

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – JUNE 18, 2008

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 8, 2008. Chairman Caiola called the meeting to order at 7:30 p.m. noting the Board met in Executive Session from 6:30 p.m. to 7:30 p.m. discussing personnel and real estate matters. Mr. Maloney called the roll.

Those present:

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

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

TRENTON MERCER AIRPORT EXPANSION UPDATE

Mr. Stainthorpe stated that Mr. Paul Krupp and Mr. Bill Potter are here tonight to give a very important announcement regarding the Trenton Mercer Airport expansion. Mr. Krupp stated as of June 9, 2008 the Federal Aviation Administration (FAA) withdrew its finding that airport expansion would cause no significant impact to the environment which was appealed to the 3rd Circuit of Appeals by BRAMM. He stated Mercer Airport has withdrawn all plans for expansion of the Trenton Mercer Airport. Accordingly, BRRAM will file a motion for dismissal conditioned upon the FAA giving pre-notification to the Township of any future expansion plans. Mr. Krupp asked the Board of Supervisors to join BRRAM in a motion for dismissal of their case.

Mr. Santarsiero moved that the Township join BRRAM in filing a motion of dismissal in the aforementioned case. Mr. Smith seconded the motion and it was unanimously carried.

Mr. Stainthorpe congratulated Mr. Krupp on the positive outcome of this case. He stated this case goes back a long time and Mr. Krupp stayed with the case for 13 years and raised money for the legal battle against the Trenton Mercer Airport expansion.

Mr. Smith stated the great thing about this Township is the grassroots efforts such as BRRAM, RAM, RAFT and RRTS to maintain the quality of life here.

PENNSBURY U-15 BOYS BASKETBALL TEAM

Mr. Caiola stated Mr. Kevin Harris, coach of the Pennsbury U-15 Boys basketball team and members of the basketball team are here tonight to talk about their great accomplishments this season. Mr. Harris stated he has 12 great kids on his team and his team went to Nationals last year in Florida and this year are returning to Nationals in Myrtle Beach and hoping to win. He stated the team is fundraising to pay for the cost of the trip. Mr. Harris introduced all of the boys on the team in the audience. Mr. Smith wished the boys basketball team good luck at Nationals.

PUBLIC COMMENT

Ms. Sue Herman of RRTS stated plans for the Veteran's cemetery in Upper Makefield were presented recently and the main entrance to the cemetery would be located on the Highland Road. She stated the Courier Times published an article regarding the Veterans Cemetery plans and the article lacked stating the public's displeasure with the location of the entrance on Highland Road. Ms. Herman stated the entrance to the cemetery should be on an arterial road. She stated there is strong public opposition to the entrance on Highland Road. Ms. Herman stated State Representatives Petri and Steil are currently pushing a roundabout on Stoopville Road and Route 532 also despite public opposition. Such a roundabout would encourage and result in a Northern bypass on Stoopville and Lindenhurst Roads. Ms. Herman stated that Representative Steil in a letter to the Editor of the Courier Times guest opinion that the proposed roundabout is in an area ripe for change. She stated Representative Steil is promoting unneeded change with a roundabout on Stoopville Road. Ms. Herman stated she resubmits into public record the 120-page traffic study document that the Lower Makefield Township Board of Supervisors rejected. She stated on the meeting agenda the Board is expected to discuss a proposed feasibility study for a roundabout in the Township and she asked that the Board stay vigilant about these issues.

Mr. Stainthorpe stated most of the proposed roundabout Ms. Herman is talking about is in Lower Makefield Township and the Township has been very clear that it is opposed to the roundabout and therefore has control over the final decision.

Mr. Santarsiero stated the real issue is the plan to realign Stoopville Road to make it a clearer shot onto Lindenhurst Road and the Township will continue to fight that plan. Ms. Herman stated the proposed roundabout will encourage truck traffic in residential areas. She stated traffic calming and a traffic light at Stoopville Road and Lindenhurst roads is needed.

Mr. Smith stated he and Mr. Caiola have been on the Regional Traffic Planning Task Force for several years now and the traffic study experts for the Task Force tried to convince the panel that a roundabout would work and he does not agree. He stated he and Mr. Caiola will make sure that Stoopville Road doesn't turn into a superhighway. Ms.

Herman stated Representative Steil's letter to the Editor stated that emissions would be reduced if a roundabout was created which she does not believe. She stated the bypass is nonfunctional and Representative Steil doesn't seem concerned.

Mr. Santarsiero stated on one hand of this discussion is traffic and the other is potential development. By realigning Stoopville Road it will promote more growth in the area. He stated as a region we are affected by this proposal and need to speak up.

Mr. Smith stated that he speaks on behalf of the Board and it will continue to oppose and fight a roundabout on Stoopville Road. Mr. Fedorchak asked if we should sit down with other Township's to discuss their intentions regarding this issue. Mr. Santarsiero replied yes. He stated there are traffic improvements that could be made without the construction of a roundabout.

Ms. Herman stated the Northern bypass is being talked about behind closed doors and we need to plan for and how to handle it. Mr. Smith stated the Township and Traffic Planning Task Force are opposed to any Northern bypass and asked Ms. Herman who is talking about a Northern bypass.

Mr. Randy Dahl stated he lives in Heacock Meadows which is built on the edge of I-95. He is concerned about the noise from I-95 and would like to see traffic barriers. Mr. Caiola stated this issue is on the agenda tonight and the Board would discuss noise and traffic from I-95 later in the meeting if he could hold his question until then.

Mr. Jim Bray from the EAC stated he would like to give the Board some updates on what he and the EAC have been doing lately. He attended and spoke at a very prestigious conference at Millersville University on June 6th about the Township's environmental initiatives. Also last Saturday, June 14th Congressman Murphy hosted the first in a series of green conferences and asked the Township to host the first one because of its environmental ordinances and green policies. He stated Mr. Fedorchak set up a visit to New Egypt, New Jersey to a winery run by solar power. Mr. Bray stated he received the Green Building code information from Doylestown and on August 6th he would attend a meeting on how the Township building could be run as a Green Building.

Mr. Steve Levin noted that no action has been taken on the amateur radio ordinance and he would like an update from the Board. Mr. Santarsiero stated the Planning Commission met in February and agreed that Mr. Donaghy would make revisions to the proposed ordinance before it could be finalized. In concept, there is an agreement to present the ordinance to the Board of Supervisors and it just needs revisions. Mr. Truelove stated he would talk with Mr. Donaghy about the status of the revisions to the proposed ordinance.

Harold Cooper Smith asked what the final decision was about selling the Township sewer system. Mr. Santarsiero stated the Township rejected Penn American's bid to purchase

the sewer system. Mr. Cooper Smith stated he is disappointed the Township did not sell the sewer system.

Mr. Sam Conti, Sutphin Road stated there was a recent Courier Times article about the Falls Township Police Department hosting a document shredding day. He stated he would like to see a document shredding day in the Township and previously asked the Special Events Committee if they would look into it and never received a reply. Mr. Smith stated he was never aware of Mr. Conti's request but would follow up on his request.

Ms. Rebecca Cecchine 9 Manor Lane, stated tomorrow is the Township farmer's market from 3:30 p.m. to 7 p.m. at the park across from Woodside Church. There will be an adopt-a-pet program, Shady Brook Farm will have ice cream made from local Bucks County Dairy farms and recycling cookbooks where residents can bring old cookbooks and trade them in for another cookbook.

APPROVAL OF MINUTES

Mr. Santarsiero moved, Mr. Maloney seconded and it was unanimously carried to approve the Minutes of March 5, 2008 as written.

APPROVAL OF JUNE 2 AND JUNE 16, 2008 WARRANT LISTS AND MAY, 2008 PAYROLL

Mr. Maloney moved, Mr. Santarsiero seconded and it was unanimously carried to approve the June 2, 2008 and June 16, 2008 Warrant Lists and May, 2008 Payroll as attached to the Minutes.

DISCUSSION OF TPD, INC. SCUDDER FALLS TRAFFIC AND NOISE REVIEW PROPOSAL

Mr. Santarsiero stated there are two parts of the TPD, Inc. proposal, the first part being review of the methodology of the sound in the I-95 corridor and Scudder Falls Bridge area. The second part of the proposal deals with what to do to advocate sound barriers in the southern area of the Township near I-95.

Mr. Santarsiero stated the Bridge Commission in its study covered most of the sound measures from the Scudder is Falls Bridge to Route 332. He stated in other areas where residents border I-95 have requested additional sound coverage as well as residents with proximity to the truck weigh station on I-95 which is a small length of land for additional sound barriers. Mr. Santarsiero stated he went out to all of these locations and noted the excessive noise in these areas.

Mr. Santarsiero stated he would like to send a letter to the Bridge Commission memorializing the agreement of the recent meeting with them and request that additional areas be covered with sound barriers. He stated the reason the Township asked TPD, Inc. to do the study and analysis is so that the Township may go back to the Bridge Commission with proof of the need for additional sound barriers as well as request that PennDot cover the area not covered by the Bridge Commission. Mr. Santarsiero stated the total cost for both studies is \$10,000 and he recommends the Board authorize both studies which lead to a quality of life issue in the Township.

Mr. Santarsiero stated the methodology of TPD, Inc. would strengthen the Township's case for sound barriers and they have worked with PennDot before. Mr. Stainthorpe stated \$1500 for the first study is not excessive. He asked if TPD, Inc. thinks the Bridge Commission study is flawed. Mr. Stainthorpe asked if the Township has the money for both studies budgeted. Mr. Stainthorpe stated neither items have been placed in the budget but the Township could use money from the capital improvements budget for the study.

Mr. Maloney stated as to the first part of the study which costs \$1,500, while we have commitments from Mr. Fedorchak and Mr. Santarsiero's meeting with the Bridge Commission, the study would be beneficial for future negotiations that will inevitably come up with this matter. He stated as to the second part of the study which costs \$8,900, if the study is that broad the Township may want to hold off if the Township does not have the money in the 2008 budget and to the study in 2009 when it could be budgeted.

Mr. Caiola asked Mr. Santarsiero if the second part of the study could wait. Mr. Santarsiero stated we have residents that live with this noise from the highway and have lived with it for years. He stated as to the request in the southern part of the Township, we should look at this as one issue when approaching PennDot and the Bridge Commission. He stated that \$8,900 will not have a huge impact on the Township budget this year and this leads to a quality of life issue in the Township for these residents who have requested relief.

Mr. Smith stated he and Mr. Santarsiero attended a meeting at the middle school at the beginning of the Bridge expansion process and we would be foolish not to have both studies done. There is an urgency to both studies and we should spend the money for those residents to protect them.

Mr. Stainthorpe asked in terms of PennDot, do we know if there is a formal process to apply for sound barriers before we commit to spending funds for a study. Mr. Santarsiero stated at a Traffic Commission meeting he asked an engineer at TPD Inc. that question and the engineer stated the first step to request sound barriers is to gather data through such a study. The engineers stated our case is only as persuasive as the data presented.

Zachary Rubin, 1661 Covington Road stated his house is 283 yards from I-95. He stated the Federal Highway Trust Fund was one of the most successful government funds to maintain roads which were funded partly by the gasoline tax and later the Reagan administration emasculated the program. Mr. Rubin stated he strongly supports the study in whole by TPD, Inc. When talking about the validity of the Bridge Commission study and where barriers are needed, the study is flawed.

Mr. Smith asked Mr. Dahl if his questions were answered. Mr. Dahl replied yes and asked that both studies be approved because sound barriers are badly needed. Another Heacock Meadows resident also asked the Board for their support of the residents need for sound barriers.

Mr. Santarsiero moved to approve the TPD, Inc. study in the amount of \$10,400. Mr. Smith seconded the motion.

Mr. Maloney stated he would not approve to spend money on a study that the Township does not have budgeted. Mr. Santarsiero rescinded his motion.

Mr. Santarsiero moved to approve the TPD, Inc. study in the amount of \$1,500 in accordance with the terms of the letter dated June 3, 2008. Mr. Stainthorpe seconded and in the motion was unanimously carried.

Mr. Santarsiero moved to approve the TPD, Inc. study in the amount of \$8,900 in accordance with the terms of the letter dated June 3, 2008. Mr. Smith seconded in the motion carried 3 votes yes and 2 votes no, Mr. Caiola and Mr. Maloney opposed.

TRANSPORTATION INITIATIVES

Mr. Santarsiero stated as a result of attending Congressman Murphy's conference on Saturday there are two things to consider for the Township with the economy as it is and the price of gas. The Township needs to look at energy alternatives and look to public transportation and SEPTA comes to mind. He stated none of the local train stations have ticketing machines on the platforms. Mr. Santarsiero stated he is not sure if there is a penalty to pay on the train if a passenger boards at any of these stations. He would like to see the Board and other Township's proposed that SEPTA install ticket machines at these train stations and allow the use of a credit card or Debit card for payment.

Mr. Santarsiero stated the second piece for the Township to consider is to facilitate sharing rides. The Township could make it easy for residents to carpool by utilizing and expanding the Township website to allow people to share information on commuting and exchange the information with other residents. He stated the Township would only provide space for the service and it would not actually facilitate rides.

Mr. Stainthorpe stated the Township should look into if a penalty applies to passengers who purchase train tickets on the train boarding from stations that do not have a ticket office. He agreed that ticket machines are a good idea as well as the rideshare idea the Township could facilitate.

Mr. Smith agreed that Mr. Santarsiero presented great ideas especially that we could utilize the Township website to facilitate these ideas.

Mr. Santarsiero proposed that he would raise these ideas at the next League of Municipalities meeting to get other municipalities involved.

Zachary Rubin, 1661 Covington Road stated SEPTA does not have any automatic ticket machines and SEPTA has been pressured in the past to waive the penalty fees because of the lack of automatic ticket machines.

Mr. Bray stated his wife uses SEPTA to go to Philadelphia frequently and there are no machines at the local stations. She does not paying a penalty but does pay a premium. He stated that SEPTA will refund the premium but it is very cumbersome to obtain.

Mr. Santarsiero asked if a motion is needed. Mr. Truelove replied no, just a letter is needed.

Mr. Santarsiero stated also at Congressman Murphy's conference on Saturday, a woman talked about how she converted her late model Volkswagen to consume vegetable oil. She drove from Washington, DC to Bucks County on only 5 gallons of vegetable oil. The cost to reconfigure her car was \$3800. Mr. Santarsiero suggested the Township look into the cost to convert some of the Township vehicles to consume vegetable oil as an alternative. He also noted there are no emissions from using vegetable oil as a fuel. Mr. Santarsiero asked Mr. Bray and the EAC to look into the cost of converting Township vehicles to vegetable oil. Mr. Stainthorpe stated the EAC should also consider alternative fuels in general for Township vehicles noting there are a variety of alternatives out there.

Mr. Bray stated as part of Cool Cities we are looking into hybrid vehicles for the Township. He noted that Falls Township has already instituted a program to capture local vegetable oil for their vehicles that have been converted. Mr. Santarsiero stated if this concept catches on with other municipalities collective agreements could be made with local businesses to support this alternative fuel concept.

TABLE APPROVAL OF ORDINANCE NO 376 PROHIBITING SMOKING IN TOWNSHIP-OWNED PARK AND RECREATION AREAS

Mr. Caiola stated there was a front page article in the newspaper last week about the state law prohibiting smoking in public areas. Prior to approval of the state ban on smoking the Township drafted an ordinance prohibiting smoking in Township owned park and

recreation areas which ordinance could be challenged if the state law preempts the Township ordinance. Mr. Caiola asked Mr. Truelove to explain if the state law will affect or preempt the Township ordinance.

Mr. Truelove stated that state law takes precedence over municipal law and in this case he must determine if the state prohibition on public smoking preempts the municipal ordinance and if and if so, the municipal ordinance would be null and void. In anticipation of this, he researched the state law and he determined there is no conflict with state law because it would not go into effect for 90 days. His recommendation is that the Township enacts the ordinance as soon as possible so as not to conflict with the state law.

Mr. Santarsiero moved and Mr. Smith seconded to approve ordinance number 376 prohibiting smoking in Township owned park and recreation areas.

Mr. Stainthorpe stated he had supported this prohibition of smoking in Township owned park and recreation areas since the beginning yet he has been contacted by several residents expressing their discontent that this prohibition is a violation of their rights. He stated there should be more public input on this ordinance before it is enacted. Mr. Stainthorpe stated that Park & Recreation has not had the opportunity to respond how this ordinance would affect them. If no one objects then the Township should proceed.

Mr. Maloney stated the initial discussion on this matter happened when he was on vacation and his reaction was to support the ordinance and to pursue approval of this ordinance.

Ms. Virginia Torbert Yardley Langhorne Road stated this ordinance has nothing to do with libertarian issues. This is a health issue and children are being exposed to secondhand smoke. She stated she has lost several people in her family to lung cancer and supports this ordinance. She stated she is also concerned with the issue of people throwing their finished cigarettes on the artificial turf. Mr. Santarsiero stated none of the Board members are opposed to the ordinance but want to give all parties the opportunity to weigh in on the issue.

Mr. Smith stated he is against tabling this issue. He stated the Police Department runs the DARE program in the schools telling kids not to smoke, do drugs or drink. This issue has been on the agenda three times and we need to vote on it tonight even though we are enacting something that is difficult to enforce. Mr. Stainthorpe stated he is not changing his position he is just giving everyone the opportunity to give their point of view.

Mr. Santarsiero suggested putting this ordinance on the Park and Recreation Board agenda for their meeting in two weeks for a decision then at the Board of Supervisors could vote on the ordinance. Mr. Stainthorpe stated he agreed with Mr. Santarsiero's suggestion.

Zachary Rubin, 1661 Covington Road stated the proper motion is to put to the Board to debate tonight. He stated he opposes sending this matter to the Park and Recreation Board to debate at this point. Mr. Rubin stated as to the libertarian argument, any person can do what they wish on private property but when it comes to public property the best interest of the public should upheld. Secondhand smoke is a danger to all people and smoking should be banned in public places. Mr. Rubin asked that this issue not be passed off to Park and Recreation.

Mr. Santarsiero withdrew his motion and approval of the ordinance would be placed on the next Board of Supervisors meeting agenda pending input from the Park & Recreation Board.

ZONING, INSPECTIONS AND PLANNING

Mr. Santarsiero moved Mr. Stainthorpe seconded to grant an extension of time for the Lotus track to October 7, 2008. The motion unanimously carried.

SUPERVISORS REPORTS

Mr. Caiola stated the EAC met and Mr. Bray gave an update earlier in the meeting. The Historical Commission will meet next week and are planning an event at Patterson Farm on December 9th which includes photos with Santa Claus. He stated this is a great use of Patterson Farm.

Mr. Smith stated the Elm Lowne Committee is working on a historic overlay. The Veterans Committee is doing research on potential sites for their Memorial. The Traffic Committee is discussing roundabouts and the Special Events Committee is working once again on Midnight Madness re-scheduled for next month.

Mr. Maloney stated the Zoning Hearing Board met last night and approved the variance for the Makefield Elementary renovation. He stated the Golf Committee has been working on ventures to generate revenue such as the Friday night decked party which was a huge success.

OTHER BUSINESS

Mr. Santarsiero stated that Mr. Schiller proposed on behalf of the Budget Committee that the discounted pool fees for guests be extended from 5 p.m. to 4 p.m. and suggested at trial from July 1st to August 6th which date coincides with the date of the August Board of Supervisors meeting in the Board could decide that night if it wishes to permanently enact this extension. The request was discussed by the Park & Recreation Board and they agreed to the trial period. Mr. Fedorchak stated this extension of the guest fee would not affect revenue. Mr. Maloney asked why the Park and Recreation Board is asking for an

extension on the guest pass fee. Mr. Santarsiero stated it would give a break to residents such as kids who bring friends to the pool as guests in earlier.

Mr. Fedorchak stated the pool keeps detailed records of guess that enter the pool and we would be able to determine the impact of this trial on revenue. Mr. Stainthorpe stated he does not see this trial as a big issue but asked why the Budget Committee is involved. Mr. Fedorchak stated the Budget Committee was talking about fees in general at one of their meetings and in the course of that the pool guest fees came.

Mr. Santarsiero moved and Mr. Maloney seconded to extend the discounted guest fee time to 4 p.m. for a trial period from July 1st to August 6th. The motion unanimously carried.

APPROVAL OF NO PARKING SIGNS ON SUTPHIN ROAD

Mr. Truelove stated residents on Sutphin Road asked the Township to establish no parking on Sutphin Road from Yardley-Morrisville Road up to Moon Drive. He stated he is looking to the Board to authorize no parking signs on the road.

Mr. Smith asked if there is a lot of parking on Sutphin Road. Chief Coluzzi stated this request came up as a result of trucks making deliveries to Marrazzo's and parking on Sutphin Road which blocks visibility on the road.

Mr. Santarsiero asked if the next step is to have an engineer look at the road. Mr. Truelove stated that is the next step followed by drafting an ordinance.

BLACK ROCK ROAD CULVERT STATUS

Mr. Majewski stated the Black Rock Road culvert bids are still in review by the DCNR and a decision would be forthcoming in the next couple of weeks.

Mr. Majewski stated as to Doe Trail Road, he, Mr. Habgood and the property owner recently met at the site about the issues that need to be resolved at Doe Trail Road. The next step is the owner will seek a permit from the Bucks County Conservation District and Mr. Majewski will continue to follow up on the progress of the resolution.

APPOINTMENTS TO BOARDS AND COMMISSION

Mr. Maloney moved and Mr. Stainthorpe seconded to appoint Ms. Ann Devlin to the Historical Commission. The motion unanimously carried.

Mr. Caiola asked Mr. Truelove if an alternate could be added to the Historical Commission. Mr. Truelove stated he would follow up but the NPC does not provide for an alternate.

There being no further business, Mr. Santarsiero moved, Mr. Caiola seconded and it was unanimously carried to adjourn the meeting at 9:25 p.m.

Respectfully Submitted,

Matt Maloney, Secretary