

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – MAY 21, 2008

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on May 21, 2008. Chairman Caiola called the meeting to order at 7:30 p.m. The Pledge of Allegiance was led by students from Makefield Elementary School. Mr. Smith called the roll.

Those present:

Board of Supervisors:                   Greg Caiola, Chairman  
  Steve Santarsiero, Vice Chairman  
  Ron Smith, Supervisor  
  Pete Stainthorpe, Supervisor

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

Absent:                                    Matt Maloney, Supervisor

Mr. Santarsiero stated a few weeks ago Makefield Elementary School held its annual Colonial Day to which the Supervisors were invited. He stated while he was unable to attend as he is a Teacher and had class that day, he did write back to the students from Mr. Kane's class who had written to the Board and asked that they write back to him after the event was held to describe what they learned at Colonial Day. He stated a number of the students who wrote letters are present this evening to see local Government in action. He read a few of the letters that he received from the students about Colonial Day. Mr. Santarsiero thanked Mr. Kane, and the Makefield faculty and parents for offering this experience to the children. Mr. Santarsiero stated the letters will be posted in the Township Building.

PUBLIC COMMENT

Ms. Karen McElwee noted the upcoming Midnight Madness at Macclesfield which will start at 6:00 p.m. Saturday, May 31 and end 11:00 a.m. on Sunday. She stated the Police, Fire Fighters, and EMTs will be in attendance along with the Boy and Girl Scouts. She reviewed the activities which will take place. She stated they are still looking for more softball teams. She stated seventy families have registered to camp out, and registration forms are available on-line and in the Township Building as well. Mr. Smith stated you do not have to camp out in order to attend the events Saturday or Sunday.

Ms. Phlaxy Roseman stated there is a problem with the Pinchuk property on Doe Trail Lane. She stated this is the third summer that the neighbors will have to look at a mountain of dirt and asphalt. She stated she understands that the project is at a stand still. She asked that the mounds be leveled until the situation is resolved. Mr. Majewski stated he spoke to the residents' engineer for the property at 1574 Doe Trail Lane, and they indicated that they have submitted the Plan to the Bucks County Conservation District and the DEP; and hopefully the issue will be resolved soon. He noted the Variance obtained expires in mid-July so they will need to have some resolution by then. He stated they want to pipe the stream that is in the area, and permission was granted by the Zoning Hearing Board to do so. He stated the homeowner has been working very slowly to get the approvals necessary from the other agencies. Ms. Roseman stated even if the pipe situation continues, she would request permission be given to spread around the mound of soil and to remove the large chunks of asphalt so it is not so unsightly. Mr. Santarsiero asked if they would re-use this asphalt or would it be removed, and Mr. Majewski stated he feels it would be removed off site. Ms. Roseman stated she understands that the homeowner does want to get the project done. Mr. Majewski stated the homeowner has not submitted the information in a timely manner. He stated they will know in one month where the project stands.

Ms. Shelly Lynn stated she lives next door to the property, and she feels it is dangerous. She stated during the spring rains, there was a waterfall, and all the loose pipes on the property were moving. She stated she has been advised that they did submit permits on more than one occasion. She stated when the neighbors were present last year; they were told that it was going to be resolved in 45 days.

Mr. Truelove stated this matter came before the Zoning Hearing Board and the Township opposed the Application. The Zoning Hearing Board granted the Variance subject to a number of strict reviews. Mr. Majewski stated the homeowners have been very slow in submitting the information to the Township, and the Township has turned around their Permits very quickly.

Mr. Smith asked if there is standing water on the property, and Ms. Lynn stated there is. Mr. Caiola stated if there is a health issue, he feels the Township needs to address this.

Ms. Judy Gordon stated she lives in the area, and stated she heard that part of the hold up has been that the swale was originally constructed in the 1980's when there was no development in the north end of the Township. She stated development has increased and there is increased traffic in the area and part of the problem is that two pipes that run under Creamery Road are starting to fail and are impacting this property. Mr. Majewski stated there is no development upstream of the pipe. He stated approximately thirty-five acres of land drain through the pipe which will ultimately need to be replaced.

Ms. Gordon noted the development behind Quarry Hill on the west side of Creamery Road, and Mr. Majewski stated this development drains to a different pipe in a different direction.

Mr. Smith stated they will make sure that there are no health issues; and if there are, they will address them immediately.

Mr. Joe Sundeen, Pratt Drive, stated he is Vice Chairman of the Environmental Advisory Council. He reported on the Global Warming Conference which was held at the Township Building on May 10. He thanked the Board for their support of the Conference and the other activities of the EAC. He stated approximately 80 people were in attendance at the Conference. He stated the Conference was taped and it is being re-broadcast on the Township channel. He stated DVDs are also available at the Library. He stated the questions asked and the answers given at the Conference will be posted on the EAC Website.

Mr. Peter Vitella, 17 Orchard Way, stated the Township has been dipping into reserves for at least two years, and he asked what kind of comprehensive plan the Board of Supervisors has to stop deficit spending. Mr. Caiola stated every year the Board reviews the Budget. He stated over the last few years they have discussed enacting an emergency services tax or a per capita tax on those working in the Township in order to increase revenue. He stated the Township is almost totally built out so there are not that many opportunities for new revenue sources. He stated another option is to cut services which is never preferable. He stated they are constantly looking for ways to maintain services and keep the taxes as stable as they can. He stated they do not have a five to ten year plan. He stated the sale of the sewer system was considered as a way to stabilize the taxes for a period of time. He stated the Board does try to be as austere as possible. He stated last year they did have to increase taxes, but they felt it was warranted. He stated the real estate market is down, and this has an impact on the Township Budget as well.

Mr. Smith stated they do have a Citizens Budget Commission and an Economic Development Commission which are looking into these issues. He stated they are waiting for the report from the Economic Development Commission. He stated the Citizens Budget Commission has been very active looking into the Budget. Mr. Smith suggested that Mr. Vitella attend the Citizens Budget Commission meeting to discuss his concerns and ideas with them.

Mr. Vitella stated he worked for twenty-five years for a non-profit organization and every year the program directors for the organization were required to submit three to five year plans for their programs. He stated he would suggest that the Board of Supervisors take more of a long-range view of what is going on with taxes, revenue, spending, and consider what is and is not necessary.

Mr. Caiola stated when they were discussing the sewer system, Mr. McCloskey and Mr. Fedorchak provided numbers three to ten years out, so they are considering this. He stated it is difficult to gauge certain things that are not within the Township's control.

Mr. Santarsiero stated the Board has agreed that they are going to continue to look into these issues, and they will consider the costs that the Township will face going forward including major capital expenditures in the future and looking at a more long-range forecast to see what needs be done to be able to meet these costs and still meet the safe harbor requirements so that they can cover any emergencies and maintain a good bond rating.

Mr. Vitella stated while he hopes the Board continues this, he would still like to see something on paper in a three to five year plan so it can be reviewed by the residents.

Mr. Santarsiero stated he agrees that they need a more comprehensive approach and this is what they are going to embark on. He stated they have agreed that regardless of what is done with regard to the sewer system, they need to consider a long-term plan. He stated the Township has been spending down on its reserves for years and not just in the last two years. He stated for many years the Township was able to live on the money that came in from new developments and transfer taxes, but this has not been there over the last few years, and this adversely impacted the Township which is why they had to pass the Budget that they did.

Mr. Zachary Rubin, 1661 Covington Road, asked the Township's current bond rating and how it compares to other Municipalities in Bucks County. Mr. Fedorchak stated the rating is AA2 and is one of the highest of any of the Municipalities in Bucks County second only to Middletown Township. Mr. Rubin stated it appears that the Supervisors have been fulfilling their fiduciary responsibilities of having sound financial management of the Township according to the Bond rating agencies.

Mr. Ethan Shiller, 367 Lang Court, stated he is on the Citizens Budget Commission, and he invited Mr. Vitella to attend their next meeting on July 21 at 7:00 p.m. at the Township Building. He stated they do have a readable, detailed Budget in the Township. He stated there are also a number of segments in population in the Township and they need to be considerate as to all their needs. He stated each year the Budget process has become more understandable, and they do have three-year projections for all the funds and line items. He stated they are very concerned that the Bond rating stays high and that they stay above the 5% level with their reserves so that if there is any kind of emergency, the funds are available.

Mr. Craig Jackson, Yardley Crossing (formerly Belmondo) stated there were problems with parking on River Road during the recent YMS Tournament at Macclesfield Park. He stated he almost had an accident and feels something must be done to restrict parking

on the Road. He asked that signs be installed at Yardley Crossing where there is a shoulder as it is very difficult to exit the development when Tournaments are taking place and cars are parked in this area. Mr. Smith stated YMS has two large Tournaments at Macclesfield Park each year. He stated when these large Tournaments are held YMS offers a park and ride service. He stated possibly they should have the Police Department enforce more vigilantly during the Tournaments; and if there are vehicles parked illegally, the Police Department should get these vehicles into the park and ride. Chief Coluzzi stated there were numerous ways they tried to alleviate parking problems, and the Police still had to issue numerous parking citations for both inside and outside of the Park during the Tournament. Mr. Smith agreed to look into this again in the fall.

Mr. Scott Burgess, 15 Glen Drive, reiterated that he saw a number of cars parked on River Road during the Tournament. He suggested that the Township install temporary signs on River Road during the Tournament. Mr. Smith stated he will contact the President of YMS and the Tournament Director about this problem. Chief Coluzzi stated YMS did include in the literature which they distributed where participants should park. Mr. Smith stated there are a number of people coming from outside of the area.

Ms. Virginia Torbert suggested that they consider putting up the yellow caution tape in addition to the signs along this stretch. Chief Coluzzi stated he does not feel it would be practical to put up the yellow tape along this long stretch of River Road although the signs would be possible. Chief Coluzzi stated a lawful ticket can be issued because it is illegal to park on River Road. Ms. Torbert stated there are people who are willing to pay the ticket. She stated she feels if they see a sign and caution tape, they will not park there. Chief Coluzzi stated they could look into signs for next year's Tournament.

#### APPROVAL OF MINUTES

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Minutes of May 7, 2008 as written.

#### UPDATE ON SOUND BARRIERS AS PART OF THE SCUDDER FALLS BRIDGE PROJECT

Mr. Santarsiero stated they have a presentation tonight including slides provided by the Joint Toll Bridge Commission showing what they are currently proposing. He stated in the summer of 2005, the Joint Toll Bridge Commission first came to the Township advising them that they wanted to expand the Scudders Fall Bridge, and possibly replace it, which it seems is what they are going to do now, while at the same time adding a lane on the northbound and southbound sides of I-95 between Route 332 and the Scudders Falls Bridge in Lower Makefield. He stated many in the Township concluded that there

was a need for sound barriers to protect all the neighborhoods that adjoin the highway. He stated he and Mr. Smith attended a meeting held at Pennwood Middle School in the summer of 2005 and raised this point, and since then the Township has continued to advocate with the Bridge Commission for sound barriers along this stretch. He stated they advised the Bridge Commission that the sound is bad currently, and as the volume builds and the lanes are expanded, it will get worse. He stated in December of 2006, he and Mr. Truelove met with Governor Rendell on another matter; and at the end of the meeting he again raised the sound barrier issue, and Governor Rendell agreed he would discuss this matter with the Bridge Commission. Mr. Santarsiero stated in March, 2007, the Bridge Commission advised that they would, in fact, build sound barriers for certain parts of the stretch; but what they proposed did not cover all the effected neighborhoods, and the Board of Supervisors advised that they wanted the barriers to cover the entire area. At the time there was discussion about the cost, and the Township asked the Bridge Commission to come back with a cost estimate for the additional barriers being requested by the Township. This information has not been provided despite repeated requests. There were additional meetings by the Bridge Commission which a number of residents attended, and the Bridge Commission is now proposing additional sound barriers, but those being added would only be 50" in height which those in the Township feel is inadequate.

Mr. Santarsiero stated he asked for a meeting with representatives of the Bridge Commission as well as a representative from Governor Rendell's office, and he and Mr. Fedorchak had such a meeting last week. He stated representatives from the Bridge Commission in attendance were Mr. McCartney and Mr. Gaeton Alfano, the counsel for the Bridge Commission, as well as B.J. Clark, the representative from the Governor's office. He stated they were informed that the Commission had agreed to full height sound barriers at a minimum of 10' or higher depending on the topography of the stretch in most of the areas which were originally requested. He stated there were two areas that were not included; and he and Mr. Fedorchak indicated that they would like those areas put in as well, and the Bridge Commission agreed to get back to the Township at a future date about this, and they hope to have a response on this within one or two months.

Mr. Santarsiero stated they have still not secured funding for the project which is estimated to cost \$200 million for the entire project; and once they secure funding, they will finalize the overall project design including ancillary matters such as the sound barriers. Mr. Santarsiero stated he feels once the Bridge Commission has advised they will agree to what the Township is requesting, there is still a need to be diligent until they finally approve the full scope of the project and the funding which he does not feel will happen until 2009. Mr. Santarsiero stated they have provided the information the Township previously requested indicating the barriers cost approximately \$300 a linear foot. The cost for the sound barriers they are currently proposing is \$7 million. He stated the two areas they have yet to agree to cover which the Township feels they should cover

consists of about 2/10ths of a mile which could cost another \$300,000 to \$400,000, which in a \$200 million project, is a marginal cost.

A schematic was shown of the area from Route 332 to the Scudders Falls Bridge showing all the sound barriers they are currently proposing. All of these are full height sound barriers. Decibel levels are also shown at existing levels, what it would be if there were no sound barriers, and what it will be if the sound barriers are built.

Mr. Santarsiero stated the area between Ms. Rizzuto's house and the house on the Wright Farm has not been included which is approximately 100 yards, and he indicated to the representatives at the meeting that this area should be included. He stated the other area not included is from Quarry Road where it crosses I-95 on the southbound side going north on the other side of Jacob Way. He stated the reason they indicated that they did not include this was because it was farmland. Mr. Santarsiero stated he advised them that while this is correct, you can also see the back yards of residences; and while it is farmland, it is a very narrow swath of farmland and not sufficient to deaden the noise coming from the highway currently. He stated he asked that they continue the barriers along that stretch as well. Mr. Santarsiero stated the Bridge Commission has now agreed to cover the northbound side of I-95 all the way down to Taylorsville Road with full sound barriers. They have also covered from Taylorsville Road to the Bridge on the northbound and the southbound sides. Mr. Santarsiero stated he hopes that they will agree to include the two additional areas noted.

Mr. Seymour Norwicki, 1369 Brentwood Road, stated his property is impacted by the corn field noted, and asked if there are any plans to cut into the cornfield or stand of trees. Mr. Santarsiero stated they have been told that the construction will be internal; and although this has not been decided conclusively, it seems to be the least expensive alternative and from an engineering standpoint makes the most sense. Mr. Norwicki stated not only does the noise reach his property, but he can also see the traffic since the stand of trees is thin. He asked that the Township continue to work on this.

Mr. Santarsiero stated the Township has invited the Bridge Commission to come to a Township meeting some time in June so that all the residents can be present to discuss the impact on their properties. Mr. Norwicki stated it is his understanding that the funding is determined by the Delaware Joint Toll Bridge Commission, and they would then go back and get approval on this; and Mr. Santarsiero agreed.

Mr. Jan Pestie, Brentwood Road, stated the noise is unbearable and is getting worse. He feels the pressure that the Board and others has placed has resulted in improvements, and he would urge that they continue to do this.

Mr. Chris Weaver, 1271 Colts Lane, thanked the Board for their support on this matter. He stated normally there are 18' to 20' high sound barriers along highways along the East

Coast; and he is concerned that there are existing 6' to 12' berms behind the homes so that if they install 10' sound barriers, they could be 2' below the existing berms. He feels they should do additional testing to determine the actual reverberation and make sure the sound barriers are high enough. Mr. Santarsiero stated they were told it would be 10' minimum depending on the topography, but they will discuss this with them.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, thanked Mr. Santarsiero and Mr. Fedorchak for the work they have done on this. She noted on the schematic an area where the barriers end and feels the noise will impact the homes in the The Ridings. Ms. Torbert also stated that when they put in the loop ramp and widened the approach to I-95 north, PennDOT removed all the vegetation between the Torbert property and the side of the road so it is already very noisy. She asked if they could request that they put in a berm or trees along the road. Mr. Caiola stated normally they do replant after a project is done, but agreed they could request this. Mr. Santarsiero stated this request would have to be made of PennDOT as this was a separate project from the project currently under discussion. Ms. Torbert stated they will now be widening to six lanes, and asked if they could put in some kind of berm or trees by the farm to replace the trees which were taken down when they did the Interchange project. Mr. Santarsiero stated if this is something PennDOT did as part of their project that was not remediated, they should discuss this with PennDOT as opposed to the Bridge Commission. Ms. Torbert stated PennDOT will be doing this work as well so it is the same organization. Mr. Santarsiero stated the difference is the funding as the funding for the Scudders Falls Bridge project is coming from the Bridge Commission while the previous project was a PennDOT project, and he feels they will have to ask PennDOT about this.

Ms. Torbert stated the theory the Bridge Commission is using for not providing sound barriers where there are only fields is that the land could be developed, and the Township could make the developer install sound barriers at that time. Ms. Torbert asked if the Township can require sound barriers from a developer, and Mr. Truelove stated he is not sure that this is a requirement under either the Subdivision and Land Development Ordinance or the Zoning Ordinance. Mr. Santarsiero stated if houses were built they may have an issue under the PennDOT regulations that would warrant the sound barriers being put in, although it does leave the issue of who would be responsible for this.

A gentleman asked if copies of the slides being shown this evening are available for the public, and Mr. Santarsiero stated they could put these on the Website and also print them out and make them available to the public.

Ms. Tracy Rizzuto, 1759 Jockey's Way, thanked the Township for what they have done. She stated the decibels for Ascot which is the cul-de-sac across the open field which is still proposed not to have sound barriers are just as high as they are at her home.

Mr. Santarsiero stated at the Citizens Traffic Commission meeting on Monday evening residents from the areas south of Route 332 that border I-95 came in to talk about the noise in that area, and requested that the Township request sound barriers from PennDOT for this area. He stated this is not part of the Scudders Falls Bridge project, but is something that will be before the Board of Supervisors probably at the next meeting. The Township traffic engineer will put together a budget of what it would cost to analyze the case for installing these barriers which would ultimately have to go before PennDOT.

#### DISCUSSION OF NO SMOKING INITIATIVE IN TOWNSHIP PARKS AND APPROVAL TO DRAFT ORDINANCE

Mr. Truelove stated a few weeks ago his firm was asked to look into possible legislation regarding prohibition of smoking on Township-owned properties. He stated he discussed this with a representative from Bensalem Township which recently passed such an Ordinance, and provided a copy of their Ordinance to the Board of Supervisors; and he stated the Ordinance is fairly consistent with what the Township indicated they would like to consider adopting. He stated the Ordinance generally prohibits smoking at Township-owned locations including parks and other areas with some possible exceptions. He stated he has also looked into the collective-bargaining issues and feels based on a recent Commonwealth Court decision, such an Ordinance would be acceptable.

Mr. Stainthorpe stated he does feel they would have to exempt the Golf Course since a number of golfers do smoke cigars when they play golf and cigars are sold in the Pro Shop; and if it were prohibited, it would impact the revenue at the Golf Course. He stated smoking is not permitted in the Club House.

Mr. Stainthorpe moved and Mr. Santarsiero seconded to instruct Mr. Truelove to draft an Ordinance for discussion at a subsequent meeting.

Mr. Smith stated the Board of Supervisors has been contacted by a number of people about enacting such an Ordinance. He feels they should move immediately to prohibit smoking at Kids Kingdom and the Township Pool. Mr. Truelove stated he feels it would be better to have a comprehensive Ordinance. He stated from a legal perspective, the Board of Supervisors is charged with protecting the health, safety, and welfare of the residents and second-hand smoke is now a known danger.

Mr. Craig Jackson, Yardley Crossing stated he feels the Golf Course should be included in the prohibition as well since there are children and others who golf who would be affected by second-hand smoke at this location. Mr. Santarsiero asked how much this would impact the Course, and Mr. Stainthorpe stated a lot of golfers do smoke cigars, and he feels if smoking were prohibited at Makefield Highlands, it would probably be the

only course in the Eastern United States that did not allow cigar smoking; and he feels they would lose revenue.

Motion carried unanimously.

#### APPROVE CHANGE ORDER NO. 15 TO INSTALL BENCHES, ENGRAVED PLAQUES, AND BIKE RACKS AT MEMORIAL PARK

Mr. Liuba Lashchyk, Ms. Tara Bane, and Ms. Ellen Saracini were present. Ms. Lashchyk stated this Change Order covers installation of fifteen benches with memorial plaques to be placed in the oak arboretum area and three bike racks to be placed in the vicinity of the Garden of Reflection. She stated the plantings and hardscape in the oak arboretum have been completed through donations of nurseries and local landscapers. The benches have been paid in full through donations and the bike racks will be paid for through the Garden of Reflection Fundraising Account.

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to approve Change Order No. 15 in the amount of \$39,500 to be paid from the Garden of Reflection Funds held by the Township.

#### TOWNSHIP DEER MANAGEMENT PLAN UPDATE

Mr. Bryon Shissler was present and stated since he was last before the Board of Supervisors, they have developed an RFP as requested for a limited sharp shoot primarily oriented toward training local hunters as to how to do this removal. He stated he subsequently met with the Pennsylvania Game Commission and discussed the options in the Township. He stated he then met, at the request of the Township Manager, with some local hunters who were proposing to get involved with organizing an archery hunt in the Township. He reviewed the written plan the archery group had prepared and then made written suggestions as to how they might modify the Plan before they submitted it to the Township. Mr. Shissler stated he was then asked to modify the RFP to focus on an archery hunt on a limited basis within the Township. Mr. Shissler stated he is prepared to provide this to the Township provided he is given some additional feedback as to the specificity. He stated one of the challenges is where and how extensive the archery hunt would be. He stated the focus was to be on Township property, including Five Mile Woods, but in order for someone to responsibly put together a proposal, they would need to provide more specifics including whether it would include private property around the Five Mile Woods, and what other Township land would be included and whether the private group of archers could work with private landowners around the Township land. He stated with regard to Township property, they would need to know if the Township property would be closed to other recreation while the hunt was taking place and if it

would be closed for part of the day while the hunt was taking place, for how long would it be closed. He stated they need to provide this information to prepare an RFP that allows people to give the Township a response that is meaningful.

Mr. Caiola stated his hope was that the RFP would look at options with regard to an archery hunt and a sharp shoot. He stated the sharp shoot RFP never went out because they were considering a second option. He asked if they could put out an RFP with both components with costs attached or should they have two RFPs. He stated they are concerned with effectiveness and costs. Mr. Shissler stated in some cases they have used RFPs to advertise for hunting organizations to voluntarily come in and do an organized hunt using either archery or firearms; so that they are actually making a proposal as opposed to a bid. He stated on public lands this is often done to provide everyone equal access. The Township would then pick the organization which gives the best proposal. He stated if they mix archery with a sharp shoot using sharp shooters to train hunters to do long-term sharp shooting so that it is cost effective, this would be something people would submit a bid for which they want to be paid. Mr. Shissler stated the Township must decide if they are looking for a voluntary archery hunt using volunteers or a hunt where they will pay a contractor to organize the archery hunt. He stated they should then consider if they want sharp shooting and an archery hunt to be part of the same proposal being initiated in the same year.

Mr. Stainthorpe stated he feels the Board wants to quantify as many options as they can and then make a decision based on cost effectiveness and safety. He stated from the beginning he has not wanted to rule out any idea. He stated the sharp shooting option does have merits, but it is very expensive. He stated he understands Upper Makefield had a successful archery program in terms of the number of deer harvested.

Mr. Santarsiero stated he does not feel they want a hybrid, and they should consider the cost of sharp shooting and the cost for an archery program if it was overseen by a contractor and if it were overseen by volunteers which he assumes would be minimal. He stated he feels they should prepare RFPs for each of these scenarios. Mr. Shissler stated it appears that they would need three separate RFPs, and Mr. Santarsiero agreed.

Mr. Stainthorpe stated if they are going to have an archery hunt on Township land, it should include Farmland Preservation Corporation land, the Patterson Farm, and Five Mile Woods which he feels should be closed during the hunt. Mr. Stainthorpe noted a number of other pockets of Township land which should also be included. Mr. Shissler asked about private property around the Township land noting the volunteers or an organization could work with those landowners to access the properties. Mr. Santarsiero asked Mr. Shissler to look at the Township properties and then suggest what he feels would be the best private areas to be considered as part of an overall plan to be included in the RFP.

Mr. Shissler asked if they want a limited approach as opposed to Township-wide; and Mr. Santarsiero stated originally they were considering this because of the concern with the Five Mile Woods, but then felt that they should expand it since it is a problem throughout the Township. Mr. Stainthorpe stated he agrees that it should be Township-wide. Mr. Santarsiero suggested that Mr. Shissler work with Mr. Fedorchak and Mr. Majewski using a map of the Township including the Township properties and other adjoining properties and consider what would make the most sense. He stated this would then form the basis of the three different RFPs. He stated with respect to the private properties, they would have to get approval from the homeowners of those properties. Mr. Shissler stated he will prepare the three RFPs before the next Board of Supervisors' meeting.

Mr. Zachary Rubin stated when this process first started Mr. Shissler asserted that contraception would not work in Pennsylvania because road kill could be eaten by anyone in Pennsylvania, and that the FDA had not approved certain contraceptive drugs for human consumption. He asked if there has been any change with regard to the use of contraceptives. Mr. Shissler stated in Pennsylvania you must have a permit from the Game Commission in order to capture, inject, and tag deer in Pennsylvania. They have previously indicated that the animals would have to be marked since it is legal to consume the animals. He stated there are several products which have been moved from the FDA to the EPA, but he is not aware that anything has been approved for public consumption.

Ms. Barbara Pearl, 560 Jenny Drive, stated she is opposed to a hunt. She stated she has not been impacted by the deer and would encourage non-lethal options. She stated Tyler Park has used lethal methods for twenty-one years, and it has not been effective. She stated there other communities using non-lethal options, and she would be willing to serve on a committee to look into these options. Mr. Smith asked what non-lethal options are being used to her knowledge, and Ms. Pearl stated some communities have used reflective bands and there is also contraception. She stated the Humane Society of the United States would be willing to work with the Township as she has advised them of the Township's situation. She provided information from the Humane Society of the United States to the Board this evening. She stated the community should be educated about the use of deer-resistant plants. She left with the Board this evening a copy of an article she wrote to the Courier.

Mr. Shissler stated if the Humane Society is interested in submitting a detailed plan including a budget for contraception in the Township, he would encourage them to do so. He stated in the past when this was requested of them, they have not provided it.

Mr. Vern Smith, 560 Jenny Drive, stated he is also opposed to the hunt. He stated he teaches animal law at a local university and has studied the issue intensively. He stated when deer are hunted, the population tends to rebound as multiples are born after deer are

hunted. He feels they will have to continually kill the deer each year. He stated there are alternatives, and he and his wife would be willing to work with the Humane Society of the United States or any other interested parties who may be able to put together the budget that has been suggested by Mr. Shissler so that they can find alternatives to this lethal option.

Mr. Craig Jackson, Yardley Crossing, stated while he is against lethal actions, if it is to be done, he feels the deer meat should be donated to the Emergency Relief Association, which gives out deer meat to people in need. Mr. Santarsiero stated each of the plans anticipate the meat would go to some sort of food bank, and it would be a condition of anything the Board decides to do.

Dr. James Wilson, 2111 Yardley-Morrisville Road, stated he is a Veterinarian, a lawyer, and has been a hunter for fifty years. He stated he is an environmentally-conscious resident of the Township. He stated he has knowledge of population problems brought about by excessive deer in a community. He stated the possibility of controlling the deer population through non-lethal options has not yet arrived. He stated he does not feel there will be a contraceptive method to control the deer population until there is a vaccine. He stated the veterinary profession is very involved in this and recognizes there is money to be made with a non-lethal means to control deer because of insurance issues, the impact on homeowners, Lyme's Disease, and the deleterious impact on the natural evolution of plant life in areas where the deer population has become excessive. He stated while he is a gun hunter he has discussed this issue with archery hunters. He stated with regard to the humane factor, archers have a range of approximately 40 yards with variable accuracy, while sharpshooters have a range of 100 to 200 yards with accuracy within ½ inch. He stated the speed of death is instantaneous with sharpshooters, but is not so with archers, and the vast majority of those deer will travel between 40 to 200 yards. He stated with silencers on the guns, the deer have no idea where the shot came from so sharpshooters can harvest two to four deer in a short period of time where it would take archers significantly longer. He stated sharpshooters can be very effective at night with lights, and archers cannot. He stated while he is not opposed to archery, he is opposed to archery in a suburban community with a high population of people who have varying degrees of sensitivity as to the humane method of managing a deer population that is out of control. He stated when they consider cost/benefit, the Township should consider humaneness, efficacy, speed, and the ultimate desire to curtail the population so it does not destroy the entire plant population. He stated deer re-population will occur naturally so this will have to be an on-going program. He stated he does feel a vaccine will be developed to control the population; but at this time, there is no effective contraceptive to curtail the deer population. He stated the only humane method at the current time is a sharp shoot.

Mr. Smith stated there has been concern about the cost, and it was several hundred dollars per deer for the sharp shooting. Mr. Shissler stated this would be true if they were

paying a professional sharpshooter to come in and repeatedly remove deer. He stated what he has proposed for the Township was to use a sharpshooter to train hunter volunteers who, two years out, would do the removal free of charge. Mr. Smith stated the archers were going to come in and perform the hunt for a nominal cost. He stated a film was shown to some of the Supervisors about the archery option, and he feels this film should be seen by the public so they can see what happens to the deer under this option.

Mr. John Heilferty, stated they previously discussed putting out an RFP for a sharp shoot, and he is encouraged to hear that this is still being considered. He stated once they see the RFP, they will be able to quantify the costs. He stated he would also like to request an opportunity to review the archery plan as he has not been given a copy of this. He stated the Deer Management Plan that Mr. Shissler prepared dated 5/07 is available on-line on the Township Website, and they should put the archery plan on the Website as well. Mr. Santarsiero stated there was no archery plan submitted. Mr. Heilferty stated once this is submitted, he would ask that they treat it the same as the original Deer Management Plan was so that the public can review it.

Mr. Heilferty stated he would be in favor of the use of non-lethal methodology, but the deer are out of balance and are impacting the other resources the Township has. He stated if there is a non-lethal means that exists that would solve the deer problem, he would be in favor of this; but the opinion he has been given from expert reports provided and research he has done on his own, is that this is not yet available.

Mr. Heilferty stated while the Township is concerned with deer Township-wide, he felt there was discussion in terms of potential management during the initial years on focusing on specific portions of the Township which are owned and controlled by the Township; and possibly an RFP could be focused on the Five Mile Woods, Golf Course area, etc. He stated he would be willing to work with Mr. Shissler on this.

Mr. Heilferty stated he recognizes that there will most likely be debate on the humanness of the various options. He stated unfortunately in January a family in the Five Mile Woods came upon a wounded deer running in the Woods as well as the hunters looking for it. He stated if the Township decides to proceed with a hunt to solve the deer management problem in the Five Mile Woods it would have to be done at a time when the Preserve is closed to the public.

Mr. Smith stated he feels the Environmental Advisory Council should look into the deer problem and provide input into the different options. Mr. Caiola stated he feels the Board of Supervisors needs to move forward with something now. He stated they can consider non-lethal options in the future should something become available. He stated the Board has considered this in detail for over a year and heard from a number of experts already. Mr. Santarsiero agreed and stated they were considering this evening putting together the RFP, and they will have additional discussions as to which plan to proceed with once

they get the responses to the RFP. He stated they hired Mr. Shissler for his expertise to provide the Township with a Plan. The Plan was reviewed and there was extensive discussion, and he feels the Board is now at a point where they should get proposals for various approaches, review them, and move on. Mr. Smith stated he is concerned that they just heard this evening about the potential for population rebound and the possibility that the Township will be spending money and not accomplishing anything. He stated the EAC may be able to use their expertise to explore this issue. Mr. Santarsiero stated all Township residents are welcome to come in and present their opinion as to what should be done. He stated members of the EAC could offer their opinions as well. He stated the Township has hired a consultant to provide an expert opinion and Mr. Heilferty, the Township Naturalist, has given his opinion as have other residents. He stated when they have the RFPs, they will again listen to any opinions. Mr. Stainthorpe stated he feels they have had ample discussion on this noting everyone knew that this would be a difficult decision to make. He does not feel deferring this to another Board is the best option. He stated there will be additional opportunities to discuss the proposals once they come in, but ultimately the decision will need to be made by the Board of Supervisors.

Ms. Jeanne Bray stated this evening they heard from Dr. Wilson speaking specifically about the humaneness of the process. She stated she supports Mr. Smith's suggestion that they obtain the film which was supposed to show that archery hunting is just as humane as sharp shooting.

Dr. Wilson stated the issue was raised about whether they would have to repeat this process every few years; and he stated if they do an entire Lower Makefield Township Plan and Mr. Shissler identifies all the different components, they will have success. He stated if they only do the Five Mile Woods one year and a different section of the Township the next year, they will not be successful.

#### APPROVAL OF GRANT AGREEMENT WITH PA EMERGENCY MANAGEMENT AGENCY

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Grant Agreement with PA Emergency Management Agency in the amount of \$681,027 for the elevation of certain private structures in furtherance of flood mitigation efforts.

### ZONING HEARING BOARD MATTERS

With regard to the Jim and Dana McKissick, 1775 Jockeys Way, Variance request to construct an in-ground pool resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

### APPROVE EXTENSIONS FOR FIELDSTONE AT LOWER MAKEFIELD, HARMONY LANE, AND SANDRA MIDDLEMISS

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to grant the following extensions:

Fieldstone at Lower Makefield, 496-N to 9/30/08  
Fieldstone at Lower Makefield, 549 to 9/30/08  
Harmony Lane Preliminary Plan to 9/07/08  
Sandra Middlemiss Preliminary Plan to 9/21/08

### GRANT CERTIFICATE OF APPROPRIATENESS FOR WOODSIDE PRESBYTERIAN CHURCH

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to grant a Certificate of Appropriateness for an addition to Woodside Presbyterian Church, 1667 Edgewood Road.

Mr. Bruce Jones stated he left with Mr. Truelove the Development Agreement which had been amended which they have signed. Mr. Truelove stated it is appropriate for the Board to sign this after the meeting.

### SUPERVISORS REPORTS

Mr. Caiola stated the Economic Development Commission discussed a potential “Meet and Greet” with Lower Makefield businesses sometime in the fall. They have also made connection with the Lower Bucks County Chamber of Commerce and will become more involved with them. He stated the Farmers’ Market will open the first Thursday in June.

## ENERGY AUDIT AND ENERGY HARVEST GRANT OPPORTUNITIES DISCUSSION

Mr. Fedorchak stated Mr. Sheehan was going to attend this evening's meeting to discuss the Energy Harvest Grant, but he was unable to attend, and has been re-scheduled for the June 4 meeting.

## SCENIC BYWAY UPDATE

Mr. Truelove stated he has done some background work on this and discussed it with other Municipality representatives particularly the Upper Makefield Township Solicitor primarily because in many ways they are the most similar Municipality to Lower Makefield as to how the Scenic Byway designation would impact the Township. Mr. Truelove stated Upper Makefield is taking a cautious approach, and he would recommend this as well for Lower Makefield. He stated in Upper Makefield, they are having their Planning Commission and Township engineer look at the proposal. Mr. Truelove stated while the concept may be meritorious, there are some legal issues especially with the 500' wide swath which may be effected given the issues with respect to the impact on residences and businesses located along River Road. Mr. Truelove suggested that the Planning Commission review this and that they request Ms. Williamson from the Heritage Conservancy to attend a Planning Commission meeting to discuss it. This was acceptable to the Board of Supervisors. Mr. Truelove agreed to send a letter to her and advise of the dates the Planning Commission is available to meet with her.

## APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to appoint the following:

- Dick D'Avino – Citizens Traffic Commission
- Art Cohn – Citizens Traffic Commission
- Megan Dorko – Disabled Persons Advisory Board
- Ed Kuszmar – Economic Development Commission
- Joe Sundeen – Environmental Advisory Council
- Rick Ewing – Environmental Advisory Council (full member)
- Lisa Zygmunt – Environmental Advisory Council (alternate)

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Mr. Smith asked about other vacancies, and Mr. Caiola stated there are vacancies on the Cable TV Advisory Board, Economic Development Commission, Elm Lowne Committee, Environmental Advisory Council, HARB, Historic Commission, and the Planning Commission.

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

Respectfully Submitted,

Greg Caiola, Chairman



# Township of Lower Makefield

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

**MAY 2008 WARRANT LISTS AND  
APRIL 2008 PAYROLL COSTS FOR APPROVAL  
MAY 21, 2008 BOARD OF SUPERVISORS MEETING**

5/5/2008 Warrant List	\$ 442,445.83	
5/08 Manual Checks	1,400.00	
5/19/2008 Warrant List	446,833.60	
Total Warrants & Prepaids		890,679.43
<u>PAYROLL COSTS:</u>		
APRIL 2008 Payroll	260,633.88	
4/08 Payroll Taxes, etc.	130,558.43	
Total Payroll Costs		391,192.31
TOTAL TO BE APPROVED		\$ <u>1,281,871.74</u>

