

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – DECEMBER 3, 2008

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on December 3, 2008. Chairman Caiola called the meeting to order at 7:35 p.m. Mr. Maloney called the roll.

Those present:

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

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

Mr. Caiola stated by December 19 they hope to fill the Supervisor vacancy position. Next Tuesday, the Board will interview a dozen candidates who have expressed interest in the position. The public is invited to attend this meeting; however, public comment will not be taken at that time. The public can comment prior to the Board making the appointment on December 19.

PUBLIC COMMENT

Mr. Ron Schmitt asked about the train bridge on River Road and who is responsible for removing the debris underneath. Mr. Majewski stated CSX has the responsibility for this as they own the railroad and the bridge abutments. He stated they met with FEMA and Yardley Borough representatives several months ago to try to develop a plan to remove that debris, and he will follow up on the status of this. Mr. Schmitt also noted the debris on the islands in the Delaware River. Mr. Fedorchak stated they would have to determine who owns these adding that it is not the Township. Mr. Schmitt stated he would like to know who the contract person is, and Mr. Fedorchak agreed to look into this.

Ms. Lois Arnold, Tanglewood, stated many people live in her development; and there is a need for a cross-walk for them to get safely across to the Executive Quarters and other locations on that side of Oxford Valley Road. She asked the Board to consider a cross-walk and push button pedestrian light at the intersection of Oxford Valley Road and Willow Pond Drive at the entrance to the Tanglewood Development where there is already a traffic light. She stated it would then be possible to walk and bike safely to these nearby destinations eliminating the need to drive. She stated there is a sidewalk on

that side which goes up to the Edgewood Village Shopping Center, but no continuous sidewalk on the Tanglewood side. She stated it is currently very dangerous to cross Oxford Valley Road at this intersection; and although the speed limit is 40 miles per hour, cars are traveling 50 to 60 miles per hour. She stated it is also difficult even when the light is red to cross the street because of drivers turning left and because of the time it takes to cross the street which is very wide. Ms. Arnold stated she feels a pedestrian crossing would calm the traffic and make the destinations safely and easily accessible to the residents of the area.

Mr. Stainthorpe stated he lives in Tanglewood, and agrees with Ms. Arnold and feels they should look into the cost of doing this. Mr. Smith asked if this issue has come before the Citizens Traffic Commission, and it was noted it has not. Mr. Smith stated he would be in favor of this; but feels they should have the Citizens Traffic Commission look into this, and propose it to the Board of Supervisors after they have done their research. He noted this is a State highway.

Mr. Dave Shuster, 1270 Bluestone Drive, stated he feels some of the traffic issues are enforcement issues, and asked if the Township Police can use radar. Mr. Truelove stated they cannot and only State Police can do so. He stated this issue has gone before the State Legislature; but at this point they have indicated that only State Police can use radar. Mr. Maloney stated the Police can use Vascar which is similar in its use.

Mr. Craig Sanford, 1372 Oxford Valley Road, stated when an area of Oxford Valley Road was repaved before it turns into four lanes and you need to make a left or a right they never put the traffic loops back in so traffic is backing up and impacting fuel efficiency. He also noted the Township re-engineered the intersection at Pine Grove and Yardley Road near Marrazzo's and installed a traffic light so that there is now a stop sign going north on Pennsylvania Avenue which he does not feel is appropriate at that location and is creating a hazard. Mr. Fedorchak stated the Police Department and Township engineer will look into this. Chief Coluzzi stated the stop sign was put in as a result of complaints from neighbors who lived along this area, and was not part of the original design. Mr. Sanford stated he does not feel the stop sign belongs in this area. Mr. Fedorchak stated this was a PennDOT design, but they will look into it. Chief Coluzzi stated he could also ask the signal maintenance contractor to check into the signal loop issue raised by Mr. Sanford. Mr. Mike Joseph, 25 W. Ferry Road, stated he lives near this intersection at Pine Grove and Yardley Road; and feels it is designed well.

ACKNOWLEDGE ACHIEVEMENT OF YARDLEY-MAKEFIELD FIRE COMPANY FOR EARNING THE PROFESSIONAL CERTIFICATION AWARD FROM THE PENNSYLVANIA STATE FIRE ACADEMY FOR HAVING FIFTY PERCENT OF ITS MEMBERSHIP TRAINED TO THE NATIONAL CERTIFIED LEVEL

Glenn Chamberlain, Chief of the Yardley-Makefield Fire Company, was present with a number of Officers from the 100% volunteer Fire Department who have worked hard to achieve this Award. Jim Chamberlain, Captain and Training Officer of the Fire Company, was present and stated the Company has strived to achieve the most training they could get at a National Certified level, and they have received this Award from the Pennsylvania State Fire Academy for having over 50% of their members trained to the National Certification Level. He stated there are only 64 Companies in the State of Pennsylvania which have received this Certification.

PRESENTATION OF LOWER MAKEFIELD TOWNSHIP 2008 ENVIRONMENTAL STEWARDSHIP AWARD TO CATHERINE BEATH FOR SUPPORTING SUSTAINABILITY AND BIODIVERSITY

Ms. Laura Brandt, EAC, was present to present the first Annual Environmental Stewardship Award to Catherine Beath who lives in Afton Chase. She stated this Award recognizes the achievement of individuals, businesses, or groups who, through their creative and outstanding efforts, have made significant achievements in improving and sustaining the quality of the environment. Details about the Award are listed on the Township Website. A power point presentation was shown of Ms. Beath's yard before and after she created a more environmentally-friendly landscape. The property includes a sustainable design including a meadow, rain garden, reduced turf, native plants, bird houses, and composting. Ms. Brandt stated the project has reduced turf which cuts down on use of oil for mowing and also watering. It also results in less chemicals, increased biodiversity, and decreased water run off. She stated such projects are less costly to the environment.

Ms. Brandt stated the EAC, with the help of two Scouts from Troop 10, has planted a butterfly garden at the Township Municipal Building, and she thanked all those who helped with this project. She stated next year the EAC plans to create a rain garden on Township property. She announced that as part of the EAC Lecture Series they will have Douglas Tallamy speak on 10/3/09 on creating a colorful habitat in your yard.

Ms. Brandt stated as part of the Environmental Stewardship Award, there is a \$500 cash award given not to the individual, but the individual does decide which non-profit organization will receive it; and Ms. Beath has chosen to give the cash award to the Five Mile Woods. Ms. Brandt stated they are hoping that in the future a high school student will become involved in this; and should a high school individual win the award, they can

keep the \$500 toward higher education expenses. The presentation was made to Catherine Beach.

TABLING MINUTES

As a number of the Supervisors had not received the Minutes of November 19, they were tabled at this time and will be considered at a future meeting.

DISCUSSION OF HAVING A SINGLE TRASH HAULER FOR THE TOWNSHIP

Mr. Caiola stated this will be an informational session as the Environmental Advisory Council was charged with putting together a proposal after doing research on the pros and cons of having a single trash hauler for the Township. He stated they will present their proposal, the Board will have an opportunity to speak, and the matter will then be opened up to the public.

Mr. Jim Bray and Mr. Alan Dresser from the EAC were present. Mr. Bray stated he feels this project could have great merits for the citizens of Lower Makefield and has environmental benefits and significant cost savings to the residents. He stated over 50% of people in Bucks County are currently served by a Municipal trash hauler contract which results in significant cost savings to the residents, environmental benefits which they will describe, and consistency of service.

Mr. Bray stated the EAC has worked on a number of projects with the ideas coming to the Council through the residents, from the Board of Supervisors, and they also come up with projects on their own. He stated this particular project came from a Township resident who suggested that the Township look into this as the Municipality he had previously lived in had this and it worked well. Mr. Bray stated they do not feel it makes sense to have eight to twelve trucks a week up and down the same road to service the residents. He stated this evening they are not looking for a vote from the Board and this will be an information session. He stated Mr. Fedorchak suggested that they conduct this information meeting this evening, allow the residents to review the proposal which has been put on the LMT Website, and at the January 21, 2009 Board of Supervisors meeting, they could consider this matter again and answer any questions and hear comments. They also plan to have at that meeting representatives from neighboring Municipalities who are familiar with these types of Contracts to discuss pros and cons and answer questions or concerns the Board or residents may have.

Mr. Bray stated one of the keys to the effectiveness of the EAC is the support they have received from the citizens of the Township and the Board of Supervisors. He stated the reason for this is because the EAC does not advance any project unless it has been

thoroughly researched. They then inform the public and the Board of Supervisors of their findings, and they insist on full disclosure and full transparency. He stated the EAC has sponsored several initiatives that the Board has agreed to and passed, and in September of 2008, these initiatives were recognized by the United States Environmental Protection Agency; and Lower Makefield Township was the only community in the mid-Atlantic region of the United States that received the 2008 Achievement Award.

Mr. Bray noted an unsigned notice he received in the mail with a Website address of www.trashchoice.com which he feels was filled with lies and serious omissions as it did not discuss the environmental benefits associated with the single trash hauler project. He stated the EAC and the Board of Supervisors are always transparent, and they take great steps to make sure that everyone knows what they are doing.

Mr. Bray introduced Mr. Alan Dresser, a member of the EAC and a research scientist with the New Jersey Department of Environmental Protection in the air quality division who is uniquely qualified to speak on this project and has spent a great deal of time putting this project together. Mr. Bray stated this is only an introduction to a trash hauling contract and is not concrete at this point in time.

Mr. Dresser stated he was asked to look into this project in March, and they have now presented a 30-page report to the Board of Supervisors. He stated the power point presentation which will be shown this evening highlights some of the more important facts and conclusions which have been reached in the report. Mr. Dresser stated the current practice is individual subscription which is a process where the resident is responsible for contracting the trash hauler and arranging for their trash and recycle pick up. He stated there are currently four haulers in the Township: Allied Waste has 56% of the Township customers, McCullough has 24%, Waste Management has 11%, and Leck has 9%. He stated these percentages were determined through questionnaires which were sent out to each of the haulers and the questions and their responses are in Appendix A of the Report. Mr. Dresser stated the percentages provided equaled 9,281 individual homes that have contracts with the trash haulers; and since there are approximately 12, 500 homes in the Township, they know there are homes that have their own neighborhood contracts or apartment/condo contracts with individual trash haulers. He stated these include Yardley Crossing, Sutphin Pines, Brookstone, Polo Run, and Makefield Glen.

Mr. Dresser stated they looked at the annual costs for the most common service and found this is a twice a week pick up with a large 64/96 gallon wheeled cart and a once a week recyclable pick up with the prices ranging from \$390 per year for McCullough to \$470 a year for Allied Waste. He stated the annual cost for Lower Makefield Township residents for trash and recyclable collection is approximately \$5 million a year; and given this figure, he feels some of the haulers are comfortable with the current situation and may fight any change to protect their financial interests.

Mr. Dresser stated they were asked to investigate Township-contracted trash collection and this would involve Township Contracts with a private waste hauler for collection of trash and recyclables. The Township workers are not involved in the trash collection. It would be a competitive bid process used to select the hauler. Contracts generally run from three to five years. Mr. Dresser stated this would not be a trash monopoly and hauler competition is preserved and managed through the re-occurring bid process as competition for service will occur each time you go out to bid and no one company is guaranteed to have the trash-hauling bid forever. He stated because of labor and fuel efficiencies, one-hauler contracts are common in areas with higher density housing. He stated this results in efficiencies by having one truck come and serve every house as opposed to three to four trash companies coming in and serving individual homes on a street.

Mr. Dresser showed a map of Bucks County which shows the Municipal-contracted areas in green and the homeowner subscription areas in light brown, and the Municipal Contracts are concentrated in the lower part of the County. He stated Lower Makefield Township is in the lower right-hand corner in the transition zone between Municipal Contracts and homeowner subscriptions. Mr. Dresser stated Middletown is completing a five year Contract during which they were paying \$304 a year. They went out to bid on a new Contract in September when gas and diesel fuel costs were high, and they made the Contract for only one year and the new Contract came in at \$331 for once a week trash pick up or \$356 for twice a week. He stated Northampton/Upper Southampton/Lower Southampton Townships grouped together and went out for one five-year Contract with the prices \$340/\$345/\$313 as the cost to the residents respectively. He stated each of the Townships added a different amount to the Contract to cover their administrative and management costs. He stated Morrisville has a five-year Contract and is paying \$342, and Yardley Borough pays \$296. He stated all of the Contracts include twice a week trash pick-up and once a week recyclable pick up. Some also include a once a week yard waste pick up. He stated details on these Contracts are in Appendix B of the report. He stated some of these Municipalities have been using Township-contracted trash hauling for over twenty years.

Mr. Dresser stated some of the advantages include financial benefits to the residents, as greater efficiencies can reduce costs per home by 15% to 40%. He stated this number comes from Gannet-Fleming, a large engineering consulting firm that does a lot of work in this field and has done a number of technical studies that evaluated various Municipalities waste collection and recycling programs which are available on the Web. He stated a three to five year Contract would also provide stabilization. He stated since 2001, his own trash costs have gone up 55%. Mr. Dresser stated there are environmental advantages with only one truck as opposed to four going up and down the streets. He stated this would reduce air pollution including greenhouse gases and diesel exhaust which has a number of hazardous air pollutants in it some of which are known or suspected carcinogens. It also has a lot of nitrogen oxides which produce ozone.

Mr. Dresser stated there will also be less traffic congestion and noise, reduced fuel use, and a reduction in physical damage to the local roads. He stated there would also be consistency on what curbside recyclables are collected as in the past they have had problems with some of the haulers not picking up all of the recyclable items they should such as cardboard. He stated with one hauler it will be easier to make sure they are picking up all the items they should, and this could be put into the Contract.

Mr. Dresser stated there are also benefits to the Township and the collection service could be customized to reflect what Lower Makefield Township needs. He stated this would address recycling consistency and yard waste. He stated enforcement and monitoring of the Contracted hauler would be easier. He stated the Township can no longer license trash haulers as there was a Court case approximately three years ago which decided that only the State can license trash haulers. He stated with a Contract the Township would have more control, and they could include performance guidelines and fines for infractions into the Contract. He stated they could also address some of the recycling issues the Township has. He stated the Township has an agreement with Otter Recycling which calls for all curbside residential recyclables to go to Otter, and in return, Otter pays the Township money. Last year this totaled approximately \$80,000. He stated they have found that some of the haulers are not taking the recyclables to Otter and this is costing the Township money. He stated they could also include the Township Buildings and Park trash collection into the Contract, partially fund some of the employees who are involved in oversight of the Contract, and there should be increased revenue from recyclables.

Mr. Dresser stated some of the disadvantages of this proposal include the fact that the individuals would lose their ability to choose their trash hauler and collection options. He stated the options are listed in Appendix A of the report. He stated each of the haulers has a number of options and these usually involve once or twice a week pick up, the size of the containers, and the Senior Discount that Allied and McCullough have. Mr. Dresser stated there would be an increased work load on the Township workers which would principally occur during the bidding process and in the initial weeks of the Contract while people are getting used to the new system. He stated there could be different pick up days and a different billing system. He stated there could also be financial difficulties for the smaller trash haulers who do not win the Contract. He stated Allied and Waste Management are large, Nationwide, billion dollar corporations but Leck and McCullough are much smaller, regional collectors and they probably do not have the equipment or manpower to service an area as big as the entire Township. He stated in the report he has suggested a few strategies which could be used to make them more competitive such as splitting the Township into two and going out for two individual Contracts or have only once a week trash pick up. He stated possibly the two companies could group together just to bid on this Contract.

Mr. Dresser stated with regard to the Contract, the Township would need to consider the frequency of trash collection and whether trash collection and disposal should be considered separately or combined. He stated most Municipalities do it combined and this is where the trash hauler collects the trash and then pays for the disposal to the landfill or the incinerator. He stated some Townships bid those out separately. He stated they can also look further into recycling. He stated currently they have an agreement with Otter that runs out in late June, and they could consider using another recycling facility. He stated there is also the issue of yard waste, and the Township should consider if yard waste should be picked up in addition to trash and recyclables. This would be picked up separately. He stated currently Pennsylvania law and the Lower Makefield Ordinance state that you must separate leaf waste from other Municipal waste. He stated these laws have been in effect since the early 1990s. He stated currently they have the fall leaf collection and the rest of the year the residents can use the Township recycling yard; however, this can be inconvenient since there are limited hours and there is the problem of getting the yard waste to the recycling facility since most residents do not have pick-up trucks. He stated most people are putting their yard waste in with the trash. He stated this violates the law and the Township received a letter to this effect last year. He stated there are also increased disposal costs when you take your yard waste to a landfill or incinerator. He stated last year the costs were \$67 a ton for disposal of Municipal trash, but if you separate the yard waste out, it costs \$45 a ton at a composting facility. He stated there is also an adverse environmental impact and results in air pollution if it is incinerated. He stated if they take the yard waste to a landfill, it will also use up the limited landfill space.

Mr. Dresser stated they would suggest that the Township go out to bid for waste collection and the bid options should include the 64 or 96 gallon wheeled carts which allow for automated collection which is faster. They should also look at once or twice a week collection and the separate pick up of yard waste. He stated this could also result in greatly reducing and possibly eliminating the Township's leaf collection since if residents can have their leaves collected every week, he feels this would be preferable to the current system when leaves are sitting out for an extended period of time. He stated they would also recommend that the cost be included in the homeowners' property tax as this is how the leaf collection is paid for currently at a cost of \$28 per year. Mr. Dresser stated he feels the Township representatives should meet with other Municipalities to discuss the issues and bid process. He feels they would need to change the Township Ordinance to allow for a single Contractor for trash hauling, and they would also have to generate a bid document. He added they could review the existing bid documents of the surrounding Townships and then tailor it to Lower Makefield's needs.

Mr. Bray thanked Mr. Dresser for his report and the Board of Supervisors and the residents for their past support on many of the EAC projects they have worked on including the Cool Cities Program which included a commitment to reduce the carbon footprint in Lower Makefield. He stated in line with this, the Cool Cities Committee is

preparing an Action Plan and proposals like this will go a long way toward that Plan and to achieve the goal of lowering carbon emissions in the Township. He stated the Township is also involved in the wind energy program; and while this is actually costing residents a little more money, in the long run it will be a great cost saving financially and have an environmental benefit to society as well. He stated the LID Ordinance and Open Space inventory have also been advocated by Board members. He feels the society is faced with the specter of global warming, and this proposal being considered tonight would be helpful as far as global warming emissions are concerned. He stated it makes no sense to have twelve trucks a week going up and down the same road. He stated one of the members of the Cool Cities Commission has advised that trash trucks run on diesel and get 2.8 miles per gallon and emit 23.4 pounds of CO₂ for every gallon used. He stated in Lower Makefield Township on a yearly basis, the trash trucks put into the atmosphere over 2 million pounds of CO₂ as well as other contaminants. He stated a project like this would cut this down by at least 50%. He feels the advantages to society far outweigh individual choice of picking your trash hauler.

Mr. Smith thanked the EAC for putting together an excellent presentation, doing the background work, and bringing this before the Board. He stated the EAC has come up with many great proposals over the years. Mr. Smith stated he had asked Mr. Fedorchak how many complaints the Township received about having multiple trash haulers in the Township, and Mr. Fedorchak stated he had received probably two to three comments. Mr. Smith stated he also received the unsigned notice in the mail which Mr. Bray previously alluded to; and while he does not agree with everything, he stated he does agree with some of what was included in the notice. Mr. Smith stated he did send out an e-mail to a number of people to get their input. He stated the Township also received calls and e-mails about this issue, and Mr. Fedorchak stated over the last three days they have received 53 phone calls and 134 e-mails about this issue which is very unusual, and they did not receive nearly this many when the Board was considering the sale of the sewer system. Mr. Smith stated the overwhelming majority of people who responded to his e-mail and to the Township have indicated that they would like to keep things as they are. Mr. Smith stated those individuals have not seen the presentation and possibly their feelings may change once they are familiar with the report. He stated many of the people who responded indicated they did not like the lack of freedom of choice, impact on competition, quality of service, and Government intrusion. He stated people were also concerned about the impact on the small haulers and the inability of the individuals to change their hauler if they were not satisfied with the service. Mr. Smith stated he personally is also concerned with the burden this could put on the Township employees as the current staff is already over-worked. He feels competition in the marketplace is a good thing. He stated he would be in favor of leaving things the way they are.

Mr. Stainthorpe stated he was asked this question at a debate when he was running for re-election as Township Supervisor and he answered then as he will answer now which is he feels the residents are smart enough to choose their own trash collector, and he does not

feel that the Township needs to be involved in making these decisions for the residents. He stated his core values are individual freedom and free markets, and they have this currently. He stated the Township just got rid of a monopoly – Comcast, and he feels it is better for cable users now; and he does not see why they would want to bring in a new monopoly. He feels the EAC did a great job, but he agrees with Mr. Smith and feels the best way is to empower the individual to make their own decision. He stated he does not want the Township involved in fielding calls about trash collection when the residents can now pick up the phone and get their problem fixed, and with competition you can do that. He stated if there is a five year Contract, he feels the supplier will get lazy; and while they could fine them, etc. he does not want to put this burden on the Township employees. He would be willing to vote on this tonight.

Mr. Stainthorpe moved and Mr. Smith seconded to keep trash collection the way it is in the Township.

Mr. Fred Allan, 816 Winthrop Drive, stated he has been a resident for 26 years and he has had McCullough as his hauler who has missed picking up his trash five times in 26 years – three were snow storms, one was at the death of the person who owned the company, and one was because of a new driver. He stated he has property in another Municipality where they have pick up of waste by one hauler, and the quality of service is not as good as what he has in Lower Makefield. He stated he is aware that the costs of the Municipal Contract for Bristol Township and Bristol Borough went up significantly. He stated McCullough has always been responsive to his calls, and he has not had this in the other Municipality where he has property. He feels having a Township Contract will also overburden the already overworked Township staff.

Mr. Bray stated the reason they put the proposal on the Website was so that people could read it and understand it thoroughly. He stated this is the reason they also wanted another meeting on January 21 to further discuss it along with Municipal officials from neighboring communities. He stated he did speak to the Manager of Middletown Township who indicated their system works beautifully and they get virtually no complaints from the residential pick-up where they have the Trash Hauler Contract. He indicated that they do have some issues with commercial services, and the commercial services in Middletown Township are serviced by independent haulers.

Mr. Richard Johnson, 1220 Evergreen Road, stated he has never heard any interest in switching to a Township Trash Hauler Contract and questions the motivation. He suggested that the EAC look into Township and Police vehicles sitting throughout the Township with their motors running. He also feels the EAC should consider getting together with representatives of Morrisville, the Bridge Commission, and the City of Trenton to work on the control of traffic crossing the Calhoun Street Bridge.

Ms. Janet Smith, 15 Ivy Lane, stated she has been a resident for 43 years and has had a number of haulers. She stated a number of years ago she was dissatisfied with the service she was receiving from BFI; and she found that with McCullough she is able to save money, get personal service, and do business with a local firm. She stated she pays \$61.80 a quarter for her trash pick up once a week and she also recycles at her Church and does composting in her back yard. She stated she does not abuse the environment with the way she is handling her trash. She thanked the Board for recognizing those in the Township who want to get the most for their money and keep a local firm in business.

Mr. Simon Campbell stated he is against any form of Government monopoly or bargaining rights being granted to the Supervisors. He asked if the successful bidder would have been subjected to the Responsible Contractor Ordinance if this proposal was to go through, and Mr. Truelove stated this would not apply because it is not a construction project. Mr. Campbell asked that the Board vote no this evening.

Mr. Dave Shuster, 1270 Bluestone Drive, stated the presentation was informative; but he feels rather than forcing the neighbors to change their trash collector, he feels they should be recycling and reducing the Municipal waste in general. He stated there is significant fossil fuel that goes into making plastic so that cutting back on plastic and recycling would cut down on fossil fuels. He stated he feels if they were to have one collector, there may be fewer trucks on the road, but they would need to go farther so he feels the emissions would be approximately the same. He stated he feels they should emphasize the fact that they should reduce and recycle in general and then the trash collectors would not need to come as often and this would cut down on the trips necessary and they could go to once a week pick up by minimizing what is put in the trash in the first place. He stated he is also in favor of free markets, free choice, and competition. Given the prices shown this evening what is proposed would be the same or more than what he is currently paying, so he does not feel changing would be an advantage to him as a taxpayer.

Mr. Frank Gabriele, 2040 Farmview Drive, stated he too is in favor of freedom of choice. He stated he does feel they should consider a reduction in trash and pollution and he would assume they should start looking at where the largest issues may be occurring; and if they feel there is a problem with air pollution, they should look into what is creating this in the Township and how they can address it. He stated he feels what is being put out by trash trucks is far less than cars lined up trying to cross the bridges. He stated he feels the percentage increase in what he has had to pay for trash pick up over the past years is far less than the percentage increase for other expenses he has. He stated if the Township wants to try to do cost reductions, they could go to Township gasoline service stations and try to negotiate Contracts which would result in much greater savings than with the cost for trash collection.

Mr. John Dardes, 27 Glen Drive, stated he is in favor of competition for the trash. He asked that they consider the number of days the trash trucks are on the street because of the safety concerns. Mr. Caiola stated the Township did limit access to certain hours by the trash trucks as they did have a number of complaints about this, and the EAC was trying to help this as they felt there would be more control if there were only one hauler. Mr. Smith stated one of the e-mails he received was from an individual who advised his neighbors of the rate he was getting, and they all switched over to that one company which eliminated most of the trucks which were in that neighborhood.

Mr. Robert Henuset, 1600 Quarry Road, stated he feels as stewards of the environment they have a responsibility to seek a better way to resolve some of these issues, and he suggested that the Township consider becoming actively involved and become a company that would pick up trash so they could get better control over the recyclables recognizing that there would be taxes involved. He stated when they appoint one supplier to perform a service for any percentage of the population, regardless of the duration of the Contract, it is still a monopoly. He stated the presenters put forth some numbers with regard to reducing pollution, noise, street use, etc. and he feels the numbers were flawed as there is a static amount of trash and the amount of time and volume of trash will not diminish because there is one supplier; and the trucks will in fact be heavier from the less frequent pick up and cause more of a problem on the roads and spend more time on the highways. He agrees with the Board that they should keep things the way they are.

William Detraz, Peter Morris Village, stated he has been a customer of McCullough for twenty-five years and is very satisfied. He pays less than \$1 a day for trash pick up and he has yet to see twelve or more trucks going up and down the road outside of his home as was stated this evening.

Pam Newitt, 26 South Homestead Drive, stated she moved to the Township two years ago and originally stayed with the company used by the people from whom they purchased the home until she found that they do not recycle cardboard which is one of the easiest things to recycle. She stated most of the trash haulers except Leck do not recycle cardboard which she feels is appalling. She stated the environment is broken and this is an opportunity for the residents to do something about it in the Township.

Mr. Bruce McClish, 506 American Drive, stated he is in favor of having a single hauler and feels it will improve safety on the roads as well as cut down on the number of trucks going through the neighborhoods each week. It will also reduce the number of droppings from the trucks such as oil, tire parts, etc. that go on the roads and wash down the storm drains. He stated if there is a concern about dependence on foreign oil, this is a small step that can be taken to reduce that demand. He stated by bidding, they are developing competition between the suppliers as they do with their construction projects.

Mr. Craig Sanford, 1372 Oxford Valley Road, stated if they eliminate all the small haulers, they will be left with the two large companies who will then make a deal with each other to take different Townships as was done in California. He stated he is concerned about increased costs after the first five year Contract. He also questions where this process will stop and asked if they will next stop the UPS trucks from making deliveries to the houses. He also challenges the statistics on the diesel emissions and he feels these statistics go back to the 1980's. Mr. Dresses disagreed and stated he feels the trucks and their emissions are dangerous. Mr. Sanford stated he feels they should maintain competition and feels the residents should be able to make their own decisions.

Ms. Alison Smith, 25 Glen Drive, stated she feels this recommendation by the EAC will lower their carbon emissions. She asked that they put off voting on this tonight to see what other responses they get from other communities who are using one hauler. She feels the EAC has come up with numbers that should be considered. She stated she feels consideration should be what is good for the earth.

Mr. Keith Pladsen, Brookfield Road, stated he agrees with the free enterprise system. He also stated there is a static amount of trash and there will not be fewer trucks if they had one company and that company will have to add trucks in order to have the coverage and they will be making more trips to GROWS. He stated the company that gets the bid will have to add trucks or they will not be able to have the twice a week pick up. He stated there is a finite quantity that can fit in the trucks. He stated he has not seen twelve trucks on his street and has probably seen two.

Mr. Scott Burgess, 15 Glen Drive, stated he agrees that the person who sent out the letter should have signed it, but he also believes that it brought out a lot of people to discuss the matter. He stated if they continue to look into this proposal and they bring in individuals from other Townships to discuss it, they should bring in people who will discuss both the pros and the cons. He stated he is in favor of the free enterprise system and is concerned with what they will do next to limit deliveries into neighborhoods, number of stores in the Township, etc.

Mr. John Burns, 1117 Jack Road, stated he lived for fifty years in the City of Philadelphia where they had one trash collector and 30% of the time he did not have his trash collected and if he wanted something special picked up he would have to pay extra. He stated City Hall was also not responsive to complaints. He stated he has been with McCullough for ten years and they missed collecting his trash twice and when he called it was addressed immediately. He stated he is in favor of competition.

Mr. Joe Sundeen, 1108 Pratt Drive Sandy Run, stated there are two trash haulers who come to his neighborhood, and he disagrees with the idea that since there will be the same amount of trash, they will have to have more trucks. He stated the McCullough truck goes up the street but does not cover every house; and if they went with one hauler,

there would just be one truck on the streets in his neighborhood. He stated people in the Township are very concerned about small increases in tax dollars yet they are willing to pay \$150 a year more to the large trash hauler in the Township. He asked that the Board not rush to judgment as there are a lot of people who will want to consider this further, and he feels Mr. Bray and Mr. Dresser have answers to a number of the questions which were raised this evening.

Mr. Brian McNamara, 14 Oak Avenue, stated while there could be a case made that there could be some reduction of pollution with a single hauler, he does not feel it would equal the numbers provided this evening. He stated there was a recent project near his home and a Township truck sat in front of his home for almost an hour with the engine idling so he feels if they want to cut down on pollution, the Township should look into this. He stated he is happy with the trash collection as is.

Ms. Lisa Grayson, 344 Saly Road, stated she is a member of the EAC and she urged the Board to postpone a decision on this until January so that they have an opportunity for more of those who have differing opinions to share their ideas. She feels this is about larger issues than a single trash hauler or limiting freedom of choice. She stated the environment is the foremost concern and safety is a concern as well with many trash trucks going up and down the roads. She stated she does not have the opportunity to select the hauler she wants in her neighborhood because the haulers do not service her neighborhood.

Mr. Zachary Rubin, 1661 Covington Road, stated he is President of Aspen Woods Homeowners Association a community of 120 homes and every three to five years they negotiate a trash hauling contract. Approximately two years ago his Association and the two other Associations that comprise Makefield Glen got together and decided they would negotiate in concert a Contract for trash removal and this involved 848 homes. He stated they were able to negotiate a Contract that reduced their homeowners' costs by a substantial amount because they negotiated from a position of strength. He stated they get twice a week pick up and once a week recyclables for \$17.77 per month per household for the year 2009. He stated while they have a three-year Contract, it does include a 45-day termination with cause so he does not feel the hauler would become complacent. He feels that were the Township to negotiate for 12,000 homeowners, they will reduce the rate, preserve the free enterprise system, and have a Contract that would make the hauler accountable to the people of the Township.

Mr. Jason Leck, Leck Trash Removal, stated with regard to potential for reduction of vehicles on Township roads, the average trash truck in a day can service 1,000 homes and if there are 11,000 homes you would have eleven trucks just for trash and recyclables would add three to four trucks. He stated with regard to competitive bidding, he would be interested to know whether or not in the bid just discussed by Mr. Rubin there was a Performance Bond requested because for a small hauler, like Leck and McCullough, they

cannot raise the Performance Bond on a 12,000 home Municipality when they are already servicing them. He stated Mr. Rubin's Association was able to get three people to bid on their collection but that was because it was on a much smaller scale and a Performance Bond was not required.

Mr. Jerry Gruen, 10 Twin Circle, thanked the EAC for their presentation and asked the Board of Supervisors to take the time to consider this and not rush to a decision tonight. He feels there should be another Hearing on the subject once the other Township residents have had an opportunity to review the presentation.

Mr. Smith stated the responses he received from his own questionnaire as well as the responses received from the Township Website, a number of people asked that the Board of Supervisors spend their time working on more important things than this and there are many topics that demand the full attention of the Board of Supervisors. They do want to make sure that everything gets a full Hearing, but there are many people who have responded that they want the Board to work on things that are of equal importance.

Ms. Louise Oteri, Highland Drive, stated she is very environmentally conscious but she does not like being told what to do and she questions where this will stop. She stated when her mother had a problem with the price she was being charged for trash pick up, she was able to change to another hauler at a lower cost. She stated it was also indicated this evening that they could put out the leaves with the yard waste, and she does not feel this is possible given the number of leaves on her property. She stated she feels competition is what keeps the companies servicing the residents to the levels that they are and as taxpayers, she feels they are entitled to choose the service that serves them best.

Mr. John Ackler, 280 Wild Orchid Court, stated he was previously present before the Board to speak on the carbon inventory for the Township, and he feels the Township should be considering the impact this has on greenhouse gases that are being released into the atmosphere and how to reduce them. He stated he has never lived in an area where they had more than one hauler. He stated when he had a problem, he called the hauler and not the Township. He stated while he is a proponent of choice, he feels the environment is a more important issue. He stated he has also lived in a Township where they collected their own trash, and he recognizes that this could be a problem because they would have to deal with Unions. He suggested that the Board bring in representatives from other Townships to see what has been their experience.

Mr. Matt Maloney asked if any of the bids they show have a separate Senior rate, and Mr. Dresser stated none of the other Municipalities had that although he is aware that one Township does have a low volume option. Mr. Maloney stated he does not view this as exclusionary to competition. He stated when they introduced Verizon, they introduced competition but he has not seen any of his bills go down. Mr. Maloney stated in the past when there was a heated dispute, they did defer judgment in order to give everyone an

opportunity to comment on it as there may be another portion of the community who has a difference of opinion than has been expressed by the majority this evening. He also feels it would be a good idea to bring in people from other Municipalities who have gone with one hauler and hear both the pros and the cons. He stated they must also consider the general welfare and the need to choose between individual liberties and the common good.

Mr. Caiola stated he is in favor of the open market. He does feel that people in the community want a certain level of service which is why they like the opportunity to change to another hauler if they are receiving poor service. He stated he also feels that they need to hear not only from Municipalities that have had a good experience, but also from those who have not had a good experience. He stated he feels they should consider this at another meeting. He feels he also needs more information on the environmental benefits going with one hauler. He stated he would also be reluctant to go back to a hauler that people had problems with just because they come in with the low bid and “reward” them after so many people have left them for cause. He is also concerned about increasing the costs to certain residents who are paying a lower rate currently. He stated they may want to consider some other things they can do to reduce the carbon footprint other than going to a single hauler. He stated he is also concerned about putting extra work on the Township staff which is already spread fairly thin. He stated he would be in favor of putting off the vote on this and discuss it at one more meeting; but he would not want to go any further than that.

Mr. Stainthorpe stated he has been a Supervisor for seven years, and he cannot think of a single issue where he got so many e-mails and phone calls and only one of those was in favor of the single hauler. He questions what would be the difference on January 21 as he feels they already have a good measure on where the public stands. He stated this Board is good at listening to the people, and he feels that they should vote on the Motion this evening.

Mr. Smith stated he feels the people know that in the last several years there has never been a more environmentally-committed Board, and they have voted for many measures to help improve the environment.

Mr. Caiola asked if they would have any more information on January 21 as to how this would impact the environment, and Mr. Bray stated they could get statistical information on the environmental benefits. He stated he also feels it will be possible to get opinions from both sides of the issue, and they will do their best to do that.

Mr. Smith stated Mr. Bray posted the difference in rates being charged currently which he feels was a great service to the Township residents. He stated market forces can drive prices, and he feels many people who responded by e-mail and phone calls were unaware

of the price differences, and he feels that there will now probably be some changes made, and he feels rates will be coming down.

Mr. Rubin stated past practice of the Board is to first vote to have an Ordinance advertised, and then have a Public Hearing with public comment. He stated on the Agenda it says "Discussion of Having A Single Trash Hauler" it does not say a proposed Ordinance. He feels the proper order should be that they postpone to a definite date where they will have a full Board, and then talk about the Ordinance. He stated there were a number of people who were informed about this by an unsigned letter and a private trash hauler who put out information to come to the meeting. He stated there has not been a Motion for a proposed Ordinance, but the EAC is asking for an Ordinance, and there has not been public information to get the public to a meeting to have public comment. He stated on January 21, he would not have a problem with them voting on this. Mr. Stainthorpe stated he feels they are following proper procedure. Mr. Maloney stated he does feel they are following proper procedures. Mr. Stainthorpe stated he felt the next step being asked of the Board would be to decide whether or not they wanted to move forward and if they did, at that time they would write an Ordinance, develop the specs, etc. He stated this is only a vote as to whether they want to proceed to those steps. Mr. Caiola stated he agrees with Mr. Stainthorpe and that this is the proper procedure; however, he does not feel the Motion will pass this evening as the vote will probably be two to two and they will be discussing this again on January 21, 2009.

Motion did not carry as Mr. Smith and Mr. Stainthorpe voted in favor and Mr. Caiola and Mr. Maloney were opposed. The matter will be continued to January 21, 2009. Mr. Caiola stated he hopes representatives from the four haulers will be present at that time so they can answer questions particularly by the largest hauler who is charging the most.

A short recess was taken at this time. The meeting was reconvened at 10:20 p.m.

WEST FERRY ROAD TRAFFIC CALMING UPDATE

Mr. Fedorchak stated TPD, the Township traffic engineer, has filed a Traffic Restriction Analysis with PennDOT which was submitted on 11/24/08. He checked this morning with Mr. Dixon, and they have not yet heard from PennDOT so they will contact them by the end of the week. He stated the Township first needs approval from PennDOT and they can then move to implement the restrictions which were agreed to.

Ms. Gail Maria, 7 Oak Avenue, stated she wants to make sure that Oak Avenue and Walnut Lane are included in the submission to PennDOT including the request for a stop sign at Oak and Walnut. Mr. Stainthorpe stated the reason this has to be submitted to PennDOT is because Big Oak is a State road and they are restricting traffic off of Big

Oak Road off of these other streets. He stated the other issues will have to be handled by the Township and they will consider them. Ms. Maria stated there was a car in front of her property previously which had helped keep cars from coming onto her property, but she was required to move it and since that time two cars have skidded into the leaves. Mr. Maloney asked if they feel a stop sign would prevent this, and Ms. Maria stated they would not have the opportunity to gain as much speed as currently they can go three blocks without having to stop. Mr. Maloney asked the Board if it is their intention to hold off on the Township-owned roads until they hear from PennDOT, and the Board agreed.

Ms. Andrea Myers, 11 West Ferry, stated Walnut Lane is off Yardley-Morrisville Road so it should be part of the submission as well. She stated if they are going to limit traffic on Arborlea, West Ferry, and Elm Avenue, the traffic will go down Walnut and use Oak as a cut through. Mr. Maloney stated he feels they need to get together with Falls and Morrisville and have a regional discussion, and this situation would need to be part of that discussion as it will have to be a joint Application because the road is split.

Mr. Tim Marchok, 10 West Ferry, asked how long it takes to get a response from PennDOT, and Mr. Fedorchak stated Mr. Dixson felt they would respond relatively quickly possibly three weeks to a month. Mr. Marchok asked if the base line survey has been done, and if not will it be done before the signs go in. Chief Coluzzi stated the survey already done on West Ferry by the Police will be used as the base line and Mr. Dixson will conduct additional surveys on Arborlea and Elm. Mr. Marchok asked if Oak will be done as well and Chief Coluzzi stated while he is not sure if it was included he believes it was.

Mr. Bruce McClish, Citizens Traffic Commission, stated if they move ahead with the sign on Big Oak and Yardley-Morrisville Road prior to meeting with the other Townships, they could help the people on Oak where Oak ties into West Ferry by making this “No Left Turn.” He stated after they meet with the other Townships if they want to remove it so that the local residents have full movement, they could do so at that time.

Mr. Scott Corbett, 215 West Ferry, reminded the Board that at the last meeting they indicated action would be taken early in December and nothing really has been done to help the residents. He stated as soon as the last meeting was over Police enforcement disappeared off their street. Chief Coluzzi stated Police enforcement did not slack off and there has been a Police car there almost every day at certain times, but added there cannot be a Police car there 24/7. Mr. Corbett stated he feels they should be there every day during the rush hours. Mr. Fedorchak stated he felt it was made clear at the last meeting that they first have to get PennDOT approval before they can put up signs. Mr. Corbett stated he felt the statement that was made was that they hoped to have the signs in place by the beginning of December. Chief Coluzzi stated they cannot be installed without PennDOT approval. Mr. Corbett stated the residents have been waiting three years for this and went to the Citizens Traffic Commission who reports to the Board

of Supervisors. Mr. Caiola stated since the last meeting, the Board has put in place what they have to do to follow the process in order to get the signs installed and they will do whatever they can to do this as quickly as possible recognizing that PennDOT has to approve it. Mr. Caiola stated he has been in the area and it seems fewer people are driving in the area during the early morning than have been there in the past. He stated he has seen Police cars in the area. He stated there is a process that they have to follow because it involves a State road. Mr. Corbett stated he does not understand why they cannot put up the stop signs without the State's permission if it is not a State road; and Chief Coluzzi stated the traffic engineer explained at the last meeting that it needs to meet certain criteria and certain warrants to install a stop sign, and he did not believe it would come close to meeting that criteria. He added stop signs cannot be used to reduce volume or speed. Mr. Corbett stated he was just informed that it is not a State road, and Chief Coluzzi stated it still has to meet State warrants and you are not permitted to put up a stop sign because you want to. Chief Coluzzi stated Mr. Dixon made the petition to PennDOT on November 24 which was only a few days after the last meeting. Mr. Corbett asked when they anticipate hearing back from PennDOT so they know when the citizens of West Ferry Road can expect action to be taken, and Mr. Fedorchak stated they anticipate a response from PennDOT by the third week of December.

Ms. Gail Maria asked what a stop sign is for if it is not for speed or volume control, and Chief Coluzzi stated it is to control intersectional accidents, and there are none at Walnut and Oak.

APPROVAL OF EXTENSIONS FOR MIDDLEMISS SUBDIVISION, PROTRACT, AND CELLCO PARTNERSHIP

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

Middlemiss Subdivision, 20 Mahlon Drive	– 3/21/09
ProTract, Big Oak Road	– 4/07/09
Cellco Partnership d/b/a Verizon Wireless Conditional Use Hearing for co-location on existing tower at Lower Makefield Corporate Center	-1/21/09

ZONING HEARING BOARD MATTERS

With regard to the Ted Daggett, 208 Hyacinth Drive, Variance request to construct a stone patio within special setback of Stony Hill Road and to allow existing sidewalk to remain within the side yard setback, it was agreed to leave the matter to the Zoning Hearing Board

With regard to the William and Carol Jones, 1411 N. River Road, Variance request to permit elevation of existing structure above the 500 year flood line, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Joseph Jennings, 2 McKinley Avenue, Variance request to subdivide Tax Parcel No. 20-31-4 and build a single-family dwelling on proposed Lot No. 2, it was agreed that the Township should participate to make sure certain concerns be addressed.

SUPERVISORS' REPORTS

Mr. Caiola stated at the next Board of Supervisors meeting a member of the Economic Development Commission will make a presentation on a map for Lower Makefield for advertisers for next year. He stated Mr. McCaffrey has graciously offered his place for free jazz and classical music over the next few weeks sponsored by the Bucks County Performing Arts Council and information can be found on the Website. He stated the Regional Traffic Task Force met last evening and are temporarily disbanding. They will not meet unless an issue of importance comes up. He stated the report which was provided last year has been finalized. He stated positive relationships have been established with the other communities so that if there is a traffic issue, they could discuss them. Mr. Smith stated they did agree that they would meet in one year just to see if there was a reason to keep the Committee on-going.

Mr. Maloney stated the Frankford Hospital Hearing continues before the Zoning Hearing Board. He stated Frankford has rested its case and the Township is now making its presentation. He stated the Golf Course Committee met and GPS systems were discussed as a way to add value to the customers in the golf carts and they could sell ad revenue. He stated there was a ruling not in the Township's favor relative to the real estate of the Golf Course. Mr. Maloney stated Mr. Conti has resigned from the Farmland Preservation Board and he acknowledged his service as a long-time, dedicated member.

CULVERT UPDATE

Mr. Majewski stated work is proceeding on the Black Rock Road culvert and today they were pouring the parapet walls along the side of the culvert and almost have the roadway surface backfilled up to the level of the culvert. The next steps will be to put in storm drainage along Black Rock Road, complete the wing wall construction, and the backfill and raise the road level up to the proposed grade. Mr. Majewski stated Pennsylvania American Water Company has been upgrading their water service in the area from Glen Drive up to Yardley-Morrisville Road, and this project is almost complete.

PUBLIC COMMENT

Ms. Torbert asked about the decision about the Golf Course real estate, and Mr. Truelove stated the Condemnation Trial regarding the Golf Course property was a one-week trial which concluded on Friday before Thanksgiving. He stated it resulted in an award by the Jury of \$5.85 million which was above the figure the Township had agreed to. He stated there were several evidentiary issues which came up during the Trial, and they have filed post Trial Motions on behalf of the Township so the case is still on-going. Ms. Torbert stated the prior owners were previously awarded close to \$4 million so now it is up to \$5.85 million. Mr. Truelove stated one of the issues in the case is that there was evidence allowed in, which the Township feels was incorrect, of an offer made of \$8.4 million after the take. He stated there is an issue as to whether this evidence was inadmissible and as a result “polluted” the Decision. He stated there is also a question whether there should have been a jury. He stated they have filed the necessary post Trial Motions to preserve the Appeal rights. Ms. Torbert asked if any consideration has been given to a Settlement, and Mr. Truelove stated this is always a consideration, but it would not be appropriate to discuss this in public. Ms. Torbert suggested that consideration be given to a settlement given the length of time that this matter has been ongoing and the amount that potentially could have been awarded given the Morrissey Decision where there was condemnation and Morrissey received a substantial amount beyond what the Township had offered in that case.

RATIFY ACCEPTANCE OF STEVE SANTARSIERO’S RESIGNATION

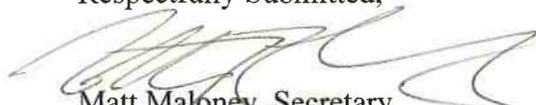
Mr. Maloney moved, Mr. Stainthorpe seconded and it was unanimously carried to ratify acceptance of Steve Santarsiero’s letter dated 11/19/08 resigning from the Board of Supervisors.

APPOINTMENTS

Mr. Stainthorpe moved, Mr. Maloney seconded and it was unanimously carried to make the following re-appointments: Liuba Lashchyk – H.A.R.B., Dennis Wysocki – Park and Recreation Board, Lou Busico – Golf Committee, Janet Smith – Elm Lowne, Mark Adami – Golf Committee, and Sandy Kaplan – Veterans’ Committee.

There being no further business, Mr. Maloney moved, Mr. Stainthorpe seconded and it was unanimously carried to adjourn the meeting at 10:45 p.m.

Respectfully Submitted,


Matt Maloney, Secretary



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