

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – FEBRUARY 6, 2008

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on February 6, 2008. Chairman Caiola called the meeting to order at 7:30 p.m.

Those present:

Board of Supervisors:

Greg Caiola, Chairman
Steve Santarsiero, Vice Chairman
Matt Maloney, Secretary/Treasurer
Ron Smith, Supervisor
Pete Stainthorpe, Supervisor

Others:

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

PUBLIC COMMENT

Mr. George Schott stated he would like an update on the train noise situation. Mr. Majewski stated he and Mr. Fedorchak had a conference call with CSX about three weeks ago, and apparently CSX had put the matter on hold because the notes they had from their representative who had attended the diagnostic review meeting, indicated that the Township was looking at wayside horns only. CSX is not processing Applications for wayside horns as the Federal law states that the railroads “may” consider that to be a substitute for a quiet zone, and CSX’s position is that they are not going to consider it. Mr. Majewski stated they informed CSX that the Township’s Application was for a quiet zone and not for wayside horns, and they agreed to start working on this matter again. Their engineer contacted Mr. Majewski requesting additional information on the crossings which he supplied, and Mr. Majewski agreed to contact them tomorrow to get an update. Mr. Schott stated he understands the real-time warning applies whether it is wayside horns or a quiet zone, and Mr. Majewski agreed. The next step is for CSX to provide an estimate on retro-engineering the circuitry. Mr. Schott thanked the Board and the Township for putting together the combined letter and for continuing to work on this matter.

Ms. Andrea Scherer stated she is present on behalf of a number of residents concerned about the Lutheran Church of the Resurrection. She stated Variances were granted on January 15 by the Zoning Hearing Board related to setbacks and impervious surface. She stated there were two Continuances during the course of this matter, and they twice heard

Road at Yardley-Morrisville Road, and their highest ranked project which is the Taylorsville Interchange at Scudders Falls Bridge. She stated even though they will be getting a new bridge at Scudders Falls, they feel this will take five to six years; and in the interim, they feel there are significant safety problems particularly with the northbound on-ramps. She stated the Delaware Joint Toll Bridge Commission is a source of funding, and the Citizens Traffic Commission feels they could get something from them for this dangerous area. She stated the State Police have indicated that there are at least four accidents a month at this location. Ms. Torbert stated the Commission has also identified a number of funding sources from the Federal and State Government which, in addition to the Delaware Joint Toll Bridge Commission, include the Department of Conservation and Natural Resources, the Department of Community and Economic Development, the Home Town Street Safe Routes to School Program, Scenic By-Ways Program, etc. She stated improvements could also be paid for by developers. Ms. Torbert stated they do have some rough estimates for some of these major improvements. She noted the four she mentioned are estimated to cost \$2 million. She stated there are also many engineering firms who employ those who work on Grants, and the Township should work with them on this.

Ms. Torbert stated the Commission wants to continue to work with the Township on obtaining funds for these improvements. She stated they will continue to collect traffic data and update the priority list. She stated they would also like to develop a safe driving program since improving the roads is only one aspect of improved safety in the Township. She stated they need to focus on driver behavior. She stated they would like to bring in speakers and work with Township groups to improve traffic behavior in the Township.

Mr. Gilman stated in summary, they have had community meetings, made field trips, worked in the Lower Hilltop area where measures were undertaken to reduce cut-through traffic, worked with Public Works on obstructions, missing signs, and pavement markings; and this will be done on an ongoing basis. He stated safety improvements are also in the process of being made at the School crossing on Creamery Road.

Mr. Santarsiero stated there was a safety problem particularly for School children waiting to get on School buses in the morning with drivers cutting through the neighborhood at Lower Hilltop rather than going down Dolington to Taylorsville Road to get to I-95; and residents in the area came to a Commission meeting asking that something be done and ultimately they did install a no-left turn sign into the development during the morning rush hours, and this seems to be working although they will still need to deal with the intersection at Dolington and Taylorsville.

A picture was shown of a portion of the School Crossing upgrade at Creamery Road.

Mr. Gilman stated they are also in support of the Phase I Traffic Calming at Lindenhurst which has been accomplished and is still being monitored, and they will be in support of Phase II. He stated they also continue to monitor the Newtown By-Pass Signal Project for maximum efficiency of the By-Pass as well as for maximum traffic flow and safety issues being addressed on adjoining roads to the By-Pass. He stated the Commission has also reviewed a number of proposed development projects including the proposed Frankford Hospital project, Snipes Tract, William Penn Middle School, and Matrix. He stated they have provided significant input to the Board of Supervisors with regard to the Bucks County Regional Traffic Task Force and the draft study. They have also provided input with respect to the proposed Veteran's Cemetery and the impact this will have on the Township's traffic flow. He stated they have also participated in both Community Pride Days and will continue to do so. They also continue to have representation from their Commission at each Board of Supervisors' meeting. He stated there has been an increase in citizen participation through their Commission and people in neighborhoods are taking responsibility for bringing traffic safety and congestion problems to the Commission's attention; and the Commission is a link to the Board of Supervisors and the Township staff. He stated the greatest factor involved in safety is driver behavior, and they want to be part of a driver education program. He stated the largest complaint they have heard from the residents for the last year and a half is speeding in neighborhoods which puts all residents at risk. He stated the Commission is thankful for the opportunity to give back to the community.

Mr. Cohn thanked Captain Roche and the Police Department for making some videos; and while they were unable to make them part of this presentation, they plan to use them in the future.

Mr. Gilman stated the thirty-seven page report is available at the Township Building, in the Township Library, and on the Website. Mr. Davino stated it is also available at the Morrisville Library, the Police Department, and the Township engineer's office.

Mr. Santarsiero stated as Liaison he saw that the public was involved in every step of this project. He stated the Commission held three Public Hearings where people from the different parts of the Township were invited to share their concerns so that as the Commission worked on putting the report together, they would be assured that they would have the broadest possible public input into the process, not only what engineers were advising, so that they would know the experience of everyday residents who drive the roads on an every day basis. He stated the Citizens Traffic Commission handled these Hearings very well and strove to take everyone's comments into consideration, and this is reflected in the report. He stated this is a thorough, well-documented report. Mr. Santarsiero stated he feels this report will be the first step toward significant changes in the Township.

Mr. Santarsiero stated he is in favor of the Historic Awareness Day, and would like to see, if it is not too onerous in putting this together, to see if they could team up with the Elementary Schools in a very brief curriculum/lecture on the history of Lower Makefield and possibly incorporate this into the Awareness Day so that the teachers could bring it into the classrooms. Ms. Stambaugh stated she is in favor of this noting she has talked to those at Pennsbury and it ties into their Colonial Day. She stated they want to make this a community day with a bus where you could travel and stop as you go. She stated there are a number of historians in their group who could put this together. Mr. Santarsiero stated he feels at one of the homes, they could bring in small groups of children and offer some kind of demonstration which would tie into what the teachers are doing in the Elementary Schools.

Mr. Santarsiero stated with respect to the battle re-enactment, they must insure that it does not interfere with the farming operation. He stated they should discuss this with Mr. Stewart who farms the Patterson Farm. Mr. Santarsiero asked if they have an estimate as to how many acres would be involved in a battle re-enactment; and Ms. Stambaugh stated it could be as large or as small as they want, and they recognize that they could not interfere with any of the plantings. Ms. Albahary stated some re-enactors did look at this, and were very excited. She stated some of them are booked a year in advance. She stated for this year, they only anticipate twelve re-enactors, and it would not be a full-blown battle; but they would like to plan something larger for next year. Mr. Santarsiero stated they should meet with Mr. Stewart.

Mr. Smith stated he would not want there to be any interference with any contractual relationships they have with the farmer who works the Patterson Farm, although he is in favor of the concept. Mr. Smith stated there is an Elm Lowne Committee, and he asked if they are working with them, and Ms. Stambaugh stated there are going to work with the Elm Lowne Committee, the Special Events Committee, the Garden Club, and the Historical Society.

Mr. Santarsiero moved, and Mr. Stainthorpe seconded to approve the Open House Tour of the Patterson Farm, Elm Lowne, Golf Course Manor House, and the Warren-Farringer House to be held on May 4, 2008

Mr. Zachary Rubin, 1661 Covington Road, stated the Patterson Farm is over 200 acres, and he feels there is more than enough room for a re-enactment.

Mr. Conti suggested that they consider the Vargo Farm for the re-enactment where there are two sections of nine acres adjacent to the Garden of Reflection as opposed to the Patterson Farm which he does not feel is an acceptable location.

Ms. Virginia Torbert asked if they are considering the Satterthwaite House to be part of the Tour, and Ms. Stambaugh stated their goal is to look at that house in detail to see if it would be appropriate for people to peek in recognizing that there is work going on at that property. She stated this is restoration awareness as well, and she likes the fact that there is work going on and it will inform the community of the work that needs to be done on these properties. Ms. Torbert stated she does not feel the Satterthwaite House is in any condition to have people walking through it at this point, and Ms. Stambaugh agreed. Mr. Caiola stated this is why he asked initially if this would be an inside or outside tour, and they will have to gauge this as they get closer to the date since they do not want to have people walking through something that is in disrepair or dangerous. He stated they will insure that safety is first. Ms. Torbert stated they also need to consider parking, and Ms. Stambaugh stated there will be a complimentary shuttle starting at different locations. She stated the Warren-Farringer House is at the Giant Shopping Center, and the plan to use that as a Welcome property. She stated they will consider parking in more detail with Chief Coluzzi. She stated there is parking at Elm Lowne and the Garden of Reflection. Ms. Torbert stated she assumes there would not be parking at the Patterson Farm and they would be shuttled there. Ms. Stambaugh stated they will consider this further. Mr. Santarsiero stated the Snipes tract worked well for parking last year when they had the Spring Fling at Elm Lowne.

Mr. Smith stated they should make use of the expertise of Helen Heinz, and Ms. Stambaugh stated there will be a history of each home in a brochure; and Ms. Heinz will be working on this which will tie in with the educational aspect as well.

Ms. Torbert asked for an estimate on the number of acres they need for the battle re-enactment; and Ms. Stambaugh stated they do not at this time. Mr. Caiola stated they have a year to consider this, and they will discuss this in further detail. Ms. Torbert stated the spring would be the worst time of the year in terms of the farming operation to hold a battle re-enactment.

Ms. Helen Bosley noted the Manor House at the Golf Course and stated the date they have chosen is a Sunday which is one of the busiest days in terms of the Golf Course. She stated they should be cautious in terms of safety because of golf balls and golf carts. She stated she was not sure there was historic significance to that house at the Golf Course to the degree that it would warrant being on a historic tour. Ms. Stambaugh stated she feels every home has historic significance, and this home was owned by the Slack family which was a Dutch family and there is a lot of history related to this property. She stated she feels it also shows how the farm used to be.

Mr. Smith asked if they are considering any of the other homes in the Township noting the former schoolmaster's home on Yardley-Langhorne Road; and Ms. Stambaugh stated they did not consider any other homes as they were looking logistically at an appropriate loop. She stated part of the hand-out brochure would show where other homes are

located in the Township, and they have an Intern working on updating all of the history of privately and Township-owned property. She stated they also plan to drive through Edgewood Village and give a history of this as well.

Motion carried unanimously.

HEARING AND APPROVAL OF CONDITIONAL USE FOR METRO PCS
CELL TOWER LOCATED ON TAX PARCEL #20-16-41-5 – STONY HILL ROAD

Mr. Chris Shubert, attorney, was present. Mr. Maloney read the Notice which was posted. Mr. Truelove marked this as Board Exhibit 1. Mr. Truelove stated Mr. Shubert has provided an Exhibit List which was given to the Board of Supervisors this evening. Board Exhibit 2 was marked which is the RTF Overlay District Section of the Township Zoning Ordinance. Board Exhibit 3 is Section 200-90 – Conditional Uses. Board Exhibit 4 is the Planning Commission memo with the attached 1/21/08 report from the Township engineer. Mr. Shubert had no objections to these Exhibits being entered into the record. Mr. Truelove stated this is a co-location, and he suggested that Mr. Shubert present in general the proposal, describe the Application, identify the witnesses and indicate, if called, what they would testify to; and questions could then be asked.

Mr. Shubert stated Metro was present last month for an alternate site, and this is a similar Application. He stated Michael Sims, representative of American Tower Corporation, the owner of the tower, is present and is authorized to appear this evening. Edwin Aviles, the radio frequency engineer and Craig Zeitman, Project Manager were also present. These individuals were sworn in at this time.

Mr. Shubert stated he has provided an additional Exhibit, A-12, this evening which are Revised Plans, last revised 2/5/08 which were revised to address Mr. Majewski's comments that were provided to them at the last Planning Commission meeting.

Mr. Shubert stated this is for a co-location on the existing monopole at the Lower Makefield Corporate Center. It is an existing 120' tall tower, and Metro PCS is proposing installation of six panel-style antennas at a height of 96'. This is the last available slot left on that tower. He stated if Mr. Sims were to testify, he would indicate he is an employee of American Tower Corporation, the owner of the tower. Marked as Exhibit A-2 is an informational hand out for Metro PCS. Exhibit A-3 is the actual Site License Agreement. Mr. Sims would testify that the Lease is still in full force and effect. He stated one of the Conditions of Approval would be that the Applicant agree to provide a Removal Bond in the event that its installation was no longer needed in the future, and there would be financial security provided in a form acceptable to the Township solicitor ensuring the removal of that within six months from the date of any cessation of use of Metro's equipment. Mr. Shubert stated this would be an agreeable Condition of Approval.

Mr. Shubert stated if Mr. Aviles were called, he would testify that he has been qualified as a radio frequency engineer previously, and is charged with designing Metro PCS's build-out of its network in this area including Lower Makefield Township, currently under License by the FCC. Exhibit A-4 is a copy of the License issued by the FCC which is still in full force and effect for Metro PCS. Mr. Aviles would further testify that he has prepared the various Propagation Plans that are marked as Exhibits A-5, A-6, and A-7. Exhibit A-5 shows the current coverage which is zero as they are in the process now of building out their network in the area. He stated A-6 shows the surrounding sites and the subject site on air. Mr. Aviles would testify that if the site were approved in conjunction with the other sites, it would complete Metro PCS's network in this area of Pennsylvania including Lower Makefield Township. Exhibit A-7 would show the impact it would have if this site were dropped off the network, and Mr. Aviles would testify that it would open up gaps which would be significant and not acceptable to the provider.

Mr. Shubert stated typically there are concerns with the health effects for the total emissions coming off the tower, and Metro has solicited and received an EMF report which has been marked as Exhibit A-8 which was prepared by Dr. Kenneth Foster of the University of Pennsylvania; and the report concludes that considering all the antennas on the tower including the proposed Metro PCS antennas operating at full power, the site would still operate well below the limits accepted by the FCC as being established as safe and tolerable for human exposure for these types of radio wave emissions. Mr. Shubert stated Mr. Aviles would also testify that the facility itself would cause no radio, television, or any other type of interference and would operate within the rules and regulations established by the FCC.

Mr. Shubert stated if Mr. Zeitman were called he would introduce the Site Plans and would testify that he has been to the site, and the Site Plans accurately represent what is there. He would also testify that the Revised Site Plans marked as Exhibit A-12 dated 2/5/08 accurately show what is there. He stated they depict the co-location of the six panel-style antennas at a height of 96' on the tower. Those antennas will be connected up to co-axial cables to radio equipment located at the base of the tower within the existing compound. There will be two radio equipment cabinets proposed which would be placed on a 10' by 16' concrete pad all within the existing compound. Maintenance would be very infrequent possibly once every month and more likely once every three months. Parking would be adequate at the site, and there is no need for water or sewer hook up because it is an unmanned facility. Mr. Shubert stated a structural report was done and provided to the Township, and this was marked as Exhibit A-10 showing the tower can support the additional equipment.

Mr. Shubert noted Exhibit A-11, and stated Mr. Zeitman would testify that the Plan revisions that have been done comply with the review comments in Mr. Majewski's letter and all the general conditions of the Conditional Use set forth in Article 22 have been met by the Applicant with this submission.

The witnesses were called, and Mr. Zeitman stated Mr. Shubert indicated that the equipment would be placed on a concrete pad, but the proposal is to put the equipment on an adjustable steel platform as shown on the Plans. With that exception, the witnesses agreed that what Mr. Shubert indicated was correct.

Mr. Majewski stated there are a few minor revisions which need to be made to the Plans submitted today which he will go over with the Applicant, and they have already been covered in his review letter.

Mr. Zachary Rubin asked if this Applicant is the same Metro that came before the Township ten years ago to wire the Township for WIFI, and Mr. Shubert stated that was Metrocom, and they are no longer in operation.

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Conditional Use Application subject to the comments in Mr. Majewski's letter and the requirement that a Removal Bond be provided.

HEARING AND APPROVAL OF CONDITIONAL USE FOR METRO PCS CELL TOWER LOCATED ON TAX PARCEL #20-17-47-1 – WOODSIDE ROAD

Mr. Truelove stated this Hearing is similar to the one just concluded, and Mr. Shubert is present representing the Applicant, Metro PCS. Mr. Maloney read the Notice into the record, and this Notice was marked as Board Exhibit 1. Board Exhibit 2 was noted which is the RTF Overlay District of the Township Zoning Ordinance. Board Exhibit 3 is Article XXII – Conditional Uses. Board Exhibit 4 is the Planning Commission memorandum dated 1/29/08 with the attached review letter from the Township engineer dated 1/21/08. Mr. Shubert had no objection to these being entered into the record.

Mr. Shubert stated this tower is the existing 230' lattice tower located off Woodside Road. He stated they propose a co-location of six panel-style antennas at the top of the tower at a height of 225' to be attached by cables down to radio equipment to be located at the base of the structure within the existing compound. He stated similar to the last Application, he has the same three witnesses who were previously sworn in and remain sworn, Michael Sims, Edwin Aviles, and Craig Zeitman. Mr. Shubert stated he has provided an Exhibit packet to the Board members.

Mr. Shubert stated Mr. Sims would testify to Metro PCS as to what they do, and the fact that they are a licensed provider. He stated a copy of the Site License Agreement with the existing tower owner, American Tower Corporation, was marked as Exhibit A-3. Mr. Sims would testify that that Agreement remains in full force and effect. Mr. Aviles would testify as a radio frequency engineer that Metro has an FCC License which is attached as Exhibit A-4. He would also testify that he was charged with doing a

propagation analysis of the area in developing Metro's network in this area. Marked as Exhibits A-5, A-6, and A-7 are the propagation plans he prepared. Exhibit A-5 shows the existing level of coverage which is none, Exhibit A-6 shows the subject site on air, and Exhibit A-7 shows the subject site if the antennas were not placed on that tower and were off air. Mr. Alives would testify that these exhibits establish the need for Metro for this facility to fit within its network and help complete Metro's network in this area.

Mr. Shubert stated Exhibit A-9 is a copy of the EMF report which considers all the antennas on the tower operating in addition to the proposed Metro antennas; and with all the antennas on the tower, the conclusion is that the facility will operate in accordance with accepted levels established by the FCC. He stated Mr. Aviles would also testify that there would be no interference caused by Metro's antennas with the other antennas or with any other radio or television operation in the area.

Mr. Shubert stated Mr. Zeitman would introduce the site Plans which were prepared by American Tower Structural Engineering last revised 1/29/08; and Mr. Zeitman would testify that he has been out to the site, and the Plans accurately describe what is out there presently. He would also testify that the proposal will comply with all applicable standards established by the American National Standards Institute. They propose six panel-style antennas connected by cables to radio equipment at the bottom of the tower. There are two radio equipment cabinets proposed which would be located on a 10' by 16' steel grate at the base of the tower within the existing compound. Mr. Zeitman would also testify that a structural report was prepared marked as Exhibit A-10 and that this report concludes that the tower is structurally capable of handling the additional loading from the antennas.

Mr. Shubert stated Exhibit A-11 was marked which is the Township engineer's review letter of 1/21/08 which has been reviewed with the Planning Commission, and the Revised Plans have been prepared to address the comments in Mr. Majewski's letter.

All witnesses indicated that they would agree with the summary given by Mr. Shubert.

Mr. Shubert stated as a Condition of Approval, the Applicant would be willing to provide financial security to ensure the removal of any equipment that would not be utilized by Metro PCS in the future if that equipment were not to be used for a period of six months.

Mr. Truelove agreed to accept the Exhibits into the record. Mr. Majewski stated the Tax Parcel ID on the Title Sheet of the Plans needs to be revised.

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Conditional Use Application subject to the Condition that they provide financial security for removal, they revise the Tax Parcel ID, and comply with all other Conditions referenced in papers admitted as Exhibits.

WOODSIDE PRESBYTERIAN CHURCH APPROVAL OF PRELIMINARY/FINAL PLANS FOR PROPOSED EXPANSION

Mr. Bruce Jones, Ms. Carla Carter, and Mr. Mike Buki were present on behalf of the Church.

Mr. Truelove stated Mr. Jones submitted an extensive response dated 1/23/08 to the review letters. Mr. Truelove stated there is also a remaining issue with regard to lighting and the Traffic Impact Fee.

Mr. Jones stated the Church made a decision in 2006 that, due to the rising attendance at the Church, it was necessary to either expand or re-locate their Church operations; and after an extensive review and consideration of those options, they decided it would be best to expand the facilities at the present location at Heacock and Edgewood Roads. He stated they developed Plans in late 2006 and had informal Hearings with the Historic Commission, HARB, and the Environmental Advisory Council in November, 2006. They then went through an extensive re-engineering period to re-design the Plans. In August, 2007, they again met with the Historic Commission, HARB, and had exchanges with the EAC and met for the first time with the Planning Commission. Taking those recommendations, they made a second revision of the Plans to deal most specifically with re-arranging the parking at the facility in order to accommodate some of the requests made by the Historic Commission, EAC, and HARB. They then went before the Planning Commission again, and this represents the current state of their Plans where they have re-located parking to the southwest corner of the property which required a Zoning Variance which was granted.

Mr. Jones stated their proposal is to construct a 15,340 square foot addition to the property. As part of this proposal, they will demolish slightly more than 4,200 square feet so the net addition to the property is slightly more than 11,000 square feet. All of the addition is on the southwest or interior portion of their property. It will be composed of two additional rooms to support staff and operations of the School, and a multi-purpose room to be used for both religious events and other community activities such as Scouts and other community groups.

Mr. Jones stated they feel they have addressed all of the comments from the various agencies and Commissions that have reviewed the Plans, and have provided positive support with all provisions with the exception of a few items which were discussed at the Planning Commission. Mr. Jones stated one was to deal with Carter VanDyke and the Historic Commission with respect to finding an appropriate level of lighting that would be acceptable to them and to Mr. Majewski; and he feels they are on a path to accomplish that task, and they will agree to find a satisfactory level of lighting and also meet the safety requirements of the Church since there are a number of evening meetings, many of which involve the presence of children.

Mr. Jones stated another issue under consideration involved the request from James Yates, the Fire Marshall, who felt a hydrant was necessary on the property. Mr. Jones noted that Mr. Yates did not have additional information available to him when he made this ruling; and Mr. Jones has since provided him with the location of three additional fire hydrants around the property and advised him that they would be installing a sprinkler system not only in the addition, but into the entire Church facility. Mr. Jones stated while Mr. Yates has not yet responded to this additional information, the Church will either accept his recommendation that they need a hydrant, or Mr. Yates will revise his opinion and indicate that a hydrant is not needed.

Mr. Jones stated the final point of discussion deals with the Traffic Impact Fee, and Mr. Dixon had indicated in his review that based on the 15,204 square feet and the multiplying factor of ten to be applied to a Tax rate of \$1,750 this provides for the opportunity to assess a Fee up to \$17,500. Mr. Jones stated he questions as to whether the demolition portion of this project was taken into consideration as the net adjustment would be 11,000 square feet to their property, and asked if this would adjust the multiplier factor. Mr. Jones stated he was unable to find in the public records the charts and tables used to make the calculation. He stated there is a Traffic Impact Fee portion of the Ordinances, and apparently there is some flexibility afforded to assessment of these Fees to include Paragraph 121-11 which offers exemptions under Part B “if there are overriding public interests involved, the Board of Supervisors are entitled to credit up to 100% against the otherwise applicable Fee” so he feels there is room for negotiation. He stated the Church is receptive to participating in whatever activities would be necessary to arrive at a Fee that would be acceptable to the Supervisors and the Church.

Mr. Majewski stated he spoke with Mr. Yates today and he believes that the hydrant is probably not necessary and he will confirm that in writing once he has an opportunity to review the information submitted. With respect to the lighting issue, Mr. Majewski stated he did speak to Andy Hamilton from Mr. Vandyke’s office; and he believes that the Church can comply with the requirements of the Ordinance and the review letter.

With regard to the Traffic Impact Fee issue, Mr. Dixon stated when they did the traffic review of the site they were not aware that it would be a net of 11,000 square feet and that part of the building was to be demolished. He stated they will go back and re-calculate what the trip generation would be based on the 11,000 square foot number and provide this to the Township tomorrow. He stated the MPC indicates that when an Impact Fee assessment is determined it must be based on Institute of Transportation Engineers’ Trip Generation Manual which is a book of empirical data for various land uses, one of which is a church; and they plug in the square footage which shows the amount of trips this would generate which is the standard they follow. He stated there may be particular circumstances with this particular use where they feel it may not be this number, the Church may wish to provide further information for the Board to consider.

Mr. Truelove stated they would need to find out from the Church if this expansion is needed to serve the existing congregation recognizing that their Church is growing. Mr. Jones stated the letter from Mr. Dixon referred that peak time was utilized for the calculation which appears to be weekdays between 4:00 p.m. to 6:00 p.m., and Mr. Jones stated those are times when the Church basically does not have any activity and most of their usage would be in the evenings and on Sundays when their multiple Church services take place. Mr. Truelove stated it appears that they are requesting an exemption for all or part of the Fee based not only on the net gain which was less than what was in Mr. Dixon's report and also because the calculation is based on peak time, and to the unique circumstances with the Church and its operations; and Mr. Jones agreed. Mr. Dixon stated the rates used are based on the P.M. peak hour which is an hour between 4:00 p.m. and 6:00 p.m. so the circumstances of this particular use may not impact the traffic at that time period. Mr. Stainthorpe stated it seems that this is something they should Waive, and Mr. Truelove stated he would suggest that the Board grant an exemption consistent with the Impact Fee Ordinance, if the Board is so inclined. Mr. Santarsiero stated he would like to make it clear that this is done on the basis that in fact they are serving the existing Congregation and this is not an issue where the congregation is doubling overnight and they are seeking to do this to serve the existing needs which would distinguish this particular Waiver from other circumstances. Mr. Santarsiero stated they recognize that over time, they will be adding families to the Congregation; but primarily this is being put in because there is an existing need; and Mr. Jones agreed.

Mr. Smith asked the growth of the Church membership over the last five years, and Mr. Jones stated he would anticipate that they grew from 475 to 520.

Mr. Santarsiero moved and Mr. Stainthorpe seconded to approve the Preliminary/Final Plan for Tax Parcel No. 20-16-68-1 for the Plans dated 6/15/07, last revised 10/12/07 and the Stormwater Management Report dated 6/15/07, last revised 10/12/07 and consistent with the comments contained in Mr. Jones' 1/23/08 letter to Nancy Frick, Director of Zoning, Inspections & Planning subject to the following Conditions:

1. The Applicant shall comply with Lower Makefield Township Subdivision and Land Development Ordinance, the Lower Makefield Zoning Ordinance, and all applicable local, State, and Federal Ordinances, Statutes, and/or Laws;
2. Receipt of all permits, authorizations, or approvals from all agencies with jurisdiction, including but not limited to PADEP and the Bucks County Conservation District;
3. Compliance with the CMS Engineering's review letter dated 1/17/08;

4. Compliance with Remington & Vernick's review letter dated 12/27/07;
5. Compliance with Bucks County Planning Commission Report and Memorandum dated 12/19/07;
6. Compliance with review letter of James V.C. Yates, dated 12/8/07; and supplemental information supplied verbally to CMX engineer James Majewski as noted at the 2/6/07 Supervisors' meeting, to be supplemented by a further report from Mr. Yates regarding the fire hydrant issues;
7. Compliance with note/memorandum/letter from Pennsylvania American Water Company dated 12/20/07;
8. Compliance with Traffic Planning and Design, Inc. review letter dated 12/31/07;
9. Compliance with the Lower Makefield Township Police Department review letter dated 11/29/07;
10. Compliance with the Lower Makefield Township Environmental Advisory Commission review letter dated 12/24/07;
11. Compliance with the Pennsbury School District review letter dated 7/19/07;
12. Compliance with the Lower Makefield Township Planning Commission memorandum and review letter, with attachments dated 1/30/08, with further specific review and compliance with lighting standards as reviewed by the Township consultants and officials with respect to the Edgewood Historical District;
13. Compliance with the Zoning Hearing Board Decision granting specific Variances requested by the Applicant at the Hearing dated 11/5/07;
14. Exemption from Impact Fees pursuant to the Lower Makefield Township Code Section 121-11, consistent with the information provided by the Applicant at the 2/6/08 Board of Supervisors' meeting regarding the proposed expansion to be serving the existing congregation;
15. The following Waivers are granted:
 - A. SALDO Section 178-20.C (9) which requires that existing buildings (and their uses), driveways, sewer lines, storm drains, culverts, bridges, utility easements, quarries, railroads, and other significant

man-made features within 200 feet of and within the site (this includes properties across roadways) be shown on the Development Plan. The Plans herein show this information within approximately 50 feet of the site.

- B. SALDO Section 178-57 E states that all internal parking lots, separator islands and aisles shall be confined within curbing, except where direct overland flow or curb cuts are utilized to drain runoff to a vegetated open channel or bioretention area behind the curb. The Plans show that the curb is not proposed in the separator islands.
- C. SALDO Section 178-57 G states that parking lots shall be separated from buildings by a minimum distance of 20 feet or more. The Plans show the handicap accessible parking area located approximately 12 feet from the property building addition and a portion of the southern parking lot located approximately 90 feet from the building addition. The Waiver request on the Plans shall be revised to cite this Section.
- D. SALDO Section 178-93 D5 states that the stormwater basin shall have not more than a 4 to 1 side slope. The Plans show a 3 to 1 side slope in the stormwater basin.

- 16. Where applicable, the Applicant shall comply with all comments from the appropriate authorities responsible for approval of the proposed utilities.

Mr. Jones agreed to the Conditions of Approval and the Motion carried with Mr. Caiola abstained noting his family are members of the Congregation.

APPROVE REQUEST OF STEVEN AND CHRISTINE FUHR TO CONSTRUCT AN ADDITION RESULTING IN GREATER THAN PERMITTED IMPERVIOUS SURFACE

Mr. Fuhr stated they live at 415 Hidden Oaks Drive, and he is asking for approval to construct an addition to the rear of his home. He stated he discussed this with Mr. Majewski, and they would be required to install a dry well system; and he would be willing to do this and even build it larger if necessary to help water run off. He asked if he would need to apply for a Variance for this.

Mr. Stainthorpe questioned why this matter is before the Board of Supervisors rather than before the Zoning Hearing Board. Mr. Truelove stated this is a limitation on the Plan itself and it was part of the actual Development Approval. He stated Mr. Majewski's

report indicates that the restrictions on the Plans are much more restrictive than what is in the Zoning Ordinance for that District. Mr. Stainthorpe stated provided Mr. Fuhr is willing to do the stormwater run off system, he would be in favor of the request.

Mr. Stainthorpe moved and Mr. Santarsiero seconded to approve the request provided they comply with the Township engineer's recommendations for the stormwater run off system.

Mr. Majewski stated in speaking with the Applicant he understands they also want to install a patio at a future time, and he feels it would be appropriate to allow them a higher number than the 4,712 square feet they are currently seeking approval for and would suggest it be 5,000 square feet and that the system be sized appropriately which he has calculated to be 125 cubic feet of storage within a seepage trench. Mr. Majewski noted this would still be 1,094 square feet below what is permitted by Zoning.

Mr. Santarsiero moved to amend the Motion accordingly, and Mr. Stainthorpe seconded. Motion to amend carried unanimously, and Motion as amended carried unanimously.

Mr. Fuhr asked if he has to submit Plans to the Bucks County Conservation District, and Mr. Majewski stated he believes the disturbance will be greater than 1,000 square feet and will require Bucks County Conservation District approval.

GRANT CERTIFICATE OF APPROPRIATENESS FOR SIGN FOR THE INDIAN GARDEN RESTAURANT LOCATED IN LOWER MAKEFIELD SHOPPING CENTER

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to grant the Certificate of Appropriateness.

ZONING HEARING BOARD MATTERS

With regard to the St. John the Evangelist Church, 752 Big Oak Road, Variance request to permit the erection of two signs on the property, it was agreed to leave the matter to the Zoning Hearing Board.

UPDATE ON SEXUAL PREDATOR ORDINANCE

Mr. Truelove stated his office was requested to do some research on some existing residents who are subject to the Sexual Predator Ordinance; and in cooperation with the Police Chief, they have done this review and believe that there are no violations of the

Ordinance that are existing. He stated they are mindful of the fact that there are privacy issues that are also relevant and should be respected. He stated it appears that the Ordinance is being adhered to at this point, and if there is any further discussion or review needed, he would suggest that the Police Chief be contacted about that noting he is aware of the situation. Mr. Truelove stated to their knowledge, there are no challenges to any similar Ordinances anywhere in the Commonwealth; and everyone should be cautioned that they are watching the situation closely although they feel the current Ordinance would withstand scrutiny.

APPROVAL OF ACCEPTING RECYCLING GRANT FROM PA DEP

Mr. Stainthorpe moved and Mr. Santarsiero seconded to approve acceptance of the Recycling Grant from PA DEP in the amount of \$57,375 to be used for a leaf vacuum machine and expansion of the mulching area.

Mr. Fedorchak stated of the \$57,375, \$42,705 will be applied toward the purchase of a new leaf pick up machine. He stated the Township currently has six vehicles, and they propose to replace a 1992 machine which is in poor condition and rarely used. The remaining amount will be for various improvements to the recycling yard located behind the Public Works garage. He stated there is a Township match required which is 10% of the total which equals \$6,373; and the staff recommends authorizing execution of the Contract with DEP.

Motion carried unanimously.

Mr. Smith asked the genesis of the Grant, and Mr. Fedorchak stated the Public Works staff prepared the Grant and submitted it to DEP. Mr. Smith asked how they became aware that there were monies available; and Mr. Fedorchak stated it is an annual program, and over the years the Township has taken advantage of whatever monies were available. He stated over the last few years, the Township has been unable to get any Grant money because it was highly competitive. Mr. Smith stated he is hopeful that the Township engineers will be highly proactive in identifying and seeking out any Grants that may be available both Federal and State to assist the Township.

APPROVAL OF RESOLUTION NO. 2158 – APPROVAL OF CONTRACT WITH PA DOT FOR STREET SWEEPING

Mr. Fedorchak stated this will allow the Township staff to perform street sweeping services for 23 miles of State highways. He stated under the Contract for this year the Township will receive an hourly rate of \$94.59, and the State will pay the Township up to 200 hours so that the maximum amount the Township could receive is \$18,918.

Mr. Stainthorpe asked if this covers the Township's costs, and Mr. Fedorchak stated it does.

Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was **unanimously** carried to approve the Contract with PennDOT for street sweeping.

DEFER CONTRACT AWARD FOR BARRIER-FREE ENTRYWAYS FOR TOWNSHIP BUILDING

Mr. Fedorchak asked that this matter be tabled, and this was acceptable to the Board.

AWARD CONTRACT FOR MT. EYRE ROAD GUIDE RAIL REPLACEMENT

Mr. Majewski stated the Township received three bids to replace an existing sub-standard guide rail along Mt. Eyre Road between Walker Road and Taylorsville Road. He stated they reviewed the bid submitted by the apparent low bidder and determined that they are the lowest responsible bidder, and would recommend the award of the Contract.

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to award the Contract to William Orr & Sons, Inc. in the amount of \$41,503.

AWARD CONTRACT FOR 2008-2009 REFUSE COLLECTION AND DISPOSAL FOR TOWNSHIP-OWNED FACILITIES

Mr. Majewski stated the Township received three bids and they reviewed the bid package of the low bidder and recommend that the Contract be awarded to the low bidder

Mr. Santarsiero moved and Mr. Maloney seconded to award the Contract to McCullough Rubbish Removal, Inc. in the amount of \$31,725.

Mr. Stainthorpe stated he recalled several memos from Ms. Liney about problems with service from McCullough. He stated the Golf Course also had some issues with them as to the frequency of the pick ups. He noted the next qualified bidder is \$6,000 higher. Mr. Fedorchak stated McCullough is aware of the Township's concerns and on a going-forward basis they have promised to provide the service on a timely basis. Mr. Majewski stated the Contract has been revised to provide a penalty for late pick up.

Motion carried unanimously.

AWARD CONTRACT FOR COMMUNITY POOL HEATER REPLACEMENT

Mr. Majewski stated the Township received three bids for replacement of two pool heaters. They have reviewed the bid package submitted by the apparent low bidder, and recommend award of the Contract to the low bidder.

Mr. Santarsiero moved and Mr. Stainthorpe seconded the award of the Contract to Todd Harris Co., Inc. in the amount of \$35,000.

Mr. Smith questioned the age of the heaters being replaced, and Mr. Fedorchak stated he feels they are approximately seven years old.

Motion carried unanimously.

SUPERVISORS' REPORTS

Mr. Caiola noted the Citizens Budget Commission and the Economic Development Committee held a joint meeting with a presentation by the individual working on the sewer proposal. Mr. Caiola stated the EAC discussed last year's progress and the projects they are working on for 2008 including the second annual Global Warming Conference tentatively scheduled for May. He noted the Bucks County Performing Arts Council will hold their next concert at the Yardley Community Center on February 23. He also noted the next meeting of the Regional Traffic Task Force will be held late in March.

Mr. Santarsiero stated the Bucks County League of Municipalities will meet in Lower Makefield Township on February 28.

Mr. Smith stated the Regional Traffic Task Force has e-mailed the Minutes from their last meeting and proposals for the next meeting to enact the final comments to the study. He stated they noted that Lower Makefield was one of only a few Townships which has forwarded comments on the report and all additional comments should be submitted as soon as possible. Ms. Herman stated the DVRPC has issued an Addendum to all recipients of the hard copy of the report, and they posted the Addendum on the Website. She stated they have not issued a replacement CD-ROM that includes the Addendum or that is properly labeled to show that the DVRPC is the consultant that performed the report. She stated RRTS as a stakeholder received the study in the CD-ROM format and they would expect to get a replacement CD-ROM with the Addendum. She stated they will be writing the DVRPC again advising them that as stakeholders they are entitled to that. Mr. Smith stated he is concerned that they left out RRTS on the copy list.

February 6, 2008

Board of Supervisors – page 27 of 27

Mr. Smith stated the Sewer Authority had an initial presentation of the proposal to consider the sale of the sewer system. He feels this will be on the Agenda for the Board of Supervisors on February 20. Mr. Smith stated the Elm Lowne Committee met and they are moving ahead with studies of the property and what proposals the Township should consider for the future of Elm Lowne. Mr. Smith stated the Special Events Committee would like there to be additional signage in the Township about special events apart from the overhead banners in the vicinity of the McCaffrey's shopping center. He stated they are moving ahead with the spring event which they are calling May Midnight Madness at Macclesfield. Mr. Smith also stated he was contacted by those involved with the Magnet Site, and they will keep him updated if there is any significant change.

Mr. Caiola stated the Historic Commission is going to try to meet in the evening every other month, and he will be the Liaison for that organization this year.

APPOINTMENTS

Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to re-appoint Richard Gauck to the Sewer Authority.

There being no further business, Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to adjourn the meeting at 10:40 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
Greg Caiola, Chairman
Steve Santarsiero, Vice-Chairman
Matt Maloney, Secretary/Treasurer
Ron Smith, Supervisor
Pete Stainthorpe, Supervisor

**JANUARY 2008 WARRANT LISTS AND
DECEMBER 2007 PAYROLL COSTS FOR APPROVAL
FEBRUARY 6, 2008 BOARD OF SUPERVISORS MEETING**

1/7/200 Warrant List	\$ 428,677.85	
1/08 Manual Checks	1,187,008.00	
1/21/2008 Warrant List	271,336.90	
Total Warrants & Prepaids		1,887,022.75
<u>PAYROLL COSTS:</u>		
DECEMBER 2007 Payroll	290,713.73	
12/07 Payroll Taxes, etc.	126,536.51	
Total Payroll Costs		<u>417,250.24</u>
TOTAL TO BE APPROVED		\$ <u><u>2,304,272.99</u></u>

