

TOWNSHIP OF LOWER MAKFIELD  
BOARD OF SUPERVISORS  
MINUTES-NOVEMBER 28, 2007

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on November 28, 2007. Chairman Smith called the meeting to order at 7:30 p.m. Mr. Santarsiero called the roll. Mr. Santarsiero noted the Board earlier this evening held a short public session in order to conduct interviews for Board and Commission vacancies and then met in Executive Session for thirty minutes to discuss real estate and litigation matters.

Those present:

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| Board of Supervisors: | Ron Smith, Chairman<br>Greg Caiola, Vice Chairman<br>Steve Santarsiero, Secretary/Treasurer<br>Grace Godshalk, Supervisor<br>Pete Stainthorpe, Supervisor |
| Others:               | Terry Fedorchak, Township Manager<br>David Truelove, Township Solicitor<br>James Majewski, Township Engineer<br>Kenneth Coluzzi, Chief of Police          |

Mr. Smith stated that the next Board of Supervisors meeting is scheduled for Wednesday, December 5, 2007. Mr. Smith stated that the Supervisors have been invited to Falls Township Rifle and Pistol Association, for a demonstration on Friday, November 30, 2007 to explore the archery option for the deer management program. Mr. Smith also stated that a few weeks prior the Township held a Veteran's parade which was a huge success. Mr. Smith thanked everyone for attending and participating, especially the soldiers. Mr. Smith thanked everyone on the Special Events Committee for their hard work. Mr. Smith thanked Chief Coluzzi for their great job and assistance which helped make it a great success. Mr. Smith stated that the Township will have it again next year.

Mr. Smith stated he was asked to make a presentation. Mr. Smith wanted to acknowledge Mr. Terry Fedorchak, Township Manager, who was honored recently by the ICMA, a Professional and Educational Organization for Chief Appointed Managers and Administrators throughout the entire world. Mr. Smith stated that ICMA has been around since 1914. Mr. Smith further stated that Mr. Fedorchak was honored for thirty years of service to local governments. Mr. Smith stated that the award was presented at the 93<sup>rd</sup> annual ICMA Conference held in Pittsburgh, PA on October 12, 2007. Mr. Smith stated that the Township knows what an asset Mr. Fedorchak is but it is nice to know that ICMA knows it as well. Mr. Smith then presented Mr. Fedorchak with a plaque.

PUBLIC COMMENT

Mr. David Shuster, 1270 Bluestone Drive, stated that he was present at a meeting last month and discussed his idea to employ volunteer archers for the deer management program. Mr. Shuster stated that by doing so, it would reduce the cost to the taxpayer. He stated that recently Wrightstown Township gave another club permission to hunt on township property. Mr. Shuster stated that there was an article recently in the Bucks County Courier Times. He stated that Essex County, New Jersey was also pursuing a similar program utilizing volunteer hunters. Mr. Shuster stated that he recently wrote an article in the Bucks County Courier Times as well to stress what he feels is the importance of using methods that will save taxpayer dollars. Mr. Shuster stated that he wrote that article prior to attending last month's meeting and that he was surprised at how receptive the Supervisors were to the idea. Mr. Shuster stated that he does feel that the Supervisors have the taxpayers in mind.

Mr. Shuster apologized for the delay in the invitation to visit the club for the archery demonstration which was postponed in order to get the proper approvals with the club.

Mr. Shuster stated that he attended the Veteran's Parade and what a fine event it was.

Mr. Shuster also stated that he read that the Township was looking into putting up welcome signs. Mr. Shuster stated that with the taxpayers in mind, he would like to see the Supervisors pursue ways to save money on the signs. He stated that maybe they could look into the Boys Scouts or local vocational schools possibly making the signs. Mr. Shuster felt that this could bring a community aspect to the welcome signs. He stated that while he thinks the signs are a nice idea, he would rather not see tax dollars spent on them. Mr. Shuster stated that he feels that any money that would have been saved on the signs could maybe go into fixing the roof on Patterson Farm.

Mr. Shuster stated that while he knows there has been some debate over whether to have a time limit here at the township meetings as they do at the School Board meetings, stated that he cannot see the township meetings have a time and who would be the timekeeper. He stated that he is impressed with how the meetings are run currently and would like it to remain that way.

Mr. Smith stated that while time limits have come up recently, he would be opposed to any setting of time limits at the township meetings. Mr. Smith also stated that the Supervisors would just ask that everyone be courteous of others with the length of time they speak and that should be enough. Mr. Smith stated that the Economic Development Committee recommended signs as a way to not only give the township an identity but to also promote the economic viability of the township. Mr. Smith stated that Mr. Shuster's point is well taken and that it could be a good Eagle Scout project and that maybe they could reach out to see if that is something that could be pursued. Mr. Smith stated that while the signs need to be able to stand the elements, he believes that the Vo-Tech

schools or Scouts would be able to develop something with that in mind. Mr. Smith stated that he hasn't seen anything a Boy Scout can't do. Mr. Shuster mentioned the high school woodshop class as another option.

Mr. Smith stated that the Supervisors are receptive to investigating the archery option and that Mr. Smith, Mr. Santarsiero and Mr. Stainthorpe will be in attendance on Friday evening at the demonstration and will report back to the board. Mr. Smith stated that the Supervisors have the obligation to investigate the option especially in light of the fact that Mr. Shuster stated that it will cost the township next to nothing in tax dollars. Mr. Shuster stated that it would certainly cost the township much less than the 250k mentioned. Mr. Shuster stated that there will be some mailing costs but that there could be an application fee but that would need to be discussed. Mr. Smith stated that he looks forward to the presentation and that if it turns out to be something that can cost minimal compared to something that would cost a quarter of a million dollars, he knows which way he would vote. Mr. Smith stated that he would be concerned however, with the long term costs as well and that he looks forward to the presentation on Friday.

Mr. Shuster asked about the Patterson Farm roof item. Mr. Fedorchak stated that they have put out a bid for the roof replacement project. Mr. Fedorchak stated that bids will be opened up on December 17, 2007. Mr. Fedorchak stated that he cannot find a contractor to take the risk of going up and covering the roof with a tarp.

#### APPROVAL OF MINUTES

Mr. Santarsiero moved and Mr. Caiola seconded to approve the Minutes of November 28, 2007 as written. Motion carried with Ms. Godshalk abstaining.

#### APPROVAL OF OCTOBER 1 AND OCTOBER 15 WARRANT LISTS AND SEPTEMBER, 2007 PAYROLL

Mr. Santarsiero moved, Mr. Caiola seconded and it was unanimously carried to approve the November 5 and 19, 2007 Warrant Lists and October, 2007 Payroll as attached to the Minutes.

#### DISCUSSION OF CONTRATOR REGISTRATION PROGRAM

Mr. Smith stated that he would like to go out of order on the agenda. Mr. Smith stated that last year he had a concern about unregistered contractors; some call them "trunk slammers" for lack of a better word, coming into the township and not having the necessary contact information. Mr. Smith stated that he was looking for some sort of ordinance where contractors who get permits in the township should be qualified with proper contact information so in the unfortunate event that there is a problem with their

work, township residents could find the right contact information. Mr. Smith stated that a few weeks prior he read in the paper that Yardley Borough recently passed such an ordinance. Mr. Smith stated that Mr. Truelove did some research on the subject.

Mr. Santarsiero stated that because they have just received a copy of the Yardley Borough ordinance, he would suggest that they postpone discussion on this until the last meeting of the year to give the Supervisors time to look over the Yardley Borough ordinance and to possibly locate the report that was written a few years back on the subject by Jeff Gaul of the EAC. Mr. Smith stated that he does not oppose having time to look the information over, but he is concerned that it will fall off the radar because they have tabled the discussion once before.

Ms. Godshalk stated that when Mr. Santarsiero states that the Supervisors only received the information a little while ago, he means we only received it twenty minutes ago. Ms. Godshalk stated that it is twelve pages long and just from what she could read in that short period of time, it looks like it gives the administrative area much more work and that she would be afraid of the liability on the township if they are accepting registration from a contractor who does not end up doing the work properly for a homeowner. Ms. Godshalk stated that she believes it opens up a whole can of worms and that it makes it more difficult for the staff.

Mr. Smith stated that responsible contractors come in and get the permits but that irresponsible contractors don't do that. Mr. Smith stated that he does not believe that the township will have to take liability for the contractor's work but that it will get the necessary contact information from the contractor when they register with the township.

Ms. Godshalk stated that people have complained that it is difficult now to get a permit and this could make that issue worse. Ms. Godshalk stated that she only just received the information minutes ago and is shooting from the hip but that it looks like this requires contractors to perform certain tasks for the homeowners. Mr. Smith stated that he isn't shooting from the hip but that he doesn't want to rely solely on what Yardley Borough has done but from what the Township Solicitor can come up with as a reasonable registration ordinance.

Mr. Caiola asked that it be tabled until the December 19, 2007 meeting because the December 5, 2007 meeting is already quite full. Mr. Smith asked Mr. Fedorchak to place this on the agenda for the December 19, 2007. Mr. Truelove stated that he had just received the information from Yardley Borough on Monday, November 26, 2007 and that what they have is just a draft although it was reported as being passed. Mr. Truelove stated that it is a work in progress for Yardley Borough as well. Mr. Truelove stated that the concept is worthwhile but that he would urge them to be cautious and to address the concerns that have been raised this evening.

Mr. Smith stated that what works for Yardley Borough may not work for Lower Makefield but that what would help in protecting the residents would be worthwhile to explore.

#### DISCUSSION OF ELM LOWNE

Mr. Smith stated that at the last meeting they had a termination of the contract between Open Aire Affairs and the Township in accordance with the contract. Mr. Smith stated many people have asked him where they will go next with Elm Lowne. Mr. Smith stated that is a good question and worth discussion. Mr. Smith stated that they have recently found out that the current use of Elm Lowne may be violating their own zoning laws. Mr. Smith stated that it is a R1 zoning area and that they need to find out what is permissible there and what can be done at Elm Lowne.

Mr. Caiola stated that he would like to hear from Mr. Truelove regarding the questions posed at the last meeting and what his findings were and move from there.

Mr. Truelove stated that he hopes that the Board of Supervisors had time to review the Memorandum that was prepared by his office. Mr. Truelove stated that one of the questions that were presented by Mr. Arth, an attorney in Philadelphia, was on the legality of the use of the property. Mr. Truelove stated that it does not meet the required use of the property but that isn't the end of the question. Mr. Truelove stated that it goes back to whether this is or isn't a void able contract. Mr. Truelove stated that if things were done differently and variances were obtained it but that isn't something that can be discussed now. Mr. Truelove stated that it may technically be illegal now but it's not one that would have been perpetually illegal which is really the basis for a void able contract under the circumstances. Mr. Truelove stated that the concern that we have after doing the research is that to invalidate the contract in it's entirety would open up the Township to liability. Mr. Truelove stated that as everyone knows that contract has been terminated and no further events will be scheduled. Mr. Truelove stated that there are events that are scheduled through next year which is a concern to the residents of Makefield Chase and understandably so. Mr. Truelove stated the Township does still have the authority to stop the events if they violate the noise provisions in the contract. He stated he suspects that the Township will be vigilant in that regard. Mr. Truelove stated that he believes that they have taken all of the prudent steps that they can at this time and in terms of what can be done going forward and that no more events will be scheduled, any events that will take place will need to comply with any noise regulations and that the residents will keep the Township advised of that.

Mr. Truelove stated that he would not recommend going forward and invalidating the contract because he does not believe there is a basis for it but that the issue did raise a challenging legal question. Mr. Truelove stated that the Memorandum doesn't go into what can be done with Elm Lowne in the future and that it would need to be discussed at

a later time. Mr. Smith stated that some have stated that the contract that was entered into with Open Aire Affairs was annulled on its' face and unenforceable in that respect and asked Mr. Truelove how he felt about that. Mr. Truelove stated that it is a grey area but that for two or three years those contracts have been honored and pursued and that it wasn't until the noise issue became a concern, understandably, but there are concepts in the law and if they were legal now then they were legal then because the noise issue isn't relevant to that determination. Mr. Truelove stated that it is their opinion that they couldn't void the contract without incurring some liability on the Township from those who have contracted with Open Aire Affairs for those events based upon the history that has occurred up to this point. Mr. Truelove stated that it does not leave the Township without some recourse as to the noise which he understands is the primary concern for any of those remaining events.

Ms. Godshalk stated that there are other historic buildings such as Bolton Mansion that hold leisurely activities that you might say don't fit into the zoning for that area. Ms. Godshalk also stated that this Board is considering three potential non-residential uses for structures in residential areas and should be looked at carefully.

Mr. Smith stated clearly under the R1, the use that has been used in the past is not permissible but there are other uses that are permissible in the R1 zoning. Mr. Smith asked Mr. Truelove what uses could be done with R1 zoning. Mr. Truelove stated that he doesn't have that here with him tonight but that the best way to describe them is passive uses. Mr. Smith stated that he believes one of the uses could be a museum and Mr. Truelove stated that it was a permissible use. Mr. Smith stated that he did not see anything that would allow the outdoor banquet use that is currently being done now. Mr. Truelove stated that was correct under the circumstances.

Mr. Smith stated that he would like to discuss what uses they could have for Elm Lowne once this contract runs out next summer. Mr. Stainthorpe stated that he does not believe that it needs to be discussed at this meeting or if it's relevant to discuss whether they keep it or sell it.

Mr. Stainthorpe stated that he would be in favor of accepting the Township Solicitor's advice on keeping the contract for the scheduled events in order not to have the Township opened up to lawsuits. Mr. Smith stated that he understands that but in light of the upcoming budget and the fact that Elm Lowne does cost the Township money. Mr. Stainthorpe stated that he does not believe that is the necessary discussion and that the question was whether the Township would allow the contracted events to take place or not allow them and that the memo from the solicitor is to allow them and not book anymore. Mr. Stainthorpe stated that he is taking that as sound advice.

Mr. Smith stated that he agrees with Mr. Stainthorpe but that he feels that they should have some discussion on what they are going to do with Elm Lowne. Mr. Smith stated that the discussion does not have to happen at this meeting but that it has to happen sometime. Mr. Stainthorpe stated that if they allow these events to take place, they aren't going to be able to do anything with Elm Lowne until next summer.

Mr. Santarsiero stated that the discussion is premature in that respect. Mr. Smith stated that it may be premature but that it has to be on the radar and that they have to have a plan. Mr. Smith stated that he doesn't want to start to come up with a plan the day after the contract ends. Mr. Smith stated that maybe it is left to the Elm Lowne committee to come up with or maybe the Board of Supervisors but that there needs to be a plan on where to go forward with Elm Lowne and in what capacity.

Ms. Godshalk stated that it came up at the Historic Commission meeting regarding the four homes that the Township owns: two on Patterson Farm, the golf course and Elm Lowne and that we look at these buildings and decide which ones are the most valuable to the Township. Ms. Godshalk stated that Elm Lowne was purchased with the intent to use it for Senior Citizens. Ms. Godshalk stated that they had a referendum for a Senior Center or a Community Center and it was voted down twice. Ms. Godshalk stated that the Seniors didn't really look at Elm Lowne because they were afraid if they liked it they wouldn't have the opportunity if they got the approval for their Senior Center so there is still the potential there. Ms. Godshalk stated that Elm Lowne is currently being used inside for smaller parties, political groups, Edgewood School fundraisers, art classes, art fairs, summer programs and historic societies. Ms. Godshalk stated that developers were interested in Elm Lowne to develop homes but maintaining Elm Lowne is a way to maintain open space.

Mr. Santarsiero stated that all of those points are things they need to consider but that it seems they are putting the cart before the horse with the fact that they are 8 or 9 months out before they can make a decision with what happens but that it would probably be more productive to wait until we get to the point where we can do something.

Mr. Caiola stated that all of the points are well taken and that we know what we don't want at Elm Lowne and that is a start. Mr. Caiola stated that sometime in the spring they should have a comprehensive discussion on the future of Elm Lowne. Mr. Caiola thinks that right now what they need to get out of tonight was to find out what they could do with the contract. Mr. Caiola stated that if anyone in the audience wants to discuss the Solicitor's findings that would be fine but that the future of Elm Lowne is an important discussion for another day.

Mr. Smith stated the Township has paid money for a comprehensive plan of Patterson Farm and that he doesn't want Elm Lowne to fall off of the radar as it has and that he

thinks that they need to come up with a plan. Mr. Smith stated that he would hate to wait around to next August to discuss it. Mr. Caiola stated that he thinks April would be a good time to discuss it. Mr. Smith stated that he has no problem tabling it until April but he just wanted to bring it up so it's on the radar. Ms. Godshalk stated that she would caution the Supervisors to evaluate all of the Township properties at that point because the Board is looking at putting a zoo at Patterson Farm and that certainly is not residential zoning use. Ms. Godshalk stated that if the Board is considering selling or discontinuing the uses at Elm Lowne for the community that the Board considers not doing anything to the Manor at Patterson Farm for those community uses. Mr. Smith asked if Ms. Godshalk was calling the Aark Foundation a zoo. Ms. Godshalk stated that it fits into that category. Ms. Godshalk stated she doesn't believe it's the proper fitting for that place. Mr. Smith asked if there were any public comments.

Mr. Gerald Arth, 1396 Heller Drive, thanked the Supervisors for putting the Elm Lowne issue on the agenda. Mr. Arth stated that he doesn't want to get into a esoteric debate on whether the contract is void able that few people would care about but that he would like to discuss the continued use of the property into next year for more of these parties. Mr. Arth stated that it is obviously the easiest way out and that it avoids some issues but that he doesn't believe the Township can get around the fact that if you conclude that it is an illegal use of the zoning laws but that the Board is just going to ignore that. Mr. Arth stated that if it's illegal, it's illegal and that the laws of this township shouldn't be waived for expediency's sake. Mr. Arth stated that he doesn't believe the Board has the authority to wave a wand and simply say they are going to ignore that. Mr. Arth stated that if he as a resident called the zoning officer, he would expect that they would come out and enforce the laws of the township. He stated that he does not believe that by allowing the parties to continue despite the zoning violations is not the solution to the problem just because it's easier.

Mr. Arth stated that he would volunteer to defend the Township, but not pro bono in any action. He stated that he just does not want to see the Board look the other way on this matter even if the illegal use will not continue much longer.

Mr. Santarsiero stated that the problem is that our solicitor is telling us that we don't have a legal right to void the contract and therefore we have to abide by the contract so as not to expose ourselves to lawsuit. Mr. Santarsiero stated that it's not as if they are sidestepping the problem but that we do not have the authority to void the contract.

Mr. Smith stated that they do have to enforce the ordinances on the books with regards to the noise. Mr. Smith stated that they still have to abide by what's appropriate as far as the noise is concerned in respect to the surrounding neighborhood. Mr. Smith stated that he knows it is going to be difficult if not impossible to police. Mr. Smith stated that he



understands that these are once in a lifetime celebrations but that they would like to ensure that they are done in an appropriate manner and come up with some sort of plan as we get closer after the first of the year. Mr. Smith stated that Open Aire Affairs is supposed to take some steps and hopefully they will continue to do so.

Mr. Santarsiero stated that he does believe the Township does have some remedy with that issue if they were to just ignore the residents concerns and go hog wild with the sound with the remaining events, we would have a remedy with the contract. He stated that he does not believe that they will do that as Mr. Smith has stated. Mr. Santarsiero stated that he understands from being at Ms. Grossman's home that the residents should have the use of their homes and not have your properties taken away from you. Mr. Santarsiero stated that he wishes they could do something from a legal standpoint to stop these events from going forward but that the Township cannot do that without exposing ourselves to litigation that we would likely lose.

Mr. Arth stated that he understands that but that he brings up again that irrespective of the contract rights, the zoning doesn't permit that use. Mr. Arth stated that the Township did not allow a variance for this use which makes it an illegal use and that someone being disappointed doesn't change that fact.

Mr. Truelove stated that the Township is in a unique position of being the owner of the property and enforcing the laws. Mr. Truelove stated that we have for three years said these are acceptable uses of the property but assuming we say they are now unacceptable but they can come back and say but you allowed it three years ago so how can you say it is illegal now. Mr. Truelove stated that he cannot give advice to put the Township at risk. Mr. Arth stated that he can understand that.

Mr. Smith stated that they are not just giving lip service, but that they truly want to enforce the noise ordinances and be vigilant with it.

Ms. Godshalk stated that there have been other outdoor events are these going to be allowed to continue. Mr. Smith stated that they have terminated the contract with Open Aire Affairs but that if events are held that do not meet the zoning requirements that they would not be allowed. Mr. Arth stated that the commercial use of the property is the one that we are opposed to the property. Mr. Arth also stated that passive uses of the property is not an issue and that he was not an expert of residential uses but there is more allowed than just residential. Mr. Smith stated that the commercial uses should not be allowed to continue, and that if you went out there and were objective, you would be opposed to it as well. Mr. Smith stated that there were no complaints when the Township held their Spring Fling out at Elm Lowne but that the noise from these commercial events, such as weddings, bar mitzvahs, and such and abominable. Mr. Arth stated that he went back when the acquisition of Elm Lowne occurred and read the minutes and it was acquired as

open space. Mr. Arth stated that open space funds were used to purchase the property and that it should remain as open space. He stated that it should not be used as a commercial enterprise; it should not be self sustaining. Ms. Godshalk stated that the Township did not agree that it wouldn't be left completely for open space and that the Township receives 12k in rent for the Garden House. She also stated however, that when they bought it they never intended for it to have to be self sustaining from fees. Mr. Smith stated that they would look at all of that when they discuss the uses for Elm Lowne in the spring. Mr. Smith also stated that maybe some residents of Makefield Chase will serve on the Elm Lowne committee and be a part of those discussions.

Mr. Oswald Bertolini, 1391 Heller Drive, stated that he is a registered architect and having been involved in zoning issues and use disputes and variances, he has never seen a use permitted that is in error and that is has been allowed to continue. He stated that there are tools available to help remedy the situation. Mr. Bertolini stated that the Township could require the commercial user to apply for a temporary variance which would get them to the negotiating table and help the Township regulate the number of people that attend the location, the volume and the parking. He stated that this is the commercial user's problem and that he would like to see the Township use all of the tools at their disposal and to exercise them. Mr. Bertolini also stated that because they have been violating the noise ordinance, the Township should not just rely on the residents to call and complain, that they should have it monitored to ensure compliance with those ordinances.

Zachary Rubin, 1661 Covington, stated that he would like to applaud the action that this Board has taken. He stated that he can empathize with the residents of Makefield Chase. Mr. Rubin stated that this Board has taken action when residents complained about the noisy planes flying overhead from Mercer Airport. He stated that the Board has been very aggressive in their opposition of the expansion of Mercer Airport. Mr. Rubin also stated that many residents have complained about the noisy train whistles at all hours of the night and that this Board has pursued remedies for this issue. He further stated that the Board has been proactive for residents dealing with flooding in the Township. Mr. Rubin stated is that when a number of citizens come before this Board, this Board takes action. He stated that that the Board cancelled the contract and the residents shouldn't lose sight of the fact that this Board takes action.

Ira Spector, 1350 Heller Drive, wanted to thank the Board for taking us seriously and listening to us and it is greatly appreciated. Mr. Spector asked if they can restrict the day of these scheduled events, such as Sunday evening. He wanted to know if there was any way to restrict the times of these events. Mr. Truelove stated that there is a time limit in the contract. Mr. Stainthorpe stated that Open Aire Affairs has been pretty good with enforcing the times of their events. Mr. Smith asked Mr. Spector if this has been consistent. Mr. Spector stated that he is sure of one event that went until 11:00 pm on a

Sunday night during the summer. Mr. Spector stated that it was another thing the neighbors would like enforced, in addition to decibel levels, is the time limit. Mr. Smith stated that they do have those restrictions on other areas of the Township such as Macclesfield and the lights. Mr. Smith stated that he is sure there is a way to enforce that. He stated that could be part of the vigilance and hopefully they can look for a reasonable resolution.

Anita Grossman, 1368 Heller Drive, stated that it is very clear to the residents that the Board listens and takes action and she has personally thanked the Board and sent emails along with other residents and they all thank the Board for their assistance. Mr. Smith stated that he has received Ms. Grossman's emails and appreciate the comments. Mr. Caiola stated that they save those emails.

Ms. Grossman stated that she would like a list of all of the scheduled dates and times of the upcoming events. She stated that the website only lists the date not the time of the events. Mr. Smith stated that the request sounds reasonable. Ms. Grossman asked Mr. Fedorchak how many events are scheduled because there was some confusion with Open Aire Affairs website information.

Mr. Fedorchak stated that there were fourteen events but one of the events cancelled so the total is at thirteen. Ms. Grossman stated that the residents would like to be able to know the times so they can plan their own parties appropriately. Mr. Fedorchak stated that he would provide that to Ms. Grossman the next day. Ms. Grossman stated that she was sensitive to those parties that are scheduled in the near future. Mr. Smith stated that he understands and that he recalls Ms. Grossman sharing the fact that she doesn't want to interfere. Ms. Grossman stated that if they are upcoming events, however, according to Open Aire Affairs website, six of the events are fairly recently scheduled, is it unreasonable to ask those that affairs are scheduled almost a year out and who have just been scheduled, is it unreasonable to ask them to have them at another location.

Mr. Smith stated that if they have other facilities, he would hope that Open Aire Affairs would suggest another location; however, we would not want to interfere with their business in such a way that would violate the contract. Ms. Grossman asked if it was unreasonable for Mr. Fedorchak to talk to Open Aire Affairs and remind them that the Township is going to strictly enforce the noise levels and that their later parties are in jeopardy and maybe they should consider a different location. Ms. Grossman stated that she is sure the other locations aren't as beautiful as Elm Lowne but since they are supposed to keep the flaps down, so when you are inside a tent, you are inside a tent. Ms. Grossman stated that she believes it is in the best interest of Open Aire Affairs as well because if the Township is forced to cancel those events because the noise violates the contract, then Open Aire Affairs will have more trouble on their hands then if they just had them moved to another location now. Mr. Smith stated that if he had an event there, knowing that there was a noise and time issues, then he would want it to be moved.

Mr. Caiola stated that he wouldn't want it to sound like a threat. Ms. Grossman stated that she wouldn't want it to be a threat just a win-win resolution for everyone. Mr. Smith stated that as a business, I would want to uphold my reputation to explore those other options. Mr. Smith stated that they would follow up with it. Ms. Grossman stated that whatever the Supervisors decide is the reasonable decibel limit, it should be in writing.

Mr. Smith stated that he doesn't know why they would engage in communication at this point. He stated that the neighbors should get involved on the Elm Lowne committee. Mr. Smith stated that it is not just an issue that is going to end with Open Aire Affairs. Ms. Grossman stated that she would like to go on record that whatever is decided, even if you don't want to have them sign it, but that it is presented to them so that you can enforce it. Ms. Grossman stated that she wasn't sure if one or two officers are not aware of the issue but that some neighbors were told by some officers that they couldn't do anything because it wasn't 10:00 pm. Ms. Grossman also asked Chief Coluzzi if there was any way to call the police without using the police scanner because it was an inefficient use of resources to call them out there only to have the problem stop while they are there and start up again when they leave.

Chief Coluzzi stated that unfortunately stated that there is no other way. However, the calls are scrambled so he doubts they are listening in on the scanner. Ms. Grossman stated that they must have impeccable timing. Chief Coluzzi also stated that the police can only enforce the law. The officers cannot enforce a contract. Ms. Grossman asked if there were noise ordinances they could enforce. Chief Coluzzi stated that there was no law unless it is so disorderly except outside of the timeframe. Mr. Truelove stated that it was a judgment call when the officer is out there. Mr. Smith stated that they will look at everything. Chief Coluzzi stated that they will meet with the neighbors to discuss. Ms. Grossman stated that it just goes further to wanting it in writing. Mr. Smith asked Ms. Grossman to let them come up with a plan and we will do our best. Ms. Grossman stated that she is counting on it.

Catherine Papp, 15 Fairway Drive, stated that her daughter had her wedding at Elm Lowne last year and it was a beautiful, wonderful occasion. She stated that she thinks the Board is doing the right thing by allowing the scheduled events to continue. Ms. Papp stated that she thinks the residents should get a life and that the Board has given them what they wanted and now they should move on with the next thing. She stated that the Board was in a contract and is now breaking the contract but that they can get through this and for the opportunity. Ms. Papp stated that she would like to thank Ms. Godshalk for the service she has done over the years.

A short recess was taken at this time. The meeting was reconvened at 9:05 p.m.

## INTRODUCTION OF THE 2008 BUDGET

Mr. Smith introduced Mr. Brian McCloskey, Township Finance Director, stated that he is present to briefly discuss the preliminary budget for the fiscal year 2008 which begins on January 1, 2008. Mr. McCloskey stated he wanted to report some of the highlights of the budget. He stated that for 2008, the total expenditures across all nineteen Township Funds will be \$25,403,000. Mr. McCloskey stated that this was a 1.4% increase of the 2007 budget levels. He stated that the proposed Real Estate Tax increase will go from 12.78 mils to 14.78 mils for an increase of 2 mils per resident. Mr. McCloskey stated that for the third consecutive year there will be no increase in the sewer rental and for the twelfth consecutive year there will be no pool membership increases. He stated that all other fees are scheduled to remain the same. Mr. McCloskey stated that the preliminary 2008 budget will be available beginning tomorrow, Thursday, November 29, 2007 for public inspection. He stated that the final 2008 budget will be discussed in detail at next Wednesday's, December 5<sup>th</sup> Board of Supervisor Meeting. Mr. McCloskey stated that they are going to try and get the preliminary budget up on the Township website over the coming weekend for those who can't come into the Township Building to inspect the 2008 budget.

Mr. Smith asked if Mr. McCloskey could confirm that for the last several weeks, the Board of Supervisors has been meeting in Executive Session. Mr. Smith stated that the public has been invited to these meetings along with members of the Township Budget Committee. Mr. Smith stated that some township residents have attended these sessions and where appropriate they have participated in some of the discussion as well. Mr. Smith stated that they look forward to the budget being posted on the web page.

Mr. McCloskey stated that what Mr. Smith said was correct and that the Citizens Budget Committee has been involved in the budget process for the past several weeks. Mr. McCloskey also stated that there one was one more thing he would like to point out. He stated that the average annual increase to the taxpayer will be \$79.80 which breaks down to \$6.65 per month.

Mr. Santarsiero stated that Mr. McCloskey might want to mention that they will be hiring a total of four police officers under this budget; one is a replacement with three newly added police officers. Mr. McCloskey stated that was correct.

Mr. Smith stated that he believes that there will be a power point presentation at next week's meeting. Mr. McCloskey stated that there will be a presentation that will go into detail on the 2008 budget and we can take questions at that time. Mr. Smith stated that the invite all of the township residents to either attend next week's meeting or to watch it on television as well.

Mr. Santarsiero stated that as a Board, they need to vote on advertising the preliminary budget and he will make a motion that they approve the advertisement of the preliminary budget. Mr. Caiola seconded the motion and it was unanimously approved to advertise the preliminary 2008 budget.

Ms. Godshalk stated that she would hope that by fine-tuning the budget that can get that increase down to at least one mil or maybe even no mils. Ms. Godshalk stated that they have all talked about it and are working on it.

Mr. Smith stated that while they have been working on it, that they have had three budget meetings and looking at every item on the list to see if it can be justified. Mr. Smith stated that they have been looking to see if there was any fat in there.

Mr. McCloskey stated that he believes there will also be a separate presentation next week on the Golf budget by the folks from Kemper.

Mr. Smith clarified with Chief Coluzzi that the Chief will be making a separate presentation on why there is a need for additional police officers.

Mr. Smith stated that he hopes every one will watch with great interest or be in attendance for that meeting.

#### CONSIDER AWARDING BID FOR HOMESTEAD ACRES POND REHABILITATION

Mr. Majewski stated that the Township received seven bid packages for the rehabilitation of the pond and that it will be dredged and some pipe that has deteriorated will be replaced. Mr. Majewski stated that the apparent low bidder did not meet the requirements of the specifications and was eliminated for being non-responsive. He further stated that the apparent low bidder now is Land Tech Enterprises, Inc. and that they recommend that the contract for the base bid and the alternate bid be awarded to Land Tech Enterprises, Inc. in the amount of \$79,550.

Mr. Majewski stated that it also should be mentioned that none of the bidders fully participate in the Class A Apprenticeship Program as required by the Responsible Contract Ordinance. He stated that as discussed in a previous meeting that we would like to waive that requirement for this project.

Mr. Santarsiero made a motion to they take Mr. Majewski's recommendation and award the bid as stated. Mr. Caiola seconded the motion and the bid was unanimously awarded to Land Tech Enterprises, Inc. in the amount of \$79,550.

Mr. Santarsiero stated that he just wanted to note that as was said, if they had a number of bids that did not comply for the apprenticeship program, we were free to go ahead and award the bid anyway and that is exactly what is being done tonight. He stated that for all of those people that said the sky was going to fall and that millions of dollars were going to be wasted by the Township, it is not happening.

Ms. Godshalk asked if one the highest bids had come in and did take the apprentices, if that would mean that they would have to accept that bid. Mr. Santarsiero stated that was correct under the ordinance but the point is that is not the case. Mr. Santarsiero stated that there are many hypotheticals that could be thrown out but that hadn't been the case so far. Ms. Godshalk stated that while that does make it easy for you, there is a chance that it could happen.

**CONSIDER AWARDING BIDS FOR THE SALE OF USED VEHICLES AS FOLLOWS:**

- 1) 1983 International Dump Truck to MR Enterprises at \$1,276
- 2) 1993 Dodge Dakota to PCS Auto Sales at \$257
- 3) 1994 Ford Taurus to Roger Carney at \$710
- 4) 2000 Ford Crown Victoria to PCS at \$1,507
- 5) 2001 Ford Crown Victoria to PCS Auto Sales at \$1,879

For a total of \$4122

Mr. Stainthorpe made a motion to approve and Mr. Caiola seconded the motion and it was unanimously approved to award the bids as stated.

Mr. Santarsiero stated that the Citizens Traffic Commission was out taking a look at some traffic issues recently and one of the members of the commission had mentioned an idea to use an old police vehicle to put out in different neighborhoods to try and deter speeders and traffic violators.

Chief Coluzzi stated that they do that for other reasons such as crime related reasons especially around the holidays but they could take a look at that. He stated that it is difficult to leave a vehicle out at locations for fear of vandalism. Chief Coluzzi stated that they had their speed machine out at Mt. Airy Avenue due to some complaints for speeding related issues and that it was chained down but it was taken and drug down the street and down a hill and it cost over a thousand dollars to have repaired. He stated that they could consider doing that though and it can be discussed.

ZONING, INSPECTION & PLANNING

**Preliminary progress review of plans for the Gatherings of Yardley on Dobry Road**

Mr. Smith welcomed Beazer Homes. Mr. Truelove stated that Mr. Kahn was present as well as the Counsel for the Gatherings on behalf of the applicant. Mr. David Kahn introduced Mr. Tom Mirande, Beazer Homes and Mr. Greg Elko, from Langan Engineers.

Mr. Kahn stated that Beazer Homes filed in October 2006 for preliminary land development approval and that they were not at the meeting tonight to seek any action on that yet. He stated the reason they were there was two fold: 1) is since it has been a little over a year since they have filed they figured it was time to come in and introduce themselves to the Board of Supervisors and more importantly 2) that they have tried in the last year to make this plan as perfect as possible before seeking any formal action from the Board. Mr. Kahn stated that they have met with the Environmental Advisory Council and they have been in front of the Planning Commission. He stated that they have to return to the Planning Commission for another meeting and that they continue to meet with township professionals and their goal is to incorporate as many of their suggestions as possible into the plan. He stated that they have done the best that they can to comply with the Low Impact Development Ordinance which was passed shortly after our application was filed and although does not technically apply to this application but there is no ambiguity in their minds that it is important to the Board and they are doing their best to comply. Mr. Kahn stated that he was going to let Greg Elko do the bulk of the brief presentation and that procedurally it is at Dobry Road and is about 17 1/2 acres. He also stated that as he noted earlier, the final step, prior to seeking approval from this Board early next year, is a final visit to the Planning Commission.

Mr. Gregory Elko from Langan Engineering and Environmental Services introduced himself. Mr. Elko showed the Board an existing conditions map which is an aerial view of the plan. Mr. Santarsiero asked that he reposition the map so that the camera and audience can view it better. Mr. Elko stated that the site is about 17 ½ acres in size and fronts on Dobry Road which is to the south of the property. He stated that the property contains some existing dwelling and shed as well as some other existing structures but is otherwise undeveloped and are open fields in the majority of the site. Mr. Elko stated that there are some small areas of natural resources including some wetland pockets which are shown in yellow on the provided aerial map. He stated that there are some stands of trees along the perimeter of the site and along the eastern property line of the site. Mr. Elko stated that the topographic change of the site is about 12 feet with the high point being about three quarters of the way along the property line to the south and the low point is an existing culvert that crosses over a railroad trestle at the northwest part of the site. He stated that Dobry Road is about 19 feet wide and that it is a narrow roadway.



Mr. Elko stated that the site is zoned C3, which is the Central Business Industrial District and is surrounded by C3 zones on three sides and is surrounded by a residential zone to the northwest. He stated that as far as surrounding uses go, there is the New York Central Line Railroad that runs along the western property line, there is the Makefield Executive Quarters to the North and there are some commercial and residential uses around the property. Mr. Elko stated that the development is an age restricted community consisting of fifty-nine total units, twenty-five single family dwellings and thirty-four single family attached dwellings. He stated that the density is 4.6 units per acre which is permitted and they are providing 3.6 units per acre. Mr. Elko stated that as far as access improvements, there will be two locations where the site will access off of Dobry Road. He stated that Dobry Road is proposed to be widened and there is some widening of the road offsite about a couple of hundred feet to the east towards Oxford Valley Road. Mr. Elko stated there are two storm water detention ponds and one pond is a wet pond and the second pond is an infiltration basin located off of Dobry Road. He stated that the site will be serviced by public water and sewer extensions from off site locations.

Mr. Elko stated that they have made several planning accommodations when designing such as that all of the natural resources have been preserved or accommodated per the ordinance. He stated that they have made no disturbance to the wetlands that exist on the site nor to the seventy five foot buffer surrounding the wetlands. Mr. Elko stated that they did not disturb the water course that is present. He stated that the woodlands are being preserved according to the ordinance which requires 40% of the woodlands to be preserved. He also stated that the site does not have any flood plains, flood plain soils, steep slopes, lakes, ponds, shorelines or anything like that. He stated that there is open space that is proposed at the eastern edge and some internal parts of the site and the entire perimeter along the east, north and western edge of the site is to be retained at the site. He also stated that there are some recreational activities that are proposed such as a Community Garden and an area where there are identifying which could be bocce courts and there will be a sidewalk extension from Oxford Valley Road into the site. Mr. Elko stated that there will be trail extensions around the site and to the gardens. He also stated that the site can't really be seen from Oxford Valley Road and Dobry Road dead ends at the railroad line. Mr. Elko gave a brief history of what went into the planning of the site which began on October 20, 2006 when they made the initial submission to the Township that consisted of 67 units' total. He stated that in January of 2007, based on interaction with the Township, they reduced the plan down to 62 units and throughout the course of several months April through July after discussions with the township professionals they arrive at the 59 unit plans presently proposed. Mr. Elko stated that in September 2007 they presented the plan before the Planning Commission and are currently are in the final revisions of the plan and are working on the final storm water issues.

Mr. Smith asked Mr. Elko if they have addressed a current homeowner's concerns that there is a driveway coming out onto his property. Mr. Mirande stated that they have met with the homeowner several times and have made a proposal to do landscaping and

approximately ten thousand dollars worth of improvements to the front of his property. Mr. Smith stated that the homeowner will have an opportunity for further input.

Mr. Smith asked if anyone on the Board had any questions.

Ms. Godshalk stated that because the area is zoned C3, Beazer Homes will have to advertise that with Truth in Advertising, because people have to know where they are buying. She stated that there is a trash hauler across from them and that she doesn't want people coming in and complaining about sights and smells, people complain about farms and here they will complain about other uses. Ms. Godshalk suggested a walking path from the development to Makefield Executive Quarters in light of the fact that there are many doctor's offices in the complex that would be an excellent selling point for age qualified development.

Mr. Smith asked if anyone in the audience had any comments or questions.

Joe Shennard, 1667 Dobry Road, stated that although he has spoken with Mr. Mirande, they still want to move his driveway around his barn and that his driveway has been there for a hundred years. He stated that there will be lots of traffic and that lights will constantly be hitting his house. Mr. Smith asked Mr. Shennard if he has expressed his concerns to the Planning Commission. Mr. Shennard stated that he has.

Mr. Smith asked if the Planning Commission has made any decision on that and Mr. Shennard stated that no, they haven't yet. Mr. Smith stated that there is still time because the project hasn't received final approval yet.

Mr. Stainthorpe asked Mr. Mirande to describe the improvements that he offered to Mr. Shennard. Mr. Mirande stated that he offered to do landscaping and to pave his driveway and add trees and dirt to the property. He stated that they are willing to continue to work with Mr. Shennard to make him happy.

Mr. Shennard stated that he doesn't want to move his driveway and anything other than that, he doesn't know what to tell them. Mr. Smith told Mr. Shennard that they (Beazer Homes) have made an offer to continue working with him and that it doesn't mean anything is going to get approved but that it doesn't hurt to continue working with them. Mr. Smith stated that maybe a remedy can be reached, maybe not, and then the Planning Commission will give their word on that. Mr. Smith stated that he would suggest they keep on talking.

Ms. Virginia Torbert, Citizens Traffic Commission, asked Mr. Elko if he had any drawings that show the entrance off of Oxford Valley Road and if they are proposing a traffic light at Oxford Valley Road. Mr. Elko stated that the warrants didn't require a traffic signal.

Ms. Torbert asked Mr. Elko how they were proposing that people make a left hand turn off of Oxford Valley Road. Mr. Elko stated that there is an existing center turn lane that is there and that people will use that to make a left into the project. He stated that a traffic study was submitted with regards to the traffic concerns in accordance with township regulations. Mr. Mirande stated that they could share that study with the Citizens Traffic Commission. Ms. Torbert stated that would be good.

Ms. Torbert stated that she was concerned that if Matrix were to go through and that the traffic goes a lot faster than the 45 mph speed limit and typically with the age limited development, she is concerned with people making left hand turns out of there onto Oxford Valley Road with no signal. Ms. Torbert stated that she would just like to express that concern especially if the Matrix property gets developed but even if it doesn't and this gets development gets approved, she believes it could be quiet dangerous.

Mr. Smith asked if her concerns have been made to the Planning Commission. Ms. Torbert stated no they haven't. Mr. Smith recommended that someone from the CTC raise those concerns with the Planning Commission so they are aware of them.

Ms. Godshalk stated that she agrees with Ms. Torbert that it could be quite dangerous. She stated that she believes that it will be virtually impossible to make a left hand turn out of there.

Mr. Alan Dresser, 105 East Ferry Road, wanted to let the Supervisors know that this project was still under active review with the Environmental Advisory Committee. He stated that they have seen three storm water management plans so far and none of them have passed and there is a problem with an excessive amount of water being diverted into Makefield Executive Quarters storm water management system and they are working on a fourth plan and maybe that one will be the golden egg and we can solve this.

Mr. Smith stated that he would like to see a bigger blow up of how it exits onto Mr. Shennard's property. He stated that he would like to see a close up of how it exists right now and how they intend for it to be and perhaps even with their proposed improvements so that they can have a better look than what they are seeing right now.

Ms. Godshalk asked Mr. Dresser about the storm water management system entering into Makefield Executive Quarters and stated that it could affect the maintenance of the buildings and if that was allowed. Mr. Dresser stated that they are not supposed to affect another storm water management system and that is why they are working to find another solution to the problem. Ms. Godshalk stated that she hopes so.

Zachary Rubin, 1661 Covington Road, stated that he does not own any Beazer Home stock but does live in a development up the street. He stated that they have been

petitioning PennDot for a traffic light at Covington and Heacock Roads and that PennDot has denied it stating that 848 homes do not warrant a traffic light so that he does not believe that PennDot will allow a traffic light for 59 homes.

Mr. Smith thanked the gentlemen for coming in to the meeting and hopefully everything can be worked out.

**Consider granting the following extensions of time as follows:**

- 1) Lotus Tract, Bid Oak Road at Acorn Drive to April 7, 2008
- 2) Harmony Lane Subdivision, Dogwood Drive to March 7, 2008
- 3) Woodside Presbyterian Church, Edgewood Road to April 5, 2008
- 4) Middlemiss Subdivision, Mahlon Drive, to March 21, 2008

There was no public comment.

Mr. Santarsiero moved and Mr. Stainthorpe seconded the motion. The motion was unanimously approved to grant the extensions as stated.

Mr. Smith reminded the Board that they have to sign the mylars for the Radvany minor subdivision plan.

**ZONING HEARING BOARD MATTERS**

Mr. Truelove stated that although there are only three matters listed on the agenda, there are actually five matters that are to be on the agenda for this evening.

With regard to the KS Greenday variance request to construct retaining wall and erect swing set within an easement at 626 Deerbrook Drive, it was agreed to leave this matter to the Zoning Hearing Board.

With regard to the Stephen and Patricia Munter, 4 Homestead Drive, variance request to construct a paver patio and walkway resulting in greater than permitted impervious surface and encroachment into minimum yard setbacks, it was agreed to leave this matter to the Zoning Hearing Board.

With regard to the Ron and Barbara Yetman, 8 Tudor Lane, variance request to construct a detached garage resulting in greater than permitted impervious surface and greater height than maximum permitted, it was agreed to leave this matter to the Zoning Hearing Board.

With regard to Appeal # 06-1410, the O'Rourke matter, that has been before the Board in the past with Mr. Majewski submitting correspondence demonstrating some of his concerns from an engineering perspective with buffering and other issues it is our recommendation as well as the engineers that the township take the position in opposition to the variances.

Mr. Stainthorpe made the motion to oppose, Mr. Santarsiero seconded and it was unanimously approved to oppose the O'Rourke appeal for variances.

With regard Appeal #07-1429A, the Lutheran Church of the Resurrection, 1700 Makefield Road, it was agreed to leave this matter to the Zoning Hearing Board.

#### SUPERVISORS' REPORTS

Mr. Stainthorpe stated that although he was not in attendance at the last meeting, the Golf Committee has reviewed the preliminary budget and have recommended that the Supervisors approve the budget that will be presented at the next meeting.

Ms. Godshalk stated that the Historical Commission is reviewing the historic properties and uses for these properties. She stated that one of the proposals is for one of the properties to be used as a show house. Ms. Godshalk stated that they have an extensive group of volunteers and that it is a very good fundraising tool and good community awareness project. Ms. Godshalk announces that today there was a TV station from New York come to the Garden of Reflection, they are doing a documentary all 9/11 memorials that are built. She stated that they will be back tomorrow and that they are very impressed at the job that has been done there.

Mr. Santarsiero stated that the Citizens Traffic Commission wanted to report that their final report should be made to the Board of Supervisors shortly after the New Year. He also asked if the Regional Traffic Task Force could be put on the agenda for the December 19, 2007 meeting to discuss the draft report that came from the DVRPC. Mr. Smith asked Mr. Fedorchak to put that on the agenda.

Mr. Caiola stated that he was not at the Citizens Budget Committee meeting because he had an Economic Development Meeting at the same time but that Mr. Fedorchak and Mr. McCloskey were there to enlighten the Committee on the budget and that he understands the meeting went pretty well. He stated that at the Economic Development Meeting it was discussed about putting together a business to business directory for Lower Makefield and maybe next year having their first Business Appreciation Day and possibly having an award ceremony for a business that has been in the Township for a long time. Mr. Caiola stated that they also discussed revenue strings and that the Committee would like to sit down with members of the Historic Commission and talk

about the properties that they have and possibly adding a helping hand in marketing these buildings if we do get to that point.

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Mr. Smith stated that he would like to give an accommodation to the Special Events Committee for the wonderful job done on the Veterans Parade. He stated that they will be meeting next week and planning for 2008.

#### OTHER BUSINESS

Mr. Caiola stated that he and Mr. Stainthorpe attended an award ceremony at Saint Ignatius about two weeks for their Blue Ribbon Schools Award. He stated that they were one of 270 schools out of approximately 120,000 schools. Mr. Caiola stated that he would like to honor them at the December 19, 2007 meeting and acknowledge them. Mr. Stainthorpe stated that it was a really big deal and they are only the second school in Bucks County to achieve this under the No Child Left Behind Act.

#### APPOINTMENTS TO BOARD AND COMMISSIONS

Mr. Smith stated that they have several openings including, two openings on the Cable TV Advisory Council, one position on Disabled Persons Advisory Board and four positions on the Elm Lowne Preservation Committee. He stated that he hopes that they can get some of the neighbors of the surrounding community involved as he suggested earlier. Mr. Smith stated there are two vacancies on the Historic Architectural Review Board (H.A.R.B.) and there are some other posts that are opening as well.

Mr. Santarsiero asked Mr. Fedorchak if they have any other applicants for any of these positions. Mr. Fedorchak stated that he didn't think so.

Mr. Smith stated that the Golf Committee vacancy needs to be advertised and that he didn't think that has been done. Mr. Fedorchak stated that he is not sure.

Mr. Smith stated that he thinks it is premature to appoint anyone. Mr. Smith stated that he wants to make sure that any appointments that are made and done in accordance with their policy and not make any midnight appointments after election or reorganization.

Mr. Stainthorpe stated that I thought we were going to move ahead and make appointments as positions became open.

Mr. Santarsiero stated that his position is that if they have advertised of the openings and no other applicants have been submitted and they have done interviews than they can go ahead and make appointments. Mr. Santarsiero stated that it seems appropriate to him.

Mr. Caiola stated that they have advertised appropriately.

Mr. Smith stated that he just wanted to clarify that they have decided not to appoint anyone until that term is up and that they advertise any open positions as they become available.

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Ms. Godshalk stated that they shouldn't appoint someone until the term is up.

Mr. Santarsiero made a motion to appoint George Crawford to the Disabled Persons Advisory Board, Mr. Caiola seconded and it was unanimously approved Mr. Crawford's appointment.

Mr. Santarsiero asked if they can advertise the vacancy on the Golf Committee prior to the next meeting.

There being no further business, Mr. Santarsiero moved, Mr. Caiola seconded and it was unanimously carried to adjourn the meeting at 9:40 p.m.

Respectfully Submitted,

Steve Santarsiero, Secretary