider keeping the first year at \$20,000, and increasing it \$1,000 each year until they reach the five-year mark at \$25,000; and Mr. Grasso agreed to this. Mr. Garton stated after six years, it would then go up by the cost of living.

Ms. Donna Doan, 2814 Yardley-Langhorne Road, asked if notifications were sent out to the residents of Edgewood Village with regard to this meeting, and Mr. Benedetto stated he does not believe so. Ms. Doan stated Mr. Miller had taken issue previously that he had not received notification. Mr. Stainthorpe stated there was no special notification, and none is required by law. Ms. Doan stated Mr. Grasso’s statement that the community is in favor of this project is not true, and she stated she is against this project. Ms. Doan stated she does not feel Mr. and Mrs. Patterson should have endured condemnation of their Farm so that it could be broken up. She stated she stands for preservation, and this issue will complicate the Conservation Easement issue she has been pushing for. She stated she feels it is more beneficial to have the Conservation Easement and get the \$2 million by selling the development rights than to parcel out the Farm and make money piecemeal or not make money. She stated she saw a lot of hesitation on the part of Mr. Grasso about specifics of the project, and it is clear that they have not done a project of this size. She stated she has a concern that the taxpayers are going to be left to foot the bill especially for the removal of the structure. She stated she does not feel the

removal of the building will cost only \$25,000. She stated she felt there was a building needed for washing and processing the produce, and Mr. Grasso stated that is part of the greenhouse structure itself.

Mr. Stainthorpe stated they have already discussed making a change to the Lease so that they would be responsible for the actual removal costs.

Mr. Garton stated it is also important to understand that the area where this is proposed is on the existing Conservation Easement already granted to the County, and the County in a letter from the Chief Clerk and person in charge of the program, confirmed that they were satisfied and agreed to this use so it will not effect any new Application. He stated it is on the existing area that was already preserved by the prior actions ten to twelve years ago. Ms. Doan asked what Conservation Easement this is as she felt the Bucks County Conservation Easement was on seventy acres adjacent to Route 332, and Mr. Garton stated it includes the portion where this is proposed to be located. Ms. Doan asked if this is a Farmland Preservation Conservation Easement, and Mr. Garton stated it is. Ms. Doan stated she would like to have a copy of this as she was not aware that this existed, and Mr. Garton suggested she contact Mr. Fedorchak and ask him to provide this.

Ms. Doan stated she feels the Pattersons did a lot for the community, and she feels they should be given the same courtesy as Mr. Allan was just given of perpetual preservation of their Farm. She stated this is what they wanted, and they saved the Township millions of dollars over the years.

Ms. Doan stated she also has a problem with the proposed detention basin, and she asked why farmland always has to be given up. She stated there was not a flooding problem in this area until there was construction in Woodside, and now that there is a problem it has to be solved by giving up prime farmland.

Ms. Doan stated Shady Brook already has a hydroponic greenhouse, and she does not feel it is right that they should be using **taxpayer-owned** land to bring in a company from New York City to compete with local farmers who have been on their land for four to five generations. She stated to indicate that the community is behind Bright Farms is absolutely not true.

Mr. Dobson moved and Ms. Tyler seconded to Amend the Motion consistent with the two comments made by Ms. Tyler as far as the rental change and that they are bearing the full cost of the removal of the structures in the event that is necessary. Motion carried with Mr. Benedetto opposed.

Motion as Amended authorizing execution of the Contract carried with Mr. Benedetto opposed.

APPROVE EXTENSION – SCAMMELL’S CORNER

Ms. Tyler moved, Mr. Benedetto seconded and it was unanimously carried to grant an Extension of time to Quaker Group Bucks II, L.P. for Scammell’s Corner to 6/29/12.

ZONING HEARING BOARD MATTERS

Mr. Garton stated with regard to the Ewa Sadok Zoning Hearing Board matter, the Board had expressed concern about the fence in the front yard; and he advised the Board that they have withdrawn the request for the fence Variance in the front yard so that will no longer be an issue.

Mr. Garton stated the Board met in Executive Session for approximately thirty minutes prior to this evening’s meeting to discuss a matter of potential litigation related to a prior Zoning Hearing Board Application.

CONDITIONAL USE HEARING AND APPROVAL FOR NEW CINGULAR WIRELESS PCS, LLC

Mr. Garton stated this is a Conditional Use Application from New Cingular Wireless for the location at 135 Old Oxford Valley Road. The Applicant has filed a Conditional Use Application with the Township requesting Approval to add antennas on the existing wireless communications monopole and to replace the existing equipment on the site. The tower is located on Tax Parcel #20-32-2, and this Application was made pursuant to Article 13A Section 200-50.1 of the Lower Makefield Township Zoning Ordinance. Notice of the Hearing appeared in the Bucks County Courier Times on 4/13/12, and 4/20/12. The property was posted on 4/3/12 by the erection of six signs at various locations on the referenced property. A copy of the Certification from Nancy R. Frick, Director of Zoning, Inspection, & Planning was received and made a part of the Record. Mr. Garton stated the Application as well as 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 4/23/12. A Structural Analysis was also performed with the most recent date being 4/23/12. The Lower Makefield Township Planning Commission at its meeting on 4/23/12 recommended Approval with Conditions.

No one present requested Party Status.

Ms. Kate Durso, attorney, was present with three Witnesses who were sworn in. Ms. Durso provided this evening Exhibits A-1 through A-9.

Ms. Durso stated the first Witness would be Patricia Marquis who would confirm that she is employed by Network Building and Consulting, LLC which company has been retained by New Cingular Wireless to provide site acquisition services. She would confirm that she is responsible for getting the necessary approvals from the tower owner, and she would authenticate Exhibit A-1 in the package which is the underlying Lease Agreement between AT & T Wireless PCS of Philadelphia and the underlying property owner. She would also confirm and verify Exhibit A-2 in the package which is a short form sub lease between the current owner of the tower and AT & T Wireless PCS of Philadelphia, LLC. She would also verify that the tower was sold by AT & T Philadelphia to SBA Towers, and confirmation of that is part of Exhibit A-2; and that New Cingular Wireless is managed by AT & T Mobility the successor in interest to AT & T Philadelphia PCS, LLC. Ms. Marquis agreed that this would be her Testimony and that she had nothing further to add.

Ms. Durso stated the second Witness would be Joseph Frega who would confirm that he is a professional engineer Licensed by the Commonwealth of Pennsylvania and prepared the Plan that was submitted with the Application. He would authenticate Exhibit A-3 which is the Revised Zoning Plan last dated 4/23/12. He would confirm that he is familiar with the property, and that the Plan accurately depicts the existing improvements and the proposed improvements. He would confirm that New Cingular has six panel antennas and one dish antenna at the 131.5' elevation and 3 panel antennas at the 114.5' elevation, and that the proposal is to add two panel antennas at the 131.5' elevation and one panel antenna at the 114.5' elevation. He would confirm that a Structural Analysis was performed to confirm that the pole can accommodate the proposed antennas and meet the industry requirements. He would authenticate Exhibit A-4 in the package which is a Structural Analysis package including the most recent Structural Analysis as well as the prior Analysis and a mapping report confirming all the improvements located on the structure. Mr. Frega would also verify that the Structural Analysis confirms that the addition of the antennas would not have any adverse effect on the structural integrity of the facility and will be done in accordance with industry standards. He would confirm that the proposed improvements will not generate any noise or fumes so as to constitute a nuisance. He would also verify Exhibit A-5 in the package which is a cost estimate prepared by his office verifying that it would cost \$3,190 to remove the proposed improvements in the event they would become abandoned. Mr. Frega agreed that this would be his Testimony and that he had nothing further to add.

Ms. Durso stated the final Witness would be Andrew Peterson who would confirm that he is a radio frequency engineer employed by DBM Engineering PC to provide radio frequency services to New Cingular. He would verify Exhibit A-6 in the package which are the FCC Licenses for New Cingular to provide 4G services to Lower Makefield Township and the surrounding area. He would verify Exhibit A-7 in the package which are the specifications sheets for the proposed antennas for this installation. He would verify Exhibit A-8 in the package which is an RF Emissions Compliance Report. He would confirm that analysis confirms that the proposed additional antennas would have emissions well below the maximum permitted by the FCC. He would also verify that the Emissions Compliance Report is a cumulative Report that took into consideration all of the equipment at the site as well as the proposed antennas. He would confirm that the operations of the facility would not result in any radio frequency interference and verify Exhibit A-9 in the package which is an Affidavit from New Cingular Wireless verifying that the antennas would not cause any interference with other users of the radio spectrum. Mr. Peterson would confirm that the facility would be in compliance with the FCC and FAA requirements, and that the proposed equipment would not cause any adverse impact on surrounding properties or public health, safety, and welfare. Mr. Peterson agreed that this would be his Testimony and that he had nothing further to add.

Mr. Garton stated they will receive Exhibits A-1 through A-9.

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

- 1) Receipt of all Permits by any agencies having jurisdiction over such matters to the extent applicable;
- 2) Applicant to provide a financial guarantee so as to insure the removal of the facilities in the event there are abandoned or otherwise discontinued which financial guarantee shall be in accordance with the provisions of the Lower Makefield Township Zoning Ordinance;
- 3) Applicant shall pay all Township expenses incurred in connection with the Application to the extent not paid;
- 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) To the extent any signs are to be erected, same shall comply with the Township's Sign Ordinance;
- 6) Compliance with the Boucher & James report dated 4/30/12 to the extent that it has not been previously satisfied.

Ms. Durso agreed to accept the Conditions. The Motion carried unanimously.

SUPERVISORS REPORTS

Mr. Benedetto stated there are number of Veterans Square Monument events which will be held. He noted Zumbathon will be this Sunday from 2 p.m. to 4 p.m. at Veterans Square Park. He stated the rain venue would be the Masonic Lodge across the street. He stated Yoga in the Park started on Tuesday and will be every Tuesday in May from 6:30 p.m. to 8:00 p.m. He stated they are also getting a **great response for the Trenton Thunder versus Reading Phillies Game on Friday, July 20th at 7:00 p.m.; and he** asked those interested in tickets to contact him at 267-981-0209.

Ms. Tyler encouraged everyone to come out and support the Lower Makefield Township Seniors who will have a flower sale on May 12 at the Pool parking lot. She also noted that Pool Memberships are still available, and there is an extra two weeks of summer this year because of the Pennsbury School calendar.

APPROVE SALE OF EQUIPMENT/VEHICLES

Chief Coluzzi stated the Director of Public Works, Hank Hoffmeister, is requesting approval to advertise for sale per the PA Code the following vehicles:

- 1988 International dump truck
- 1995 Ford Explorer
- 2003 Efficiency Trench Box
- 2003 Ingersoll-Rand roller
- 2001 Bradco Skid Steer back-hoe attachment
- 1998 and 2003 New Holland tractors
- 1990 GMC Sierra pickup truck

Mr. Stainthorpe stated these items will be placed on Municibid. Chief Coluzzi stated this is an option as well as the more conventional, traditional way as far as advertising.

Ms. Tyler moved, Mr. Dobson seconded and it was unanimously carried to approve the sale.

Ms Tyler stated they should make sure that these vehicles are taken off the Township's automobile insurance policy.

May 2, 2012

Board of Supervisors – page 12 of 12

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

Respectfully Submitted,

Dobby Dobson, Secretary

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – APRIL 18, 2012

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on April 18, 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

Mr. Stainthorpe stated the Township hired a new engineering firm in early February, and he had previously neglected to formally introduce Mark Eisold, from Boucher and James who is the new engineer. Mr. Stainthorpe stated they are pleased to have Mr. Eisold with them and he welcomed him to the Township.

Mr. Garton stated the Board met in Executive Session for one hour prior to the public meeting to discuss personnel matters and three matters of potential litigation related to pending Zoning Hearing Board Applications.

PUBLIC COMMENT

Mr. Bob Harvie, Chairman of the Falls Township Board of Supervisors, stated he was present at a prior meeting along with Jonathan Snipes, Supervisor of Falls Township, as well as some residents of Falls Township who expressed some concern over the proposed development on the Ferri Tract. He stated there were concerns about emergency access as well as the primary concern regarding drainage. He stated at that time, they asked the Lower Makefield Board of Supervisors if there was action that could be taken to facilitate cooperation between the Lower Makefield and Falls Boards of Supervisors as well as the developer to see if they could rectify the drainage issues. He stated the engineers from both Falls and Lower Makefield met with the developer's engineer, and they did come to agreement on some improvements to drainage. Mr. Harvie stated the Falls Township engineer, Mr. Sullivan, indicated that he was very satisfied with the steps that have been taken. Mr. Harvie stated he discussed this matter with the Falls Township Board of

Supervisors last evening, and they have agreed that they are very pleased with the steps that the developer is going to take with respect to drainage. Mr. Harvie thanked the engineers and the developer for cooperating as well as the Lower Makefield Board of Supervisors for taking this step.

Mr. Stainthorpe thanked Mr. Harvie and stated this is a good example of how the Townships can work together.

Mr. Harvie thanked the Board for allowing him to speak at this time as he needed to attend another meeting this evening and was unable to stay until this matter was considered later on in the Agenda. He asked the Board to contact Falls Township if there are any issues in the future they need to discuss.

Ms. Gudrun Alexander, 256 S. Fieldstone Court stated she spent three hours working in the retention basin in her neighborhood at Fieldstone and Marble Courts picking up trash including the area where water goes out since it was clogged with debris. She stated the Township should pay attention to this, and Mr. Fedorchak agreed to look into this matter.

APPROVAL OF MINUTES

Mr. McLaughlin moved, Ms. Tyler seconded and it was unanimously carried to approve the Minutes of April 4, 2012 as written.

APPROVAL OF APRIL 2 AND 16, 2012 WARRANT LISTS AND MARCH, 2012 PAYROLL

Mr. Benedetto moved, Ms. Tyler seconded and it was unanimously carried to approve the April 2 and 16, 2012 Warrant Lists and March, 2012 Payroll as attached to the Minutes.

ENVIRONMENTAL STEWARDSHIP AWARD

Mr. Jim Bray, Chairman of the Environmental Advisory Council, was present and stated this Award was implemented approximately four to five years ago and recognizes an institution, individual, or company, etc. for a project that reflects sustainability and biodiversity in Lower Makefield Township; and the award to be given tonight exemplifies that criteria.

Mr. Bray stated in attendance this evening are Chris Cridge, from the Pennsbury School Board and Tom Guest, a representative for the teachers, who came up with the initial idea for the learning garden at Makefield Elementary School. Mr. Bray stated after the green

re-hab of the Makefield School, a central courtyard was created, and Mr. Guest along with another faculty member felt it would be a good opportunity to have a learning garden for the students. Mr. Bray stated some of the vegetables that have been produced in the garden have been donated to a food bank. Mr. Bray stated Mr. Guest had the full support of the faculty and the parents. Mr. Bray stated the current principal, Donna McCormick-Miller, is present along with a parent, Ms. Susan Mazitelli, who was the head of the committee which saw the garden become a reality.

A power point was shown of the 30' by 60' Makefield Elementary School Learning Garden. The presentation included before and after pictures of the garden as well as children working in the garden.

Ms. Mazitelli thanked the Board of Supervisors for this Award and stated they are all very proud to be getting this Award. She also thanked Ms. **McCormick-Miller**, Mr. Guest, and Mr. Bray. She thanked the Makefield Elementary School family for their donations and for donations made by landscapers. She stated the children are taking what they have learned onto Middle School and back to their families.

Ms. McCormick-Miller thanked the Board of Supervisors for honoring Makefield for being a leader in terms of the learning garden. She stated their building has an environmentally-sustainable design, and an extension of this is the learning garden. She stated this was a community partnership through monetary donations and materials. She stated they are recycling and composting as well. She stated they took baskets of vegetables to a local food pantry last year which was a wonderful experience for the children. Ms. **McCormick-Miller** stated she feels they have created a template for other schools to follow, and they have had other schools reach out to them on how to do this at their schools. Mr. McCormick-Miller thanked Ms. Mazitelli for her work along with the staff at the School. Ms. **McCormick-Miller** stated they created a green curriculum at Makefield, and part of the building project they had requires ten hours per grade level every year to the LEED features of the School. She stated in addition to the LEED features, they have added the Learning Garden.

Two Makefield School students spoke about how much they enjoyed working on the garden.

Mr. Stainthorpe stated this is a great project. He stated they were very excited about the renovations which were made at the School. He stated Lower Makefield is environmentally progressive, and they are happy to see what the children are doing in the Township.

Ms. Tyler stated it is wonderful that the staff, parents, and the children came together on this project. She stated she hopes this spreads throughout the School District.

Mr. Stainthorpe presented a plaque to the Makefield representatives present this evening along with a check in the amount of \$500 to help them continue their programs.

ECONOMIC DEVELOPMENT COMMITTEE UPDATE AND APPROVAL OF ON-LINE MAP AND VENDOR DIRECTORY

Mr. Robert Smith, Economic Development Committee, was present. He stated they are excited to have two new members on their Committee. He stated tomorrow evening they will hold a Meet and Greet where the goal is to bring members of the business community together with the elected and appointed officials, and he stated he hopes the Supervisors are able to attend. He stated this Meet and Greet is being co-sponsored with BPG Properties which owns a considerable amount of office property in the Township. He stated the event will be held at 1000 Floral Vale which is their LEED-certified property.

Mr. Smith stated tonight the Economic Development Committee is seeking approval for an on-line map and directory of Lower Makefield and neighboring town businesses. He stated this company did the paper map a number of years ago. He stated the map would be hosted on the server, and there would be a link from the Township's Website. Mr. Smith stated every business that is registered in the Township under the Fire Permit will get a free listing with an option to upgrade that with a live Web link for \$99 per year. Mr. Smith stated they will also sell banner ads to support the Directory. Mr. Smith stated there is no cost to the Township; and in fact, the Township will receive 20% of the revenue generated which they felt might be able to be used for economic development activity going forward.

Mr. Stainthorpe stated he feels that whatever funds come back should go to the Economic Development Committee for future projects to help promote Lower Makefield businesses and provide services to the community.

Ms. Tyler moved and Mr. McLaughlin seconded to approve the on-line map and vendor directory.

Mr. Benedetto encouraged the Economic Development Committee to work with the Environmental Advisory Committee to promote local businesses. Mr. Smith stated they would like to work with them in the future adding that they worked with them last year on an Environmental Expo at Makefield Elementary School.

Motion carried unanimously.

Mr. McLaughlin asked about the existing vacancies in the shopping centers. He asked if the Economic Development Committee can get involved in promoting the Township to a store such as Whole Foods or Trader Joe's. Mr. Smith stated they do not currently do this, and they also get questioned about how they could get a Trader Joe's or Wegmans in the vacant food store facility. He stated they periodically reach out to the commercial realtors. Mr. McLaughlin asked if there is something more they can do. Mr. Smith stated Chairman Stainthorpe has asked the Committee to develop a set of materials that could be made available to the County and other agencies where inquiries are more likely to be directed. He stated they have just started working on this project; and once these materials are available, they can be put on the Website which is the first place a site selector might go to get information about the Township. Mr. Smith stated the property owners and realtors are the ones who have the most vested interest and are actively trying to find someone for these sites. He stated grocery stores are currently very competitive, and there have been a number of mergers which have resulted in closure of stores at the site in Lower Makefield. He stated Wal-Mart and Target also sell groceries so it is very competitive. Mr. McLaughlin stated it would not have to be a supermarket. Mr. Smith stated they do not have the incentives to offer that would cause someone to come to the Township as opposed to somewhere else, but he feels they can do a better job of letting people know what a great place Lower Makefield is to live and do business.

Mr. Zachary Rubin, 1661 Covington Road, stated years ago before Matrix was involved, Bellemead owned the 180 acres that is now partially owned by Regency. He stated at that time the Township was seeking a headquarters of a National **pharmaceutical** firm to come into the Township. He asked the Township Manager if he was involved with this, and he asked the mechanism to try to attract that large corporation to re-locate to Lower Makefield. Mr. Fedorchak stated it was not directly through the Township Manager's office. He stated he does not recall that it was a major **pharmaceutical** firm, but it was a company of some significance. He stated he believes that the Bucks County Economic Development Agency fronted that effort.

APPROVAL OF 2012 GOLF COURSE RATE SCHEDULE

Mr. Frank Draper, Golf Committee, was present with Mr. Mike Attara. Mr. Attara stated they would like to discuss the rate increases being proposed for 2012 which were reviewed with the Golf Committee. He stated they would recommend an increase to the cart rate due to the cost of the new fleet that will be coming in this year and some additional add-ons they have given the customer. He stated they have also considered the cart rates in the area. Currently the rate is \$18, and they would like to increase it to \$20. He stated they also considered increasing the fee for the non-resident, weekend golfers, and they would recommend a small rate increase of \$1. The current rate is \$76 on the weekend for non residents.

Mr. Benedetto asked if there are different rates for the cart fees currently for residents and non residents, and Mr. Attara stated there are not. He stated they did discuss this, and the Golf Committee stated the Board of Supervisors might want to consider this. He stated the cart fee increase would provide a \$51,000 increase; and the overall cost of the cart fleet on the four-year period will be \$12,000. He stated if the cart fee increase was only for non residents, they would give up approximately \$13,000 of potential income. They do feel there may be value to having a bigger separation between resident and non-resident rates. Mr. Benedetto asked the difference between greens fees between resident and non residents; and Mr. Attara stated it is \$62 versus \$78 for non-residents.

Mr. McLaughlin stated there are a multitude of rates after 9, and he asked if everything would go up \$2; and Mr. Attara stated the cart rate would be the one that would increase. Mr. McLaughlin asked if the Twilight Rate would go up \$2; and Mr. Attara stated no rate would go up as far as the greens fee rate for residents, but the cart fee would go up \$2.

Mr. Stainthorpe stated Mr. Attara has indicated that they are proposing to raise the cart rate by \$2 and the non-resident weekend rate by \$1; and Mr. Attara agreed that it would be \$79 for the non-residents which would include the \$1 greens fee increase and the \$2 cart increase. He added knowing how many people they are turning away and how much non-resident play they have on the weekend, they feel this increase should not be an issue.

Mr. McLaughlin stated he understands that they are running four to one non-resident to resident, and Mr. Attara agreed. Mr. McLaughlin stated during one of the prior Budget sessions he had asked about increasing the rates, and there was apprehension from the Golf Committee and the management at that time that there would be less rounds played. He asked how many rounds they feel they will lose because of this, and Mr. Attara stated he would be surprised if they lost any non residents. Mr. Draper stated previously the Course was relatively young, and now they are fairly well established and have a good idea as to where the revenue comes from.

Mr. Attara stated with the new cart fleet coming in, this would be the time to do this since they are giving the customers a little bit more.

Mr. Stainthorpe stated he does not have a problem raising the cart rate \$2 because they do have a new fleet with some additional amenities. He stated he feels they need to look hard at every revenue opportunity; and provided they are not driving golfers away, he feels they should take it. He stated they have always meant the Course to be a relatively high end public course.

Mr. Dobson stated he plays the Course frequently; and while he does not have a problem with the cart fee increase, he does not feel they should raise the non-resident fee even \$1. He suggested they discuss this again in one year. He stated he does hear some people saying the fee is at the high end, and he does not want to drive anyone away especially when they need a good year. He stated he would support the cart increase, but not the increase for the non resident on the weekend.

Ms. Tyler asked if the cart increase would be for resident and non resident, and Mr. Stainthorpe stated he feels it should be the same for both since that is the formula now, and he would not change this. Mr. Attara stated the cart increase alone would generate \$57,000; and if they add the \$1 for the non residents on the weekend, it would bring in \$64,000.

Mr. McLaughlin asked the last time rates were raised, and Mr. Draper stated he feels they were last raised approximately four years ago. Mr. McLaughlin asked if the staff is provided normal raises tied to inflation, and Mr. Attara stated they are. He stated they do have a lot of seasonal staff that come back in at the same rate.

Mr. Draper stated they need to consider that costs for materials for maintaining the Golf Course have all gone up substantially. He stated their objective is to provide an experience for the golfer that will be as good if not better than they have had before. He stated he feels the increase in fees is well deserved at this point in time, and they will see that the Course is a better Course than it was last year.

Mr. McLaughlin asked Mr. Attara who they see as their chief competition; and Mr. Attara stated Middletown is nearby and the Mercer County courses are seen as competition particularly for the Senior market. He stated at the high end there is not much competition, but at the low end there is more competition. Mr. McLaughlin stated he does not feel they can compare the Middletown Course to Lower Makefield's Course. Mr. Draper stated the Lower Makefield Course was designed to be in the middle between low-end courses and the private courses; and they have maintained this so there is not really a lot of competition unless you go out a twenty-five mile radius to find a club similar to Makefield Highlands.

Mr. Stainthorpe stated the \$1 increase is only for non residents on the weekends only; and because costs for fertilizer and materials have gone up, he feels they should have this increase as well as the \$2 cart fee increase.

Mr. McLaughlin moved, and Ms. Tyler seconded to approve the cart fee increase of \$2 and the non-resident weekend rate by \$1.

Mr. McLaughlin stated he does understand Mr. Dobson's concerns; however, chemicals and other expenses are going up, and he feels if you want high quality, you cannot ignore the fact that the cost of that high quality is going up.

Mr. Draper stated the demographic that they looked at which was most sensitive to that increase were the Senior players; but the majority of the Senior play is during the week, and not during the weekends so they would not be impacted at all by this \$1 increase. Mr. Attara stated in the memo he sent to the Board he included the fact that when they originally came in they actually lowered the Senior rate to try to capture back some of their residents as some of them were going into New Jersey to play those courses, and they have seen some of them coming back.

Mr. Dobson stated he does recognize that costs are going up, but he hopes that this will not chase people away.

Mr. Benedetto stated he agrees with Mr. Dobson. He stated his father-in-law golfs and has played Makefield Highland a number of times. Mr. Benedetto stated he does agree with the cart rate increase as there is a legitimate reason to raise that rate \$2 across the board; but he does feel some people may be driven away by even the \$1 increase in the greens fee for non residents on the weekend.

Motion carried with Mr. Benedetto and Mr. Dobson opposed.

There was discussion on charges for range balls, and three scenarios have been provided by Mr. Attara which were included in the Board's packet. Mr. McLaughlin stated Scenario A is no increase on the medium basket and \$1 increase from \$8 to \$9 on the large basket, Scenario B is an increase on the medium basket from \$5 to \$6 and an increase on the large basket from \$8 to \$9, and Scenario C is no increase. Mr. Attara stated Scenario B with the \$1 increase on each would provide an opportunity to up sell to the larger basket more often and encourage more golfers to buy the range cards which have been very popular. This allows for purchase of baskets at discounted rates.

Mr. Dobson stated he would be in favor of this increase since it is very difficult to get onto the range, and it is frequently sold out. Mr. Attara stated they have also done improvements to the range.

Mr. Dobson moved and Mr. McLaughlin seconded to approve Scenario B that would increase the medium basket from \$5 to \$6 and the large basket from \$8 to \$9.

Mr. Benedetto stated he would still like to see the costs to remain the same.
Mr. McLaughlin stated he was at Snipes, and their medium basket cost \$8.

Motion carried with Mr. Benedetto opposed.

APPROVAL OF RESOLUTION NO. 2247 – PREVAILNG WAGE THRESHOLD INCREASE

Mr. Stainthorpe stated in Pennsylvania for Municipal projects anything that they construct, renovate, remodel, demolish, etc., they must pay prevailing wage. He stated this was set by the Pennsylvania Wage Act of 1961. He stated this means they must pay the highest wage within a given market so there is no competition among hourly rates. He stated typically the prevailing wage would be the Union wage. Mr. Stainthorpe stated this makes the cost of construction of public buildings 25% to 40% more expensive than building in the private sector. Mr. Stainthorpe stated he feels this is a problem because they are taking taxpayer money and being forced to pay a higher rate for construction.

Mr. Stainthorpe stated House Bill 1329 is now before the House which does have a chance of passing. He stated Townships have wanted to eliminate this for years, but it has never gotten through the Legislature. He stated House Bill 1329 would raise the threshold of when prevailing wage would have to be paid. He stated currently for anything over \$25,000 you must pay prevailing wage, and this number was set when the Act was passed in 1961. Mr. Stainthorpe stated House Bill 1329 calculates inflation and raises it up to what would be a comparable current level which is \$185,000. Mr. Stainthorpe stated if this is passed, the Township could save a lot of money. He stated 326 other Townships have already passed a Resolution in support of this.

Mr. McLaughlin moved and Mr. Dobson seconded to approve Resolution No. 2247 the prevailing wage threshold increase.

Mr. Benedetto asked Mr. Cridge if the School Board passed a similar Motion recently. Mr. Cridge stated at their last Board meeting, the Pennsbury School Board brought up a Motion to encourage the State **Representatives** to get behind House Bill 1277 which would totally eliminate the law or House Bill 709 which would allow School Districts to opt out. Mr. Cridge stated he feels House Bill 1329 is only a “white wash.” He stated this law has cost the residents a lot of money. He stated another School District had a bid for a roofing project for \$85,000; and when they advised the roofer that he had to pay prevailing wage because the bid was over \$25,000, the bid went to \$125,000. Mr. Cridge stated the Pennsbury School District is looking at \$45 million in roofing projects at three schools, and prevailing wage will cost another \$1.5 to \$2 million. He stated the people who are losing most are the Senior Citizens. Mr. Cridge stated he would encourage the Board not to support House Bill 1329 as it does not really do much.

Mr. Stainthorpe stated while he does not disagree with Mr. Cridge, this issue has been discussed since 1961. He stated he agrees that this is only an incremental step in making it better. He stated they were contacted by PSATS, the State organization, to support this since it seems that this is the first piece of legislation since 1981 that could actually pass. He feels this will at least help some. Mr. Stainthorpe stated he feels this is at least an incremental step.

Mr. Zachary Rubin, 1661 Covington Road, stated he is in opposition to this Motion adding he feels they should pay more money for experience, expertise, and skills.

Motion carried unanimously.

FERRI TRACT/FREEMAN'S FARM PRELIMINARY PLAN

Mr. Edward Murphy, attorney, was present with Mr. Larry Young, engineer.

Mr. Garton stated the Applicant appeared before the Board two weeks ago seeking to subdivide Tax Parcel #20-34-29 into fifteen lots, one of which will include the existing single-family dwelling. Mr. Garton stated the Planning Commission recommended Preliminary Plan Approval at their meeting of 2/13/12. Mr. Garton stated he has prepared a list of Conditions for Approval. Mr. Garton stated the matter was tabled from the last Agenda because there were issues raised by the Falls Township's engineer, their Supervisors and some residents about storm drainage issues and particularly concerns about groundwater and the fact that the lots were being inundated in Falls Township. The Lower Makefield Board at that point suggested that the matter be tabled so that the Falls Township engineer, the Lower Makefield Township engineer, and the Applicant's engineer could meet and discuss the issues and determine if there was a way to modify the Plan to make improvements to the stormwater and groundwater issues faced by the adjoining neighbors who reside in Falls Township. Mr. Garton stated that meeting took place, and the Board of Supervisors received a copy of Mr. Eisold's correspondence related to that meeting.

Mr. Murphy stated as noted earlier by Mr. Harvie, there was a meeting among the three engineers within a week after the previous Board meeting. He stated following the meeting of the engineers, Mr. Eisold prepared a memo which was circulated to the Applicant's engineer and the Falls Township engineer summarizing the changes the three engineers felt would be appropriate to be made to the Plan. Mr. Murphy stated subsequent to the issuance of that memo, written confirmation of the acceptability of those changes was forwarded to Mr. Eisold by the Applicant's engineer and the Falls Township engineer, Mr. Sullivan.

Mr. Young provided to the Board this evening copies of Mr. Eisold's memo and the two acknowledgements as well as a marked-up Plan. Mr. Young stated one of the changes they agreed to was to put an under drain in the roadway about 3 ½' to 4' down along the section that borders the Falls Township property line. He stated an under drain is a perforated 6" plastic pipe in a stone trench that will allow the groundwater to move laterally, enter the drain pipe and stone trench, and take it to the basins so that it will not go back to the Falls Township properties. Mr. Young stated they have also shown a profile of the road with this under drain that will be beneath the road surface in front of the curb, and this will address the groundwater problem. He stated they have also agreed to re-grade Lot #10 and to eliminate the side-entry garage on that property that was closest to the Falls Township property line. He stated they re-graded the lot and lowered the elevation of the lot. He stated they will also be installing an additional lawn inlet in a sump condition so that there will be no flow even remotely close to the property line.

Mr. Murphy stated these changes would be incorporated into the Final Plans as a Condition of Preliminary Approval, and Mr. Young agreed.

Mr. Garton reviewed possible Conditions of Preliminary Plan Approval.

Mr. McLaughlin moved and Ms. Tyler seconded to grant Preliminary Plan Approval to Ferri Tract/Freeman's Farm, Plans dated 2/9/09, last revised 11/17/11 subject to the following Conditions:

- 1) Compliance with the Remington Vernick letter dated 12/27/11 related to sewer improvements with the understanding that the exact location for the installation of the stub and to provide sewer service **access** for properties along Big Oak Road will be deferred until Final Plan;
- 2) Compliance with the Remington Vernick letter dated 1/16/12 related to General Comments with the understanding that the Applicant has requested a series of Waivers from the provisions of the Subdivision and Land Development Ordinance as follows:
 - a) Section 178-20E29 so as not to be required to do core borings unless requested by PennDOT because it does adjoin a State road.
 - b) Section 178-45A to be permitted to have a cul-de-sac of 1660' in length as opposed to the 440' required

- c) Section 178-47 so as to be permitted to have sidewalks on one side with the understanding that they will pay a fee-in-lieu contribution to the Township for the value of the sidewalks on the other side
 - d) Section 178-54B so as to have a block as described in the Ordinance of 1660' long when 1600' is required
 - e) Section 178-93D3 so as to be permitted to naturalize Basins 1, 2, 3 and 4 to reduce the required mowing and also to do more infiltration
 - f) Section 178-95D1 so as to have a side slope of 3 to 1 as opposed to 4 to 1 in order to eliminate the use of retaining walls in the basins and to preserve more of the wetlands buffer
 - g) Section 178-40A so as to reduce the cartway width from 36' to 24'
- 3) Compliance with the Bucks County Planning Commission report dated 1/6/12 with the understanding that the Applicant will grant to the Township a Conservation Easement over the wetlands and other open space;
 - 4) Compliance with the TPD letter dated 12/21/11;
 - 5) Applicant shall make the Plan revisions to the stormwater management system as set forth in the correspondence from Boucher & James dated 4/12/12;
 - 6) Applicant to locate trees to block headlights onto adjacent properties;
 - 7) Applicant to pay a Fee-In-Lieu of Recreation in accordance with the Township's standard fee schedule;
 - 8) Applicant to pay a Traffic Impact Fee in accordance with the Township's fee schedule;
 - 9) Receipt of all Permits and Approvals from any agencies having jurisdiction over such matters including but not limited to PennDOT, DEP, and the Bucks County Conservation District;

- 10) The Township shall the right to review and approve the Homeowners' Association documents with the understanding that the Agreement shall be prepared and approved by the Township permitting the Township to maintain the basins in the event of default by the Homeowners' Association and charge back the Association as well as individual lots for those costs;
- 11) Applicant shall comply with the Township engineer's **recommendations** as to stormwater management, best management practices, and shall execute a Stormwater Management Agreement to be acceptable to the Township;
- 12) Applicant to pay all review and professional fees in connection to all prior reviews, reviews in connection with the Approval in accordance with the Township's rate structure;
- 13) Any signs proposed within the development shall comply with the Township Sign Ordinance and should secure all Permits;
- 14) All lighting shall comply with all Township Ordinances and no glare shall extend onto adjoining properties and a Note to that effect should be added to the Plan;
- 15) Applicant shall execute a Declaration of Unilateral Restrictions and Covenants as it relates to the Notes on the Plan which said Declaration shall be filed **contemporaneously** with the Final Plan;
- 16) The Plan improvements shall be ADA compliant.

Mr. Murphy agreed to the Conditions of Approval.

Mr. Benedetto stated he is still concerned even though he understands that Mr. Harvie has indicated that all the concerns have been met and he appreciates that the engineers also met. He stated one of the issues raised related to the NPDES Permit, and he asked if anything has been resolved with this. Mr. Murphy stated there is a meeting scheduled next Wednesday at the DEP offices where that item will be discussed. Mr. Garton stated the Township has no ability to look beyond the Permit; however, if the issuer of the Permit says that changes need to be made and they are revoking or modifying the Permit, then they would need to comply with the requirements that may be imposed by that new Permit. He stated the Applicant would have to do this between Preliminary and Final, and the Board would have to review and approve any changes made as a result of any Permit adjustments. He stated the Township does not have the ability to question another

reviewing agency Permit; but if they make changes, the Applicant does have to modify the Plan to accommodate that. Mr. Benedetto stated if DEP revokes the Permit, then it would be incumbent on the Applicant to revise the Plan. Mr. Garton stated one of the Conditions of the Preliminary Plan Approval being considered is that the Applicant has to receive all Permits and Approvals; and if they do not, they do not have an Approval.

Mr. Benedetto asked why they have not taken the time to meet with some of the residents. Mr. Benedetto stated he has talked to a few of the residents, and he knows they have concerns. Mr. Benedetto stated he knows that the Applicant has addressed some of the concerns but it seems more with stormwater management than with actual groundwater management, although they did make one point to address that. Mr. Benedetto stated it seems that the groundwater management is the bigger problem, and he is concerned that the Applicant has not taken the time to discuss this with the residents over the years.

Mr. Murphy stated he discussed this privately with Mr. Benedetto and advised him that in the past the residents have disagreed with their approach to stormwater and indicated that they do not accept the developer's proposed solution. Mr. Murphy stated if they do not accept the fact that their proposed solution will not involve inundating their properties in Falls Township with water coming from the Lower Makefield site, he does not know what else they could say about this. He stated the steps they have taken as a result of the engineers meeting provide some additional protection, but it will not alter the fact that groundwater is going to go where it goes. He stated they have no control over how groundwater flows. He stated the condition the residents have described, which no one disagrees with, has existed, and the site has not yet been developed. Mr. Murphy stated they will not make the condition worse; and in fact, they feel they may make it better. He stated Mr. Eisold's recommendations will add to the improvement, but they will not change the basic fact that the groundwater will go where the groundwater goes.

Mr. Young stated during their meeting, Mr. Sullivan, the Falls Township engineer, indicated that Falls Township has an upcoming project in the area where he was going to put under drains in their roadways which would help the problem from the front of their properties.

Mr. Benedetto stated he knows that Mr. Eisold did meet with some of the Falls Township residents. Mr. Benedetto encouraged the Applicant to show the Falls Township residents the Plans since it may make a difference in their mind.

Mr. Benedetto asked the status of the emergency access road in Falls Township. Mr. Murphy stated it is not in Falls Township. Mr. Benedetto stated there were two potential access roads. Mr. Murphy stated there is only one road. Mr. Young showed on the Plan the hatched portion in the southwest corner that goes next to Lot #9 which is the emergency access drive and it is not meant for passenger vehicles. He stated it is for

emergency services only. Mr. Benedetto stated he felt there was discussion about the width of the access. Mr. Young stated he feels the problem exists in Falls Township as it is a narrow road with parking; and if an emergency vehicle such as a fire truck comes down the Falls Township road and there are cars parked there, they **cannot** get through. Mr. Young stated they were instructed early on in the project to put in an emergency access drive to connect to the Falls Township road to provide secondary access; but they are not in control of whether people park on Falls Township's roads. He stated they are not posted as "no parking." Mr. Young stated they did what they were instructed to do in making the connection up to the property line. Mr. Murphy stated this is not intended to be a road for regular passenger travel, and it is designed for emergency vehicles only although pedestrians may chose to walk on it. He stated it will have bollards at the Falls Township/Lower Makefield line so regular vehicles cannot traverse it.

Mr. Wes Plaisted stated Mr. Eisold shared his report with him prior to the meeting. Mr. Plaisted stated he agrees with Mr. Harvie and appreciates that the Board listened to them. Mr. Plaisted stated from what he saw in the report it appears that the under drain will help and not make their problems worse. He thanked Mr. Eisold, Mr. Young, and the Board for acting in good faith.

Mr. Tom Bossman stated if this succeeds, he will be the first one to say he was wrong; but they cannot live on "ifs and maybes." He stated he is concerned because the fall line is there. He stated thirteen basins have been built in the last ten years in this area, and the problem has been getting worse. Mr. Bossman stated he is concerned about the NPDES Permit if they continue to say that there were row crops on this property since there were no row crops there. Mr. Bossman asked about the fines if it is determined they provided false information on the NPDES Permit. Mr. Garton stated there are significant fines. Mr. Bossman stated he still has great concerns.

Motion carried with Mr. Benedetto opposed.

ZONING HEARING BOARD MATTERS

With regard to the Ewa Sadok Variance requests to permit construction of a new single-family detached dwelling, patio and fence at 1707 **Yardley-Morrisville** Road, the nature of the relief includes a Variance from the 100' special setback measured to the ultimate right-of-way where normally in the absence of the special setback it would be 40' and the Applicant desires to have a front yard setback of 53'. Mr. Garton stated they are also requesting to be permitted to have a 4' high fence within the front and side yard where the maximum permitted height is 3'. The last request is a modest request to increase the maximum impervious surface from 18% to 19.3%. Mr. Garton advised Mr. Murphy, attorney for the Applicant, that the Board has concerns about the fence issue.

Mr. Stainthorpe stated they had discussed whether they should participate or not; and with front yard fences there have been a number of times in the past where they allowed them to be higher, and this was not acceptable to the neighbors. Mr. Stainthorpe stated they would like to avoid problems between the neighbors. Mr. Murphy asked if the issue is just the front yard or the front and the side, and Ms. Tyler stated it would be both. Mr. Murphy agreed to take this concern back to the Applicant, and he agreed to advise the Township solicitor if they are able to make a modification to the request. It was agreed to leave this matter to the Zoning Hearing Board.

With regard to the Christian Schwartz, 306 Cinnabar Lane, Variance request to allow an existing shed to remain in the current location which encroaches into the rear yard setback, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Ruth and Camillo DiDonato, 27 Concord Lane, Variance request to permit use of existing second cooking facility for a boarder in the lower level of their existing home, it was agreed to leave the matter to the Zoning Hearing Board.

SUPERVISORS REPORTS

Mr. Benedetto stated the Veterans Committee has planned Yoga in the Park at Veterans Square on Tuesdays in May from 6:30 p.m. to 8:00 p.m. for \$10. He stated they will hold a Zumbathon on Sunday, May 6 from 2 to 4 at a cost of \$15 including water and a snack.

Ms. Tyler stated on May 12 the Seniors will be having a flower sale at the Lower Makefield Township Pool area in conjunction with the EPIC Tournament. She stated this Sunday, April 22, Five Mile Woods will hold an Open House from 12 to 3 with guided tours and refreshments. She stated the Park & Rec Summer Camp Programs include a program to be held in the Five Mile Woods and LMT.ORG has information on these programs. Ms. Tyler stated the tennis courts and basketball courts will be painted beginning April 20. She stated the fountains at Memorial Park will be turned on this week, and the dirt pile that had formerly been at the Park has been removed.

AUTHORIZE EXECUTION OF PEMA FLOOD MITIGATION GRANT FOR PROPERTY AT 1437 RIVER ROAD

Mr. Fedorchak stated this is the fourth or fifth Grant that the Township has made Application for and has been awarded and is an area of the Township along River Road north of Yardley Borough that is flooded as soon as the River hits flood stage. He stated this is an opportunity for the residents to elevate their homes. He stated it is a 75% Grant, and the other 25% is the responsibility of the homeowner.

Ms. Tyler moved, Mr. Dobson seconded and it was unanimously carried to authorize execution of PEMA Flood Mitigation Grant in the amount of \$120,000 for the property located at 1437 River Road.

AUTHORIZE STAFF TO SEEK BIDS FOR 2012 ROAD RESURFACING

Mr. Fedorchak stated they have set aside \$720,000 which is approximately what the engineer recommended as the target for 2012.

Mr. McLaughlin moved and Mr. Dobson seconded to authorize the staff to seek bids for the 2012 road resurfacing.

Mr. Benedetto asked the unrealized Budget from snow removal due to the mild winter. Mr. Fedorchak stated it is not savings yet as it is not the end of the year. He stated at this point they have a variance of about \$120,000 to the good in the snow removal budget; however, they could experience storms in October, November, and December. He stated until they get to the end of the year, they do not know if they will truly be the savings.

Mr. Stainthorpe stated with regard to the road resurfacing **program**, they identify a certain number of miles of roads to be paved; and depending on how the bids come in they may be able to add some more roads.

Mr. Benedetto stated he gets frequent calls from residents about complaints about their roads. He stated in the years prior to this, they have under funded the road repaving program. He stated he feels they should have been funding close to \$800,000 per year. He stated in years past, they were not close to this amount. He stated if they do not get much more snow the rest of the year, he would like to see that money saved to go toward accelerating some of the road resurfacing.

Motion carried unanimously.

AWARD BID FOR BASIN MOWING

Mr. Fedorchak stated every two years, they put this out to bid. He stated there are approximately seventy-six basins involved in this program. He stated they are recommending that the Board award a two-year Contract to Horizon. He stated it is structured such that there are a maximum of ten cuts per year. He stated the 2012 maximum for Horizon would be \$21,900 and for 2013 would be \$22,200.

Mr. Fedorchak stated for 2012 they Budgeted \$23,500 so they would be under Budget.

Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to award the Bid to Horizon in accordance with the schedule provided the Board with the understanding that these are not to exceed figures for 2012 and 2013.

AWARD FUEL/HEATING OIL BIDS

Mr. Fedorchak stated through the Consortium, they bid for heating oil, diesel, and gasoline. He stated the price per gallon is actually fixed and is established by an index that comes from the New York Mercantile Exchange for distributors. He stated this is set on a weekly basis so it does not matter who the supplier, the price per gallon number is fixed. He stated the variable is the delivery charge. He stated in the case of heating oil Superior Plus bid the least expensive delivery charge at .0699, for diesel it was Riggins Incorporated at .1470, and for gasoline it was Petroleum Traders at .0214.

Mr. McLaughlin moved, Ms. Tyler seconded and it was unanimously carried to award the Bids as recommended by the Township Manager.

There being no further business, Ms. Tyler moved, Mr. Dobson seconded and it was unanimously carried to adjourn the meeting at 9:10 p.m.

Respectfully Submitted,



Dobby Dobson, Secretary



Township of Lower Makefield

BOARD OF SUPERVISORS
Pete Stainthorpe, Chairman
Daniel McLaughlin, Vice-Chairman
Dobby Dobson, Secretary
Jeffrey Benedetto, Treasurer
Kristin Tyler, Supervisor

APRIL 2012 WARRANT LIST AND MARCH 2012 PAYROLL COSTS FOR APPROVAL APRIL 18, 2012 BOARD OF SUPERVISORS MEETING

Accounts Payable Warrant Report:		
Printed Checks:		
04/02/12 Warrant List	\$ 328,518.08	
04/16/12 Warrant List	\$ 1,081,319.71	
Manual Checks:		
04/02/12 Warrant List	\$ 51.23	
04/16/12 Warrant List	\$ 500.00	
Total Warrant Reports		\$ 1,410,389.02
Payroll Costs:		
March 2012 Payroll	\$ 459,685.58	
March 2012 Payroll Taxes, etc.	\$ 199,379.47	
Total Payroll Costs		\$ 659,065.05
TOTAL TO BE APPROVED		\$ 2,069,454.07

