

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – DECEMBER 19, 2007

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on December 19, 2007. Chairman Smith called the meeting to order at 7:30 p.m. Mr. Santarsiero called the roll and noted that the Board met in public session to conduct interviews for Board and Commission vacancies and then adjourned to Executive Session at 7:00 p.m. to discuss real estate matters. Mr. Smith called for a moment of silence in honor of Township Auditor, George Schrader, who passed away last week. Mrs. Godshalk also noted the recent passing of former Township Supervisor, Tom Cowen. Mr. Santarsiero stated Mr. Schrader served the Township as Auditor for the past year, but more importantly anyone who knew him, knew what a good man he was and he always had a smile on his face and touched many people.

Those present:

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

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

**PUBLIC COMMENT**

Mr. Rick Ewing, Environmental Advisory Council, announced that the Township exceeded their goal in the Smart Power Clean Energy Program. He stated Lower Makefield is the first Bucks County Township to have exceeded their goal with over 300 residences signing up for wind energy; and of the twenty Municipalities participating in the Program among, Bucks, Chester, Montgomery, and Delaware County, Lower Makefield Township has the highest number of residents who have signed up for the Program. He stated the Township will now get a solar energy system or \$10,000 grant from Smart Power. He thanked the Board of Supervisors for having the vision of bringing this Program into the Township, particularly Mr. Stainthorpe who initiated the Program. He also thanked all the residents who signed up with PECO Wind and who are contributing to building a renewable energy infrastructure within Pennsylvania and are directly addressing the issues of global warming and dependence on non-renewable energy sources. Mr. Smith noted the recent Bucks County Courier Times article on this.

Mr. Santarsiero stated they discussed this matter at the EAC meeting, and there was a consensus at that meeting that they should hold off on the decision as to whether to accept the solar energy system or the \$10,000 Grant until they see if they can get other Grant monies. He stated if they can add the \$10,000 Grant money with funds they may be able to get from the State, they may be able to install a far more cost-saving and energy-efficient system for the Township. They will pursue this Grant money aggressively over the next few months.

Mr. Ewing stated because Lower Makefield is the first Township in Bucks County to achieve this goal, they feel it shows the Township is committed to alternative energy sources; and this will speak well to the chances of the Township getting additional Grants. He stated they are also working on an energy audit which will help in obtaining a Grant.

Mr. Smith stated they will be able to save money in the future on energy costs.

Mr. Stainthorpe stated the system they provide is a simple one kilowatt system, that would not really power much, so he feels it would be a good idea to wait and see if they can get additional Grant money so that they can get a larger system.

Mr. Santarsiero stated they were looking into the possibility of a system that would power the Township Municipal Building which may cost approximately \$400,000. He stated the Board of Supervisors and the Cool Cities Commission still needs to push to get more residents signed up and get residents as well as the Township Government to make changes to save energy and reduce carbon emissions associated with their households so the Township both public and private can really make a difference in the fight against global warming.

Mr. Stainthorpe stated this is the position the Township wanted to get to with regard to wind power such that a small additional cost each month will put the Township in a position where they can start saving money for the taxpayers. He stated if they are able to get the proper solar system installed, on a bright, sunny day, it will actually put electricity back out into the power grid and the electric meter goes in reverse. He stated he feels this plan will eventually save the taxpayers money.

Mr. Steve Autin stated he e-mailed the Board with some of his concerns about the Aark proposal. He stated in his e-mail he noted that Ms. Stallings, who will live in the stone house on the property, failed to advise the Board until she was asked about the fencing shown on the Plans that she had three horses that she kept as pets which she plans to bring to the property. He stated he feels this clouds her veracity with the project. He stated she also failed to disclose that her co-presenter was her mother, and he questions how many other people associated with that family have a personal interest in getting a Lease approved. He stated there was little discussion and no evidence submitted as to the

environmental impact of housing, treating, and releasing 5,000 animals from the facility. He stated they also admitted that some of the animals are rabid, and he questions what liability the Aark assumes if one of these animals were to escape and injure one of the neighborhood children. He stated if they are self-insured he questions if they would have the financial wherewithal to cover the damages that would result from such injuries because, as they admitted, they have been trying for two years to raise the capital to cover their relocation. He also asked about the noise generated by this many animals, the change in the air because of feces, and any danger to residential pets.

Mr. Caiola stated there are not 5,000 animals there at one time, and this would be over the course of a year.

Mr. Autin stated over the course of a year, those animals would still generate feces year-round, and he is concerned with the possible consequences of this. He stated they also did not discuss what would happen if the Aark wanted to expand beyond their current proposal. He also questions how far away the animals will be released and noted they may return to the area. He asked if any of the animals are protected by State or Federal law, and would that prohibit the homeowners from removing these animals from their own property. He also noted there was discussion about those convicted of crimes working on the property and asked who would determine who could work on the property and what crimes those individuals have been convicted of. He stated he is also concerned about the impact on property values from a use which increases traffic, feces, smells, and potential for rabid animals. He is also concerned why the Aark did not relocate to other properties they looked at and stated they should be advised why they were turned down for relocation to those areas. He asked why adequate funds were not raised by this time if the Aark has known for two years that they would have to relocate. He asked what would happen in the future if the Aark ran into hard financial times, and asked if Lower Makefield Township will have to subsidize them. He asked who would be responsible for the maintenance and upkeep of the improvements if the Aark does improve the property as they have proposed. He stated if an animal escapes the property and injures someone, he feels the Township as the landlord would be sued as well as the Aark. He feels the risks associated with this project outweigh heavily the deminimous rent that the Aark is currently offering to pay.

Mr. Smith stated following the last meeting, Mr. Autin sent out an e-mail to the Supervisors as well as to residents of Mirror Lake, and he feels the message sent to the Supervisors was slanted differently than the message sent to the Mirror Lake residents. Mr. Smith stated he did contact Mr. Autin and advised him that the Board of Supervisors was going to look into all his concerns before proceeding with relocating the Aark to Patterson Farm. Mr. Smith stated last Saturday, the entire Board, the Township Manager, and Supervisor-elect Matt Maloney made a visit to the Aark; and many of the questions raised by Mr. Autin were answered or they are getting additional information. Mr. Smith stated they will be contacting the Aark's current neighbors to make sure that they have

been good neighbors, and if they have had any of the incidents occur which Mr. Autin has raised. Mr. Smith stated this matter will be back on the Agenda after the first of the year. He stated he has received some additional letters expressing concerns and some which were very positive about the Aark. Mr. Smith stated there was a Patterson Farm Study Commission, and he had asked that Mr. Autin review this report. Mr. Smith stated it was the recommendation of the Study Commission that the Board consider Aark's proposal for use of the property. Mr. Smith asked that everyone keep an open mind.

Mr. Kevin Treber, Sherwood Drive, thanked Mrs. Godshalk for her thirty years of service on the Board of Supervisors and for her service to the community. He stated he served in the first Gulf War as a Medic and would like consideration given to a Veteran's Memorial in the Township. He stated most towns in the Country have some kind of Memorial for the Veterans. He noted a number of other Veterans present this evening as well as the widow of a soldier killed in Iraq, Mrs. Jennifer Dunkley. He stated he had the opportunity to talk with Mrs. Dunkley at the Township's Veteran's Day Parade; and she indicated that the Army had planted a tree in her husband's memory in South Carolina, but it would be nice to have an opportunity to take her children to a location in the Township honoring her husband as well as the other Veterans who have passed away. He stated they would like to start a Committee to look into this, work with Veterans in the community, and get the support of the Board of Supervisors, Township and community to come up with an appropriate location. He stated they would like to work on raising the funds for the Memorial so that it is not a burden for the Township. He stated they have started a Website (LMTMEMORIAL.ORG).

Mr. Chris Desmond stated one month ago he received an e-mail from Chairman Smith inquiring if there was Veteran interest in the pursuit of a Memorial in Lower Makefield. He stated he works with VFW 6393/American Legion 317 where they are focusing on their present upgrade and maintenance of the Yardley Memorial; and he was not initially interested in a Lower Makefield Memorial and instead countered to Mr. Smith that the Township support them in their work. He stated at the last VFW 6393 meeting, the topic of a Lower Makefield Memorial was introduced for discussion by the membership; and they were reminded by another lifelong resident of the area that there was a Memorial in Lower Makefield in Woodside, and they should focus on getting it resurrected and highlighted. He provided a copy of a picture of that Memorial. He stated as the Commander of VFW 6393, Member At-Large of American Legion 317, and a fellow Veteran, he is present this evening to offer their support for a Lower Makefield Township monument keyed upon the resurrected Honor Roll from Woodside and independent and not conflicting with their work at the Yardley Memorial.

Mr. Smith stated he had wondered why the Township did not have such a Memorial and is glad to see that their membership is interested in this. He looks forward to a Committee being formed and hopefully they will come up with ideas to be presented to

the Township, and they can work together to make a Veteran's Memorial a reality in the near future.

Ms. Virginia Torbert stated she would highly support the creation of such a Memorial. She stated with regard to the Aark she is troubled by the implication that Ms. Stallings has been less than honest with the Township. She stated the last meeting was not the first time they appeared before the Township; and at prior meetings it was made clear that Ms. Stretch was Ms. Stallings' mother, and that they were going to live in the house on the Patterson Farm because they needed to be there 24/7. Ms. Stallings had also advised Ms. Torbert that she had pets that would be coming with them, and she assumed that this would be made clear to the Township. Ms. Torbert stated Ms. Stallings had never attempted to keep this hidden from anyone. Ms. Torbert stated no one has turned down the Aark relocating to their property; and the reason that they are interested in coming to Lower Makefield is because Ms. Torbert raised the possibility with them, and once they saw the Patterson Farm, they stopped their negotiations with others, and focused instead on Lower Makefield. She stated the other Townships did not turn them down. She stated the animals do not have rabies. She stated if there is an animal with rabies it would be euthanized. She stated there was reference to a building which housed the Rabies Vector Species, and these are animals which can get rabies. She stated Mr. Autin also indicated in his letter that they were going to live in the White House which is the house near Mirror Lake; and this is incorrect as they would be living in the main house which is the Brown House which is in the center of the Farm. She stated the conversation with regard to those convicted of a crime working at Aark came up in a discussion about a program that is in New Jersey; and at no time was it stated that they would be bringing in convicts. Mr. Caiola stated he raised this issue as in Hopewell they do have a program; but this was not part of the discussions with Aark's work at the Patterson Farm. Ms. Torbert stated the Aark is fully insured, and they have a donor and funds already raised. She stated she has only known Ms. Stallings and her mother for approximately six months and has found them to be open and honest. She added she has had many people come to her about how happy they are about the possibility of the Aark using this property. Ms. Torbert also thanked Mrs. Godshalk for her years of service to Lower Makefield.

Mrs. Godshalk stated with regard to the horse situation, she does not feel this was divulged until she had asked the question about the fencing on the engineer's drawing. She stated this takes up 40% of the property that they want from the Township. Mrs. Godshalk stated she asked where the horses were currently, and Ms. Stallings indicated that she rescues race horses and keeps them as pets, and they are currently boarded somewhere else. Mrs. Godshalk stated there is a lot of land at their current location and she questions why the horses are not on that property. She also noted that their current location is very isolated.

Mr. Dave Kimble, United Bow hunters of Pennsylvania, thanked the Board of Supervisors for considering archery for the possible culling operation in Lower

Makefield; and he thanked the Supervisors for attending their demonstration in Falls Township. Mr. Smith thanked them for allowing them to visit their facility and for providing information on this form of deer management. He stated this issue will be considered after the first of the year.

Mr. Bob Slamen, Bedford Place, stated he understands that the Township will be getting a 1 kilowatt system and stated this would light up 10 100 watt light bulbs. He stated solar and wind power are not the answer for this Country, and he feels the answer is nuclear power. Mr. Santarsiero stated Mr. Slamen's original objection was that this would cost the Township \$4,000 a year additional to purchase wind power, and they have now received \$10,000 in value so it has paid for itself. Mr. Slamen stated they will be paying \$4,000 a year every year so they will surpass this \$4,000 quickly. Mr. Santarsiero stated this is true unless the Township gets the Grants, and he feels there is a good chance for the Township to have a much larger system which would more than pay for this \$4,000 differential. He stated they also having an audit done which will show where the Township can cut their carbon emissions and also where they can save more energy. He feels in the long run they will be able to not only cut carbon emissions but also save the Township more money. Mr. Slamen asked where they would put such a system, and Mr. Santarsiero stated if they are able to get the larger system, they are considering putting it on the roof of the Township Municipal Building which is optimal because of the southern exposure and because it is flat. Mr. Slamen stated he did not sign up for the wind power program and feels if PECO wants to buy wind power, they should normalize it in into everyone's bill. He feels it is wrong to use Township dollars for this as well.

#### RECOGNITION OF SAINT IGNATIUS AS A NO CHILD LEFT BEHIND BLUE RIBBON SCHOOL

Ms. Susan Tarrant, Principal of St. Ignatius, Ms. Jennifer Rivelli, First Grade Teacher, and Ms. Eileen Miller, Sixth Grade Teacher were present. Ms. Tarrant stated they would like to thank the Township Supervisors on behalf of the Monsignor, the parents, staff, and the children at St. Ignatius for coming to the Blue Ribbon Ceremony. She stated the process began in January when they received notification that they were nominated. Ms. Rivelli and Ms. Miller were the crafters of the report that went to the Office of Education, and they were notified October 3 that they were chosen as one of the thirteen schools in Pennsylvania who were recognized and given this award. Mr. Caiola stated he understands there are only 287 schools out of 120,000 that received this award and stated this is a tremendous honor. Mr. Smith presented the Saint Ignatius representatives with a plaque in recognition of this award.

## RECOGNITION OF SERVICE OF GRACE GODSHALK

Comments by Mr. Smith: “Tonight marks the end of Mrs. Godshalk’s tenure on the Board. Grace has served thirty years as a Township Supervisor. Thirty years ago, Grace, you became a Supervisor serving this Township. It is amazing when you look back at those years; and I’m sure you see many people both in the audience, up on this Board, and have seen people come and go, but there have been great accomplishments that sometimes go overlooked in the Township for what you have done. Lot’s of people know about the Garden of Reflection, but other people do not know about some of the other great things you have done. I know your heart has always been good and always been out there to work on behalf of Lower Makefield Township and I applaud you and I’m sure that everybody else both in the audience as well as at home applaud you for your great service. We would like to present you with this keepsake. I would like to read it to you, Grace, ‘Presented to Grace Ann Parkinson Godshalk with deep appreciation for your guidance, leadership, and positive achievements during the last three decades as Lower Makefield Township Supervisor 1978 – 2008’ because your tenure will not end until after the first of the year. I would like to congratulate you and wish you the best.”

Comments by Mrs. Godshalk: “Thanks everyone. It’s been a long time. When I started here I was the youngest ever and now I am the oldest, the only woman elected at that time, and we have only had two others during the thirty years, so I am quite honored to have been re-elected all these years. I would like to thank the voters this year – the most people voted that ever voted in a Supervisor Election. I would like to thank the 3,440 votes I received for your confidence in me over the years. Just tonight I thought I would write down a few things and I’m sure I forgot a lot. I’m sure a lot of you here in the audience and watching don’t really know how these things happen to appear. Most of you probably moved here because of some of the things that I’m going to mention, and it keeps a lot of people here, and also they want to come back, like Matt, after they grow up here, and they want to come back and enjoy this town. When I moved here I commuted to New York City every day, and it was the beginning of the great commute that we now have when you go to Trenton, which I go a lot of times to New York still, and see the crowds of people. We are a bedroom community for New York, Princeton, and Philadelphia. People like our farmland, they like Bucks County, and we have tried to keep a bit of it here; and I think we’ve been successful because people still want to live here. The first group I became a member of was the Lower Makefield Open Space Committee. That was a group set up by the AAUW group to look at the open space and parks in Lower Makefield. Shortly after our group put on a lot of pressure, and we had the Community Park. The land for the Community Park had been bought and donated to the Township by the Lions Club, and hence the Pool is on there now which came twenty-five years ago, we have the tennis, the baseball, and Kids Kingdom. The next big step that I was very much involved in was the Net Site Density Zoning where builders had to show on their Plans every environmental feature since prior to that they did not have to – steep slopes, trees, everything. After that came Resource Protection Zoning that myself

and Pat Toreki introduced here and that was affecting the land between the River and the Canal for three acre Zoning and new construction in that area; and if you notice in twenty years very few things have been built. Down by Morrisville one house was built in a six acre area and one time they wanted six or twelve houses in there. We still have a lot of area left between the Canal and the River which we have to watch closely. Macclesfield Park was another huge crisis here on the Board. At that time we were all Republicans but we did not agree; and I very strongly fought against Lower Makefield going into the sewer business on the River. A group of citizens got involved and we saved the Township from going in the sewer business; and now we have Macclesfield Park, otherwise we would have had a sewer plant. The Roelofs Softball fields – we have those instead of forty-five houses. We traded Toll Bros. and made a little agreement there. Edgewood Village and the property on the National Register – twenty-four homes on the National Register. Makefield Highlands Golf Course – acquiring the land and building the Golf Course that probably in fifteen years will pay for the whole Park program in the Township when the Golf Course is paid off. The Pool and Tennis Clubs, the Township Parks, and Kids Kingdom. The hiring of Chief Coluzzi – I find that one of my proudest accomplishments, and he has been a wonderful asset to our Township. The Community Library, Shady Brook Farm – entertainment farming – I spent probably a year trying to work out so that Shady Brook Farm is what it is today where they could have entertainment farming and selling of their agricultural products – that was controversial but now everyone loves Shady Brook – it’s part of our community. The Vargo property which was then North Park and now Memorial Park. We bought that from an Estate. The conservation easement on the Wright property, the Patterson Farm, Elm Lowne – all these things that people love and hopefully we can retain them and cherish them. The Garden of Reflection – that’s one of my closest, that’s kind of consumed me for the last five years. We raised \$2 million – a small group of seven or eight people - \$2 million to build the Garden of Reflection, and now we are in the process of raising another close to \$1 million that we need to fund it because the Township will not take responsibility for the upkeep of the Memorial so we are working hard on that; and we hope that people will support us in that effort. It’s been an honor as I said to serve you.”

Comments by Mr. Stainthorpe: “When I first took a seat on the Board six years ago, I turned over to Scott Fegley and I said, ‘One down, 143 to go.’ Grace has been here for 720 meetings, over thirty years, and has had a hand as she just went through in every good thing that has happened here. Thirty years is a long time and I am going to speak for all my colleagues because I know that they will agree on this, public service is a very special calling; and when you actually sit here and do it, it’s hard, oftentimes it’s rewarding, sometimes it’s very frustrating, but to have given so much to the community for so long is a very, very special thing. I ran with Grace six years ago and then again - we have been running mates twice, and I’m proud of that. Going back before that, I was Chairman of the Republican Club Campaign Committee, when she and Bill Strahle ran so Grace and I have been partners in this for a long time; and I’m going to miss her. I think

a lot of us are actually going to miss her. We didn't always agree, but I know her heart was always in the right place. She's a great friend and a great public servant."

Comments by Mr. Smith: "Grace and I, unbeknownst to many people out there, served almost fifteen years ago on a Task Force for Pennsbury School District, which is where we actually first met, on year-round schooling. We served on the Sub-Committee for academic achievement which was actually very rewarding. Subsequent to that, Grace was kind enough to appoint me to serve on the Park & Rec Board which I did for almost ten years; and I do appreciate your consideration for that. We have disagreed before, and we'll probably disagree later on tonight; but there is not a doubt in my mind that your heart has always been in the right place, and I will miss you up here and just because you are not up here does not mean that you can't serve the Township, and I know that you will continue to serve the Township. I thank you for all the good times we've had up here and in the past."

Comments by Mrs. Godshalk: "Thanks Ron. You forgot to tell them something important though – that after Bill Strahle died, we were taking resumes for appointments and Ron interviewed and at that point and I was in favor of appointing him. I wanted to appoint him because I liked the way he worked on the Park Board and I knew he would be an asset at that time. He is here now and we are sparring partners – but we enjoy each other."

Comments by Mr. Smith: "There's a lot of truth to that and if you cannot have spirited debate, it does not make sense in participating; and we always have and probably always will have spirited debate, but at the end of the day, public service is a great thing and there is not a person up here who does not try to work and do their utmost on behalf of the Township; and we all thank you for giving us that opportunity."

Comments by Mr. Caiola: "It is pretty significant that Mrs. Godshalk has put herself out there for thirty straight years. You open yourself up to criticism, second guessing, and everything else when you have 35,000 people that you've got to respond to. It is a very tough thing to do, and Grace has done it very well for very long. I think, maybe with the exception of Helen Heinz, I don't think anybody in the Township knows as much about Lower Makefield as Grace. She has had an impact, if you look around the community and how it's grown even the last fifteen years from 20,000 to 35,000 people and the things that had to be done to make sure that we are in the condition that we are now. I've said it almost every year that we've worked on the Budget, I'm thankful for a lot of the work that's been done in the past in this community. One glaring example is hiring someone like Ken Coluzzi who makes all the difference in the world for our public safety. I applaud Grace for her hard work. I know what that's about. I've run four times and she's run six times, and I guess she has a better average than me – she's won five out of six; but I know that it's a very tough thing to do, and I know that she always did it with character and that she had a phenomenal record to run on. I wish her the best and I know

that she'll stay involved. I know she will be as much a part of this community off the Board as she has been on the Board and I look forward to serving with her in the future.”

Comments by Mr. Santarsiero: “I want to echo a couple of things that have been said, most notably the fact that there are times when we on this Board disagree, and there are times when we agree; and I think it's probably fair to say that if you go back and you look at votes over any period of time of the Board of Supervisors whether it's Democrats and Republicans or Republicans and Republicans as we have had for years, more often than not the Board agrees. The reason for that is because you understand when you take office that your first responsibility is to serve the people of the Town and to try to work with your fellow Board members to come up with some consensus to move forward. I am proud of the fact that I have been able to serve for four years with you Grace on the Board and work with you on various issues. In particular I want to thank you on behalf of all of us who fought against the Matrix Development for the role that you played in that episode in the Township's history as the only Supervisor on the Board who had the courage to vote against that Development. As someone who was sitting out in the audience during all that time, and trying to get the message across that this was not something good for the Township, to have an advocate up here for what we saw as the Town's best interest and for the residents who cared so deeply about the issue, meant a lot. You worked with us, you worked with RAM; and although we were unsuccessful in stopping the approval that night back in 2002, we ultimately did succeed in stopping that development, and we all owe a debt of gratitude to you for having taken that principled stand back when that issue first arose. I want to thank you for that and I want to thank you for the thirty years of service. As others have said, I have been on this Board for over four years and it is a lot of work and a lot of time and no one should make any mistake about that and to do it for thirty years is a tremendous amount of time and a tremendous number of meetings; but it is not just the meetings, it's all the other time that we spend doing so many other things that are necessary for the job not only to prepare ourselves for meetings but also just to do all the follow up and Grace has been doing that for thirty years and that's a tremendous amount of work and you need to be congratulated for that and thanked for all the work you have put in to the Township – so thank you very much.”

Comments by Mrs. Godshalk: “Thanks, Steve, I forgot about Matrix, I knew there would be some things I'd forget, and there's probably a lot more. I said this on the Candidate's night that it is just too bad when you get to the local government that you do have to run on a Party, but that's the way it works here not like the School Board, because really we are here to work for everyone and that's what I've tried to do during my thirty years. Thanks a lot again, everyone.”

A short recess was taken at this time.

#### APPROVAL OF MINUTES

Mr. Caiola moved, Mr. Santarsiero seconded and it was unanimously carried to approve the November 28, 2007 Minutes as written.

Mr. Caiola moved, Mr. Santarsiero seconded and it was unanimously carried to approve the December 5, 2007 Minutes as corrected.

#### APPROVAL OF DECEMBER 3 AND DECEMBER 17, 2007 WARRANT LISTS AND NOVEMBER, 2007 PAYROLL

Mr. Santarsiero moved, Mr. Caiola seconded and it was unanimously carried to approve the December 3 and December 17, 2007 Warrant Lists and November, 2007 Payroll as attached to the Minutes.

#### UPDATE ON RAILROAD QUIET ZONES

Mr. Majewski stated five weeks ago he requested that CSX provide the Township with a Preliminary Engineering Agreement that would cover CSX's engineering review and handling costs for the Township on the Quiet Zone upgrades. He has not heard back after e-mailing them last week and calling them today. Mr. Majewski stated he would not be able to provide a cost estimate at this time.

Mr. Stainthorpe stated when this matter was previously discussed it was noted that the Federal Rail Administration had not turned them down, and he asked if this means that they have been approved. Mr. Majewski stated if the Township meets all the guidelines and installs all the upgrades, they will get approved. Mr. Stainthorpe asked how they can get approval before they have done the design; and Mr. Truelove stated he feels it means the crossings have been deemed appropriate, but they will still have to work out the details.

Mr. Schott stated he is concerned that they are still waiting for CSX to get back to them. He stated he feels they are at their mercy, and he asked if there is anything that they can do to push this along. Mr. Majewski stated their office is in Jacksonville, Florida. Mr. Schott asked if they could put this on as an Agenda item in two weeks, and Mr. Smith stated they can put this on an Agenda in January for an update. Mr. Caiola asked if a letter from the Board would be effective, and Mr. Fedorchak stated they could do this.

## UPDATE ON FLOOD PROJECTS

Mr. Scott Burgess, 15 Glen Drive, was present. Mr. Majewski stated the last three backflow preventors have been ordered and hopefully will be in within four weeks. Public Works will install them. Two will be on Glen Drive and one on Richard Road. The culvert expansion project is moving forward, and DCNR's consultant has submitted plans to the Bucks County Conservation District, and they have prepared reports and detailed plans for approval and will be submitting to the DEP shortly. They are ahead of the original time line and feel they will be finished with approvals and ready for bid by the beginning of March. This will expand the culvert from its current 8' by 8' opening to a 20' by 10' opening which will allow for the full flow of water through the Canal before it overtops the embankment.

Mr. Santarsiero asked if they have communicated to them the Township's desire to have the bikepath installed and the new culvert sufficiently wide to accommodate this. Mr. Majewski stated currently the configuration they have is a curbed roadway section that will be 24' wide with a sidewalk that is elevated above that going over the Canal. He stated he has also forwarded the plans to TPD so that they can start their design work for tying into the walkway over the Canal.

Mr. Majewski stated Canal dredging will also be part of the project, and the Canal will be dredged of 2' of accumulated silt from the Canal upstream and downstream; and they intend to do this at the same time of the culvert replacement. They estimate the project will take three months to complete the culvert replacement and dredging, so hopefully the project will be completed sometime before the end of 2008. Mr. Majewski stated he also received notice approximately one week ago that FEMA will be updating the flood mapping along the Delaware River.

Mr. Burgess thanked Mrs. Godshalk for the work she has done over the years. He stated RAFT currently has 195 members, a number of whom are present this evening. A number also e-mailed their support to him advising that they were unable to attend this evening. He stated RAFT's next meeting will be January 17 at 7:30 at the Township Building, and he stated all are welcome to attend.

Mr. Burgess asked if there are any contingency plans during the construction since Black Rock Road is the only exit when the River floods over River Road. Mr. Majewski stated this will have to be coordinated with the Police Department so that there is more warning in advance of any potential flooding. Mr. Burgess stated RAFT will help in any way on this. He stated RAFT began a project just before Community Pride Day with Chief Coluzzi and are trying to get residents in the flood area to fill out additional contact information such as cell phones and e-mail addresses so this emergency contact

information can be put into the data base in addition to home numbers. He stated this is also something that could be expanded and used for other incidents as well.

Mr. Burgess stated he is a member of the Bucks County Delaware River Flood Task Force, and they have been having monthly meetings since May, 2007. He provided a summary to the Board this evening of what the Task Force has been doing. He stated there are seventeen member communities each with an appointee to the Task Force. He stated they initially made a prioritized list with reservoir operations becoming their focus because it is a shorter term solution. The summary also lists the Task Force's Recommendations. He stated they have sent letters to the Delaware River Basin Commission imploring them to come up with 20% voids, but they have rejected this at this point. He stated there is a new flexible flow management plan that is in public comment period at the current time with a meeting on January 16 that the Task Force will attend. Mr. Burgess stated the Task Force had a meeting two weeks ago with Governor Rendell, and the Governor and his staff will not put their full support behind the voids at this time. He stated the Governor wants an impartial report on reservoir voids. The Army Corps of Engineers is doing a report which is expected to be done in the next twelve months. He stated the Governor is concerned that the voids can lead to droughts and salt line issues on the Delaware in Philadelphia. Mr. Burgess stated the Task Force sees this as an inconsistency since the Governor will not accept that voids could help reduce flood levels downstream without an unbiased report but does accept that the voids could lead to drinking water shortages without an unbiased report.

Mr. Santarsiero asked if the Governor is going to base his decision on the outcome of the Army Corps study, what input would residents along the River have to make sure that the study is being driven objectively and not politically. Mr. Burgess stated it is supposed to be presented as an unbiased report. He stated the Task Force is going to send letters to the Senators and Congressmen indicating this must be unbiased and not driven by the Delaware River Basin Commission. He added four States and New York City must vote unanimously for anything to change. He stated Governor Rendell is hoping that the report by the Army Corps will show that there is some validity to voids lowering the flood levels downstream and in this way there will be something to use as leverage. Mr. Santarsiero stated he feels they should make sure that the process is such that they have as much comfort as possible that this is going to be an objective report and this would include some opportunity for public comment before the report is finished. He stated he is concerned that there are other interests that might steer this in a way that is unhelpful.

Mr. Burgess stated a report was submitted to indicate how crucial protection from salt line contamination is to the Philadelphia drinking water supply; however, the report also stated that the worst drought they have on record left the salt line 8 miles below the Torresdale Water Plant.

Mr. Burgess stated the Governor agreed to meet with the Task Force as well as County and Township Officials sometime in the first quarter of 2008 to discuss ways to secure funding for flood mitigation projects. Mr. Burgess does not feel this meeting will be open to the public. The Governor also agreed to have a Town Hall type meeting if this was desired by the residents.

Mr. Burgess stated Commissioner Martin suggested that the Corps of Engineers staff working on the study meet with the Task Force so the Task Force can voice their concerns that the report be unbiased and that the Army Corps is not working for the DRBC. Mr. Santarsiero stated he would go even further and try to get specific milestones where the Task Force could provide input so there is a degree of comfort that there will not be a draft report that will take on a life of its own before the Task Force has had an opportunity for meaningful input.

Mr. Burgess stated the Governor also urged the Task Force members to contact Senators Casey and Specter and the Congressmen to urge them to urge the Corps of Engineers to accelerate the study. Mr. Burgess stated the Task Force met yesterday and agreed to do so along with further requests for the voids and it was agreed they would also provide a template for the Township Officials to send letters as well. He added that the Governor also urged the Task Force to consider the other flood mitigation recommendations in the DRBC's report of 9/07. The Task Force is planning to do so although many of those projects are long term where the reservoir voids is more of a short term solution.

Mr. Burgess reviewed the current reservoir levels with total storage currently at 86.1% and since normal is 74.4%, they continue to have concerns if there are heavy rains or snow. He stated the next Task Force meeting will be 1/22 unless it is determined that they need to meet before the 1/16 Public Hearing with the DRBC.

Mr. Burgess stated the Delaware River Conservancy has hired a hydrologist to do an analysis on what the spillage from the flood events caused, and he has issued a report which shows that there could have been an additional six feet of floodwater coming down the River. Mr. Santarsiero stated this is a good piece of information to put before the Army Corps.

Mr. Joe Pryor, 21 Glen Drive, stated he was looking at the open space where they modified the storm drain for the back flow preventer and questioned why only one of the two has been modified. Mr. Majewski stated one leads from Glen Drive but the other goes to Sally and this one is not necessary.

Mr. Dave Ripka, River Road, stated approximately one and a half months ago he was at the Delaware River Conservancy meeting and the attorney explained what was happening with the hydrologist's report. Mr. Ripka asked why it stated, "up to six feet," and the attorney stated he put it in there and that the hydrologist indicated that it would be much

higher than this, and six feet would be the minimum. Mr. Ripka stated he does not feel anyone realizes how much water they released and stated they released water similar to the amount of Niagara Falls running for thirty-seven hours. Mr. Ripka stated if there had been a heavy rain, the bridges would have had problems. He stated it came within inches of hitting the New Hope Bridge.

Mr. Michael Cacavella, River Road, stated he assumed that the Board of Supervisors had seen the data from the hydrologist. Mr. Santarsiero stated the last time they heard about this was when they had the presentation in the Township eight months ago, and at that point they were told such a study was being conducted. Mr. Burgess stated while he has seen the data, he has not seen the study itself. Mr. Cacavella stated the data suggested that in the 6/06 flood 116.804 billion gallons were released, and the hydrologist stated that conservatively this could mean 6' down River. Mr. Cacavella stated he understands from the Delaware River Conservancy that the laws changed in 2004 which had previously required New York to maintain 20% voids; and as soon as the law was lifted, there were three floods in eighteen months. Mr. Smith stated the Board does recognize the urgency of the matter and will do whatever they can. Mr. Cacavella asked how they can de-Politicize the issue. Mr. Santarsiero stated he does feel they need to have input at set periods while they are working on the report, so they are better able to monitor it. He stated if there is not meaningful input until the very end, the work is already done. Mr. Santarsiero stated they now have a report from a hydrologist that they can point to and refute any arguments that may be made on the other side. He feels they need to make sure that the process is as open as possible.

Mr. Burgess stated even though he is frustrated with the stand Governor Rendell is making, New York still does not have to listen to whatever stand he takes. He stated it is a Supreme Court decree that created the DRBC, and it really needs to be handled on a Federal Level. He stated Mr. Platz from Congressman Murphy's Office did reiterate yesterday that the Congressman will do whatever he can to help them. Mr. Burgess recommended that in addition to urging the Senators to get the Army Corps to show some urgency to get this completed, that they also add in that it is taken as an unbiased report and that there be public participation.

#### APPROVAL OF RESOLUTION NO. 2150 – ADOPTING THE 2008 BUDGET

Mr. Smith stated at the last meeting, they instructed the Township Manager to see if he could find an additional \$110,000 in cuts. Mr. Fedorchak stated he was able to make \$102,123 in cuts. He stated this has increased the projected 2008 end of year balance to \$511,640. He stated he has reduced projected expenditures to \$9,151,305 so the balance is 5.6% of total expenditures which puts the Township above the 5% safe harbor figure.

Mr. Stainthorpe asked where he was able to find the cuts, and Mr. Fedorchak stated many of the cuts were in the category of minor equipment purchases. He stated they will also be hiring a new Director of Public Works, and that starting salary will be less than the figure in 2007. He stated he also eliminated \$10,000 from road signs. He also recently got firm numbers for casualty insurance and workman's compensation insurance and was able to save approximately \$15,000 in this area.

Mr. Smith stated when the process was started in November, the rate was higher than currently proposed. Mr. Fedorchak stated the staff had recommended a 3 mill tax increase and as a result of the cuts it is now 2 mills, and they are within the safe harbor.

Mr. Santarsiero stated the concern was when they reduced the proposed millage from 3 mills to 2 mills, they were still not at a point where they were at the safe harbor level; and this is why they asked Mr. Fedorchak to see how they could get to the 5% safe harbor level which was approximately another \$100,000 in cuts which he has now been able to do. Mr. Smith stated he indicated in November that he would not vote to approve any Budget that was not in the safe harbor level, and he thanked Mr. Fedorchak and Mr. McCloskey for finding the cuts necessary.

Mr. Caiola asked if Mr. Fedorchak feels the next step would involve cutting services or personnel if they were to require additional cuts, and Mr. Fedorchak stated he does not feel there would be any place left to cut other than personnel which would involve lay offs and cuts into services.

Mr. Stainthorpe stated he approached the Budget this year much differently than he has in the past, and he does have some discomfort with the process. While he commended Mr. Fedorchak for finding the cuts, he stated they fall into this routine every time starting out with 3 mills, cutting it to 2 mills, or starting out with 2 and cutting it back to 1. He stated he would like to see this run more like a business, and would like to put pressure on the Manager, Finance Director, Police Chief, and Director of Public Works. He feels everyone should look for savings throughout the year, not only at Budget time. He stated the employees should also be asked to find ways to save. He stated he feels they should have a thorough look at every Department from top to bottom to make sure they have the right people and the right number of people. He stated the energy audit was a good step, and they need to do other things like this in every Department. He stated he is not comfortable that they have looked as hard at the Budget as they should. He stated while 2 mills is not a lot of money to an individual, it is 15%; and if they go up 15% every year, he does not feel this is good management. He stated he is going to vote against the Budget; and while he has never done this before, he feels it is important to send a message to the taxpayers that they put their interests first and important to send a message to the Township employees that they are expected to find savings throughout the year and find better ways to do things. He stated while he does not feel they need to cut services or lay people off, he is not comfortable that they are looking as hard as they should.

Mr. Smith stated while he agrees with a number of comments made by Mr. Stainthorpe and feels they should live within their means, unfortunately as a result of the real estate market, they have lost a lot of revenue from the real estate transfer taxes. He stated they have formed a Budget Commission who have been working on this throughout the year, and they unanimously concluded there were no other places to make cuts and recommended that the Budget be approved. He stated the Economic Development Commission is also coming up with ideas to increase revenue streams in the Township. He stated last year there was not a tax increase.

Mrs. Godshalk stated there have been years when they had no tax increase. Mrs. Godshalk stated it is difficult to cut back employees when you are a growing community. She stated she did bring up the debt service during the Budget Sessions. She stated they are currently carrying the financing on several Bond Issues, and she brought up the different homes that the Township owns that people were interested in purchasing. She feels they should go out to public bid and bring people back into the homes and back on the tax rolls and bring the homes back into the showplaces that they were at one time. She stated this will also free up the debt service and the interest that is paid by the Township as well as freeing up more money to purchase land as it becomes available.

Mr. Santarsiero stated the Citizens Budget Commission has reviewed and endorsed the proposed Budget. He stated they meet on a monthly basis and review ongoing expenses. He stated elected officials have to make hard decisions, and they are now in a situation largely because of the housing market and the fact that transfer tax revenues are not as high as they have been in past years. He stated they also need to continue to provide services including Police protection, and they need to raise an additional \$1 million to make ends meet so that they do not operate in a deficit. He stated they have spent much of the last two months working towards this goal. Mr. Santarsiero stated he feels it is odd that Mr. Stainthorpe, who has been on the Board for six years and has voted for tax increases in the past, never raised these concerns before and is not able to point to any particular line item or issue in the Budget that should be cut but is putting it back in a general way on the Manager, Finance Director, Police Chief and other Department Heads to cut more. Mr. Santarsiero stated he does not feel this is reasonable or responsible. He stated Mr. Fedorchak, Mr. McCloskey, Chief Coluzzi, and the other Department Heads have come before the Board at the Budget meetings as they have in years past; and they have \$1 million to make up. He feels Mr. Stainthorpe is making a protest vote, but he does not feel this is governing responsibly but is governing out of political reasons. He stated until there is a consensus, he does not feel they should vote for this Budget. He stated those who do not feel this is a responsible Budget should show where cuts can be made. He stated under Pennsylvania law, they have a statutory obligation to pass a Budget and have an obligation to the Township residents to make sure the Government is funded and services are provided. He suggested that the Board stay until they can pass a Budget that is acceptable to everyone.

Mr. Caiola stated they have looked at the Budget for over a month and have already made cuts. He stated Mr. Fedorchak and Mr. McCloskey came back with more information and made cuts as requested by the Board. Mr. Caiola stated he does not feel there is any other place to cut. He stated he trusts the Township professionals. He stated he has been in private industry, and the way they did Budgets was not that dissimilar from the process followed by the Township. He stated the Township residents have high expectations that the level of services are maintained but that they also make every cut possible. He feels the Budget has been poured over a number of times; and if there were other issues, they should have been brought up at those meetings. He stated they want to make sure that next year they have the resources, the people, and the programs in place. He stated they also do not want to continually go into the surpluses. He feels they need to support this Budget.

Mr. Fedorchak stated with the recent cuts, assuming his calculations are correct, the 2008 General Fund Budget will increase only 1.1% over the 2007 levels. He stated considering inflation during this period has been at 3.5%, he feels this is a reasonable Budget and reflective of a considerable amount of effort on the part of the staff in keeping a line on expenditures. Mr. Santarsiero asked how it compares to past Budgets in that respect, and Mr. Fedorchak stated this will be the smallest increase in the last five to six years. Mr. Santarsiero questioned where else cuts could come from regardless of how much longer they had to consider the Budget.

Mrs. Godshalk stated she is not referring to the staff. She stated she brought up items at the meetings, but none of the other Supervisors had the courage to give consideration to what she suggested with regard to the sale of some of the properties owned by the Township. She feels they are now considering giving some of the properties to private people for practically no money.

Mr. Santarsiero asked how much Elm Lowne cost when they bought it. Mr. Fedorchak stated it cost approximately \$680,000. Mr. Santarsiero stated this is not quite 1.5 mills. He stated they could not consider the sale of Elm Lowne now because they have not had a public discussion about the sale of this property to use those funds toward a Budget. He stated he also does not feel they could have considered in November, the sale of parts of the Patterson Farm because there had not been an open and full discussion on this either; and he does not feel they can include that in the Budget at this point. He stated from a Budgetary perspective, at this point of the year trying to approve a Budget for 2008, it is of no use to look at selling potential Township assets when none of the work has been done in appraising those assets or seeing if there are potential buyers. Mrs. Godshalk stated she has brought this up in the past, but Mr. Santarsiero stopped this four years ago when there was a Subdivision proposed. She stated when the Patterson Farm was purchased, it was purchased with the understanding that the homes would be split off and sold for residential use, and Mr. Santarsiero stopped this and formed a Committee.

Mrs. Godshalk stated now they are looking at taking in private charities and placing them in those homes.

Mr. Santarsiero stated he will continue to oppose the division of Patterson Farm; but next year he will push for the sale of Elm Lowne because for all the years the Township has owned it, they have not been able to come up with a public use that has made sense for the property; and if the concern is preserving the property and the building, they can do it with restrictions and sell it. He stated while this will ultimately help the Township monetarily, it is not helping the situation today. He stated they had a debate about Patterson Farm four years ago and hired the Heritage Conservancy, and their response was that they look into things that could be done with the entire Farm. He stated when the Heritage Conservancy looked at all the historic properties owned by Lower Makefield, they suggested they consider selling Elm Lowne and not pieces of Patterson Farm.

Mr. Smith stated they commissioned a report from the Heritage Conservancy, and they came up with a number of recommendations, and the Board will continue to study this report. He stated he agrees with Mrs. Godshalk regarding the Satterthwaite property and would consider selling this house since the Township is not financially able to keep it up. He also agrees that they need to look at Elm Lowne; and if the Township cannot maintain it the way it should be, they should sell it to someone who can with the necessary restrictions placed. He stated they are not present to discuss that this evening and are present to discuss the Budget.

Mr. Zachary Rubin, 1661 Covington Road, stated he does not feel the Township should be run like a business. He stated the Township, by State law, must have balanced Budgets. He stated the Township provides services to the community. He stated businesses can have Budgets with deficit spending. He stated with regard to the Debt Service, Mrs. Godshalk and Mr. Stainthorpe were on the Board when the Golf Course was financed. He stated while he supports the Golf Course, when the \$16 million Bond Issue was issued and approved by a previous Board, they could have locked in a fixed interest rate of less than 2% at the time; instead, they passed an interest-only loan whereas the principal to this day has never been paid down. He feels this was a Political issue to show that there was a positive cash flow for the first couple years of the Golf Course. He stated in the long run, the Golf Course will pay for itself; but they could have been locked in to less than 2% interest over the last six years. Mr. Rubin thanked Mr. Santarsiero for standing up and preserving Patterson Farm. He stated Mr. Santarsiero single-handedly prevented the subdivision of the Farm. He stated the community has an agrarian heritage, and they would like to preserve this for future generations to show what a functioning farm looks like. He stated if the homes had been sold and the Subdivision went through, there would have been no concept of what a farm is.

Mr. Steve Autin, 1573 Silo Road, stated he hopes Mr. Santarsiero will not vote to subsidize the personal horse farm of those who seek to lease Patterson Farm. He stated he takes issues with Mr. Santarsiero's comments about Mr. Stainthorpe and feels the Board should look for more cuts; and if they are to be had, there should be discussion about that as this is the responsibility of the Board members.

Mr. Santarsiero suggested that they all vote against the Budget and everyone will have to then work to find out where they can make cuts. He stated he is prepared to stay tonight and see if they can find them.

Mr. Caiola stated they have been going through the Budget for a number of months already. He stated they have also gone back three times to have the various Department Heads cut even further, and they have done so. He stated this Budget represents only a 1% increase.

Mr. Santarsiero stated he feels Mr. Stainthorpe should have come prepared with specific cuts they could make. He stated two years ago when the Board last had to raise taxes, Mr. Stainthorpe was the Chairman of the Board. Mr. Santarsiero stated as the only Democrat on the Board, he voted for the Budget because he felt it was a reasonable and responsible Budget to endorse. He questioned why they are only hearing from Mr. Stainthorpe about this tonight at the last meeting of the Board of Supervisors when the Budget has to be passed.

Ms. Judy Curley, 551 River Road, thanked Mrs. Godshalk for everything she has done. Ms. Curley stated she has lived in the Township for eleven years, and it has grown in that short time. She stated the quality of life in Lower Makefield exceeds anything she has experienced in other communities in which she has lived. She stated the cost of prosperity is high; and she thanked Mr. Fedorchak for the work he did with the Budget. She stated she feels security should be the number one priority; and if there is a need for new Police Officers, she feels they should be hired.

Mr. Bruce McClish, 506 American Drive, stated he is a member of the Citizens Traffic Commission. He stated he is in support of the Budget. He feels the issue that is of concern is raising the taxes. He stated it seems the reason they have to raise taxes is because of the lower revenue from the Transfer Taxes. He stated he feels they are going to be in this housing slump for a number of years, but once they come out of it, the revenues will come back into the Township. He stated possibly they could give consideration to a temporary tax increase for approximately four years, and re-evaluate it in the future if the Transfer Taxes begin to come into the Township again.

Mrs. Godshalk stated it is hard every year when they try to estimate the Transfer Taxes. She stated sometimes they get a big transfer which helps them tremendously. She stated she read recently that Manor Care Corporation is going to be sold, and there is a large

Manor Care community in the Township. She stated they need to make sure that if it is sold, that it does not go through in a “blind sale” with the buildings not passing through the normal channels. She stated the Township should look into this carefully.

Mr. Smith stated they have been looking at other revenue streams such as Edgewood Village and the Matrix project. He stated he does not feel that they can rely on people selling their homes or properties to balance the Budget. He stated the Economic Development Committee will help the Board as well, and the Board of Supervisors is looking forward to getting their report. He stated he does not want to rely on Transfer Taxes to balance the Budget and wants to explore and find every possible revenue stream they can to bring to the Township but that would not change the nature of the Township. He stated people move to Lower Makefield Township because it is a great place to live so they have to find revenue streams that will not change the character of the Township.

Mr. Ethan Shiller, 367 Lang Court, stated he is a member of the Citizens Budget Commission, and they fully support the Budget and the increase because it was the responsible thing to do. He stated they went through each line item and even attended the Budget Workshops. He thanked Mr. Stainthorpe for suggesting that they cut it another \$100,000. He stated the Committee went back and then provided recommendations to the Township Manager. He stated if Mr. Stainthorpe had any additional concerns, he should have voiced them at the Workshops. Mr. Shiller stated the Committee felt the number one issue was public safety. He stated if Mr. Stainthorpe feels they should cut the Budget by reducing personnel or not hiring additional Police, he should state this. Mr. Shiller stated when he was interviewed for the Citizens Budget Committee, he was asked if he would at any point of time in the future consider a millage or tax increase; and he indicated he would if it was fiscally responsible. Mr. Shiller stated he is concerned that Mr. Stainthorpe is indicating tonight that he will not support this Budget. Mr. Shiller stated he was also concerned with the recent Bucks County Courier Times headline, “Residents Hit With Great Big Tax Increase,” which he feels they did only to make a headline rather than trying to understand the full implication of their statement. He stated the headline should have been “Safety is Number One.” He stated they should look at the past number of years of the millage and the percentage of increases because percentage wise, this is not the highest increase. He feels this Board is fiscally responsible, and they should pass this Budget.

Mrs. Godshalk asked if the Citizens Budget Committee looked into Debt Service and interest, and Mr. Shiller stated they looked at every line item. He stated it was the Committee’s recommendation that they sell Elm Lowne since this specific line had an expense item of \$60,000 per year. Mrs. Godshalk stated Mr. Shiller was also at the meeting when she raised the issue about selling the Patterson Farm homes and asked if he brought that back to his Committee. Mr. Shiller stated they did look at capital purchases, but that money was already allocated for open space preservation. He stated the Committee also had to look at what could be done immediately; and as Mr. Santarsiero

has noted, this could not immediately impact the 2008 Budget. Mrs. Godshalk stated Elm Lowne was purchased under Open Space money; and Patterson Farm was purchased with a loan not Open Space Referendum money so it could be sold easier than Open Space purchases. Mr. Shiller stated he feels they could consider this for the 2009 Budget.

Mr. James Bray, 12 Terracedale Road, stated he has lived in Lower Makefield Township for thirty-two years and raised three children. He stated this is a fine community in which to live. He commended the Board for their work on the Budget and is in favor of passing it as is. He feels the proper and appropriate role of Government is to provide needed services to the constituents. He feels Lower Makefield Township provides a great deal of quality services; and if they want these services, they will have to pay for them. He feels the appropriate role of the Board of Supervisors is not to have Lower Makefield residents have the lowest tax rate in Bucks County, but to receive true, fair value for the money that is spent for the services; and he feels this is what is done in Lower Makefield Township. He commended Mrs. Godshalk for her years of service to Lower Makefield.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, stated she agreed with Mr. Stainthorpe that the process needs to change. She stated she has said this before and would like them to institute some version of a zero-based budgeting process. She stated every year, they start from last year and just do an incremental approach. She stated she was a former Budget Examiner, and she feels Budgeting is a year-round process. She stated to just look at documents provided by the Township Manager, Finance Director, or Department Heads is not the way to do a Budget, and they need to visit the Departments and see how they are run. She stated she does not feel the process can be changed on the day they are approving the Budget; and while she applauds what Mr. Stainthorpe is trying to do, she feels an effort was made to hold spending given the current process and they should recognize that there was a tremendous drop in revenue. She feels the responsible thing to do would be to approve the current Budget. She stated a Budget is a Political document, and this is a Political process. She stated Mr. Santarsiero previously approved a Budget that was approved by a Republican Board and was criticized for this and she feels that if Mr. Stainthorpe votes for this Budget, and he runs for a future office, he will be criticized for this as well. She stated despite this she feels it would be the responsible thing to do to vote for this Budget.

Mrs. Godshalk stated in an Election Year, you have the opportunity to re-open the Budget in January so they could have a different vote than what happens tonight. She stated by that time, they may also know about the status of Manor Care, and they could possibly make it lower.

Mr. Mike Joseph, 25 W. Ferry, thanked Mrs. Godshalk for her years of service. He also thanked the members of the Citizens Traffic Committee. He stated he moved into the area in 1981 and has lived near Patterson Farm. He stated he has seen the area change

over the last twenty years, and the amount of traffic has increased considerably. He stated he feels a 1.1% increase seems reasonable. He stated services are offered, and he is in favor of the increased Police presence.

Mr. Smith called for a Motion, but no Motion was made at this time.

Mr. Santarsiero asked that the Board members take out the Budget and consider where they could make cuts. Mr. Stainthorpe stated he would suggest, as he suggested at the last meeting, that they consider bidding out the professional services – the engineers and lawyers. He stated he feels they could see real savings from this. He stated at the time he made this suggestion, the comment was made that the tax increase was not being driven by these services; but he feels they should look at these services to see if they could find additional savings. He stated they would be under no obligation to take the lowest bidder, but it would be good business and good Government to look for savings in these areas. Mr. Smith stated it appears that Mr. Stainthorpe is looking for the most inexpensive lawyers. Mr. Stainthorpe stated he does not necessarily want the most inexpensive; but if there is a good firm with the same capabilities that will do the job for less, he feels they should consider this. Mr. Smith stated it seems he is looking for the most inexpensive lawyers and most inexpensive engineers leading to the most inexpensive quality of work.

Mr. Stainthorpe stated the other area where he has expressed concern was with regard to overtime. He stated he does not disagree that they need three new Police Offices, but feels they should then also have less overtime.

Mr. Santarsiero asked, even if they agreed to a bidding process for professional services, how would they budget for this tonight. Mr. Caiola asked what kind of savings would they assume they would see. Mr. Stainthorpe stated he feels they could look at cutting those items. He stated they may find a good firm willing to work on a retainer basis rather than on an hourly basis. Mr. Santarsiero stated currently they are budgeting \$145,000 for legal fees for the General Fund, and last year they budgeted \$125,000. Mr. Santarsiero asked if it would be reasonable if they cut it to \$125,000 for next year, and Mr. Stainthorpe agreed. Mr. Santarsiero stated they are budgeting \$135,000 for engineering for 2008 and they had budgeted \$125,000 for 2007. He asked if it would be reasonable if they cut this back to \$125,000. Mr. Stainthorpe stated he would like to see the bidding process take place as he feels this is where the savings will come. Mr. Santarsiero asked if they cut it to \$125,000 and agreed to the bidding process would Mr. Stainthorpe feel this would be acceptable. Mr. Stainthorpe stated he has indicated how he will vote tonight. Mr. Santarsiero stated if they agree to the bidding process, recognizing that they do not know this evening what the results would be, but would agree to cut these two line items, they would still know they would have some savings. He asked if Mr. Stainthorpe would find this acceptable and if this would enable him to vote for this Budget. Mr. Stainthorpe stated he is not going to vote for this Budget.

Mr. Caiola stated it appears it does not matter what cuts they make.

Mr. Santarsiero suggested they consider other areas they could make cuts. He noted the Supervisors are paid slightly more than \$4,000; and he asked if they all agreed to take a \$1,000 cut, since they are asking the residents to pay additional, would this be acceptable; and Mr. Stainthorpe stated he would agree to this. Mr. Santarsiero asked Mr. Stainthorpe if he would agree to cut his salary altogether. Mr. Stainthorpe stated he is not going to vote in favor of this Budget this evening. Mr. Santarsiero asked if any of the Supervisors receive benefits, and Mr. Fedorchak stated Mr. Stainthorpe receives \$2,500 a year toward hospitalization. Mr. Stainthorpe stated he would agree to cut this, but he will still not vote in favor of the Budget this evening.

Mr. Stainthorpe stated in order to move the matter forward he would move that the Board vote on Resolution No. 2150 – Adopting the 2008 Budget.

Mrs. Godshalk stated they have fifteen days to send out letters soliciting proposals from engineers and lawyers. She stated if proposals are received prior to the end of the year, the new Board can meet before the first swearing-in meeting.

Mrs. Godshalk seconded the Motion.

Mr. Smith asked if the professional expenses include BRRAM expenses, and Mr. Fedorchak stated they do not. Mr. Smith asked if the engineering expenses include the fees paid for the residents in the area of the flooding. Mr. Smith stated they have been talking about quality of life in the Township and the residents are suffering from the airplanes and the flood. He asked if they should be sacrificed because Mr. Stainthorpe does not want to vote for a Budget.

Mr. Truelove stated on behalf of his law firm, they would agree to freeze their rate for the next year and not ask for an increase which is still \$15 an hour less than their predecessor. Mr. Majewski stated his firm has not asked for an increase this year.

Mr. Autin stated he offered to do the BRRAM project pro-bono.

Mr. Caiola stated two years ago a Budget was voted on which had a larger increase and more money taken out of the surpluses; but at that time he felt it was the right thing to do because the next year the Township would be in good shape. He stated this is money needed to run the community. He stated he felt they came in this evening to try to move the Township forward and make sure that next year when they consider the Budget, they will not have to discuss a 2 mill increase because they would have prepared for next year. He feels by raising taxes this year, it will put the Township in a better position for next year. He stated he feels they should all do what is best for the Township. He stated he

would agree that if there is a better way to do something he would be for it; but he does not feel this is the time to do it. He stated they have an opportunity to thank the people who put this Budget together and did a phenomenal job. He stated he has faith in the Township employees and feels they and the Board have worked very hard to try to bring this down so it is not so onerous for the residents.

A vote was taken on the Motion. Prior to his vote, Mr. Smith stated he is concerned with quality of life; and since the Police Chief has indicated he needs three more Police Officers, he will vote for this Budget as he is voting for Police protection and to maintain and increase quality of life. Motion did not carry as Mr. Caiola and Mr. Smith voted in favor and Mrs. Godshalk, Mr. Santarsiero, and Mr. Stainthorpe were opposed.

Mr. Santarsiero stated he is prepared to vote for the Budget, but wants to see the cuts that those who are against the Budget are proposing. Mr. Santarsiero asked what needs to be cut in order to have all the Board members vote in favor of a Budget.

Mr. Caiola moved to approve Resolution No. 2150 Adopting the Budget. Mr. Santarsiero seconded with the amendment that there be a reduction in legal fees to \$125,000, engineering fees to \$125,000, the engineers and lawyers have agreed to freeze their rates, and Mr. Santarsiero will go without any salary in 2008. Mr. Caiola agreed to the amendment. Motion carried with Mr. Caiola, Mr. Santarsiero, and Mr. Smith in favor and Mrs. Godshalk and Mr. Stainthorpe opposed.

#### APPROVAL OF RESOLUTION NO. 2151 – FIXING TAX RATES AND SPECIAL LEVIES FOR FISCAL YEAR 2008

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to approve Resolution No. 2151 – Fixing Tax Rates and Special Levies for Fiscal Year 2008.

#### APPROVAL OF RESOLUTION NO. 2152 – PROVIDING THAT NO CONTRIBUTIONS SHALL BE REQUIRED FROM ANY POLICE OFFICERS TO FUND POLICE PENSION FUND REQUIREMENTS FOR 2008

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to approve Resolution No. 2152 – Providing that no contributions shall be required from any Police Officers to fund Police Pension Fund requirements for 2008.

APPROVAL OF RESOLUTION NO. 2153 – PROVIDING THAT NO CONTRIBUTIONS SHALL BE REQUIRED FROM ANY NON-UNIFORMED EMPLOYEE TO FUND THE NON-UNIFORMED PENSION FUND REQUIREMENTS FOR 2008

Mrs. Godshalk moved, Mr. Caiola seconded and it was unanimously carried to approve Resolution No. 2153 – Providing that no contributions shall be required from any non-uniformed employee to fund the Non-Uniformed Pension Fund requirements for 2008.

APPROVAL OF RESOLUTION NO. 2154 – ESTABLISHING THE OFF-SITE ROAD IMPROVEMENT FEE

Mr. Stainthorpe moved, Mrs. Godshalk seconded and it was unanimously carried to approve Resolution No. 2154 – Establishing the Off-Site Road Improvement Fee.

APPROVAL OF RESOLUTION NO. 2155 – ESTABLISHING THE PARK & RECREATION FEE-IN-LIEU OF FEE

Mrs. Godshalk moved, Mr. Stainthorpe seconded and it was unanimously carried to approve Resolution No. 2155 – Establishing the Park & Recreation Fee-In-Lieu of Fee.

CONDITIONAL USE HEARING AND APPROVAL OF MODIFICATIONS TO EXISTING EQUIPMENT AND RELOCATION OF THE CABINET BY SPRINT/NEXTEL AT ITS LOWER MAKEFIELD TOWNSHIP CORPORATE CENTER-NORTH CAMPUS SITE

Mr. Truelove stated this is Township Project 584-A. Ed Wild, attorney, was present on behalf of the Applicants. Mr. Santarsiero read into the record the Notice marked as Board Exhibit 1. Mr. Truelove stated the process of Conditional Use is similar to a Zoning Hearing Board Application with evidence presented and any residents who choose to participate must identify themselves and a determination will be made if they can be given Party Status. Mr. Truelove stated the Board will also be given an opportunity to ask questions after the Applicants make their presentation. Mr. Truelove entered into the record the pertinent Code Sections for Conditional Use which are Sections 290 through 293, and Section 250.1 which were marked as Board Exhibits 2 and 3 respectively. Mr. Truelove also marked as Board Exhibit 4, the Planning Commission report dated 12/11/07 attached to which is a letter from CMX dated 12/5/07 with a recommendation for approval. Mr. Truelove stated there are witnesses present who will be sworn in, but Mr. Wild will make a summary of their testimony which those witnesses will agree to; and they will be available for questions if necessary.

Mr. Wild stated Sprint has an existing facility at the Lower Makefield Township Corporate Center. There is a fenced compound which is approximately 60' by 40' inside which is an existing telecommunications tower and equipment. Sprint has an antenna array on the tower at 110', and this Application involves an upgrade of the antennas and changing the array so that there will be twelve antennas. He stated there will also be some modest re-configuration of the equipment inside the fenced compound as well as the addition of one more equipment cabinet. There is nothing proposed outside of the fenced compound.

Mr. John Wolstenholme, Project Engineer, Mr. Arnold DeWinion, Radio Frequency Engineer, and Ms. Anna Maria Ameen, the Property Site Representative for Sprint, were present and were sworn in.

Exhibits A-1 through A-9 were marked by Mr. Wild and distributed to the Board this evening. He stated these documents are responsive to the criteria in Section 250.1. He stated a Conditional Use is a permitted use subject to Board of Supervisor review and the Applicant demonstrating compliance. A-1 is the Conditional Use Application. A-2 is a letter of authorization from American Tower, who has control of the compound. A-3 is the Township engineer review letter dated 12/5/07. A-4 are the engineering plans submitted by Mr. Wolstenholme's firm dated 12/9/07, last revised 12/10/07. A-5 is a prior Approval by the Township for the Omni-Point Application dated 9/25/06. Mr. Wild stated the site has three existing telecommunication providers. A-6 is the prior Approval from 2001 for Sprint when the Application was first approved. A-7 is the original Approval from 1998. A-8 is a structural analysis report dated 10/9/07 prepared by American Tower. A-9 is a report from Dr. Kenneth Foster dated 12/2/07 addressing and demonstrating compliance of the electro-magnetic energy anticipated from the site.

Mr. Wild stated the Ordinance in Section 200-5.1 Sub-Sections A1 through 9 has nine specific items the Applicant needs to provide data to demonstrate compliance. Mr. Wild stated Mr. Wolstenholme if called to testify would testify to Sub-Section A1 that the site as proposed with the permission to add additional antenna would be designed in accordance with the standards in the Ordinance and that the structural report that has been submitted would demonstrate compliance with the specific objective criteria noted. He would also testify with respect to Sub-Section 2 that he prepared a Site Plan intended to demonstrate compliance with all of the area dimensional requirements in the underlying Office/Residential District and specifically the Overlay Radio and Tele-Communications Facility District. He would also testify that this is a co-location and satisfies Sub-Section 5 which is designed to limit additional towers and promote the use of towers by more than one user. He would also testify that the site is not on the National Register of Historic Places and complies with Sub-Section 6. He would also testify that the communications facility is fully automated and unattended on a daily basis and would be visited only for periodic maintenance or emergency repair. He would further highlight from the Plans that the security fencing that surrounds the tower is in compliance with

Sub-Section 8 and there is no alteration to the evergreen screen that surrounds the existing fenced compound and that Sub-Section 9 is satisfied. Mr. Wild stated they will comply with the comments in the Township engineer review marked as Exhibit A-3 and these could be satisfied with a Building Permit Plan.

Mr. Wild stated if Mr. DeWinion were called to testify, he would state that he is a Radio Frequency engineer and that the height of the antenna is pre-existing. He would also testify that the additional antenna need to stay at that height in order to function as proposed and this would satisfy Sub-Section 3.

Mr. Wild stated if called to testify, Ms. Ameen would testify that she is the Site Representative and has the authority from Sprint to consent to any of the Conditions of the Ordinance that require future consent.

Mr. Wild stated the original approval from 2001 marked as Exhibit A-6 waived Land Development, and he does not feel the alteration of the antenna or the proposal inside the compound is independently a Land Development; and if it were to be considered one, they would assert that Section 704 of the Tele-Communications Acts notes that it has previously been waived and would further note that in the alternative on 11/27 they submitted correspondence and asked that if it were to be deemed Land Development, they would ask that this be waived.

All witnesses indicated their answers would be consistent with Mr. Wild's summary if they were called to testify.

Mrs. Godshalk stated the Historic Commission was concerned because the information they received mentioned the potential of the properties that are within the area being eligible for the National Register. She stated while Mr. Wild indicated none of them are on the Register, there are properties eligible and the Township has paid someone to research the homes on the Patterson Farm which are within the distance. Mrs. Godshalk stated the Historic Commission did not have a problem provided the height was not changing, and Mr. Wild stated they are not changing the height. Mrs. Godshalk stated she would like to see something included that the properties are eligible for the National Register. Mrs. Godshalk also noted the Prickett family who lives next door and asked if they have been notified. Mr. Truelove stated he assumes the proper notices were sent. Mr. Wild stated the property was also properly posted. Mr. Truelove asked Mr. Wild if he would accept an Amendment in the Application reflecting the potential eligibility for Historic Registration. Mr. Wild stated the Ordinance Section itself states "no commercial communication facility will be located on any site or building registered on the National Register of Historic Places," and he feels the Application filed complies with that Section of the Ordinance as they are not proposing to locate at a site where there is a building registered on the National Register. Mr. Truelove stated it appears they are consistent with the Ordinance as they are not Registered currently.

Mr. Truelove asked for Public Comment. There was no Public Comment at this time.

Mr. Majewski stated he did review the information and prepared the report dated 12/5/07 which was attached to the Planning Commission memo. He stated the Plans were re-submitted since his initial review and addressed most of the comments. He feels they are now in compliance.

Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to grant Conditional Use.

#### CONDITIONAL USE HEARING AND APPROVAL FOR CO-LOCATION BY METRO PCS ON THE TOWER LOCATED AT 1100 EDGEWOOD ROAD

Mr. Truelove stated the Application is for co-location by Metro PCS on the tower on Township property. Mr. Michael Malloy, attorney, was present. He stated this is a co-location for six antennas at 90' on the existing 190' tower. Mr. Santarsiero read the Notice into the record. Mr. Truelove marked the Notice as Board Exhibit 1. Board Exhibits 2 and 3 were marked which are the Conditional Use Zoning Code Sections 200-90 and Section 200-50.1. Board Exhibit 4 was marked which is the Planning Commission memo recommending approval dated 12/11/07 with the attached letter dated 12/5/07 from Mr. Majewski with his comments and recommendation of approval with conditions as noted. Mr. Malloy agreed that these Exhibits be entered. Mr. Malloy was asked to identify the witnesses and summarize their testimony which they would attest to.

Ms. Anna Marie Ameen, Mr. Robert Johnson, professional engineer, and Mr. Keshab Lamichhane, the Radio Frequency expert, were present and sworn in.

Mr. Malloy distributed Exhibits which were marked as follows: Exhibit A-1 is a Metro PCS informational hand out. Mr. Malloy stated Metro PCS is a new cell phone carrier to the area setting up their business strategy by co-locating only on existing towers. Exhibit A-1 is a Lease between the tower owner, SBA Towers, Inc. and Metro PCS. Exhibit A-3 is a CV of Roger Johnson. Exhibit A-4 is a site plan dated 10/31/07, last revised 12/11/07. Exhibit A-5 is a structural analysis for SBA Network Services dated 12/17/07. Exhibit A-6 includes photographs of what the equipment cabinets will look like on the site. Exhibit A-7 is a CV of Keshab Lamichhane. Exhibit A-8 is the Federal Communications Wireless Telecommunications Bureau Radio Station Authorization. Exhibit A-9 is a coverage plan for PHO114 which is the subject site. Exhibit A-10 is a coverage plan showing the absence of coverage at the proposed site. Exhibit A-11 is a letter dated 12/3/07 from Kenneth R. Foster dealing with the electro-magnetic safety of the tower.

Mr. Malloy stated if Ms. Ameen were called, she would testify on behalf of Metro and verify the Lease Agreement to show that Metro has standing to be present this evening and identify the subject property as 1100 Edgewood Road. She would testify that the site is particularly suited for Metro's strategy of co-location and accept as a Condition of the Board's approval that Metro would place whatever Bond is necessary.

Mr. Malloy stated if Mr. Johnson were to testify, he would describe the proposed Application and the site Plan to show that it meets all Township Zoning Ordinance requirements. He would describe the existing antennas located on the site, and the possibility of Metro co-locating at 90' on the existing 190' tower. He would also testify as to the construction and installation of the antenna and that it is consistent with all industry standards. He would also testify that he has no concerns about structural failure based on the structural analysis submitted as Exhibit A-5. He would also testify on the equipment cabinets and that the pictures shown in the Exhibit Booklet are approximately what would be installed at the site and that the equipment and tower would be unmanned at all times. He would also testify that the proposed Application meets all conditions of the Conditional Use requirements.

Mr. Malloy stated If Mr. Lamichhane were to testify, he would present his CV and background and testify that Metro's License is in compliance with the FCC regulations and offer the License. He would also testify that the facilities will be maintained and operated in compliance with all applicable FCC regulations and that Metro has a mandate to produce reliable coverage. In order to obtain that reliable coverage, he would testify that they need the site and he would refer to the proposed coverage plans in Exhibits A-9 and A-10 to demonstrate that they need this coverage. He would also testify that as a result of the site being activated they would provide reliable coverage. He would also testify that the frequency emitted from the site is regulated by the FCC and pursuant to Exhibit A-11, the site complies with all safety standards.

All witnesses agreed that the statements made by Mr. Malloy were accurate.

Mr. Truelove agreed to accept the Summary and Exhibits. He asked for Public Comment, but there was no Public Comment at this time.

Mr. Majewski stated he is satisfied with the information he has heard this evening. He stated the information submitted now complies with his previous letter.

Mr. Malloy also asked that they consider the Waiver of Land Development, and this was acceptable to the Township.

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to grant the Conditional Use.

## OTHER BUSINESS

Mr. Truelove reminded the Board that the Radvany Subdivision Development Agreement is ready for signature this evening. It was noted this matter was not on the Agenda.

## ZONING HEARING BOARD MATTERS

With regard to the Jodie McCool, 371 Emerald Drive, Variance request to construct an addition resulting in greater than permitted impervious surface, it was agreed that the Township would participate for the purpose of insuring that certain stormwater management processes be followed.

With regard to the Raul Dazon, 1545 Brock Creek Drive, Variance request to construct an addition resulting in greater than permitted impervious surface, it was agreed to leave this matter to the Zoning Hearing Board.

With regard to the Thomas and Lisa Falk, 1618 South Crescent Blvd., Variance request to remove a deteriorated wooden deck and replace it with a brick patio resulting in greater than permitted impervious surface, it was agreed to leave this matter to the Zoning Hearing Board.

With regard to the Karl and Jennifer Peters, 911 Queen Drive, Variance request to construct a sunroom resulting in greater than permitted impervious surface it was agreed to leave this matter to the Zoning Hearing Board.

With regard to the Yulian Zhang Special Exception Request to permit boarding at 571 Aspen Woods Drive, Mr. Truelove stated it was agreed that the Township participate to insure that all the Special Exception requirements are met and that the Homeowners Association is notified of the Application.

Mr. Zachary Rubin, 1661 Covington Road stated he is the President of the Aspen Woods Homeowners Association, and this property is part of their Association. He stated they have declarations and documents prohibiting boarding houses on the property. He stated Mr. Zhang, as an owner, agreed to all the Covenants of the Association pursuant to the Pennsylvania Uniform Condominium Code and boarding is strictly prohibited. He stated they have certain provisos such that you may rent the property, but there must be a minimum of a one-year Lease and a maximum as to number of people that can occupy the dwelling. He stated a home cannot be used as a Commercial business which is what a boarding house is. He stated the Association would like to be notified of the Hearing, and he urged the Board of Supervisors to oppose this Application on the grounds that it is a violation of their Condominium documents and declarations.

Mr. Truelove stated the Board's purview in this matter is only to deal with the Zoning request, and they cannot deal with the documents referenced by Mr. Rubin which are between the Association and the residents. He stated they do recognize that there could be a potential violation of the Condominium documents, and this is why they included a recommendation of notification of the Homeowners Association. He stated the Condominium Association would have a separate claim that they could enforce. He stated the Association is also invited to participate at the Zoning Hearing Board, but the Township has no jurisdiction over the dispute involving their documents.

Mr. Rubin asked about the Special Exception, and Mr. Truelove stated in the Residential Zone, boarding is one of the enumerated Special Exceptions. He stated this does not supersede the Associations' documents. He stated the Association could enforce their rights separately under their Agreement. Mr. Rubin asked that the Township notify their Management Office, their Association, their Solicitor, and personally send him a Notice of the Hearing. Mr. Truelove agreed to do so.

Mrs. Godshalk stated she feels the Township has to approve the Condominium rules on Developments they have approved, so she feels the Township would have to stand behind them. Mr. Truelove stated as a legal matter he feels the Township is only approving that they would comply with the State law and with any other regulations. He stated this does not mean that the Township would enforce those rights. He stated the Township's position is not to be in lieu of the Condominium Association. Mr. Rubin stated he feels the Township should participate and oppose the Special Exception. Mr. Truelove stated the Board does have the right to do this if they decide to, although this is not his recommendation. Mr. Rubin stated he is asking the Board to oppose this request. Mr. Santarsiero stated the Association has a legal remedy aside from whatever happens at the Zoning Hearing Board since they have the Agreement which Mr. Zhang has agreed to. Mrs. Godshalk stated she feels if the Township approved the Condominium rules, the Township should stand behind them. Mr. Truelove stated he feels this may result in legal costs to the Township which are really a private cause of action. Mr. Truelove stated he does not feel the Condominium Association would want the Township telling them how to enforce their Declarations since that is a private contractual matter.

Mr. Dave Shuster, 1270 Bluestone Drive, stated he is familiar with another situation in New Jersey where boarding became an issue, and there were multiple families living in one residence. He stated this would be of concern as they would only be collecting one set of taxes to support Municipal services and the School system while providing services to multiple families living in one residence which puts an undue burden on the Township and the School system.

Mr. Truelove stated the Board is not endorsing this and are participating to make sure that the Special Exception requirements are being met. He stated this is the first time he has seen such a request in Lower Makefield, and they will consider what Mr. Shuster has reported.

#### DISCUSSION OF AWARD OF CONTRACT FOR TOWNSHIP WELCOME SIGNS

Mr. Smith stated the request is to award the Contract for Township Welcome Signs to iSign at a cost of \$10,350. Mr. Caiola asked if this cost was included in the Budget, and Mr. Fedorchak stated it was not.

Mrs. Godshalk moved to approve the award of the Contract. There was no second, and the Motion died.

#### DISCUSSION OF PROPOSED LETTER TO DELAWARE VALLEY REGIONAL PLANNING COMMISSION REQUESTING ADDENDUM TO THE REGIONAL TRAFFIC DRAFT REPORT

Mr. Santarsiero stated the Regional Traffic Task Force commissioned the Delaware Valley Regional Traffic Commission to prepare a report recommending certain changes to the roads in the Townships covered by the Task Force. He stated a draft report was prepared; and at the October meeting, the Task Force did not adopt the report. He stated residents have asked the Board to write a letter to the DVRPC asking that they make sure that all the Townships' previous comments be included in the draft as an addendum to the report and that it be made clear to the DVRPC that this draft report has not been adopted. He stated the concern is that the document as it currently exists says, "Final Report" as does the DVD. He stated there is a concern that without the clarification in writing, this document will take on a life of its own, and it should be made clear that it is not a final report. He stated the Task Force will meet in March to consider it; but at this point there is no final report, and this should be made clear in the record, and this letter would do so. It was the consensus of the Board that Mr. Fedorchak write such a letter.

Mr. Stainthorpe asked if the Regional Task Force did not take action on the report or did they reject it. Mr. Caiola stated because of the fact that a number of the comments were not included, it was not acted upon. He stated the name of the document is still "Final Report," and he feels they should reiterate what they have already provided which was a litany of problems they had with the report and that it was not adopted by the Task Force.

Ms. Sue Herman, RRTS, stated it is important to note in the letter that there were two Motions that were voted upon at the meeting and both failed. She stated the language also needs to be very specific in the letter because what was voted on at the October 29 meeting was called the Bucks County Regional Traffic Study Final Report, and it was no longer called a draft. She stated the DVRPC did not include their logo on the DVD label, and she feels this makes this a situation where it could be misrepresented as a Final Report that is endorsed by the Municipalities. She stated she would request that the DVRPC be asked to put their logo on every bit of material they publish. Mr. Fedorchak

was asked to add these items in the letter. Ms. Herman stated she feels an amended report with the addendums should go to all of the original recipients of the report.

Ms. Herman stated she is also concerned with the impact on the Township of traffic from the Veterans' Cemetery. She stated she feels some of the recommendations in the Bucks County Regional Traffic Study may come up in discussions when the traffic evaluation is made for the Veterans' Cemetery. She stated a letter was sent to Upper Makefield and Newtown requesting inclusion in the traffic evaluation process for the Cemetery. She stated a letter was also sent 3/21/07 to PennDOT District Six asking for the opportunity to give input to the Highway Occupancy Permit review process for the Cemetery. Ms. Herman asked the Board of Supervisors to again communicate Lower Makefield's desire to be included in the process. She stated she feels this needs to be done now as if they wait, the decision regarding the primary access point, routing, and fixes for intersections that are surrounding the Cemetery will have already been made and the input will then be less effective. She stated there will be a significant impact to Lower Makefield's road system. She asked that the Board re-issue the communications to Upper Makefield, Newtown, and PennDOT District Six and forward those communications to the Veterans' Administration as well as write to the Veterans' Administration directly to ask for inclusion of Lower Makefield in the review process prior to any final determination. This was acceptable to the Board, and Ms. Herman was asked to e-mail Mr. Fedorchak with the information she presented this evening.

#### SUPERVISORS' REPORTS

Mrs. Godshalk stated she will continue her association with the Garden of Reflection and she asked Mr. Fedorchak to provide her with the bid documents for last year as they would like to work up new proposals for the landscaping. She stated while the Committee has raised the funds for this, the Township does handle the finances for them.

#### APPROVE AUTHORIZATION FOR SIGNING OF STIPULATION AND ORDER WITH REGARD TO L.M. ASSOCIATES

Mr. Truelove stated they were able to secure a Stipulation, Order, and Agreement in a condemnation matter which commenced in 1999 between the Township and L.M. Associates of Lower Makefield. He stated they have been able to settle the matter for the amount discussed previously, and the balance is \$1.09 million. The funds are coming from funds already set aside for this matter and through a borrowing. He stated this will not increase any debt to the Township.

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to authorize Mr. Fedorchak to sign the Stipulation and Order on behalf of the Township.

#### APPOINTMENTS

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to re-appoint David Rogers, Lisa Huchler-Smith, and Ann Piccinotti to the Disabled Persons Advisory Board.

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to re-appoint Grace Godshalk and Darrell Kates to the Golf Committee.

Mr. Santarsiero moved, Mr. Caiola seconded and it was unanimously carried to appoint Greg Calabria and Robert Grossman to the Elm Lowne Committee.

#### OTHER BUSINESS

Mr. Smith thanked the Board and the Township for allowing him to serve as Chairman for the past year. He stated he feels they did a number of good things in 2007 including the Town Hall meeting, Community Day, Spring Fling, and the Veteran's Day Parade. He stated he feels a lot of steps were made toward quality of life, and he hopes they will continue their good work with the Citizens Traffic Commission, Disabled Person's Board and the other Boards and Commissions in the Township. He feels the Budget Commission did a good job helping with the Budget this year, and he looks forward to hearing from the Economic Development Commission in 2008. He stated he looks forward to working with the Supervisors in 2008.

There being no further business, Mr. Santarsiero moved, Mr. Caiola seconded and it was unanimously carried to adjourn the meeting at 11:20 p.m.

Respectfully Submitted,

Steve Santarsiero, Secretary

