

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – DECEMBER 4, 2013

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on December 4, 2013. Chairman Stainthorpe called the meeting to order at 7:35 p.m.

Those present:

Board of Supervisors: Pete Stainthorpe, Chairman
 Dobby Dobson, Vice Chairman
 Dan McLaughlin, Secretary
 Kristin Tyler, Treasurer
 Jeff Benedetto, Member

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

PUBLIC COMMENT

Mr. Harold Kupersmit, 612 B Wren Song Road, thanked Chairman Stainthorpe for his service this year and congratulated the Board on the way they govern the Township.

Ms. Donna Doan, 1584 Edgewood Road, stated with regard to the Zoning Hearing Board unanimous decision against the veterinarian's Application for the Satterthwaite property, she understood that the Board had indicated they would not send a representative from the Township to get involved with the Appeal that has been filed. Mr. Garton stated he has intervened on behalf of the Township so that the Township is aware of what is going on since if they were not a Party things could happen without the Township's knowledge.

Mr. Benedetto stated he recalls that Mr. Mark Moffa had asked the Chairman if he was going to send a representative and enter an appearance, and the Chairman stated they were not. Mr. Benedetto stated last week he received notice that Mr. Garton had entered an appearance on behalf of the Township, and he is upset by this and feels others in the Township should be upset as well since he feels they were told a lie. He stated the Board did not vote on this, and he was never consulted about this, and there was no public discussion about this. He stated the Township is spending taxpayer dollars to send Mr. Garton there to intervene on behalf of the

Township. Mr. Benedetto stated the Township had sufficient time to make their points at the Zoning Hearing Board. He stated Mr. Fedorchak testified, and the Township made their case. He stated he does not feel the Township needs to make their case in Doylestown as that is between the Zoning Hearing Board and Dr. Bentz.

Mr. Benedetto stated there was a prior situation with the Edgewood Café when he was liaison to the Zoning Hearing Board, and the Township intervened in this matter which was between Mr. Cam Troilo and the Zoning Hearing Board. Mr. Benedetto stated the Zoning Hearing Board denied the request for additional parking spaces, and he feels a “back-room deal” was made since a deal was made without the Zoning Hearing Board’s approval. Mr. Benedetto stated people do not trust the Government for reasons like this because these decisions are made behind closed doors, and this is exactly what happened with Edgewood Café, and he does not feel people will trust Mr. Garton going to Court and have a discussion about this with Dr. Bentz’s attorney and Ms. Kirk to work something out. Mr. Benedetto stated the Decision by the Zoning Hearing Board was unanimous against Dr. Bentz, and he feels the Judge should be able to rule on this with Briefs that are filed, and the Township has “zero business” being there.

Mr. Benedetto moved to have Mr. Garton withdraw his appearance.

Mr. Garton stated with regard to the Edgewood Café, he reached out to Ms. Kirk, the Zoning Hearing Board solicitor, to discuss with her what happened with respect to that Application; and he asked her to talk to the Zoning Hearing Board to see what their position was with respect to the proposed resolution. Mr. Garton stated Ms. Kirk reported back to him orally and by e-mail that the Zoning Hearing Board was supporting the suggested resolution to that particular dispute; and this was discussed and supported in the Board of Supervisors’ Executive Session during the course of the discussion of pending litigation.

Mr. Garton stated an intervention does not mean that the Township is taking a position. He stated without intervention the Zoning Hearing Board and Dr. Bentz could decide on something and submit a Stipulation to the Judge that the Board of Supervisors is not happy with; and if the Township does not intervene, they cannot participate and agree or disagree. Mr. Garton stated the Township is not going to take an active role, and they are there for the purpose of making sure that nothing happens without the Township knowing about it. Mr. Garton stated no Board member told him to do this, and he did this as a matter of course.

Mr. Benedetto stated Chairman Stainthorpe was asked a direct question by Mr. Moffa, and the response was that Mr. Garton was not going to be sent. Mr. Benedetto stated with regard to the Edgewood Café situation, he has an e-mail dated 2/28/13, and the Zoning Hearing Board never agreed to the settlement proposal. Mr. Benedetto stated the Zoning Hearing Board also had discussions with Ms. Kirk since it was improper the way it happened. Mr. Benedetto stated Edgewood Café was a small matter compared to the “crown jewel” of the Township – Satterthwaite House on Patterson Farm which is a more important situation. Mr. Benedetto stated taxpayer dollars are being spent for Mr. Garton to go to Doylestown, and the Board never agreed to this; and he does not feel that Mr. Garton should have unilaterally made that decision. Mr. Benedetto stated he would like the Board to vote on Mr. Garton withdrawing his appearance.

There was no second, and the Motion died for lack of a second.

Mr. Stainthorpe stated they are participating in this Appeal because the Township was a Party at the Zoning Hearing Board as were others who he understands are also going to participate. Mr. Stainthorpe stated they are not advocating one position or another, but he feels it is important that there is representation in the event that the Township needs to be represented. He stated he was not officially notified of the Appeal; and Mr. Garton made this decision on his own which he feels is a good one that he supports.

Mr. McLaughlin stated the Supervisors all work very hard to earn the residents’ trust, and when someone says he is involved in “back room deals” he resents it. He stated he resents that there is an implication that there is a lack of integrity on the Board. Mr. McLaughlin stated the Board is not participating in any further lawsuits or Appeals with regard to the Zoning Hearing Board decision. He stated while he did not know Mr. Garton entered the Township’s appearance, he supports the Solicitor in looking out for the best interest of the Board and the Township. Mr. McLaughlin asked that when there are disagreements on the Board, that Supervisors not assail their colleagues. Mr. McLaughlin stated he feels it is a good investment for the Board to make sure they are fully aware of what is going on in this situation because it was so important. Mr. McLaughlin stated he is concerned that Mr. Benedetto is challenging the ethics of other Board members when he has no basis to do so. He asked Mr. Benedetto as a fellow Supervisors to stop doing so as it is not productive. He stated issues should be brought up and addressed, but there should not be statements made about the lack of integrity of other Board members.

Ms. Doan stated during the Zoning Hearing Board it was brought up about a violation of the Sunshine Law, and that the Agreement of Sale for the veterinarian seemed to have been tailor-made to accommodate requests which were made by the veterinarian. She stated people do not trust Government because an advertisement was made that said the Bid documents had to be accepted as written, and they were not.

Ms. Doan stated the Zoning Hearing Board's Decision was rendered in August, but it was not registered officially until months after that which gave the veterinarian the opportunity to then Appeal within thirty days of the Decision. Ms. Doan stated she feels the timing is quite suspicious in the eyes of people who were happy with the Zoning Hearing Board's Decision. She stated she does not understand why there was a delay that seems to have coincided with the Election so that the veterinarian could then see whether the Board was re-elected and would be favorable to her development.

Ms. Doan stated on October 9 she had requested all the invoices for repairs and maintenance that were done for the Patterson Janney-Brown House and the stone cottage on Patterson Farm for the period January, 2009 to the present. She showed what she received which was a large stack of invoices totaling tens of thousands of dollars for plumbing, septic, repairs to the dormers, installation of a heating system, etc. She stated the public is paying attention to the fact that the Artists of Yardley are still not paying rent to occupy the Janney-Brown House and the cottage on the Patterson Farm which she feels needs to be re-evaluated. She stated the Lease is up; and the Artists have assumed that since they have not heard from the Township, that they can re-up their free Lease. Ms. Doan stated she feels that since the taxpayers are being asked to maintain the house which is costing tens of thousands of dollars, there should be some rent. She stated a Realtor should come in and give an opinion since there is use and wear and tear on the house as well as things that will need to be repaired. Ms. Doan stated she understands that the Artists of Yardley have put some of their own money into it; however, most of those things they have installed such as the handicap ramp and lighting are to the benefit of their groups, and they are making quite a bit of money even though they are a not for profit organization. Ms. Doan stated she feels the taxpayers, as owners of the property, would expect the proper management by the Board which she feels includes a reasonable amount of rent for those properties.

Ms. Kaaren Steil, 1027 Darby Drive, stated she is the current Chair of the Historic Commission. Ms. Steil stated she feels open communication between the Board of Supervisors and the Historic Commission is seriously lacking. She stated this past spring/summer the Historic Commission advised the interested parties in how to

resolve a twenty-year year issue concerning the Scammell property and the Township; and to date the Historic Commission has yet to be informed of any change in status by either the real estate companies or the Township.

Ms. Steil stated through Resolution #326 the Historic Commission started on August 2, 1977, and they have been active for thirty-six years. Ms. Steil reviewed the work that the Historic Commission has done over these thirty-six years.

Ms. Steil stated in accordance with a Class II Township, Lower Makefield should have a Historic Commission to complement the Historic District. She stated the Historic Commission abides by the Sunshine Law and advertises its monthly meetings. She stated their meetings are held in the evening. Ms. Steil stated they have been desperately seeking new volunteers over the past year. She stated they are an Advisory Commission with an eye to history on development plans.

Ms. Steil stated Ms. Gail Freidman from the Bucks County Planning Commission recently suggested that the Historic Commission hire someone to update the State and County local regulations for Lower Makefield Historic Preservation file which has not been done since July, 2011. Ms. Steil stated this unfinished body of work was never completed to the Township's satisfaction.

Ms. Steil stated on November 18 she received a letter indicating that unless she responds in thirty days, her term as a Historic Commission member will expire on February 14. Ms. Steil stated they currently have only three members on the Historic Commission, and she does not want to abandon the Commission. She stated she does not feel the Township should be left without a Historic Commission. She stated the Board should communicate with the Historic Commission to see if they can work together.

Mr. Stainthorpe stated he feels there should be a Historic Commission in Lower Makefield, and they are grateful for the work that the Historic Commission has done since 1977 including the work done in Edgewood Village. He stated the work they did recently on Scammell's Corner was outstanding. Mr. Stainthorpe asked the Supervisors and the Historic Commission members to try to recruit additional people who will actively participate on the Historic Commission. Mr. Stainthorpe stated he hopes Ms. Steil will stay on the Historic Commission adding that he appreciates the leadership she has given. Mr. Stainthorpe stated if they cannot find people to participate, they will have to consider if there is going to be a Historic Commission in the Township.

Ms. Steil noted the surrounding communities that have active Historic Commissions; and the three current Historic Commission members are trying to determine how they can find new members to join them.

Mr. Benedetto stated he is the Liaison to the Historic Commission. He stated Ms. Friehs and Ms. Conoscenti resigned not because they wanted to, but resigned because they did not feel appreciated. Mr. Benedetto stated there are thriving Historic groups in surrounding Townships. He stated people get frustrated when their voices are not heard or respected, and he feels this is the problem in Lower Makefield. He stated he has been at meetings when Historic Commission members spoke and have been completely dismissed. He stated he remembers Ms. Friehs resignation speech, and she resigned because her voice was not heard or respected and said she was not going to waste her time. He stated this also happened with Ms. Conoscenti. He stated he feels it will be a challenge to get people on the Historic Commission. He stated he feels the Board of Supervisors should respect the work that the Historic Commission and other volunteer Boards do in the Township.

Ms. Tyler asked Mr. Benedetto if he has been participating as liaison to the Historic Commission and helping them out, and Mr. Benedetto stated he has attended every meeting except for one. Mr. Benedetto asked Ms. Steil if he has not attended more Historic Commission meetings than the past Supervisor liaisons, and Ms. Steil stated he has attended three meetings adding they have had a meeting every month except for June.

Mr. Benedetto asked Ms. Steil if she agrees with his assessment that people do not feel respected, and he asked if she knows why Ms. Friehs resigned; and Ms. Steil stated she agrees that there was lack of respect but added that Ms. Friehs is a Nurse which took more of her time than she was willing to share with the Historic Commission. Mr. Benedetto stated he has had discussions with Ms. Heinz who is present this evening; and she has indicated that she has made multiple comments about preserving historic structures in the Township, and nothing has been done. Mr. Benedetto stated Lower Makefield only has three members on their Historic Commission and Newtown and Upper Makefield have full active Boards.

Mr. McLaughlin stated he feels that the Commissions are an integral part of helping the Board of Supervisors gauge the temperature of certain issues, provide insight, and bring certain issues to light. He stated sometimes the problem is there is confusion between advocacy and advisory. He stated when a Committee has an Agenda which is in disagreement with the Board of Supervisors who has the responsibility to make the final decision the tone of the discussion gets “ugly.” He stated he gets concerned when the Board is accused of making bad decisions if they disagree with the feelings of the Advisory Boards. He stated the more successful volunteer Boards are ones that balance advocacy with advisory knowing that the Board of Supervisors sometimes has to make compromises and hard decisions for the benefit of the Township. He feels the Historic Commission has drifted too far into advocacy versus advisory. Mr. McLaughlin stated at one time this

was also case with the Environmental Advisory Council, and they were pushing their Agenda and not advising the Board of Supervisors in leading the Township; and he feels this has changed for that Committee which now advises the Board of Supervisors and works with them. He stated although they are sometimes in disagreement, the tone is never “toxic.” He stated they provide advice and sometimes the Board takes their advice and sometimes they do not. Mr. McLaughlin stated he will be a better Supervisor for the Historic Commission, but asked the Historic Commission to find the line of advocacy versus advisory recognizing that they will sometimes be in disagreement but that the Board of Supervisors is doing what they feel is best for the Township.

Ms. Steil stated she agrees with some of what Mr. McLaughlin has indicated, but she is sad to see the history part of the Township “swept away.” She feels there has been lack of communication all the way around.

Mr. Ken Martin, 19 Austin Road, Historic Commission members, stated they are the custodians of the Scammell property and many other properties. He stated the three members of the Historic Commission have been doing what they can.

Ms. Helen Heinz, 1355 Edgewood Road, stated the last time she sent a letter to re-apply to the Historic Commission was two years ago; and she indicated she would serve as long as she had the Supervisors’ favor, but she does not feel this is now the case. She stated she feels historic preservation and property values are closely intertwined, and she feels it is important for the Supervisors to get educated in the history of the Township. She stated she feels what Mr. McLaughlin is discussing is the Historic Commission’s passion versus the Board of Supervisors lack of understanding. She stated while she is an advocate for historic preservation, she also understands that they need to work with these old houses and they need to find uses for them. Ms. Heinz stated she recently spent twelve hours writing the history of the Township for Gail Freeman of the Bucks County Planning Commission to put in the Master Plan. Ms. Heinz in the past the Historic Commission has done stupendous, academic-quality work, and they should be looking forward and guarantee that Lower Makefield is the best Township that it can be.

Ms. Doan thanked the members of the Historic Commission for their efforts. She stated she feels the Board of Supervisors needs to embrace more of the history of the Township. She stated she has been a Township resident for over fifty years, and she feels the current Board is one of the harshest Board of Supervisors that she has had experience with, with regard to Edgewood Village, Patterson Farm, etc. She stated there is potential to bring people to the Township for enjoyment and learning if the Board would promote the history and use it as something to bring people into the Township. She stated the Township has a wonderful agrarian history which has been ignored or seen as something that will soon be obsolete.

Ms. Doan stated the Township chose to obtain the Patterson Farm when the Pattersons would have been happy to keep it and bestow it to the next generation of farmers. Ms. Doan stated when the Board expressed a need for funds for historic preservation the community that understands the value of one farm rallied around the Patterson Farm, and they collected over two thousand signatures in support of the preservation of the Farm in its entirety. She stated because of work of community members who came to meetings and volunteered their time, the Township will receive \$917,100; and the Farmland Preservation Board is set to vote on accepting the 101.9 acres of the Patterson Farm into their program.

Ms. Doan stated they are making progress on preservation, but they need the Board of Supervisors to promote the Farm as much as they promote the Golf Course, the Pool, and the other assets that are in the Township. Ms. Doan stated when she posted on the Patterson Farm Preservation Facebook page whether members of the public would be interested in touring Satterthwaite House, she received over twenty responses the first day. She stated she sees potential to do a Holiday House Tour as Newtown Borough does which is well attended. She stated she sees no reason to separate the Satterthwaite House from the Patterson Farm.

Ms. Doan stated if it would be helpful to have an advertisement placed on the Patterson Farm Preservation Website and Facebook page about the need for Historic Commission volunteers, she would be willing to do this.

Mr. Ed Gavin, 904 Sensor Road, stated at the October 16 meeting Mr. Fedorchak indicated that there will be some positions next year that will be part-time rather than full-time which would save money mostly on benefits. He stated there was also a vote taken on the 3% contribution to the Pension in the future for employees. He stated the Township still has something that was put on the books in 2001 that allows Supervisors to take health benefits. Mr. Gavin stated Mr. Fedorchak indicated that the Township will be negotiating with the Police and Public Works employees about a contribution to their Pensions as well. Mr. Gavin stated he feels the Board should set an example and get rid of the health benefits for Supervisors which he does not think would be hard to do.

Mr. Benedetto asked Mr. Garton if they would be able to do this. Mr. Garton stated the Second Class Township Code authorizes Supervisors to receive benefits. He stated the Board of Supervisors cannot dictate to an individual member whether they can choose or not choose to have health insurance benefits. Mr. Benedetto asked if they could pass a Resolution that the Supervisors cannot collect health benefits, and Mr. Garton stated they could not since they are statutorily authorized to receive that benefit if they choose to and follow the procedures.

Mr. Gavin stated the Board took a vote in 2001 on whether the Supervisors could get benefits; however, Mr. Garton stated the Second Class Township Code specifically enumerates the compensation payable to Supervisors and it provides that Supervisors have, by going through procedures, the right to health insurance benefits if they chose to do that. He stated it is not a decision made by the Supervisors but is made by individual Supervisors upon election whether or not they want to take advantage of this opportunity. He stated the Board cannot deny this from an individual Supervisor because statutorily, they are entitled to do this.

Mr. Gavin stated in the December 17, 2001 meeting there was not a lot of debate on the subject but Mr. Garton had stated, "If approved, this will remain in effect until rescinded by a new Action of the Board." Mr. Garton stated he did not recall that discussion.

Mr. McLaughlin stated there is a book that governs Second Class Townships in the State of Pennsylvania, and the Board has to follow that and cannot do anything that is contrary to the Second Class Township Code.

Mr. Gavin asked why the Board then took a vote on this in 2001. Mr. Benedetto stated Mr. Gavin has quoted Mr. Garton from 2001 even though Mr. Garton may not recollect this. Mr. Benedetto stated he would like to further investigate whether it is true that they cannot change this by a vote of the Board of Supervisors.

Mr. Gavin stated the reason they want to hire part-time employees is so that they will not have benefits, and Mr. McLaughlin stated they have gotten more efficient in the back office so that they do not need the same head count. Mr. Gavin asked if it does not cost money to give Supervisors benefits, and Mr. McLaughlin agreed that it does; however, he questioned the incremental cost of one person on a health care benefit since if you take one employee off, the price does not change. Mr. Gavin stated they are asking the employees to pay 3% for their pension benefit, yet the Board of Supervisors are able to take advantage of benefits. Mr. Gavin stated companies and Governmental organizations are cutting back benefits, and he feels it would be a good signal to the Police and Public Works employees that the Supervisors can "take a hit" too. Mr. McLaughlin asked if the Supervisors should also forego their salaries, and Mr. Gavin stated he is not asking this.

Mr. Gavin stated he would like to know why the Board at one time voted on this and why Mr. Garton indicated that it could be rescinded, and Mr. McLaughlin asked that Mr. Garton look into this matter further.

Ms. Sarah Spengler-Campanella, 29 Greenridge Road, asked if they have heard anything further from SEPTA in answer to the questions she had at the prior meeting. Mr. Stainthorpe stated they have not heard anything further; but they will have this matter on the next Agenda, and a representative from CSX will be present.

Ms. Campanella stated she knows that there have been ongoing discussions with PECO regarding her neighborhood of Silver Lake where there are continuous power outages. She stated PECO had indicated that they had upgraded their systems in the area; however, they are still experiencing “power blips.” She stated when they experienced the last one over three weeks ago it caused a significant amount of damage to her home because of a power surge so she does not feel that the issues have been resolved as she has a \$3,800 repair bill. Mr. Stainthorpe stated PECO should provide an answer as to what they have done in this neighborhood. Ms. Tyler suggested that Ms. Campanella request from PECO outage reports over the past three years so this can be included in their argument about necessary infrastructure upgrades.

APPROVAL OF MINUTES

Mr. McLaughlin moved, Ms. Tyler seconded and it was unanimously carried to approve the Minutes of November 6, 2013 as written.

APPROVAL OF OCTOBER 2, 2013, NOVEMBER 4, 2013 AND NOVEMBER 18, 2013 WARRANT LISTS AND OCTOBER, 2013 PAYROLL

Ms. Tyler moved, Mr. McLaughlin seconded and it was unanimously carried to approve the October 2, 2013, November 4, 2013 and November 18, 2013 Warrant Lists and October, 2013 payroll as attached to the Minutes.

APPROVAL OF RESOLUTION NO. 2271 – ESTABLISHING THE 2014 PARK & RECREATION FEE-IN-LIEU

Mr. Fedorchak stated approximately thirty years ago the Board of Supervisors adopted legislation adopting various fees including Park & Rec Fee-In-Lieu. He stated when the Board adopted this legislation it allowed for an increase in the fee based on certain cost-of-living indicators, and every year at this time of year they ask the engineer to look at this; and what is being presented this evening are the revised numbers. He stated this is being increased from \$4,198 per lot to \$4,211 per lot which is a .3% increase.

Ms. Tyler moved and Mr. McLaughlin seconded to approve Resolution No. 2271.

Mr. Benedetto asked for a further explanation; and Mr. Stainthorpe stated when a developer comes in there are Ordinance, which require the developer to set aside a certain amount of park land, and the developer may or may not want to do that. He stated if the developer does not provide the land, they must compensate the Township and pay a fee that would be equivalent to the amount of land that would have been set aside.

Mr. McLaughlin asked if this impacts the Regency Development, and Mr. Fedorchak stated that development had a separate set of operating instructions that went through the Courts, and this will not impact that particular development.

Mr. Garton noted that any development that already has approval is not subject to this change although they do have to pay the Fee that was in place at the time of approval. They are not subject to the increase.

Motion carried unanimously.

APPROVAL OF RESOLUTION NO. 2272 ESTABLISHING THE 2014 TRAFFIC IMPACT FEE

Mr. Fedorchak stated this is more complicated in that the Board at the time it was enacted established three different service so there is a different figure for each service area. He stated Service Area 1 will go from \$1,769 t \$1,820, Service Area 2 will go from \$2,428 to \$2,498, and Service Area 3 will go from \$873 to \$898. Mr. Fedorchak stated Service Area 1 in general is the far north end of the Township, Service Area 2 is the area Oxford Valley Road west, and Service Area 3 is the southeastern most area of Lower Makefield.

Mr. Dobson moved and Mr. McLaughlin seconded to approve Resolution No. 2272.

Mr. Benedetto asked for a further explanation, and Mr. Stainthorpe stated a developer has to pay a certain amount of money depending on the number of houses and how much traffic will be generated by that development. He stated this goes toward Township roads. Mr. Benedetto asked Mr. Fedorchak the approximate amount collected last year; and Mr. Fedorchak stated this was included in the Budget, and he could provide Mr. Benedetto with this number tomorrow.

Motion carried unanimously.

DISCUSSION OF TRAFFIC CALMING MEASURES FOR EAST SCHOOL LANE

Mr. Stainthorpe stated the Board previously discussed the possibility of traffic-calming measures at this location which included substantial public discussion. Ms. Amy Kaminski stated in May they did a traffic analysis for School Lane since there were concerns about cut-through traffic and the speed of motorists where children were walking to the nearby Elementary School. She stated they did some analysis on Makefield Road to determine if there were any problems, and they did a full traffic analysis on School Lane to determine if there were any traffic calming elements that should be incorporated. Ms. Kaminski stated the posted speed on School Lane was twenty-five, and the eighty-fifth percentile speed was thirty. She stated the result of their analysis was that although traffic calming was not warranted for the roadway, because there were no sidewalks and the road is narrow with children walking to and from school, they felt that the road could benefit from some traffic-calming efforts.

Ms. Kaminski stated when she attended the October 2 meeting, they discussed some of the various alternatives. She stated to reduce the cut-through traffic they could put turn prohibitions in which would cost approximately \$3,000. She stated the Police Department and Emergency Services would be contacted about this. She stated posting those signs would require Police enforcement and ticketing so it may not provide the benefit they are looking for. Ms. Kaminski stated they also discussed permanent speed humps and temporary speed humps and the pros and cons of both. Ms. Kaminski stated while she is not sure they discussed the installation of sidewalks, there is a Safe Routes to School Program; and getting the children off the street while walking to School could be beneficial, but this would come at a much higher cost.

Mr. McLaughlin asked Ms. Kaminski for her recommendation, and Ms. Kaminski stated if the Township is interested in doing traffic calming, she would recommend a temporary installation which would give them the opportunity to move the temporary structures to other locations and do before and after studies. She stated they could then find out what the residents think about the installation before a permanent installation is done. Mr. McLaughlin asked the cost of a permanent speed bump; and Ms. Kaminski stated with the two they have been discussing, it would cost approximately \$15,000 for both. Ms. Kaminski stated the Plan that was provided was just to give an idea of what could be considered. She stated it is possible they could have just one speed hump if they desired although it would be more beneficial to have two.

Mr. McLaughlin stated he recalls that the person who brought this to the attention of the Board was more interested in the safety of the children as opposed to the speed, and Ms. Kaminski stated this is her concern as well since there is not a great speed

issue there; and what they are trying to do is alert motorist to slow down since there are safety issues in the area. Mr. McLaughlin asked if the speed humps improve the safety of children or is it ultimately the sidewalk that would help; and Ms. Kaminski stated the sidewalk would be the best benefit that they could have, however, this would cost \$250,000 and there would also be maintenance issues.

Mr. Stainthorpe stated he felt sidewalks were typically the responsibility of the residents; and Ms. Kaminski stated while this is true with regard to maintenance, the installation is typically done through Township and Grant funding.

Mr. Stainthorpe stated he recalls times in the past prior to his becoming a Supervisor and there were neighborhoods which had similar problems to what is being discussed; and the Board at the time discussed a number of alternatives and eventually decided they should install sidewalks, but the residents were not in favor of this. Ms. Kaminski stated it is difficult when residents are used to not having the sidewalks and do not have the maintenance issues associated with them.

Ms. Kaminski stated normally she would recommend that they set aside some extra paving on the shoulder to allow for the pedestrians to be in an area that is clearly marked; however, in this area the roadway width is 22' so it is too narrow to do something like this.

Mr. McLaughlin asked Mr. Garton the right of the Township to install sidewalks; and Mr. Garton stated if the sidewalk is in the right-of-way the Township can install sidewalks by right. He stated he assumes the right-of-way there is 33' which is the statutory right-of-way. He stated if they do not have right-of-way, the Township would have to acquire right-of-way from property owners.

Mr. Stainthorpe asked if the residents were notified that this item was on the Agenda, and Mr. Fedorchak stated they did send letters to the residents in the general area.

Mr. Bruce Sattin, 201 Yardley Road, stated his house is at the corner of Yardley Road and E. School Lane; and the notices went out to some but not all of the residents. He stated there are two homes that have access to E. School Lane for their driveway; and although their homes do not front on E. School Lane, that is their only vehicular access for their homes. He stated they are his neighbors and they only received notice because he advised them.

Mr. Sattin stated he sent an e-mail to the Board of Supervisors with a copy to Mr. Fedorchak approximately one month ago, and he asked that this be made part of the Record. He provided copies this evening which are attached to the Minutes.

Mr. Sattin stated Mr. Jeff Shanks is one of the neighbors who has access to E. School Lane through the driveway that is partially on his property, and he also sent an e-mail giving the reasons why they opposed the speed humps on E. School Lane. He stated if someone wants to post a sign advising “Children At Play – Slow Down” they do not have a problem with this. Mr. Sattin stated the traffic study indicated that there is very little traffic on E. School Lane. He stated he agrees that there is cut-through traffic, but it is a public road so it is legal to go down E. School Lane. He stated he feels the total traffic was approximately 360 vehicles a day. He stated the busiest hour during the entire week of the traffic study was 52 vehicles in one hour. He stated he noted in his e-mail that there is no indication that traffic-calming devices divert traffic to another location. He stated putting in traffic-calming devices is not necessarily going to decrease the amount of traffic or prevent people from cutting through although it will reduce the speed of vehicles going down the street. He stated Ms. Kaminski has indicated that 85% of the traffic goes down E. School Lane at or below thirty miles per hour in a twenty-five mile per hour zone which he does not feel means it is a “speedway.” Mr. Sattin stated he does not feel they should consider traffic-calming devices at some great expenditure of Township money to solve a problem that does not exist. Mr. Sattin stated he has lived on E. School Lane for fourteen years, and many of his neighbors have lived there as long or longer than he has and raised their children on E. School Lane and have never had a problem. Mr. Sattin stated the Chief also indicated that looking back three years, there had been no reports of any traffic incidents on E. School Lane.

Mr. Stainthorpe stated the Board did receive the e-mail from Mr. Sattin. He stated the last time they discussed this at a public meeting from the comments made, he got the sentiment that the neighborhood was about 50% for and 50% against so it puts it back on the Board of Supervisors to make this difficult decision. He stated since then the e-mails he has received have been almost 100% against any kind of traffic calming. Mr. Stainthorpe stated roads essentially serve a purpose to help get from Point A to Point B, and he feels it is difficult to agree to every request for a speed hump or some type of traffic calming. Mr. Stainthorpe stated he feels they should look into possibly making the speed limit 15 miles per hour or restricting turns into the neighborhood during School hours which he understands will require enforcement, but he feels this is better than putting in permanent speed bumps which are difficult to plow and have their own set of issues.

Mr. Benedetto stated Mr. Herman who lives on the corner of Makefield and E. School Lane had asked him to do something about this even before he was on the Board. He stated Ms. Carroll is a new resident and also indicated that this is an issue so he feels more than 50% of the people have an issue. He stated he understands that Mr. Sattin did not want the speed bump in front of his home because of the noise and appearance, and he can understand that. Mr. Benedetto stated he has not heard one person tell him that this road is not used as a cut through. Mr. Benedetto stated

if the Board does nothing about this, he does not understand why they even meet as a Board because if the Government cannot come up with a solution, he does not see the point. Mr. Benedetto stated Mr. Pinkstone from W. Ferry Lane heard about this most recent issue with E. School Lane and told him that the problem was never solved at W. Ferry. Mr. Benedetto stated if the Board does nothing, the road will continue to be used as a cut through.

Mr. Sattin stated even though it is used as a cut through, there is still not very much traffic. Mr. Benedetto stated he disagrees noting that there are fifteen people at most who live on that street, and if there are over fifty cars coming through that is a significant number of cars going through. Mr. Benedetto stated Ms. Kaminski indicated that this is a good location for a speed hump because of the uniqueness of the road. Mr. Benedetto stated they could consider further where it should be located and how many they should have. He stated he feels the people on the Makefield side of the Road such as Mr. Herman and Ms. Carroll would be more than happy to have a speed hump in front of their house which is what he would like to see done.

Mr. Dobson stated he is in favor of stricter enforcement and asked that the Chief have some enforcement at that location between 7 a.m. and 9 a.m. and 3 p.m. to 6 p.m. and to post signs not allowing through traffic or indicating Children at Play, and to reduce the speed limit. He stated if there are tickets given, he feels this will become known. He stated he is concerned as to where they will draw the line if everyone comes in asking for speed humps.

Ms. Tyler stated speed humps are meant to remedy a problem on a street where there has been an excessive speed problem, and they do not have this problem on E. School Lane so she does not feel that speed humps would be appropriate there. She stated she agrees that they should pursue a 15-mile per hour speed limit on the road if it is within the DOT regulations and possibly no turning signs.

Mr. Benedetto asked if it is possible to have a three-way stop sign at Townsend and E. School Lane since it is a Township road; however, Ms. Kaminski stated there are warranting conditions for putting stop signs up. She stated she and the Chief discussed this, and they do not typically install all-ways stop signs which is what they are asking for without meeting the conditions of the DOT. She stated if there was a sight distance issue, they could do this or if there were crash records that supported having the all-way stop; but to just install it as a traffic-calming measure is not good and is not enforceable, and if it is challenged it would not be defensible since the engineering study would not support it.

Chief Coluzzi stated he believes some of these were installed previously at other locations, and they are not enforceable. He stated any signs that go up without a study or are not warranted are not enforceable, and this puts the Police in a bad situation if they try to make a stop based on a violation, and there is a confrontation and it is not a legal stop to start with so there could be a lot of liability for the Township. Chief Coluzzi asked Ms. Kaminski to discuss the proposed reduction in speed lower than 25 miles per hour, and Ms. Kaminski stated she is usually not supportive of going lower than 25 miles per hour because normal and prudent drivers will drive at the 85th percentile speed so if they reduce the posted speed to 15 miles per hour, there will probably be more people exceeding the speed limit. Mr. Stainthorpe stated he would only want it reduced during School hours, and Ms. Kaminski stated they could consider this. She stated they would have to do an engineering study, discuss with the School District how many students are walking on the road to get that type of reduction, and this would also be an enforcement issue. Ms. Kaminski stated with regard to posting No Cut-Through Traffic, it is another sign that is very hard to defend. She also does not feel the Watch Children sign is supported by the MUTCD which is the organization they go to for their sign regulations.

Ms. Kaminski stated after listening to the comments, if they decide they want to do some kind of traffic calming, they could look into the 15 mile per hour speed limit during the School hours; but there would need to be enforcement with this.

Ms. Mary Ann Carroll, 13 E. School Lane, stated she is disappointed that they are not looking at a permanent solution as it is not just about the children; and there are a number of neighbors who were walkers and bike riders who indicated that this problem occurs all day long. She stated yesterday there were two commercial trucks going past her home. She stated she feels 400 cars per day when the street has only nine houses fronting it, is a “big deal.” She feels there has been a lot of “garbling” of the information that Ms. Kaminski has shared since she was very specific in her letter in May that because of the frequency coupled with the narrowness of the roadway and the proximity of the School, she would recommend traffic calming. Ms. Carroll stated everyone agrees that there is a problem. She stated waiting to pick up her son at the corner of Makefield and E. School Lane in ten minutes, twenty-five cars went by; and she feels this is a lot for a little lane that is one quarter mile long.

Ms. Carroll stated when Yardley Borough installed their speed humps, they spent \$700 a year or two ago including signage so she feels the dollar amount being discussed is “off the mark.” Ms. Carroll stated the property owners adjacent to her were all comfortable with the speed hump being installed closer to Makefield Road as long as the aesthetic issues are addressed. Ms. Carroll stated she does not feel signage would be effective; and while she would hope for more enforcement,

she recognizes that Lower Makefield is a very large community. She stated they did see Police in front of the School during the first week of School, but not since then. Ms. Carroll stated she recognizes that this is just one School of many in the Township. She stated doing nothing is not a solution, and she hopes the Board will do something more progressive.

Ms. Nance Moonan, 4 E. School Lane, stated she has lived there since 1991 and raised three children there; and she feels children should be taught to watch the street. She stated there have been no accidents there since she has lived there. She stated her husband has lived there since 1963, and the only accident involved a dog was killed on Townsend. Ms. Moonan stated putting the speed hump by Makefield Road does not make sense since people are making a turn onto E. School Lane and slowing down their speed. She stated she does not believe there is a speed problem. She stated she feels they will be setting a huge precedent for the Township as there are a number of roads that are cut-through roads. She stated a speed hump is big, and they have a small lane; and she does not want a speed hump.

Mr. Stainthorpe asked that Ms. Kaminski prepare some additional information on lowering the speed limit during School hours and possibly information on a “No Right Turn” into E. School Lane during School hours. He stated they will have to have another meeting on this matter, and it may be possible to consider something different. Mr. McLaughlin asked that they also include a restriction on commercial vehicles other than local deliveries; and Ms. Kaminski stated they could do this, and this is something that is fairly easy to do, and it is enforceable.

APPROVE ADVERTISING ORDINANCE ESTABLISHING A DEFINED CONTRIBUTION PLAN APPLICABLE TO ALL NEW FULL-TIME EMPLOYEES OTHER THAN POLICE

Mr. Garton stated the Ordinance was included in the Board’s packet and tonight is only authorization to advertise the Ordinance. He stated in discussions with Mr. Fedorchak, the Township is interested in establishing a Defined Contribution Plan for new employees which means that the Township’s obligation is fixed based on compensation earned and contributions made by the employee as opposed to having the obligations fluctuate based on market conditions and actuarial studies so that the Township will have the ability to clearly understand what the obligations are on an annual basis. He stated this will make it consistent and not subject to Wall Street vagaries. Mr. Stainthorpe stated he feels this is a good plan which many others have gone to.

Mr. Garton stated if they adopt the Ordinance subsequent to a Hearing, it will establish a Lower Makefield Township Non-Uniform Defined Contribution Plan; and it would not apply to the Police Department or the organized Public Works

employees. He stated it would provide for eligibility after six months of full-time employment, and the Township would contribute up to 6% of the earnings to match whatever the employee contributes so that if the employee contributes 6%, the Township would contribute 6%. Mr. Garton stated this would include base earnings, overtime, and any bonuses. It would be vested after five years of full-time employment which is less than the Police vesting requirements. Mr. Garton reviewed other details of the Plan. Mr. Garton stated ICMA would administer the Plan, and they are the largest agency administering these kinds of funds. Mr. Garton stated both Doylestown and Newtown Township did this within the last year.

Mr. Fedorchak stated the Public Works Union employees are included under this as this was negotiated in the last Contract.

Mr. McLaughlin moved and Mr. Dobson seconded to advertise the Ordinance.

Mr. Zachary Rubin, 1661 Covington Road, stated he is against the Ordinance; and he feels if they proceed with this it will cost the Township money. He stated there is already an existing Defined Benefits Plan. He stated the existing Police have a Pension, and if they create another type of Plan now you are paying Administrative costs for two Plans instead of one; and there are costs incurred in setting up the Plan. Mr. Rubin stated there would be no new contributions to the existing Defined Benefits Plan so there will be no new money coming in; and the cost of the current Defined Benefits Plan will climb. He stated according to the Government Accounting Standards Board's Statement #25 it requires that if you cut off an existing benefit plan, there is required a shorter period for amortizing the cost and the unfunded liabilities making the Defined Benefit Plans which are closed much more expensive to administer. Mr. Rubin stated even though the employee has the benefit of portability so that they can take the 457B with them, this is detrimental to the Township because it creates more of a turn over in positions. He stated if someone has a Pension, the only way they can increase it is more years of service; and this creates a more senior, more loyal workforce which has an institutional memory. He stated if they create this type of Defined Contribution Plan, it makes it much easier for an employee to go somewhere else and take this Plan with them. He stated he feels that in the long run this will cost the Township more money.

Mr. McLaughlin stated from a Corporate standpoint every Corporation in America which faces these same issues has decided to go to a Defined Contribution Plan. He stated he feels the Township is following something that has been clearly set as precedent by the Corporate world and by neighboring Municipalities. Mr. McLaughlin stated the Township's match is only what the employee puts into the Plan, and at his company only 35% of the employees participate. He stated if the Township employees do not participate, the Township will not match so there is an

inherent savings which is unfortunate, since he feels everyone should participate. Mr. Rubin stated he agrees with this in the private sector, but this is the public sector. Mr. Rubin stated Nebraska has had this type of program for the last thirty-five years and they have studies that it would have been more cost effective if they would have gone into a single-defined benefits plan. Mr. Rubin stated he feels it is important to keep a stable work force, and the way to do this is to keep a Pension Plan.

Mr. Harold Kupersmit stated he is opposed to any reduction in salaries for workers.

Motion carried unanimously.

APPROVE GRANTING EXTENSIONS OF TIME TO ARIA HEALTH, HCR MANOR CARE, AND CAPSTONE TERRACE

Mr. Dobson moved and Ms. Tyler seconded to approve granting an Extension of time to Aria Health (f/k/a Frankford Hospital to June 30, 2014. Motion carried with Mr. Benedetto opposed.

Mr. Dobson moved, Ms. Tyler seconded and it was unanimously carried to grant an Extension of time to the following:

HCR Manor Care – March 6, 2014
Capstone Terrace – April 30, 2014

APPROVE CERTIFICATE OF APPROPRIATENESS FOR 705 STONY HILL ROAD

Mr. Bob Sill, 705 Stony Hill Road, stated he has to replace his sign with a sign having the exact same dimensions. He stated State Farm has changed their logo so every agent across the Country has to change their sign.

Mr. McLaughlin moved and Ms. Tyler seconded to approve the Certificate of Appropriateness for the Sign at 705 Stony Hill Road as presented.

Mr. Stephen Heinz, Chairman of HARB, stated HARB voted on this Certificate of Appropriateness and there was a specific stipulation attached to their Approval of the sign so that the lettering would be adjusted. Mr. Heinz stated he received a letter from Mr. Sill indicating that State Farm said the way he had it would be the only way that it would be allowed. Mr. Heinz stated he received no documentation to that account. Mr. Heinz stated members of HARB felt that it was important to get

some consideration in making the adjustment in the size of the lettering which was substantially larger than the lettering that was already there. He stated the shape, color and basic design of the sign was approved, but the lettering was not.

Mr. Fedorchak showed a picture from Mr. Sill and noted the picture on the left is what they are asking the Board to approve this evening and along side is the existing sign. Mr. McLaughlin stated he feels the new sign looks much better than the old sign, and Mr. Heinz agreed that this was the consensus of HARB as well.

Mr. McLaughlin stated he does not see that the lettering is a problem.

Mr. Stainthorpe stated State Farm has a logo and they probably only have one format. Mr. Sill stated he asked this question, and the woman indicated that this was their only option. He stated he provided this information to Mr. Habgood and he felt that this had been provided to the Board of Supervisors.

Mr. Heinz stated the Motion to approve the Plans that come before HARB are based on discussion, and sometimes if their Liaison from the Board of Supervisors is not present, you do not get the full message; and he is not sure the Motion they make is part of the Board's documentation.

Ms. Tyler asked Mr. Heinz what he feels is wrong with the lettering, and Mr. Heinz stated Bob is on one line and Sill, Jr. is on the bottom; and on the other signs they were continuous so they felt it would just be an adjustment in the size of the letters in order to make it read more appropriately which is why they made this stipulation.

Mr. Stainthorpe stated they have discussed previously that they want the Township to be business friendly; and here they have a successful local businessman who is improving the sign from what was there previously, and to "nitpick" that his name should be on one line instead of two is not correct.

Ms. Heinz stated there are two other HARB members who sometimes have contrary opinions, and if the Supervisor Liaison is there sometimes they are able to reconcile opinions. Ms. Heinz stated earlier this evening the Board indicated that they were going to support their Boards. She stated if the Board approves this without sending it back to HARB for approval, they will get more people coming before the Board of Supervisors not following the recommendations of HARB. She stated she feels it should be sent back to HARB for them to reconsider.

Mr. Sill stated the woman from State Farm told him he has to do it the way it is shown on the display.

Mr. Benedetto stated to respect the process he feels it would make sense to send it back to HARB, and Mr. Sill could explain it to HARB and the letter from State Farm indicating this could be provided to them.

Mr. Rubin stated this property was ceded to the Township, and the Township rented it out. He stated the Board of Supervisors then felt that the Township should not be in the business of being a landlord, and they sold it to Mr. Sill. Mr. Rubin stated he opposed the sale at the time because he has no problem with the Township owning historical properties. He stated if they still did, they would not be in this predicament right now.

Motion carried with Mr. Benedetto opposed.

APPROVE CERTIFICATE OF APPROPRIATENESS FOR 706 STONY HILL ROAD

Mr. Gregory Kay the Branch Manager of First Choice Bank was present and stated they are in the process of renovating the interior portion of the Bank at 706 Stony Hill Road getting ready to open shortly. He stated the issue is their Bank logo. He stated they have six branches in New Jersey, and this will be the first branch in Pennsylvania for their bank. Mr. Kay stated the issue they have before the Board tonight is the sign that will be constructed and hopefully installed on the wall which is on Stony Hill Road at the corner of Yardley-Langhorne Road.

Ms. Chris Kimble, Counsel for the Bank, stated they went to HARB and they first had problems with their logo and then a problem with the color red that is part of their brand. She stated the Bank agreed to try to darken the red by making it a matte color, but it is the logo and sign for this Bank. She stated this is the first presence of this Bank in Pennsylvania, and they want to be branded since there are other First Choice Banks; and they want to make sure that they keep their logo and colors consistent. She stated they would agree to do matte to make it darker; but the HARB did not like that color either, and they wanted it to be a deeper color. Mr. Kay stated at the last HARB meeting they had a lengthy discussion, and they were trying to come to an agreement; however, HARB felt that they were leaning more to a maroon color. Mr. Kay stated they have spent slightly more than \$1 million marketing their brand through signage at the six other locations in four different New Jersey Townships. He stated they are a small community bank and there other First Choice Banks in the United States with different logos, and they need to separate themselves.

Ms. Kimble stated she feels they are close to the State Farm color red which did not seem to be an issue.

Mr. Stainthorpe stated this property is on the edge of Edgewood Village and is really part of the Shopping Center. He stated they have a certain palette of colors that are acceptable in Edgewood Village; however, he feels the role of the HARB is to make sure that a three-story glass office building is not built there and is not to pick out every single little detail of every building. He stated he was told that HARB wanted them to match the roof on the Edgewood Café, and he disagrees with this. He stated Banks spend thousands of dollars having their logo and their brand created, and he is against forcing them change this for arbitrary reasons. He stated he feels Lower Makefield should be a business-friendly community, and there is an empty bank which will be filled.

Mr. Stainthorpe asked the Bank representatives if they are okay with the matte finish; and the representatives indicated they are, but HARB would not approve this. Mr. Kay stated the PMS 200 red is the color of their logo, and they took it and made it a matte finish since originally they wanted to do a higher gloss. He stated he feels they compromised, and when he brought it to Mr. Habgood he facilitated it to HARB who reviewed it and disagreed with it.

Mr. Heinz stated this is a Stipulation within the Motion to approve the Sign with an adjustment in the color. He stated there was some consideration given to the surrounding colors that was not necessarily what was finally suggested and is not something that has been completely defined. He stated HARB is not bound and determined to have a specific color although they did ask for an adjustment in the color and sent a Motion to the Building Department to send to the Supervisors that a temporary sign be allowed to be displayed with whatever colors they wanted until they could agree to the colors. He stated the Bank agreed to present a second color that was a different color. Mr. Heinz stated in many cases they can come to a reasonable compromise; but at this point it is the “Bank’s way or the highway.” Mr. Heinz stated the Bank representatives did indicate that they would be willing to work with HARB, and he feels it would be worth sending this back to HARB to go through the process to find a compromise which could be presented to the Board of Supervisors. Mr. Heinz stated he feels they are being ignored and being told that their views are “nonsense.”

Mr. Kay stated they are in the process of interior renovations, and with the exterior renovations they expect that they will be meeting with HARB at least two more times; and they want to work with them on the exterior renovations. He stated they do want to keep the historic feel of the building, and to that end they are going to submit Plans to HARB after the holidays to work with them on the exterior renovations. He stated with regard to the sign – the logo is the logo, and the colors are the colors.

Mr. Stainthorpe stated he fails to see how this color red that they have in their logo detracts from Edgewood Village and the historic nature of the Village. Mr. Heinz stated it was the unanimous decision of four members of HARB to ask for an alternate color that was more acceptable because this wall is looked at as the entrance portal for the Village. He stated in many cases they can get corporations to make adjustments, and he was told by the presenters that there would be that kind of consideration, and they stated they would present not just a matte finish version of their color but another color which they did not present. He stated the HARB was left with the representatives coming to the Supervisors to ask HARB to be overridden again. He requested that it be sent back to HARB.

Mr. Benedetto stated the Board just indicated that they were going to work better with the Historic Commission. He stated the Township is required to have the HARB, and there are four members although there are three vacancies with one individual who never attended. Mr. Benedetto stated there has already been bad precedent set with Wells Fargo and Bob Sill. Mr. Benedetto stated HARB is providing their professional judgment and saying that this is not what they want. Mr. Benedetto stated he feels the message is that if you have a problem with HARB, you can go to the Board of Supervisors who will override them. Mr. Benedetto questioned why anyone would serve on HARB wasting their time to make decisions that will be overridden. He stated he has had discussions with other HARB members who are frustrated, and he would be surprised if the HARB continues.

Ms. Tyler asked Mr. Benedetto what is wrong with the sign; and he stated it does not matter what is wrong with it, it matters what the HARB decides; and he feels it should be sent back to HARB since the Board of Supervisors are not professionals in this regard, and there is HARB for a reason. He stated he feels the businesses should go back and work with HARB.

Mr. McLaughlin moved to approve the Certificate of Appropriateness for 706 Stony Hill Road for colors 100% black and PMS #200 red for signage.

Mr. Heinz stated he feels they should allow the process to come to its logical approval, adding HARB has been known to come to compromises. He stated if the Board of Supervisors continues to act on their own against the opinion of HARB, they will be taking upon themselves the criticism if things do not turn out well. He stated if they take the appropriate advice of HARB, the HARB has the expertise and they would like to continue to extend this to the Board of Supervisors.

Mr. Stainthorpe stated over the course of the years he has been involved the HARB was never overturned until the last few times. He stated HARB asked to have the roof line re-designed even though that building has been there for thirty years, and he feels that went over the line on common sense. Mr. Stainthorpe stated he is

willing to compromise to a point but does not understand how this choice of red that the Bank has in their logo will detract from the historical accuracy of Edgewood Village.

Ms. Heinz stated when the Village was put on the National Register decisions were made at that point that carried forth into the Design Guidelines which the Historic Commission wrote. She stated she was not on the Board at that point in time in 1979, but they decided on a palette of colors that represented the historic significance of the Village which would have been 1850 colors. She stated that shade of red in the sign is nothing that would have been readily available in 1850. She stated most of the other colors they use in the Village including the red on Mr. McCaffrey's signs are muted; and although she does not particularly like that palette, it is the palette that they picked and that was brought forward in the Design Guidelines upon the advice of Carter VanDyke and other professionals that the Board of Supervisors paid for. Ms. Heinz stated it means that other companies that had logos did adjust their colors including the CVS. Ms. Heinz stated HARB members are frustrated because they have been trained to accept that color palette, and when someone comes in with something that looks "plastic" and Twenty-First Century, it is not what they set as the look for Edgewood Village.

Mr. Stainthorpe stated he was looking for this kind of information, and he had not heard that until just now. He stated he would like the Bank to have a good relationship with HARB and despite his hesitations to do so, he would suggest that this be sent back to HARB to see if they can reach a compromise understanding that if there are not good reasons, the Board of Supervisors can overturn HARB's recommendations. Mr. Stainthorpe stated the Board of Supervisors may not agree with their recommendations, and as the elected Officials, they have the authority. He asked that the HARB use common sense and reflect the historic nature but also be business friendly, as the Township wants to welcome new businesses.

Mr. Kay asked if the Bank property is located in Edgewood Village, and Mr. Stainthorpe stated both of the Shopping Centers are in the Historic/Commercial Districts so they are subject to HARB's Approval. Mr. Garton stated that arose during the Approvals of the Shopping Centers as it was a Condition of those Approvals that although they are not necessarily within the Historic District, they were subject to HARB's review as a Condition of Land Development Approvals.

Ms. Tyler seconded Mr. McLaughlin's Motion.

Mr. Heinz stated if this sign were not physically attached to the wall that is an architectural entrance to the Village and if they were to put up a separate sign with the logo with separate lighting not attached to the wall, he feels there would be

different consideration. Mr. Stainthorpe asked if Wells Fargo had a sign on the wall, and Mr. Heinz stated they had a black, matted sign; and Mr. Kay stated that was their logo.

Ms. Donna Doan asked if the sign will be on the wall facing the Road, and it was noted it is on the wall facing Stony Hill Road. Ms. Doan asked why they would not have it at the entrance to the Bank and asked why it faces the Historic Village; and Mr. Kay stated this is the way it was designed when the Shopping Center was built and they built the stone wall around the one corner and set the Bank back off the wall. Ms. Doan stated there are no other buildings that face the exterior, and Mr. McLaughlin stated the wall covers their frontage. Ms. Doan asked if it would be acceptable to move the sign to the entrance of the Bank itself since she feels people understand that there is a shopping center and a bank inside there. Ms. Doan stated if this is the historic town center, she feels they should maintain the ambience; and she feels the sign looks like a sign you would see at the exterior of a ball field and does not fit with the historic center. She stated at the corner where the Edgewood Café is the whole corner is now littered with signs that are stuck in the ground and very bright lighting which has nothing to do with the historic look of the Township.

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

APPROVAL OF MARGARET BRUNO PRELIMINARY/FINAL MINOR SUBDIVISION PLAN

Mr. Garton stated the Applicant proposes to Subdivide Tax Parcel #20-50-102 into two lots. Mr. Garton stated the Planning Commission at its 11/25/13 meeting recommended Approval subject to certain Conditions.

Mr. McLaughlin moved and Mr. Dobson seconded to Approve the Preliminary/Final Minor Subdivision Plans dated 8/12/13, last revised 10/9/13 subject to the following Conditions:

- 1) Compliance with the Conditions imposed upon the Applicant by the Lower Makefield Township Zoning Hearing Board as part of its Decision on 5/7/13 related to the maximum building density and the minimum required lot frontage on a public street;
- 2) Compliance with the Boucher & James report dated 11/5/13;

- 3) Compliance with the Tri-State Engineers & Land Surveyors letter dated 11/8/13 with the understanding that the sewer lateral will be extended from manhole A571 by 63’;
- 4) Linden Lane will be extended by 40’;
- 5) The Applicant has requested the following Waivers from the Subdivision and Land Development Ordinance:
 - a. To permit the key map location map to be a scale of 1” equals 400’ where 1” equals 800’ is required;
 - b. Waiver to Section #178-28AA2 so as to not be required to identify the size and species of the trees with a maximum diameter of 15” or greater where they are already in the proposed area of disturbance;
- 6) Compliance with the Bucks County Planning Commission letter dated 9/18/13;
- 7) Applicant to pay a Fee-In-Lieu of Recreation in accordance with the standard Fee Schedule for the new lot being created;
- 8) Applicant to pay a Traffic Impact Fee in accordance with the Township’s Fee Schedule for the new lot being created by the Subdivision;
- 9) Receipt of all Permits and Approvals by any agencies having jurisdiction including but not limited to PennDOT, DEP, and the Conservation District;
- 10) Applicant shall comply with the Township engineer’s recommendation as to stormwater management and best management practices; and the Applicant shall execute a Stormwater Management Agreement in a form acceptable to the Township;

- 11) Applicant shall pay all review and professional fees in connection with all prior reviews, and reviews in connection with this Approval as noted in the Land Development and Subdivision Ordinance;
- 12) Any signage shall comply with the Township's Sign Ordinance and will only be placed after securing any and all Permits;
- 13) All lighting shall comply with the Township Ordinances and no glare shall extend onto adjoining properties, and a Note to that effect shall be added to the Plans;
- 14) Applicant shall execute a Declaration of Restrictions and Covenants related to the Notes which will be Recorded when the Plans are Recorded;
- 15) Funding and execution of Development and Financial Security Agreements.

Mr. Edward Murphy, attorney, was present with Ms. Margaret Bruno. He stated Ms. Bruno would like to continue to live in Lower Makefield and as part of that she has proposed to subdivide her property by creating one additional lot. He stated the lot that she is creating is to the rear of where she lives now, and it is entirely wooded. Mr. Murphy stated the Ordinance requires that if you are removing certain trees, there is a certain obligation to replace them. Mr. Murphy stated Mr. Eisold has calculated that a total of fifty-one trees would be required to be replanted; however, there is not sufficient room on the property given its current wooded state to plant all those trees on that lot. Mr. Murphy stated the staff has requested that those trees be planted, and they have suggested Samost and Veterans Square. Mr. Murphy stated their obligation under the law would be to plant them on site; and to the extent that the Township would like them to plant them off site, they would propose to meet the Township halfway rather than assume what is a significant obligation to plant fifty-one trees off site.

Mr. Stainthorpe stated the lot is mostly wooded, and this is anticipation of trees being taken down in order to build the home; and Mr. Murphy agreed. He stated they would be removing certain trees within the building envelope to construct the new home. Mr. Stainthorpe asked if the lot has been sold to a builder who has a building plan, and Mr. Murphy stated it has not yet been sold. Mr. Murphy stated the issue is not their willingness to plant them on another site – it is the number of trees.

He stated it would cost approximately \$19,000 at \$350 per tree. Mr. Murphy stated they would agree as part of the Approval to work with the staff; and if there are 25 trees that could be planted at either Samost or Veterans Square, they would do this.

Mr. Garton stated in the Boucher & James letter it was noted that there was an obligation to re-plant approximately fifty-one trees on site as required by the Ordinance. Mr. Garton stated the law is clear, and there is a Solebury Township Decision, that says you cannot force an Applicant to plant trees elsewhere although you can force them to plant them on site. Mr. Garton stated planting fifty-one additional trees on this site would be difficult, and the Applicants have proposed that in lieu of doing that, they would plant twenty-five trees wherever the Township designates either at Veterans Square or at the ball fields.

It was agreed to make this an additional Condition of Approval.

Mr. Murphy stated he agrees with all the Conditions.

Mr. McLaughlin asked if the Township will pick out the trees and where they should be planted. Mr. Garton stated the trees would be enumerated in the Subdivision and Land Development Ordinance as to species and size. He stated where they get planted is up to the Township. Mr. Murphy stated he would assume that Mr. Eisold and the Township staff would make that recommendation.

Mr. Benedetto stated he feels the Township is setting a bad precedent and he has seen this done before with other Developments, and he does not feel that Preliminary/Final Approval should ever be granted and particularly in this situation where there are a lot of variables. He stated he would be in favor of granting Preliminary Approval.

Motion carried with Mr. Benedetto opposed.

Mr. Garton stated the Board met in Executive Session for ten minutes prior to the meeting to discuss a Zoning Application and personnel matters.

ZONING HEARING BOARD MATTERS

With regard to the Mandy and Brian Bozarth Variance request for the property located as 2325 Weinmann Way in order to permit construction of a three season room resulting in encroachment into the rear yard setback, it was agreed to leave the matter to the Zoning Hearing Board.

SUPERVISORS REPORTS

Mr. Benedetto stated a number of individuals have come before the Citizens Traffic Commission to discuss a number of issues regarding speeding and other traffic issues. He encouraged other residents to attend the Citizens Traffic meetings as well.

Ms. Tyler stated the Veterans Square Foundation is raising funds to build the Monument in Veterans Square Park, and their paver campaign will be ending shortly; and she encouraged those interested in purchasing a paver to contact the Veterans Square Foundation. Ms. Tyler stated they will be having a concert on February 5, 2014 and Pennsbury has offered their best bands to put on a concert to raise money.

AWARD CONTRACT FOR MUNICIPAL BUILDING BOILER SYSTEM

Mr. Fedorchak stated they currently have a fuel oil fired boiler, and they intend to replace it with a gas fired unit. He stated this does have to go out to Bid.

Mr. Eisold stated they put this out to Bid and received four Bids with the low Bidder being AKC Mechanical LLC in the amount of \$65,000. Mr. Eisold stated the highest Bidder did not attend the mandatory pre-Bid meeting and was disqualified. Mr. Eisold stated they also had a Bid Alternate that was put out for the cooling system, but they have learned since that time that there is additional electrical work and modifications that need to be made for that so that is not being proposed at this time; and at this time it is just the boiler system with the base bid amount of \$65,000.

Mr. McLaughlin moved and Mr. Dobson seconded to award the Bid to AKC Mechanical LLC in the amount of \$65,000.

Mr. Rubin asked about the air conditioning component; and Mr. Eisold stated it was an Alternate to this Bid, but there are other changes that need to be made prior to that being installed. He stated it will probably be incorporated in a future project. Mr. Rubin stated there is an Ordinance that prevailing wages kick in at \$75,000, and Mr. Garton stated to his knowledge it is \$25,000. Mr. Eisold stated there is a separate Responsible Contractor's Ordinance regarding projects \$75,000 or more and this Bid would not fall under that since it is under \$75,000.

Motion carried unanimously.

OTHER BUSINESS

Mr. Benedetto stated Mr. Fedorchak has had discussions with Mr. Ron Hibbs about his mother's property on Dobry Road where she has been without water for months because of problems with her well. Mr. Benedetto stated Toll Bros. had indicated that they were willing to dig a new well to resolve the issue; however, Mr. Hibb's mother who is in her 80s is currently without water. Mr. Benedetto stated her well is approximately fifteen feet deep, and her water supply was eradicated based on some of the work being done at Regency.

Mr. Eisold stated he and Mr. Fedorchak have discussed this with Mr. Hibbs and Toll Bros. At the time it was also brought up that there may be some other situations along that street. Mr. Eisold stated they are looking into the option of having the public water line extended which would be more cost efficient if it can be done as opposed to drilling a number of wells. Mr. Eisold stated the wells they have are very old.

Mr. Benedetto stated when they met with Toll in October they indicated that they would be willing to dig a new well temporarily to resolve the issue, and Mr. Hibbs is getting frustrated about the lack of water at the property.

Mr. Fedorchak was asked to get in contact with Toll Bros to see what they can do on a temporary basis.

APPOINTMENTS

Mr. Dobson moved, Mr. Benedetto seconded and it was unanimously carried to re-appoint the following:

Lisa Huchler-Smith – Disabled Persons Advisory Board
Mark Bortman - Environmental Advisory Council
Dennis Wysocki - Park & Recreation Board

There being no further business, Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to adjourn the meeting at 10:20 p.m.

Respectfully Submitted,

Dan McLaughlin, Secretary

