

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – JULY 2, 2008

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on July 2, 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

Mr. Caiola stated that many of you may know that Michael Dolnick, Gene Dolnick's son recently passed away and he asked everyone for a moment of silence.

PUBLIC COMMENT

Ms. Amy Hamacher, 1220 Landmark Road stated she is concerned about the safety of using the bike paths near the Township building to the pool and playground. She said there is no safe way to get to these locations and asked that a crosswalk be installed at the light near Kids Kingdom and an extension of the bike path in that area. Ms. Hamacher also asked for the bike path to be continued and crosswalks near McCaffrey's. Mr. Smith stated the Park and Recreation department is going on a road tour soon and he will ask that bike paths and crosswalks in those areas and other areas in the Township be looked into.

Mr. Santarsiero stated the Township has a map of the Township and would eventually like to connect all of the bike paths in the Township. He stated there is a problem in some parts of the Township with the right of way and it is expensive to buy the land for the right-of-way. . He stated the residents of Westover approached the Township recently to create a bike path in that area on Black Rock Road and the Township plans to, we are just waiting for the canal intercept to be completed.

Ms. Sue Herman from RRTS spoke about regional traffic and how it relates to the Veterans Cemetery, the new Toll development on Stoopville Road that is part of the cemetery deal and modifications to Washington Crossing Road. Presently there is a

threat of Stoopville, Lindenhurst, Woodside and Dolington roads becoming arterial roads with much more traffic. If they become arterial roads this will create a vicious cycle of more growth and more building that will significantly change the quality of life in our region. Instead of turning these roads into arterial roads through widening and installing roundabouts, every effort should be made to keep traffic on existing arterial roads rather than creating new ones. The policy objective should be more traffic calming on these roads similar to the approved calming on Lindenhurst Road. We should be putting in traffic lights and stop signs which would introduce traffic gaps and speed control opportunity. Ms. Herman stated that roundabouts would bring traffic to the area at higher speeds and be a truck magnet. We need to be certain not to include roundabouts in our goals. She asked the Board of Supervisors to support not allowing roundabouts within the Township.

Mr. Santarsiero stated when we spoke about this Ms. Herman indicated at the last Upper Makefield Township meeting there was discussion about roundabouts and there was discussion about representations made about our Board's position. Ms. Herman replied yes at the June 18th, the Upper Makefield Township manager stated he received a call stating that our Board was interested in forming a committee to discuss the feasibility of a roundabout at the intersection of Stoopville and Route 532 and that was surprising to her. Mr. Santarsiero recommended the Township stay in regular contact with Upper Makefield and other Township's regarding the cemetery and other road improvements. A roundabout at that intersection is contrary to the traffic calming that we are supporting on Lindenhurst Road and we need to make it clear to all Townships we are against to any roundabout at that intersection and the realignment of Stoopville and Lindenhurst road. Mr. Santarsiero requested a letter be sent to the other Townships clearly stating our position.

Mr. Caiola stated he spoke with Bob West of Upper Makefield Township about a secondary alignment of roads and Mr. West stated he understood how Lower Makefield Township feels about the roundabout and Mr. Fedorchak also communicated that position as well to him.

Ms. Herman stated residents are concerned about these mini meetings that are taking place outside the Task Force because ideas that are not selling there are being sold outside meetings. The Upper Makefield Township Board asked Mr. Turk, the Undersecretary of Veterans affairs if they would add a lane on Highland Road to facilitate funeral traffic. Mr. Caiola asked if it is a turning lane and Ms. Herman stated it would be a third lane between Washington Crossing Road and Highland Road. It was also discussed to widen Washington Crossing Road. Residents came out to the meeting to protest the widening of Washington Crossing Road. Any roundabout in that area would encourage higher speeds and more trucks on those roads.

Mr. Caiola asked what Upper Makefield's opinion of an additional lane on Washington Crossing Road is. Ms. Herman stated the Upper Makefield Board of Supervisors requested the widening Washington Crossing Road.

Mr. Santarsiero stated his concern is about Upper Makefield's misunderstanding of Lower Makefield's position on these road improvements and a letter should be sent clearly stating the Township's objection with a copy to the Regional Traffic Planning Task Force.

Mr. Smith asked if the Township has formally put its position in writing and Mr. Santarsiero replied no. Mr. Santarsiero stated a roundabout is meant to move traffic and we are trying to slow traffic in that area.

Mr. Smith asked the status of the traffic calming, phase II on Lindenhurst Road is. Mr. Majewski stated the project has been permitted but not budgeted. Mr. Santarsiero stated the Township is waiting for funds from PennDot for the project. Mr. Fedorchak stated the Township received \$250,000 for traffic calming but has exhausted that money. Mr. Smith asked if the Township could make an application for more funds. Mr. Fedorchak stated he would look into the possibility of more funds and would hopefully know by budget time.

Ms. Herman stated Congressman Murphy has applied for \$2.2 million dollars for traffic improvements in the region and noted that much of the money should be used for traffic calming.

Mr. Maloney stated he is concerned about the widening of Washington Crossing Road which would open the floodgates for greater traffic problems and the Township should be part of a letter to the other parties involved asking that the road not be widened.

APPROVAL OF MINUTES

Mr. Maloney moved, Mr. Santarsiero seconded and it was unanimously carried to approve the Minutes of June 18, 2008 with changes.

DISCUSSION OF ELECTORAL DEBT REFERENDUM

Mr. Santarsiero stated in late 2006 the Board asked the Environmental Advisory Council to do a comprehensive inventory of all remaining open space in the Township. The idea was that we wanted to know what undeveloped large and smaller parcels remained. The smaller parcels that remain if developed could have a detrimental effect on the character of the Township. The EAC completed the inventory and the Township is interested in acquiring the development rights to some of these properties but doesn't have the ability to issue bonds under our last open space referendum which has a balance of 1.5 million. The idea is to do another open space referendum this fall to borrow an additional amount

of money to seek this open space agenda. It is important to seek a referendum called electoral debt which would not count toward our debt ceiling as a Township. It is also important to get public opinion about the referendum. We have to approve this by our next meeting on August 6th and the amount of money of debt and the language so that it can be approved at the County Board of Elections for November 4th.

Mr. Truelove stated that Mr. Santarsiero was correct about the structure of the debt and the 45 day time frame before the election to get on the ballot. At the August meeting the Board would establish the amount and purpose of the debt and the debt would not be automatically incurred but would give the Board the authority to incur the debt. . He stated this borrowing would give the Township up to 10 years to incur the debt and the Township could borrow money under different bond issues each time it needs funds and could incur debt up to the amount asked for.

Mr. Sam Conti stated on the 1988 referendum the Township borrowed \$7.5 million and asked what the money was spent on. Mr. Fedorchak stated \$1.5 million was spent on a conservation easement on the Ruth Wright farm, purchase of Banko farm, a conservation easement of four acres at Prospect Farm for \$780,000, 34 acres at Snipes for \$1.2 million, 26 acres at the Samost tract for \$1.5 million, open space purchase of 12 acres at Elm Lowne for \$685,000 and 33 acres at the Fatyol tract for \$56,000. Mr. Conti asked with the money that remains are there any plans for open space purchase and Mr. Fedorchak replied no not at this time.

Mr. Conti asked how much money would be requested and how would it be spent. Mr. Stainthorpe stated the money would be for open space purchase and the Board would determine a specific amount after discussion. Mr. Conti asked if the Board has come up with an approximate amount yet. Mr. Stainthorpe stated the Board does not know yet but would like the ability to buy properties if they become available. Mr. Santarsiero stated we have an idea of what properties the Township would purchase whether the owners will sell those properties we don't know but want the funds available to make a purchase if the opportunity arises.

Mr. Smith stated this is the reason the Township did the open space inventory. Mr. Santarsiero stated to also preserve the present character of the Township.

Ms. Colleen _____ asked if Mr. Fedorchak or Mr. McCloskey could let the taxpayers know how the borrowing would affect the tax payers in terms of the increase of mills and dollars on our tax bills. Mr. Fedorchak stated if the Township borrowed \$5 million that would result in \$320,000 in debt service which is the equivalent of .64 mils per year. If \$10 million were borrowed which is the debt service of approximately \$633,000 that would be 1.3 mils per year and \$15 million borrowed the equivalent of 950,000 in debt service would be 2 mils. Mr. McCloskey stated one mil equals \$40.00. Mr. Fedorchak stated that \$10 million would be approximately \$52 per year per household.

Mr. Maloney stated a 40,000 assessment equals approximately \$6000-\$7000 in real estate taxes per year. Mr. Santarsiero stated be Board would determine the amount to be borrowed at the next meeting.

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

Mr. Truelove stated this ordinance has been discussed several times, the ordinance has been properly advertised, is within the 60 day expiration and the ordinance was deferred to tonight for reenactment. He noted that the Park and Recreation Board were given the opportunity to weigh in on their opinion of the ordinance.

Mr. Santarsiero stated he spoke with all but one Park and Recreation board member and all of the members supported the proposed ordinance. He stated that one Park and Rec member Mr. Fritchey asked how the Township ordinance would be enforced. There was also a concern of another Park and Rec member that the ordinance would limit the rights of residents. Mr. Santarsiero suggested amending the ordinance to allow smoking in designated areas.

Mr. Caiola stated he received a few e-mails from people both in support of the ordinance and against the ordinance and comments about taking away residents rights. Mr. Maloney agreed with Mr. Santarsiero's compromise to allow smoking in designated areas.

Mr. Truelove stated section 3 of the ordinance states that smoking is prohibited in all areas except as posted by the Township. He stated the Township could do a study to determine where it could be posted to allow a designated smoking area.

Mr. Maloney stated he is concerned about not being able to enforce this ordinance. Mr. Truelove stated the Township Code enforcement officer, the Board of Supervisors and the Police Department can enforce the ordinance. He stated if there is insufficient enforcement of the ordinance the Township could empower Township employees at any of its facilities to enforce the ordinance.

Mr. Smith stated two people are here tonight who wrote to him about their objection to the ordinance and he noted there are signs posted in our parks not to park in certain areas or dogs to be on leashes and people continue to violate these rules because there is no enforcement.

Mr. Bob Lambert stated he wrote to all of the Supervisors that he is against the smoking ban although he is not a smoker. Mr. Lambert read excerpts of the letters he wrote to the Supervisors. He stated the ordinance is taking away the rights of citizens. Mr. Lambert brought up the issue of enforcement of the ordinance. He stated people have the right to make their own decisions and we cannot legislate everything.

Timothy Malloy, Makefield Road stated the public accepted indoor smoking as hazardous to others. Bans on smoking in offices forced people to go outside and most smokers choose to smoke right in front of the entrance doors where non-smokers entering the building are exposed to secondhand smoke. Implementing a ban on smoking immediately outside building doors should be considered. Mr. Malloy stated proximity is the issue to ingesting secondhand smoke. Cigar smoking creates a greater risk than smoking and exempting smokers at the golf course is not a good idea. He agrees that a compromise to allow designated smoking areas would work.

Zachary Rubin, 1661 Covington Road stated at the June 18th Supervisors meeting this issue was passed to the Park and Recreation board for public comment. Mr. Santarsiero said that statement is not accurate. It was proposed that the Supervisors discuss the ordinance after the Park and Recreation board meeting but their meeting was after the Board of Supervisors meeting. He called the Park and Recreation board members and asked their opinion of the ordinance. Mr. Rubin stated this is the fourth meeting on this issue and the public has had plenty of input. He is opposed to designated smoking areas on Township property. The role of the Supervisors is to protect the health, welfare and safety of its residents.

Virginia Torbert stated we have had a number of years of experience with outdoor smoking bans. California is a model of these bans and the ban on smoking in parks is self enforcing because of the signs posted everywhere in the park banning smoking. She stated a separate smoking area will be a problem. Ms. Torbert stated there is an environmental impact on cigarette butts on the ground that find their way into our groundwater. We can legislate actions that affect the health and safety of the public. She stated this is also a moral issue noting the youth of the community watch the actions of adults.

Mr. Smith stated he believes designated smoking areas will have a positive affect on kids in that they wouldn't want to smoke. If designated areas don't work the Township could revisit removing those areas in the future.

Ms. Christine Mahan, Terracedale Road stated she is a member of Pennsbury's LYFT organization which is a prevention program targeted to youths to educate them on the dangers of alcohol, smoking, drug use and Internet safety. She stated the negative effects of smoking on children are immeasurable.

Mr. Santarsiero moved and Mr. Smith seconded to approve Ordinance 376 prohibiting smoking in Township owned Park and Recreation areas. The motion unanimously carried.

Mr. Truelove stated the ordinance will be ready for signature on Thursday.

ZONING HEARING

Mr. Truelove stated Comcast of Levittown, Inc. is appealing the determination of the zoning officer and requesting a variance to install pedestals at various right-of-way locations within the Township. He stated for the past several months there have been discussions among the parties to enforce the right-of-way applications for the pedestals made on a development by development basis. Ms. Frick is working to make sure that all the pedestal locations are appropriate and he recommends that the Township participate in this matter and no vote is required in this matter at this time.

Zachary Rubin, 1616 Covington Rd. stated as Chairman of the Cable TV board we have discussed the Comcast pedestals at length because the Sandy Run II residents have complained that the Comcast pedestals are above ground and the Verizon pedestals are below ground. He recommends that the Township compel Comcast to install their pedestals underground like Verizon.

Mr. Truelove stated the Township has requested underground pedestals but Comcast replied because of the technology, they cannot install underground pedestals. He recommended that this matter be referred to the Zoning Hearing Board meeting on July 14th to be discussed.

Mr. Smith asked Mr. Truelove to explain how the Zoning Hearing Board is involved in this variance matter. Mr. Truelove stated the Township is allowing an exception to do something as long as it is not detrimental to the Township residents. He stated the Supervisors can grant a conditional use which is the same thing.

ZONING HEARING BOARD MATTERS

Mr. Santarsiero move and Mr. Stainthorpe seconded to grant an extension of time to October 21, 2008 to the Norman and Patricia O'Rourke minor subdivision plan. The motion unanimously carried.

With regard to the Norman and Patricia O'Rourke variance request to subdivide property at the intersection of Washington Crossing and Stoopville Roads, it was agreed to leave the matter to the Zoning Hearing Board.

CONTINUANCE OF FRANKFORD HOSPITAL OF CITY OF PHILADELPHIA MATTER

Mr. Truelove stated Frankford Hospital of the City of Philadelphia is requesting a special exception to permit a hospital use on property located at Route 332 and Stony Hill Road. He stated a submission was received last Thursday which included sketch plans and the Environmental Assessment scheduled to be discussed at the August 6th Supervisors meeting. The submission that was received was extremely voluminous and the engineers

and other interested parties need to weigh in and is requesting a continuance of this matter to August 6th.

Mr. Stainthorpe moved Mr. Maloney seconded to continue this matter to August 6th. The motion unanimously carried.

SUPERVISORS REPORTS

Mr. Smith stated the Sewer Authority met last week and would like to attend the September Supervisors meeting to talk about sewer rates. He stated Elm Lowne is almost done with its historic overlay. Mr. Smith stated the Special Events Committee is preparing for Midnight Madness next week. He noted the seniors group will be a sponsor at Community Pride Day.

Mr. Santarsiero stated the Park and Recreation department road tour would take place next week.

Mr. Caiola reported that on December 9th the Historical Commission would be hosting Santa at Patterson farm. He noted that Mr. Majewski and Mr. Truelove's firms recently supported the Bucks County Council of Arts event and thanked them for their support. He stated the next Regional Traffic Planning Task Force meeting is scheduled for July 29th at 7:30 at Northampton Township.

BROOKSHIRE/TROILO MATTER

Mr. Truelove stated the development, financial and security agreements are available to be signed tonight and are with Mr. Fedorchak.

WAIVER OF PERMIT FEES – DUNKLEY FAMILY

Mr. Truelove stated that Ms. Frick brought to his attention a request from the North American Deck Company who would like to provide a deck through a program “Deck for a Soldier”. In the last year a young soldier, Mr. Dunkley died in Iraq who was from the area and his widow was chosen to be a recipient of the “Deck for Soldier” program. They are asking for a waiver of permit fees.

Mr. Stainthorpe moved and Mr. Maloney seconded to waive the permit fees for construction of a deck at the Dunkley family residence. The motion was unanimously carried.

MUNICIPAL SERVICE TAX

Mr. Caiola stated he asked Mr. Fedorchak and Mr. McCloskey to look into the possibility of implementing a municipal service tax in the Township to be reviewed at

budget time.

APPOINTMENTS TO BOARDS AND COMMISSION

Mr. Santarsiero moved and Mr. Stainthorpe seconded and it was unanimously carried to appoint the following:

Cynthia Osofsky – Economic Development

Mark Fried – Planning Commission

Virginia Torbert – Citizens Traffic Commission (reappointment)

Geoff Goll – Environmental Advisory Council (reappointment)

Michele Stambaugh – Historical Architectural Review Board

Mr. Smith asked if an alternate could be appointed to the Planning Commission. Mr. Caiola stated it is presently inappropriate to allow alternates to the Planning Commission, however a bill has been presented in the state to change that and he would keep the Supervisors updated as information becomes available.

There being no further business, Mr. Santarsiero moved, Mr. Caiola seconded and it was unanimously carried to adjourn the meeting at 8:55 p.m.

Respectfully Submitted,

Matt Maloney, Secretary