

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – JUNE 16, 2010

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 16, 2010. Chairman Smith called the meeting to order at 7:35 p.m. Mr. Maloney called the roll.

Those present:

Board of Supervisors:           Ron Smith, Chairman  
  Greg Caiola, Vice Chairman  
  Matt Maloney, Secretary  
  Dan McLaughlin, Treasurer  
  Pete Stainthorpe, Supervisor

Others:                             Terry Fedorchak, Township Manager  
  David Truelove, Township Solicitor  
  James Majewski, Township Engineer  
  Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Mr. Bernie Goldberg, 1304 University Drive, stated he is disappointed with the results of the Settlement between Lower Makefield Township and Comcast on Wednesday, May 19. He stated the Board of Supervisors has continued to blame the Cable Franchise Agreement as the “culprit” in the above-ground pedestal issue. He stated the current Board of Supervisors pointed to this Agreement, Ordinance #357, as a problem created by a previous group of elected officials and acted as if they had nothing to do with Ordinance #357. Mr. Goldberg stated the Cable Franchise Agreement was adopted on 2/1/06 where the Motion to adopt the Agreement was made by Greg Caiola, seconded by Pete Stainthorpe, and unanimously passed by the Board of Supervisors. He stated three of the current Board of Supervisors members are responsible for the current Cable Franchise Agreement and Ordinance #357 – Greg Caiola, Pete Stainthorpe, and Ron Smith. He stated the only discussion about this Agreement at the Board of Supervisors meetings throughout 2005 concerned the revenue that would be generated from the Agreement. He stated Jeff Garton, who represented Comcast in the Zoning Hearing Board Appeal wrote the Agreement/Ordinance which was presented and approved by the Board of Supervisors. Mr. Goldberg stated there was never any discussions concerning the safety, aesthetics, or property values effected by the Agreement regardless of what had happened in the past – specifically the 1996 Settlement Agreement. Mr. Goldberg stated Jeff Garton was the Township solicitor when the 1996 pedestal settlement was adopted and Terry Fedorchak was the Township Manager throughout the 1996 process, and both were aware of the residents’ anger concerning the above-ground pedestals in the

utility right-of-way. He stated ignorance of the history concerning the structures in the utility right-of-way cannot be a valid excuse. He stated experience has taught that Comcast cannot be trusted to deal with local residents concerning placement or construction of above-ground structures in front of their homes. He stated it seems impossible that Jeff Garton was allowed to represent Comcast against Lower Makefield Township when he wrote the Ordinance. Mr. Goldberg stated Pete Stainthorpe and Greg Caiola have continued to be vocal advocates and supporters of Comcast and seem to be willing to approve any measure involving Comcast that will generate revenue or cut costs regardless of the impact their actions will have on the residents. Mr. Goldberg stated Ron Smith recognized the resident anger and voted against the current Settlement. Mr. Goldberg stated many of the residents feel betrayed by the Board of Supervisors and after settling a dispute almost fifteen years ago, they find themselves sacrificing safety, aesthetics, and property values for the sake of expediency. He stated they are not against progress and technology, but want the Township vendors to respect their thoughts when erecting structures within the community. He stated in 1995 Lower Makefield adopted Ordinances that restricted construction within the right-of-way and any structure within the right-of-way requires a Building Permit, resident notification, and Hearings before construction. He stated it seems that the Board sold off that requirement when it adopted the Cable Franchise Agreement in 2006, and he asked that the Board do something to correct this error.

Mr. Gary Cruzan, 729 Stewart's Way, stated it appears that the Matrix project may get underway this year, and he wanted to review the elements of the Tri-Party Agreement between RAM, Matrix, and the Township. He stated during the development of the project the Township will receive \$1, 375,000 in three payments. He stated Matrix will contribute approximately \$1 million for the expansion of the bridge based on \$1,650 per unit which will be paid into an escrow fund to be used to stimulate the State to widen the bridge or for such other purpose that the Township and RAM may agree on provided the funds are used in the immediate area. Mr. Cruzan stated Robert Sugarman Way will be widened to 44' which is double the existing width, and this will speed the flow of traffic. This will consist of 2, 12' lanes and 2, 10' shoulders which were stipulated to be built to the same standards as the road. Mr. Cruzan stated Matrix is committed to contributing five acres of land behind the CVS along Robert Sugarman Way and Old Oxford Valley Road to be used as a park, and they will install a 2,500 square foot pavilion with picnic tables. He stated the Township will also receive approximately \$750,000 discounted at 6% in three payments. In addition the project will generate \$482,000 in taxes for the Township and \$3,346,000 for the School system. He stated since this is a fifty-five and over community, it will not have an adverse impact on the School system. Mr. Cruzan stated the Plan that will be built will generate 10% of the traffic of the original Plan, and will also preserve more open space with less of an environmental impact. He stated the tree line on Oxford Valley Road must also be preserved. Mr. Cruzan stated the Agreement ended a seven year dispute, took two years to negotiate, and another year to



reduce to writing. He stated RAM will continue to be involved as necessary during the development to make sure that the provisions are kept. He stated he feels RAM was the beginning of community involvement in the Township.

Mr. Kevin Treiber, Chairman of the Veterans Committee stated there have been rumors circulating that the Veterans Committee wants to push the Farmers Markets out of Veterans Square; and this is really the opposite of what they want as the Veterans Committee has maintained since the beginning that the Veterans Committee wants to be part of that site with the Farmers Market to create the space as a community use. He stated the pavers sale is taking place currently, and information about this is on the Website. He also asked if the Board of Supervisors could consider some way to bring back the Veterans Day Parade which he feels would be worthwhile for the community. Mr. Caiola noted that the Veterans Committee will also be holding their Flea Market this Saturday at Veterans Square.

Mr. Smith stated he is liaison to the Disabled Persons Advisory Commission, and they were concerned with the pavers and wheelchairs; and they would like to meet with the Veterans Committee. Mr. Treiber stated they have considered this, and he will ask the architect to look into this again to make sure that they are within the ADA guidelines.

Mr. Zachary Rubin, 1661 Covington Road, stated if it were not for Gary Cruzan, the Matrix property would have 300,000 square feet of big box retail and 1 million square feet of impervious surface. He stated Mr. Cruzan started the grass-roots movement. Mr. Rubin also noted that there is a triangular piece of land where the original octagonal school house was located which Matrix does not own, and there are trees there which should not be taken down.

#### APPROVAL OF MINUTES

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Minutes of June 2, 2010 as written.

#### APPROVAL OF JUNE 7 WARRANT LIST AND MAY, 2010 PAYROLL

Mr. McLaughlin moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the June 7, 2010 Warrant List and May, 2010 Payroll as attached to the Minutes.

APPROVE EXTENSIONS FOR GATHERINGS AT YARDLEY AND FIELDSTONE  
AT LOWER MAKEFIELD

Mr. Caiola moved, Mr. McLaughlin seconded and it was unanimously carried to approve Extensions of time for the following:

Gatherings at Yardley – 10/15/10  
Fieldstone at Lower Makefield Plan No. 496-N – 9/30/10

SIGNING OF LINENS – O’ROURKE TRACT AND LUTHERAN CHURCH OF THE  
RESURRECTION

Linens were signed following the meeting. Mr. Truelove also asked that Board members sign the Development Agreement for the Lutheran Church of the Resurrection.

DISCUSSION OF BID FOR PURCHASE OF ELM LOWNE AND ACCEPTANCE OF  
WITHDRAWAL OF BID

Mr. Fedorchak stated the Elm Lowne property was for sale for the last two months. As required by State law, they had to have a public bid. On June 8, they opened one bid submitted by Barry and Arlene Freeman in the amount of \$512,044. Mr. Fedorchak noted that the appraised value performed approximately three months ago was \$900,000. Mr. Fedorchak stated the day after making the bid, the Freemans withdrew their bid. Mr. Fedorchak recommended that the Board accept the withdrawal of the bid.

Mr. Caiola moved, Mr. McLaughlin seconded and it was unanimously carried to accept the withdrawal of the bid.

Mr. Smith stated he assumes that they will continue to post the property for sale, and Mr. Fedorchak agreed and asked that those interested in the property contact his office.

AWARD BID FOR LED TOWNSHIP COMPLEX LIGHTING PROJECT

Mr. Caiola moved and Mr. Maloney seconded to award the bid for LED Township Complex Lighting Project to Armour & Sons, Inc. in the amount of \$257,605.

Mr. Maloney stated the Township received Grant money for this and are able to move to LED lighting for some of the Township lighting which will help reduce Township costs and help the environment by cutting down on electrical usage. Mr. Fedorchak stated they will be able to realize \$35,000 to \$40,000 a year in energy savings. He stated they



anticipate receiving a \$250,000 Grant for this project. Mr. Stainthorpe stated there have been some problems experienced by communities using these LED traffic lights since in the winter, they do not generate enough heat to melt the snow from the lights. He stated they will have to determine how to deal with this.

Motion carried unanimously.

Mr. Fedorchak stated the original cost estimate for this project was approximately \$310,000 so they are under Budget, and they hope that they will be able to add the Garden of Reflection lighting project to this bid.

#### SUPERVISORS' REPORTS

Mr. McLaughlin stated the Zubaida Foundation was before the Planning Commission for Preliminary Approval of their alterations, and they are going to make further revisions to the Plan.

#### CONDITIONAL USE HEARING AND APPROVAL OF CINGULAR WIRELESS D/B/A AT & T MOBILITY TO ATTACH AN ADDITIONAL DISH-STYLE ANTENNA TO THE TOWER LOCATED AT 1347 WOODSIDE ROAD

Mr. Maloney read the Notification into the Record which had been properly posted and advertised.

Mr. Chris Schubert, attorney, was present with Mr. Chris Cathcart, radio frequency engineer, and Mr. Joe Gigantiello, engineer. Mr. Schubert stated he would like to summarize the presentation, and the witnesses are available to answer any questions.

Mr. Truelove introduced Exhibit T-1 which is a memorandum from Nancy Frick, Director of Zoning, Inspections, & Planning with the Notice that was read into the Record attached. Also attached is a certification from Mr. Habgood attesting and showing photographs that the property was posted as of 5/11/10. Exhibits T-2 and T-3 are Sections of the Lower Makefield Code that impact the Application. Exhibit T-4 is the Planning Commission memorandum which was generated by Ms. Frick after the Planning Commission meeting Monday night. Exhibit T-5 is Mr. Majewski's review letter which was submitted to the Planning Commission and made part of their record.

These documents were admitted into the Record. Mr. Truelove moved the Township Exhibits into evidence.

Mr. Schubert provided Exhibits this evening to the Board of Supervisors. Exhibit A-1 is the Application letter and supporting documents. Exhibit A-2 is the Site License Agreement between AT & T and American Tower Corporation. Exhibit A-3 is the FCC License issued to AT & T for the Philadelphia market which allows AT & T to operate its wireless network. Exhibit A-4 is the Site Plan prepared by the project engineers. Exhibit A-5 is the structural analysis. Exhibit A-6 is the Township engineer review letter from Mr. Majewski. Exhibit A-7 is the recommendation from the Lower Makefield Township Planning Commission.

Mr. Schubert stated Mr. Cathcart, the radio frequency engineer, would be called and qualified as such; and he would testify that AT & T is a licensed wireless provider authorized to do business subject to a License issued by the FCC, which was marked as Exhibit A-3. He would also testify that AT & T currently has a Site License Agreement with the tower owner. He would testify that what is being proposed is the installation of a single dish antenna 35" in diameter and 19" in width to be attached to the existing lattice tower located at 1347 Woodside Road. He would testify that the lattice tower itself is 230' in height, and AT & T already has an existing antenna array at 125' center line; and what is proposed is the mounting of the dish antenna to the existing platform where AT & T is currently located. Mr. Schubert stated he would further testify that the purpose for the antenna is to provide a communications link from the AT&T site to its switch which is a redundant telephone connection to its main switch and ultimately out to the National telephone network. He would further testify that the purpose for this is to provide a redundant communications link that is required under Homeland Security to provide redundancy in communications; and in lieu of just relying upon the hardwired T-1 connection at that site, this provides another means of getting a telephone signal out to the main telephone network. He would also testify that the antenna itself operates at a very high frequency but a very low power, and it is a point to point communication and is not coming out in a broad bandwidth. He would also explain that there will be no interference caused by this or any harmful emissions.

Mr. Schubert stated Mr. Gigantiello, the licensed engineer, would be called and would testify that he is licensed by the Commonwealth of Pennsylvania and was involved with the preparation of the Site Plans that were submitted with the Application. The Site Plans show an elevation view and how the antenna would be installed on the tower. Sheet C-3 is the elevation view of how the antenna will be mounted to the platform. He would further testify that the tower is adequate to provide structural support for the antenna installation; however, it was noted in the Township engineer's review letter and as part of the recommendation from the Planning Commission from the time the original structural analysis was done to the present there has been an upgrade in the standards that apply to these types of installations. The standard that applies currently is the ANSITIAEIA Section 222G Standard which is a little more stringent. The engineer would testify that the Plans can be revised and the installation can be updated to comply with the more stringent standard. Also incorporated is the International Building Code of 2009 which is



also noted in Mr. Majewski's review letter. Mr. Gigantiello would further testify that they will comply with all of the review comments in Mr. Majewski's review letter and meet the Conditions imposed by the Planning Commission in their recommendation. He would also testify that there would be no adverse impact on the public health, safety, or welfare from the installation.

Mr. Cathcart and Mr. Gigantiello were sworn in and indicated that the summary provided by Mr. Schubert would be their testimony.

Mr. Schubert asked that the Exhibits be entered into the Record.

The Record was closed at this time.

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to grant the Conditional Use subject to the Planning Commission recommendation and Mr. Majewski's report.

Mr. Truelove provided copies of the Township's Exhibits to be attached to the Minutes.

#### DISCUSSION OF COMPLETE APPLICATIONS RELATING TO THE LAND DEVELOPMENT PROCESS

Mr. Truelove stated some concerns had been expressed about what is a complete Application for Land Development purposes, adding some of this was generated by the recent Edgewood Crossing Development. He stated the Ordinance does have explicit language as to what an Application is and what should be submitted, but what has occurred over the history of the Ordinance, and is true for every other Municipality he is familiar with, is that the Application process is a fluid process. He stated since this is something that has been done for years, it would be difficult to change that process immediately without a change to the Ordinance and would probably initiate litigation which he feels the Township would lose. He stated it does give the professionals and the staff an opportunity to work with the Applicants in a collaborative way to make sure that the requirements are met. He stated Mr. Majewski is a very effective protector of the Township's interests, Ordinances, and rules and regulations that govern the Application process.

Mr. Truelove stated there have been a number of Court Decisions over the years that have addressed some of these issues. He noted a Commonwealth Court Case which while it did not relate specifically to the issue he is discussing, it did have some language which shows what Courts look at. He noted in this matter, the Court looked at the Municipalities Planning Code which is the governing statute for Ordinances and Land Development and Zoning. In this case the Court noted, "that the Applicant filed the

Conditional Use Application and prior to the Hearing in this matter subsequently provided the information necessary to demonstrate compliance with the Ordinance and obtain Conditional Use Approval.” He stated the Court further noted, “in the Land Development context the Municipality has the legal obligation of receipt in good faith in reviewing and processing Developments. The duty of good faith includes discussing matters involving technical requirements and Ordinance interpretations with the Applicant and providing an Applicant a reasonable opportunity to respond to objections or to modify Plans where there has been a misunderstanding or difference of opinion. Similarly a developer has a reciprocal good faith duty to submit Revised Plans in a reasonable and timely manner in order to enable the Municipality to comply with its duties under Section 508 of the MPC.” Mr. Truelove stated this is the Section that would apply to Land Development and Preliminary Plans. The Court continues, “We do not believe a good faith review duty impacts a Municipality’s threshold obligation to refuse a Zoning Application so incomplete that Ordinance compliance cannot be determined.” Mr. Truelove stated this does give the Township the opportunity to indicate that not enough information has been provided to move the matter forward, and from time to time this has been done in Lower Makefield. The Court further noted, “Once an Application is accepted and retained, the time limitations of the MPC govern.”

Mr. Truelove stated if the Township were to change course in the way it would receive Applications and make its own determination as far as what is complete and what is not, the time clock would start to run, and the Township may be in a situation which would be a deemed approval situation. He stated they want to make it clear that while they do collaborate with the Applicants, the Township must be mindful that they do not want to enable a deemed approval situation to occur where a development is approved and the Township does not have an opportunity to give it the oversight necessary. He stated the process that Lower Makefield has adopted is consistent with what the Courts have dictated over the years, but it is also important to note that he does not feel that any developer comes into the Township and feels it is an easy process to get something approved. He stated the Township has a very diligent staff and the engineering staff has done an excellent job not only in helping draft Ordinances, but also interpreting them and enforcing them. He stated if there are Waivers requested, the developer runs the risk of not getting them granted since the Board of Supervisors has the ultimate determination in this. He stated the process does receive a lot of review from different boards and reviewing agencies. He stated he understands that there was some concern by some of the dedicated review boards, but he does not want to lose sight of the fact that the process has worked for the Township and will continue to do so. He would be willing to elaborate on this if others wish to discuss it further with him.

Mr. Alan Dresser, 105 E. Ferry Road, stated he is a member of the EAC and helped draft the 5/17 letter the Board received on this matter. He stated Section 178.20 of the Ordinance lists what must be part of the Preliminary Plan Application in order for it to be considered complete. Mr. Truelove stated as he noted earlier, those items traditionally



have not always been submitted at the beginning; and if you have never enforced this before and start doing it now, the Township will find itself on the losing end as have some other Municipalities. Mr. Truelove stated this is not to say that the Township does not during the process make sure that those items are submitted. He stated if the developer requests a Waiver, they run the risk that the Board of Supervisors will deny it; and the developer would then have to start all over. Mr. Dresser stated he does not have a problem with Waivers, but feels that when they make the initial submittal, they should have all the reports listed including the Environmental Impact Assessment, Traffic Impact Analysis, the Stormwater Management Report and then the 90 day clock would start. He stated if they wait until all the reports are in before the Township deems the Application complete and start the 90 day clock, the Township would then be less likely to have to rush a review and have the situation where it is deemed approved because they have not taken action. Mr. Truelove stated he has quoted from the Courts that have overseen this. He stated every development is different, and this is the way the Courts have encouraged all Municipalities to engage in the process.

Mr. Dresser stated the Ordinance already states, “Following the date a complete Application including all required Plans, documentation forms, and required fees and studies are filed, then the Application is complete and the 90 days starts. Mr. Truelove stated that has not been the approach that has been undertaken since that Ordinance was enacted. Mr. Dresser stated he does not feel that since it has been done wrong before, they should continue to do it wrong. Mr. Truelove stated he does not feel it is wrong, and again noted the Case he previously quoted and stated this is traditionally how it is done all over the Commonwealth; and if the Township changes it arbitrarily with one developer coming in, the Township runs the risk of losing the case and having a deemed approval situation. Mr. Dresser stated he feels they could set a date out in the future and from then on, they must follow the Ordinance. Mr. Truelove stated he feels they would have to amend the Ordinance if they were to do this, which he would not necessarily recommend. Mr. Dresser asked how it could be amended to be any more explicit. Mr. Truelove noted the Court Decision he quoted this evening which quoted the Municipalities Planning Code and interpreted it. Mr. Dresser stated he has talked to someone at the Governor’s Center for Local Government Services, and he was not aware of any Court cases. Mr. Truelove agreed to provide Mr. Dresser the Court cases by e-mail.

Mr. Harold Koopersmith, 612 B. Wren Song Road, stated two weeks ago the Board of Supervisors had a presentation regarding a rail line; and he spoke to a representative from SEPTA and he was led to believe that this line which is needed could take seven years if they can find the money. The representative indicated it costs \$1 million a mile to re-electrify the line. He questions what good are all the laws and Court Orders if they are going to hold up something that is needed immediately, and he feels they are holding up progress.

Ms. Virginia Torbert, Citizens Traffic Commission stated she feels that Lower Makefield has granted the equivalent of an easement over the years to developers; and while the Ordinance states everything must be together for the Application to be complete, as a matter of practice this has not been done, and the Township would be in legal jeopardy if they started to do that. She stated she feels they need to change the Ordinance as it is currently not a good situation. She stated a few years ago, the Board of Supervisors made an effort to bring environmental issues to the forefront; and for this to have any impact, the developers need to take these environmental impact statements seriously and they will not if they feel the Township will not require them to have these reports as part of the Application. She stated this is also true for the traffic reports. Ms. Torbert stated she has been attending Supervisors meetings for a long time and is aware of numerous examples where Boards have been rushed through decisions. She stated the Planning Commission did not have the information they needed to give an adequate recommendation on the Frankford Hospital issue. She feels there is room to draft a reasonable Ordinance. She stated she feels they need to find a legal way of saying that the Application must be complete. She stated she understands that they cannot single out a single development, and it would have to be something going forward that would apply equally to everyone.

Mr. Smith stated they already have the Ordinance and they must make sure that every developer that comes in should be given a form letter that the Ordinance will be enforced in full prior to anything being approved. He stated he does not feel a new Ordinance is necessary, and they should just advise those coming in that the Ordinance will be followed and not how it has been practiced in years past. Ms. Torbert stated she would be in favor of this if Mr. Truelove agrees. Mr. Smith stated he feels the Township Manager, solicitor, and engineer can put something together advising those coming in of the procedures that will be followed.

Mr. Maloney stated if it is felt that the right approach is to Codify this, he does not have a problem with this; but this presumes that they agree that this is the right thing to do. He stated while he is concerned that some of the advisory boards do not have time to review the documents, the Township has taken advantage of this on their side as well in the past by getting more than the 90 days allowed and to have advance notice of certain other parts of the Application; and other parts of the Township administration such as the Zoning Office may lose time. Ms. Torbert stated she agrees with this, and she feels this would need to be explored since they would not want to give up those advantages.

Mr. Smith stated they already have the Ordinance on the books that indicates what they want, and he does not feel they need to come up with a new Ordinance. He stated they should just advise the Applicants that it is going to be enforced. Mr. Maloney stated he feels they would be making a mistake if they do not take the solicitor's advice to avoid being sued over this. Mr. Maloney stated they cannot assume that enforcing the



Ordinance is in the Township's best interest, and he feels they need to hear from Ms. Frick, Mr. Habgood, the fire inspector, etc. to see if enforcing the Ordinance would be helpful to the Township.

Ms. Torbert stated Pennsylvania is one of the most developer-friendly States, and there are not a lot of tools that Municipalities have; and since this is one of them, she feels they should take advantage of it and put the 90 days to the Township's benefit and not to the developers.

#### UPDATE ON POTENTIAL SALE OF THE SATTERTHWAITE HOUSE

Mr. Truelove stated there have been questions about what can be done with the Satterthwaite House which is on the Patterson Farm property. He stated the Satterthwaite House and other structures are not located in the Conservation Easement with the County so that portion would not be implicated. He stated in terms of any type of sale, it would have to go through an appraisal, there would have to be a public auction or bid, and the specifications would be particular to the building and structures. He stated if the Township wished that the successful bidders would have to agree to pay a certain amount to fix up the house or whatever would be required, this would have to be in the specifications; and this will probably limit the pool of applicants. He stated if certain uses are going to be contemplated, the Ordinance would have to be checked to see whether a Variance or other type of relief would be required as well.

Mr. McLaughlin moved and Mr. Stainthorpe seconded to instruct the Solicitor to proceed with the preparation of legal documents for the sale of the Satterthwaite House and instruct the Township Manager to proceed with an appraisal for the five acre parcel.

Mr. Smith asked if this is just for the sale and/or curatorship, and Mr. McLaughlin stated it is just for the sale. Mr. Caiola stated he felt that Mr. Truelove was going to look at Lease opportunities as well. Mr. Truelove stated they could look into this as well and stated he has heard that a long-term Lease such as for ninety-nine years may implicate the same provisions of the statute that a sale would. He stated they could also look into a shorter Lease; and while they would not be limited by some of the requirements in the Second Class Township Code, they may also not get some of the relief they are looking for from the people interested in using the property if they have a shorter Lease as they would not have the same incentive for those Leasing the property.

Mr. McLaughlin agreed to amend the Motion to include prepare Lease documents, and Mr. Stainthorpe agreed to second the amendment.

Ms. Donna Doan, 2814 Langhorne-Yardley Road, Langhorne, stated the opinions she will express are her opinions and not opinions of any of her relatives who work for the Township. She stated her father worked for the Pattersons for over fifty years, and he grew up in the Satterthwaite House. She stated she is opposed to any sale of any part of the Patterson Farm which would be against the wishes of the Pattersons as they wanted the Farm preserved. She stated the residents voted by Referendum to fund the preservation of the Farm. She stated the Patterson Farm needs to be put into Farmland Preservation; and if they start to sell off parcels or buildings, they will handicap the future use of the Farm for farming/agricultural purposes. She stated there was some debate as to whether the barns would be useful since farm equipment is now larger, but the barns are adequate for the size of the Farm. She stated it is an easily-managed farm for a family operation. She stated there are over 325 years of documented agricultural use on the Farm, and she feels to sell off any part of it would be a crime. She stated when the representative from Penn State came to the Farm to do a soil sample, it was determined that the soil at the Patterson Farm is superior to 98% of the farmland in Pennsylvania. She stated America loses two acres of farmland to development every minute. She noted problems across the Country with farming. She stated they need to think about local production of food.

Ms. Doan stated profiting from the sale of land that was acquired through eminent domain is not acceptable. She stated this Farm is not something the Board can sell off to cover the Budget deficits. She stated there are a lot of new people in the Township; and while previously everyone had a rural background, including her family, this is no longer the case; and in order to education everyone, she has started a Website called Patterson Farm Preservation.com which is dedicated to the history of the Farm, to the perpetual preservation of the Patterson Farm as a working farm, and documenting its 325 years of agricultural use and history. Ms. Doan stated when the Pattersons owned the Farm, it was magnificent and it can be that again. She stated it needs proper management and a commitment from the Township to put the land in preservation and to manage it properly with all rents from all the buildings, houses, and the land going into a specific fund that would maintain the Farm. She stated the sale is not the right thing to do; and if the Board proceeds with this it will not be a good "PR" move for the Township, and the residents will not be happy. Ms. Doan stated this was discussed once before, and they stopped the sale then, and they will stop it again.

Mr. Smith stated a few months ago they discussed this matter at their meeting and he asked Ms. Doan if she is aware of the costs of maintaining this parcel. Ms. Doan stated she is aware that \$800,000 from the sale of the I-95 land loop went into the General Fund and none went into the maintenance of the Farm. She stated those funds should have been set aside along with the land rents. She also asked why the buildings are empty.



She stated phone calls to the Township from people who wanted to rent out the stone cottages were not returned. Mr. Smith asked if she is aware of the costs to bring the property up to a good condition. Ms. Doan stated she is familiar with the fact that it needs maintenance.

Mr. Fedorchak stated the Township did not receive \$800,000 from the State for the easement to accommodate the loop ramp. He stated it was approximately \$400,000. He stated this money was dedicated to improvements that were made at the Patterson Farm including the barn that needed a new roof which cost approximately \$210,000 as well as approximately \$100,000 for improvements to the Satterthwaite House. He stated when they examined what it would take to renovate the Satterthwaite House, the number they received from historical architects was approximately \$500,000 just for the house. He stated there are other capital improvements that are necessary for several of the buildings and barns that are located on the Satterthwaite parcel. Mr. Fedorchak stated the money from the State did go into the General Fund, but they pay for Patterson Farm expenses out of the General Fund.

Mr. Smith asked Ms. Doan if she is aware that there has been discussion in the past about putting the farmlands from the Patterson Farm into Farmland Preservation and there was question as to whether they could do this as well as a difference of opinion on the Board as to whether this was the best way to handle the property. Ms. Doan stated she feels it should go into Farmland Preservation and that all the funds derived from the Farm should stay on the Farm. She stated this is a Farm worth over \$20 million which the Township took from the Pattersons for \$7 million. Mr. Smith stated she previously used the words “eminent domain,” and Ms. Doan stated she would call it “stealing.” She stated her father and Mr. Patterson worked for over fifty years for that Farm and for the Township to come in and take it away from them was not right. Mr. Smith stated the Farm was purchased by a prior Board, and Ms. Doan stated while she understands this, it does not give this Board the right to do demolition by neglect. She stated there is no reason why the barn repair should have cost \$200,000. She stated when her barn needed repairs, she had it repaired before it fell down. She stated for a long time, the Township ignored the barn, and she has never seen anyone from the Board on the property except for one time when there was a tour.

Mr. Smith asked Mr. Fedorchak about the painting of the house, and Mr. Fedorchak stated they were able to paint only one side of the house and the other three sides are desperately in need of painting. He stated they were only able to paint one side because it was all the money that was Budgeted.

Ms. Doan stated the Farm has saved the Township millions of dollars in tipping fees with the leaf program.

Mr. Smith stated Ms. Doan indicated that the property was taken by eminent domain, and Mr. Fedorchak stated he was involved in the negotiations with Mr. Patterson. Ms. Doan stated she remembers that Mr. Patterson would not speak to the Township. Mr. Fedorchak stated his assessment of Tom Patterson was that he was a very intelligent and shrewd businessman. He stated Mr. Patterson had assembled a team to assist him in the sale including a local attorney, a real estate agent, and an appraiser. He stated Mr. Patterson and his team negotiated with the Township for several months to reach an acceptable sale price for Tom and Alice. He stated the process was very formal, very comfortable, and it was clear that Tom Patterson wanted to sell the property to the Township. He did not want the property to go to developers. Mr. Fedorchak stated it was an amicable, lengthy negotiation.

Mr. Smith asked Ms. Doan if she watched the video or read the Minutes from the meeting when Dr. Bentz made her presentation and indicated what she would like to do with the property if she were to be able to take it over, and Ms. Doan stated she was not aware of that presentation. Mr. Smith noted the significant amounts of money that Ms. Bentz indicated she and her financial backers were going to put into the property in order to restore it to a condition of which they could all be proud. Ms. Doan stated if this were the case, it would still be taking the property out of usefulness to the farmland.

Mr. Caiola stated it will still be used as farmland. Ms. Doan stated Dr. Bentz could sell the property in five years if she cannot have her business. She stated the farmhouse, barn, and outbuildings need to stay with the Farm. She stated people who have no understanding of agriculture have a very hard time understanding this. She stated with regard to Mr. Fedorchak's comments that the Pattersons wanted to sell the Farm, this is absolutely the furthest thing from the truth. She stated Mr. Patterson was approached by the Township and he would not speak with them when he was on his fields. She stated he would not return the Township's calls. She stated the Township then called her father's home. She stated the Pattersons agreed to negotiate only under duress, and when they should have had the right to quiet enjoyment of their property, they did not.

Mr. Zachary Rubin, 1661 Covington Road, stated a number of years ago the Township went to a Referendum to purchase open space. He asked how much money is left that could be used to purchase open space. Mr. Fedorchak stated from the 1999 Referendum they have exhausted the \$7.5 million. Mr. Stainthorpe stated there was a subsequent Referendum two years ago. Mr. Stainthorpe added that there was no Referendum for the Patterson Farm. Mr. Rubin asked if the Township has the ability now to borrow money to purchase open space, and Mr. Fedorchak agreed they do and the amount available is \$15 million. Mr. Rubin stated he is against the Motion and would support Ms. Doan's position. Mr. Rubin stated recently the Matrix Corporation sold Toll Bros. land at approximately \$240,000 an acre. Previous to that Aria bought land in Lower Makefield for \$500,000 an acre. Mr. Rubin stated the residents of the Township have given the Board the right to go out and purchase open space. He stated they have already purchased



the open space for the Patterson Farm, and now they want to sell this. He stated this is closing and not opening space. He stated it is incumbent to keep the Farm intact. He stated instead of spending professional fees to find out how to parcel off the Farm, that money should be spent to try to keep it intact.

Ms. Sue Herman stated she is troubled by the original Motion as it was the same as the Motion two weeks ago when the Solicitor was directed to only look into the sale and then amended only after much discussion to include the review of the lease and curator option. She stated Mr. McLaughlin did the same thing this evening, and she feels it indicates that they do not want to preserve the Farm or keep it together. She asked if any of the Board members want to keep the Farm together if there was a viable way to do so.

Mr. Stainthorpe stated he has yet to hear a compelling argument that makes any financial sense for the Township taxpayers to keep those buildings as part of the Farm. He stated the agricultural land is not impacted in any way; and in fact, the buildings will be brought up to a standard that they can be proud of. Ms. Herman stated she feels Mr. Stainthorpe lacks the sensitivity to be their Supervisor. Mr. Stainthorpe stated he is looking out for all the taxpayers of the Township. Ms. Herman stated the solicitor has not yet given a detailed analysis of the options that have been presented to the Board. She stated some of these options may be financially attractive.

Mr. Smith stated he will consider all options, but he is concerned about the condition of the buildings and the ability of the Township to afford to maintain the buildings as they would like them to be. He stated they have been criticized that the sale of the property will effect the farming of the Patterson farmlands, but none of the farmlands are going to be touched. He stated they are trying to make the situation better than it is now. He stated Dr. Bentz has come forward and indicated she will keep it a farm and restore the buildings to a condition that they can be proud of. He stated the Township is suffering difficult financial times currently, as is the rest of the Country, and they cannot afford to spend the money necessary. He stated they have a fiduciary responsibility to the taxpayers; and they are trying to do something that will be a “win/win” situation whether it is a lease, curatorship, or a sale. He stated the Motion is to look into a sale and a lease. He stated the property will still look the same, and will actually look better than it does now if they proceed with Dr. Bentz’s proposal.

Ms. Herman stated she hopes they will listen to the advocates for not selling off the parcel. Ms. Herman stated she is concerned that Mr. McLaughlin did not make a Motion to look at all the evaluations. Mr. McLaughlin stated he amended the Motion to look at a lease and sale. Ms. Herman stated she is concerned that Mr. McLaughlin forgot to include this initially given that the audience was passionate about this two weeks ago. Mr. McLaughlin asked that the Motion be read back and it was read as follow:  
“Moved to instruct the Solicitor to proceed with preparation of legal documents for the sale of the Satterthwaite house and also prepare lease documents and instruct the

Township Manger to proceed with an appraisal for the five acre parcel. Ms. Herman thanked Mr. Caiola for adding the amendment. Ms. Herman asked Mr. Caiola if he is interested in exploring all of the options so they can make the best decision.

Mr. Caiola stated his platform in 2005 was to insure that the Patterson Farm stayed intact; and while he stands by this, the reason he brought up the lease is because he would like to have another option. He stated they must find a way where the building is paying for itself. He stated when the Farm was purchased no plans were put in place for maintaining it. He stated the house is not in good condition; and he feels if the average taxpayer drove by it and knew it was a taxpayer-owned house, they would be aggravated. He stated he does agree with Mr. McLaughlin, Mr. Smith, and Mr. Stainthorpe that the agriculture will not be impacted at all. He feels they should look at the lease option, and if there is a program where someone is willing to make the building a beautiful building again and maintain the integrity of the Farm at the same time, with a use such as the equine veterinarian that would be compatible, he feels that would be the best use. He stated with costs the way they are, they need to prioritize things. He stated his preference would be a lease where it would be in Township hands, but that it would be with a person utilizing it and who could get it back up to a standard they can all be proud of.

Ms. Herman stated while they all feel badly about the way the property looks today, the public wants to work with the Board to come up with alternatives to change that. She stated they want all the options to be presented, and what Mr. Truelove presented this evening was not a “fair shake” for the curator or lease options. She stated the original Motion made her feel as though Mr. McLaughlin did not hear the previous discussion.

Mr. McLaughlin stated he did hear the previous discussion but questioned how long they should wait for the resident/curator to appear. Ms. Herman stated they were waiting for information from Mr. Truelove. Mr. McLaughlin stated there was an appraisal of Elm Lowne and the bid came in \$450,000 lower than that appraisal. He stated he does not feel anyone will invest their own capital in an asset that they do not own for the benefit of being a good citizen. He stated the closest thing he sees is Dr. Bentz who is committed to putting the property back into shape and keeping it in the same theme which is an equine hospital which he feels goes well with a farm. Ms. Herman asked why this was not put in the Motion. Mr. Truelove stated they cannot have a Motion to direct the Township to sell it to a specific person as a sale or lease must be done through a public bid process. Ms. Herman asked how they can assure that the Board gets a full picture of the options. Mr. Truelove stated he suggests that at a future meeting they have a discussion of all the options. He stated it was his understanding that he was only to provide an update this evening. He stated another of his responsibilities is not to spend Township money on legal matters unless he is specifically directed to do so. He stated they must also make sure they are not violating the Second Class Township Code requirements. He stated the Board has directed him to follow through on some of the options, and he will do this.



Mr. Truelove stated they cannot direct someone to do a curator option if it is not in the fiduciary interest of the Township. He stated he feels the current Motion is directing him to consider all the options and provide analysis and recommendations.

Mr. Maloney stated the building was in fairly bad shape when the Township acquired it; and while they could have been done more if the funds were available, it is unfair to indicate that the Township destroyed it. Mr. Smith stated there was a tenant in the property, and Mr. Fedorchak stated the tenant was a member of the Doan family. Ms. Donna Doan stated the tenant was her Aunt who was born at the Farm, was paying rent, and was evicted. She stated in addition to paying rent she was also purchasing a tank of oil every three weeks throughout the winter. She stated the reason the Satterthwaite House was in bad shape was because the water and heat were cut off when she was evicted by Mr. Fedorchak, and no one has been in occupancy since then which is the downfall of the house.

Ms. Virginia Torbert stated she does not believe they can design a sale document to specifically sell to a particular person, and Mr. Truelove agreed. He stated the way the specifications are designed may limit the number of people interested since conditions could include repair of the house, etc. He stated there may be a way to design this to attract people interested in certain uses, but they need to be very careful about this. Ms. Torbert asked if they sell the property and for some reason that individual decides to sell it to someone else, is there a limit as to the control the Township would have over the new buyer; and Mr. Truelove stated they could put restrictions on the subsequent sale and this is something he would be willing to explore, but he did not want to do that at this stage as he was not sure this was his direction. Ms. Torbert stated she feels it is important to note that once you sell the property, you begin to lose control. Ms. Torbert stated the idea that you can separate the land from the buildings is wrong. She stated a recent article on farming in Bucks County indicated there would be small farming and organic farming and you need buildings for this.

Ms. Torbert asked what amount of land is being considered since in 2004 she received a letter that the Township was considering selling the house and 2.3 acres, and she asked if they are now talking about sale of all the barns. Mr. Maloney stated at this point any sale is very conceptual, and it would have to be advertised. He stated any perspective buyer would want to know what is being negotiated. Ms. Torbert asked that they consider the resident/curatorship program adding there are hundreds of these operating successfully throughout the State of Pennsylvania. She feels it would be very useful for the solicitor to provide detailed information on the legality of the resident/curatorship program so the Board has as much information on this option as they have on a sale.

Mr. Smith asked about the barns on the Satterthwaite property, and Mr. Fedorchak stated there is a very large barn and two smaller structures similar to garages. Mr. Smith asked what is inside the large barn, and Mr. Fedorchak stated there are some pieces of Township farming equipment used on the Farm, and Mr. Hoffmeister stores some leaf equipment there from time to time. He stated a great deal of the large barn is unused, and there is nothing in the two garages.

Mr. Smith stated they will look into all aspects of this issue, but the Board will be voting on this in the future. He noted the difficulty they have had with the sale of Elm Lowne where a lot of restrictions were placed, and they only received one bid which was significantly less than the appraised value and then withdrawn. Mr. Smith stated they are trying to do what they feel is best for the Township.

Ms. Torbert stated she felt Dr. Bentz was willing to proceed with the resident/curatorship program and she wants to make sure that the Township is giving it the same consideration as a sale.

Mr. John Torbert stated he was with Mr. Patterson after the deal with the Township was signed, and Mr. Patterson stated the reason he went with the deal was the Township said that the Farm would always remain a whole farm and not be chopped up. Mr. Torbert stated he hopes the Township would keep up on this good faith. He stated if the Township is so desperate for money he feels they should sell the Golf Course and pay back the Dagewicz family what they owe them.

Mr. Arthur Cohn, 7906 Spruce Mill Drive, stated he agrees with Mr. Stainthorpe and feels they should sell the Satterthwaite house and the other buildings. He stated if they wait any longer the house will collapse like the barn did. He stated he is in favor of Dr. Bentz's proposal.

Dr. Amy Bentz stated she is a large animal vet, and she shares Ms. Doan's concern about the future of agriculture. She stated part of her mission is the education of students.

Mr. Smith stated if the property is sold or leased to Dr. Bentz, he would be very happy.

Ms. Donna Doan stated her family has been at the Satterthwaite Farm since 1917.

She stated if they want to sell the Farm, they will have a fight on their hands.

Mr. Smith stated they have a duty to the residents of the Township, and they will fulfill that obligation to them

Motion carried unanimously.



## DISCUSSION OF FLOWERS FIELD AT EDGEWOOD HARB APPLICATION AND GRANTING OF CERTIFICATE OF APPROPRIATENESS

Mr. Edward Murphy, attorney, was present with Mr. C.T. Troilo. Mr. Murphy stated there has been an ongoing discussion for about two years about the disposition of certain structures located within the Flowers Field at Edgewood project. He stated the discussions have been between the Troilos, Carter VanDyke, the HARB Board, and the Historic Commission. Mr. Murphy stated on Monday evening, HARB made a recommendation to the Board of Supervisors for the disposition of various buildings on the site. He stated the Applicants are present this evening to seek a decision from the Board based on the recommendation from HARB. Mr. Murphy stated until they have confirmation as to what is going to be done with the buildings, they cannot finish the final engineering for the project and resubmit it back to the Township which they are anxious to do.

Mr. Smith stated they will be taking down two of the buildings and relocating one, and Mr. Murphy agreed and stated a recommendation to do this has been made by HARB. Mr. Stainthorpe asked what was the vote, and Mr. Troilo stated four members were present, and the vote was three to one. Mr. Murphy credited C.T. Troilo, Rick Brown, and Mr. Van Dyke for presenting a persuasive position about the merit of demolishing, retaining, restoring, and relocating certain of the buildings. Mr. Murphy stated these discussions have been going on for months. Mr. Stainthorpe stated he read that most of the buildings are early 20<sup>th</sup> Century to late 18<sup>th</sup> Century and were tenant buildings for the nursery that operated there. He stated it seemed that they were of “dubious” historic value; but since the entire Village is on the National Register, he questions how much can be taken down before they lose the Certification and what are the detrimental effects if they lose the Certification. Mr. Murphy stated Mr. VanDyke and Mr. Brown can address this.

Mr. Maloney asked who the “no” vote was from, and Mr. Troilo stated Mr. Heinz was the no vote, and two members were not present.

Mr. Carter VanDyke stated these are difficult decisions for the Historic Commission and HARB to make, and there is always concern about the impact on the National Historic District Standards for the Township. He stated they worked closely with the Pennsylvania Historic Museum Commission (PHMC) to develop the TND Ordinance. He stated Rick Brown is a historic architect who he recommend to the developer, and was the architect for the Doylestown Historic and Architectural Review Board for over fifteen years. Mr. VanDyke stated the Mr. LeFevre from the PHMC stated most of the policy decisions are made by the Township, and they recognize that there are economic issues that may take precedence in terms of preservation. Mr. VanDyke stated these buildings will still be within the District even if they are replications. He stated they do prefer that they not be relocated, but they do not rule out all of the elements that were

written into the TND Overlay Ordinance. Mr. Maloney stated he felt they were discussing two demolitions, and Mr. VanDyke stated the Ordinance requires that if you are going to demolish a building, and you want to maintain the TND, you have to replicate it. He stated the Applicant will have to come back to HARB and the Board of Supervisors with drawings showing that what will be replicated is an approved, architectural replication of the buildings being demolished. Mr. Stainthorpe asked if all these buildings will be replicated, and it was noted one is being moved and two will be replicated. Mr. VanDyke stated the Ordinance requires this. Mr. VanDyke stated they have not yet done the architecturals. Mr. Stainthorpe asked how long the buildings have been vacant, and Mr. Murphy stated they have been vacant for two to three years.

Mr. Stainthorpe asked the negative impact should they lose the historic designation. Mr. VanDyke stated the negative impact would be that they would not have a HARB and would not have the overview to require the architectural standards. He stated according to the Mr. LeFevre of the PHMC, the Township will not risk losing the designation doing what is proposed. He stated they made it very clear that it is a policy decision made by the Supervisors. Mr. Maloney stated he understands that as long as the PHMC views the Township's actions as reasonable and in keeping with the current characteristics of the Village, they would not take away the designation; and Mr. Murphy stated they do not have that authority, and they would not do it. He stated they are comfortable with the approach the developer is taking in the treatment of the buildings.

Mr. Truelove stated he was involved in helping draft the TND Ordinance, and they looked closely at the issue of replication and relocation as they were anticipating this.

Mr. Murphy stated approving the Certificate of Appropriateness will ratify the recommendation made by HARB.

Mr. VanDyke provided photos of the different buildings that are the subject of the discussion this evening. Mr. VanDyke provided a map of where the houses will be replicated or relocated. It was noted that one building (725/731 Stony Hill Road) is a duplex. The house at 737 Stony Hill Road will be relocated.

Mr. Smith asked if the Plans the Board has seen for this project are available for inspection by the public, and Mr. Fedorchak stated they are available and those interested in seeing them should contact himself or Ms. Frick.

Mr. VanDyke stated the property which is a twin (731) will stay relatively in the same spot. It will be torn down and rebuilt. Mr. VanDyke stated this was a request of the Historic Commission as an earlier version of the Plan had all three buildings relocated into the internal portion of the development, and the Historic Commission asked that they save one building on the street. He stated the 737 building which is only a footprint of 20' by 20' will be relocated and situated on the corner of a park. He stated in the packet



provided to the Board of Supervisors this evening there is a Master Plan which shows where that building will be relocated to. He stated that building will function as the community post office. He stated the 717 building is a residence, and will be replicated, relocated next to the park, and become a residence. Mr. VanDyke stated in the packet provided to the Board is a report which was prepared in 1980 by a renowned architect who did an evaluation of all the buildings in the District in preparation for the National Historic Register. His recommendation for the building at 717 (property #14) indicates that it is not practical to restore that structure because of the late date of the structure. He stated other reports have been provided which refer to the structural problems for that building, and he stated a replication makes more sense.

Mr. Caiola asked how close the replications are to the original structures, and Mr. VanDyke stated they can get very close. Mr. Richard Brown stated the HARB worked very hard on this decision. He stated these buildings are contributing structures to the District. He stated when the buildings are demolished, they will take care to preserve what historic fabric they can such as porch posts, siding, window trim, etc. and use it in the reconstruction.

Mr. VanDyke noted on the map the location of the buildings being discussed this evening and showed where the buildings will be relocated/replicated.

Mr. Stainthorpe moved and Mr. Maloney seconded to authorize the Certificate of Appropriateness as requested.

Mr. Koopersmith stated if they approve this project, they should consider widening Stony Hill Road so people can make a left hand turn.

Dr. Helen Heinz stated part of the TND says that the Historic Commission needs to sign off on this as well, and she stated the Historic Commission is opposed to moving these houses. She stated this will set a precedent for the TND and indicates that the houses that are 20<sup>th</sup> Century houses are unimportant and can be demolished at will because they care more about the other structures in the District than these. She stated they are afraid what is going to happen with the other structures that are more historically-significant and are currently in much worse condition than these structures. She stated when developers are allowed to do what this developer has done for three years to these houses and what Mr. Messick has done for even more years to the houses on Langhorne Road, it is discouraging to the Historic Commission that they do not get more support from the Board of Supervisors. She stated the Township needs to take more action against large property owners who allow this to happen. She noted particularly the properties that were recently sold at tax sale. She stated there is legislation in place to deal with this, and the Township has not followed it. She stated the Board of Supervisors needs to tell the Township staff to start citing people for violations. She stated any homeowner that has two foot weeds on their property would be cited, but for developers this is okay.

Dr. Heinz stated even though HARB has voted to accept this, the final decision will be made by the Board of Supervisors. She stated her discussions with Mr. LeFevre from the PHMC were that he was uncertain whether the PHMC would accept demolition, and saying that PHMC cannot pull the National Registry is not true. Dr. Heinz stated if this were pulled, the Township would be impacted as loans and any money coming from the State would not be available to the Township. She suggested that the Board contact State Representative Santarsiero to get him to make sure that the PHMC does not decide to pull the Register because these houses were removed. She stated when they met with Mr. LeFevre, he was very confused and did not seem to know about things he had said before, and did not remember the meeting with Mr. VanDyke where he had said possibly they could replicate it. She stated he was very concerned about the house that Mr. Messick took down, and they have lost houses in this District since that meeting in 2007.

Dr. Heinz stated replication is not preservation. She stated when a house is taken down and replicated, there must be a use for the house; and this developer has not indicated the use. Ms. Heinz suggested that other homeowners in the Historic Village may want to acquire those properties from Mr. Troilo rather than having them demolished, and they could be moved to another lot somewhere else in the District rather than having them replicated. She stated she does not see the point of replication.

Mr. Caiola stated Dr. Heinz indicated money may not come to the Township as a result of losing the designation, and asked if this would be for Grants; and he asked if the Township has received such Grants in the past. Dr. Heinz stated the Township did receive Technical Assistance Grants and part of the TND process was paid for by State Grants. Mr. Smith asked the amount, but Dr. Heinz was not sure. Dr. Heinz stated they did want to look into engineering Grants for water and sewer as it comes into the Village. Mr. VanDyke stated he has been in contact with Mr. Santarsiero's office about this; and they tried to get the Grant last week, and it was turned down as there is no money.

Mr. VanDyke stated Mr. Brown may be able to clarify comments made by Dr. Heinz with regard to the PHMC. Mr. Brown stated the issue of demolishing historic structures is a sensitive issue and runs counter to the guidelines that the programs are looked to which are set by the Secretary of the Interior. He stated in his discussion with Mr. LeFevre they talked about the character of the buildings, and he was familiar with the locale and the Plan in general. Mr. Brown stated they discussed the relocation and reconstruction of the buildings, and Mr. LeFevre's comment was that this would fall on the elected officials to make a decision as to how they would like to deal with this. Mr. Brown stated Mr. LeFevre was unspecific about the implications to the Historic District, and he did not refer to any negative impact and indicated that the elected Officials have to look to the greater good and determine what makes sense. Mr. Brown stated HARB was concerned with whether there was a reasonable compromise in letting these buildings be moved and reconstructed, and the overall impact of the TND weighed in that favor.



Dr. Heinz stated the language in the TND states that they are doing this on purpose to preserve the historic buildings. She stated these buildings were probably mistakenly put on the Historic Register when the Register was done, but they are on the register and part of the twenty-six structures which they are supposed to be preserving. Dr. Heinz stated she is more concerned with some of the other properties that are in much worse shape and are more historic both architecturally and “people-wise.”

Mr. Maloney asked the intentions for the buildings. Mr. Troilo stated 717 will be reconstructed as a single-family residence for sale. He stated 725/731 will be reconstructed at approximately the same location where it is now, and this will be commercial/retail space. He stated there are 7’ ceilings which make it difficult for retail/commercial so inside there will be modifications to bring it up to modern standards and it will probably just be a single open space inside, but from the outside it would look like a two-story structure. He stated the third building is the one which would be moved and used as the community post office with a rec center upstairs.

Mr. Maloney stated he feels the only precedent being set is that they will deal with each building as it comes before them. He stated the overriding issue should not be whether or not the building is in good or bad shape, and the historical significance of the building should be the most over-arching consideration since the purpose of the District is to preserve historical structures. He stated he personally would be a lot harder on a building that has more historical significance regardless of its condition than a more recent building that may be in good shape but of less historical consequence.

Mr. Smith stated some of the properties over the last ten years have gotten in worse shape than they were ten years ago through no fault of the Township other than perhaps they were lax as a Township in enforcing what was on the books. He stated if they can do anything to overcome demolition by neglect, he feels they should do so, and this will enhance the historical value of the remaining buildings. Mr. Maloney stated he feels they should consider as an Agenda item for the next meeting a discussion on the enforcement policies, and ask Mr. Truelove to do research as to what they are allowed to do and get a report from Ms. Frick on what has been the past practice. Mr. Smith asked that Mr. Fedorchak put this matter on the Agenda for their meeting in July. Mr. Caiola stated he would also like an update from the Historic Commission on the condition of some of the properties and future plans.

Mr. Murphy stated there are other buildings on the site that are being preserved.

Mr. Zachary Rubin stated the developer indicated that one of the buildings was going to be a post office, and he asked for elaboration on this. Mr. Murphy stated Mr. VanDyke has recommended that the building to be moved could be a place where residents from Flowers Field at Edgewood would come every day to get their mail so that it would be a gathering place. It would not be an official U.S. Post Office. Mr. Smith stated he felt that they had indicated at a previous meeting that there would be self-service equipment there, but Mr. Murphy stated he does not feel that this was indicated.

Motion to approve Certificate of Appropriateness as requested.

APPROVE GRANTING CERTIFICATE OF APPROPRIATENESS TO REMOVE  
SIDING AT 1730 YARDLEY-LANGHORNE ROAD

Mr. Fedorchak stated this was unanimously recommended by HARB.

Mr. Caiola moved, Mr. McLaughlin seconded and it was unanimously carried to approve the Certificate of Appropriateness for 1730 Yardley-Langhorne Road.

There being no further business, Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to adjourn the meeting at 10:15 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Matt Maloney', with a long horizontal flourish extending to the right.

Matt Maloney, Secretary





# Township of Lower Makefield

BOARD OF SUPERVISORS  
 Ron Smith, Chairman  
 Greg Caiola, Vice-Chairman  
 Matt Maloney, Secretary  
 Daniel McLaughlin, Treasurer  
 Pete Stainthorpe, Supervisor

**JUNE 07, 2010 WARRANT LISTS AND  
 MAY 2010 PAYROLL COSTS FOR APPROVAL  
 JUNE 16, 2010 BOARD OF SUPERVISORS MEETING**

06/07/10 Warrant List	\$	358,099.31	
Manual Checks:	06/07/10	247.61	
	06/07/10	233,083.00	
Total Warrants & Prepaids			\$ 591,429.92
<b><u>PAYROLL COSTS:</u></b>			
May 2010 Payroll		228,443.76	
May 2010 Payroll Taxes, etc.		142,768.73	
Total Payroll Costs			\$ 371,212.49
<b>TOTAL TO BE APPROVED</b>			<b>\$ 962,642.41</b>

