

TOWNSHIP OF LOWER MAKEFEILD  
BOARD OF SUPERVISORS  
MINUTES – JUNE 4, 2008

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 4, 2008. Chairman Caiola called the meeting to order at 7:30 p.m. The meeting was turned over to Chief Coluzzi who introduced Officer Todd Hamski who recently returned from a tour of duty in Iraq where he was awarded the Bronze Star. Officer Hamski thanked the Township residents and staff for their support and presented a flag to Chief Coluzzi which had flown in Iraq. He asked that the residents continue their support of the troops. Chief Coluzzi introduced other Police Officers present this evening. Mr. Caiola thanked the Officers for their participation with the DARE programs. 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  
  James Majewski, Township Engineer  
  Kenneth Coluzzi, Chief of Police

**PUBLIC COMMENT**

Ms. Marielle Wolf, Chairman of the Special Events Committee, stated Midnight Madness at Macclesfield Park had to be cancelled because of inclement weather. She stated the event has been re-scheduled for Friday, July 11 through Saturday, July 12. They will contact all those who had registered to camp out to see if they are interested in camping out on that date. She stated additional spaces are available for those wishing to camp out and registration forms are available in the Township Building and on line. Almost all vendors have indicated they will be able to attend the re-scheduled event.

Ms. Rebecca Cecchine reminded the residents that the Farmers' Market will open this Thursday. She thanked the Township for the permanent sign at the location where they hold the Market at the Edgewood Village pocket park. She stated lanes have been painted for parking, and there are 53 parking spaces available. She stated they still need volunteers to help with parking, and she asked that they contact her at the Township if they are able to help. She stated they will be open every Thursday until September 25 from 3:30 p.m. to 7 p.m. Mr. Caiola thanked Sandy Guzikowski for her work with this

event in the past and thanked Ms. Cecchine for stepping in to help with the Farmers Market. Mr. Smith stated Ms. Cecchine is also a member of the Special Events Committee and will be the Chair of this years' Community Pride Day in addition to being the Township's Tax Collector.

#### APPROVAL OF MINUTES

Mr. Santarsiero moved and Mr. Stainthorpe seconded to approve the Minutes of the May 21, 2008 meeting as written. Motion carried with Mr. Maloney abstained.

#### APPROVAL OF MAY 5 AND MAY 19 WARRANT LISTS AND APRIL PAYROLL

Mr. Maloney moved, Mr. Santarsiero seconded and it was unanimously carried to approve May 5, 2008 and May 19, 2008 Warrant Lists and April, 2008 Payroll as attached to the Minutes.

#### OTHER BUSINESS

Mr. Smith announced that Township Solicitor, David Truelove, and Gerald Arth, an attorney working with the Elm Lowne Commission, were named Pennsylvania Super Lawyers for 2008.

#### BUCKS COUNTY PERFORMING ARTS CENTER PRESENTATION

Ms. Mary Borkovitz, founder of the Lower Makefield Society for the Performing Arts, was present with Susanne Curran, Board member, and Nancy VanDerBas, President of the Board of Bucks County Performing Arts Center. A slide was shown of the Concerts planned for the 2008/2009 season. Ms. Borkovitz stated this is their thirtieth year, and she presented a brief history of the organization which began in 1978 as the Lower Makefield Society for the Performing Arts with the support of Lower Makefield Township. She noted the number of volunteers who have been involved in their program. She stated since 1982 they have received funding from the Pennsylvania Council on the Arts within the matching Government Grant Program, and she thanked Lower Makefield Township for their support and the free usage of the Township meeting room over the years. She stated concerts were combined with monthly art exhibitions by local artists. She stated in 1996 they partnered with the Pennsbury School District to bring resources of the community into education. She stated in 2000 the Lower Makefield Society for the Performing Arts won a School/Community First Prize. She stated over the years they have raised and contributed over \$100,000 which has been given to teachers in Pennsbury

for enrichment programs in all facets of the arts. Ms. Borkovitz stated approximately four years ago, their Sunday afternoon audiences began to diminish and many of their senior volunteers were no longer able to participate. She stated at this time a small group decided to establish an Executive Board with Mike Burns at the helm and they were able to recruit new, younger people into the organization. They decided to expand their visibility throughout Bucks County and changed their name to the Bucks County Performing Arts Center. She stated she is confident that they will be able to keep the organization going into the foreseeable future. She stated since last year the performances have been held Saturday evenings at the Yardley Community Center, and attendance has increased dramatically.

Ms. VanDerBas stated Ms. Borkovitz has taught her about excellence in performance and allowed her to become a leader for the Schools and the community. She thanked several Board members for their special strengths including Mr. Caiola who is their liaison with the Township, Jim McCaffrey, and representatives of the Pennsbury School District. Ms. VanDerBas stated many who attend their concerts are going out to local businesses for dinner before and after the concert. She thanked the Township for their trust and contributions.

Mr. Smith noted the assistance with musical performances provided by Ms. Borkovitz and Ms. Curran at Community Pride Day. Mr. Caiola stated it is very rare for a non-profit organization to be in existence for thirty years, and he thanked all those involved for the work they have done. Mr. Santarsiero thanked them for supplementing the arts in the schools.

#### DISCUSSION AND MOTION TO RENAME A PORTION OF BIG OAK ROAD ROBERT SUGARMAN BOULEVARD

Mr. Santarsiero stated Mr. Cruzan, President of RAM, approached him about renaming a portion of Big Oak Road in honor of Robert Sugarman. He stated Mr. Sugarman was the attorney who represented their group, and frequently had to overlook bills. He stated Mr. Sugarman is known throughout Southeastern Pennsylvania for the work he has done in a number of communities in fighting for the rights of citizens to preserve land. He stated Mr. Sugarman is ill, and they felt it would be a nice gesture to be able to name the portion of Big Oak Road from the intersection of Oxford Valley Road west toward Middletown to the Middletown border which is completely encompassed by the Matrix site. He stated there are currently no houses or buildings on this road so no one would have to change their address. He stated he has discussed with a number of Supervisors in Middletown Township, whether they would be interested in naming the additional part of Big Oak from the border of Lower Makefield to the intersection with Township Line Road after Mr. Sugarman, and they have indicated they would be receptive to this.

Mr. Santarsiero moved and Mr. Smith seconded that the Township rename that portion of Big Oak Road from the intersection at Oxford Valley Road west to the border of Middletown, Robert Sugarman Boulevard and to formerly request that Middletown Township rename its portion of Big Oak from the border of Lower Makefield west to the intersection of Township Line Road.

Mr. Cruzan reiterated his support. Mr. Smith stated Robert Sugarman also assisted YMS in the past and worked pro bono. Mr. Santarsiero stated the County Board of Commissioners designated last Thursday, which was Mr. Sugarman's birthday, Robert Sugarman Day, and he was very appreciative of this. Mr. Cruzan stated if this is approved, he would like the sign to be installed as quickly as possible.

Mr. Stainthorpe stated he admires Robert Sugarman, particularly the work he did during the negotiations involved with the Matrix matter. He stated he had some initial trepidation about naming a street for someone who was not a resident of the Township particularly since there are a number of people in the Township who would also be worthy of such an honor. He stated as difficult as the Matrix process was, he feels in the spirit of reconciliation and putting this in the past, he would like to move forward and would be in support of this. Mr. Caiola stated he also had some trepidation as well, not about Mr. Sugarman, but because of the number of other people who would be worthy of such an honor including Jim Coyne who recently passed away. However, in the spirit of reconciliation, he too would be in favor of this.

Mr. Truelove stated he feels they should have a Resolution and he agreed to work on this quickly.

Motion carried unanimously.

#### APPROVE STOP SIGN ADDITIONS AND CHANGES AS PROPOSED BY THE CITIZENS TRAFFIC COMMISSION

Mr. Santarsiero stated last year the Citizens Traffic Commission spent a great deal of time listening to residents' concerns, and the two intersections being considered tonight were two that were identified by residents as posing problems. He stated the first is at the corner of Bluestone and Lang Court in Hidden Oaks where they propose to add two more stop signs to make it a four-way stop. A letter from the Traffic engineer indicates this is an appropriate addition and will include the addition of the stop signs, warning signs, and painted markings on the road. He stated the second location is at Lang Drive at the intersection of Hidden Oaks Road where the engineer has recommended that they switch the two existing stop signs from Lang to Hidden Oaks. The engineer has concluded that a four-way stop sign would not be appropriate. He stated they will change the direction

of the stop signs, install warning signs in advance of the intersection to make it clear the traffic pattern has changed, and paint markings on the road.

Mr. Santarsiero stated other recommendations will be coming before the Board of Supervisors regarding other areas in the future.

Mr. Stainthorpe stated he read the reports which were included in the packets and asked if they have had any additional input from residents who may not want these stop signs. Mr. Santarsiero stated there were a number of advertised public meetings of the Citizens Traffic Commission and a number of residents from these areas did come to these meetings. He stated he lives in the area and he feels the residents would be in favor of these changes. He stated the traffic engineer has indicated that these changes would make the situation safer for the residents.

Mr. Ethan Shiller stated many of his neighbors from Lang Court did attend the meetings and are in favor of this.

Ms. Virginia Torbert stated a number of the members of the Citizens Traffic Commission also went out to the neighborhoods and discussed this with many of the neighbors.

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried that the traffic changes as set forth in the two letters from TPD dated 5/30/08 regarding the intersections at Bluestone and Lang and Hidden Oaks and Lang be adopted.

#### LEED PRESENTATION

Mr. James Bray, Environmental Advisory Council, was present with Rick Ewing and Lisa Grayson both with the EAC, and Mr. Spencer Finch, Director of Sustainable Development for the PA Environmental Council. Mr. Bray stated LEED stands for Leadership in Energy and Environmental Design. He stated they are looking to have a Green Building Code for Lower Makefield Township, and the EAC recently held a seminar dealing with green School buildings. He stated one of the significant additions proposed for the Makefield School includes a LEED certified addition.

Mr. Finch reviewed his background. He reviewed the problems with chemicals in the environment both indoors and outdoors. He reviewed standards that have been developed to insure that the buildings are greener and LEED is the most common standard used throughout the United States. He showed a slide of a LEED facility and the various Certification levels which can be achieved. He showed photos of a number of green buildings throughout the world. He reviewed how these techniques save energy and water. Mr. Finch stated they need leadership at the top levels of government to increase

the amount of green buildings in the region. He stated in many cases, local government takes the lead and provides incentives for the private sector to build LEED buildings. He stated Doylestown has provided an expedited Permit system for green buildings.

Mr. Stainthorpe asked where the EAC would like to go with this, and Mr. Bray stated they have prepared a draft Green Building Ordinance and would propose making changes based on input from the Board and public this evening. They will then forward it to the Township Solicitor. Mr. Stainthorpe stated he is a big supporter of green building, but does not want the Township to be too heavy with regulations and would prefer providing incentives. Mr. Ewing stated they wanted to start with Township buildings which could be new construction or major renovations. At this point what they have proposed would not apply to developers.

Mr. Santarsiero commended the EAC for taking this on and for the work they have done to date on this. He stated the first step may be to have this apply only to public projects. He noted Doylestown has adopted an incentive plan, and this may work in Lower Makefield Township as well, and they may want to consider if they want incentives to some degree for commercial and residential builders recognizing that there is not a lot of new building. He stated they would need to consider re-building in the future. He suggested that when they are fashioning a proposed Ordinance, they break it down into all the different pieces to see what would make the most sense in terms of a mixture of an incentive-based system and requirements that would not initially be too onerous.

Mr. Stainthorpe stated he does not feel they need to rush into an Ordinance. He would like to see the developers, public, and the Board participate more fully in developing the direction and the scope of an Ordinance. He stated while there could be a requirement that Township buildings be green, he does not feel any new Township buildings will be built for many years. He stated the property at 777 Township Line Road was LEED certified, and they did it 100% on their own with no incentives because it made good business sense. He stated he prefers market forces as opposed to regulation, and he would prefer that they go in that direction. He stated he would not want to see such stringent regulations that they would prevent development in the Township noting that the Township does need ratables.

Mr. Santarsiero stated he feels there is a need for action. He stated the Low Impact Ordinance has made an impact on how development can be controlled. He stated he agrees that they are not looking at any major Township projects in the near future so there would be no the urgency in this area, but there are a number of office building proposals which have come before the Board. He stated he would like to get advice and input from the EAC initially about the different alternatives so that the Board can make a knowledgeable decision.

Mr. Caiola stated he does feel they should have public input before they present it to the attorneys. He asked if they have modeled their proposed Ordinance on any other Ordinances which have been effective. Mr. Ewing stated a number of models were used to try to draft something as well as using the U.S. Green Building Council guidelines. Mr. Caiola stated he feels they want the Ordinance to have the greatest impact and feels Township buildings are not a big issue since they do not anticipate building any new buildings. He stated they should have the Ordinance driven by what development will most likely occur and where they will see the greatest value.

Mr. Smith asked how the proposed Ordinance complements or conflicts with the LID Ordinance, and Mr. Bray stated it will work with the LID Ordinance. Mr. Finch stated there is a natural progression for implementing green buildings in a community, and the ones that have been successful have followed that progression and were the ones where the Municipal construction projects were the leaders. He stated they then created the right kind of incentives for the private sector. He stated the kind of incentives they like to see are the kinds instituted by Doylestown like the expedited Permit system which cuts development time for the developer and saves staff work for the Permit reviewers as the architects and engineers are certifying that the building meets certain standards. He stated he would be willing to provide technical assistance by bringing in people from other communities in the region who are working on this. Mr. Smith asked if the LEED incentives have been a disincentive to construction or an incentive, and Mr. Finch stated they have not seen it be a disincentive. He stated in Lower Makefield if commercial construction is anticipated in the near future, this may be an area where the Township may wish to focus first.

Mr. Maloney stated he feels the Township should set the standard; and while they do not anticipate constructing a new Township building, they do not know when they may need a major renovation or repair. He stated this is what the Township did when they purchased wind power. He stated he does feel they should start with a heavy incentive system, and they need to get the message out that this is not necessarily a more expensive way to build. He stated rather than push an entire Agenda through at once, he would like to see how the various pieces fit together. He would be in favor of the Township having enough incentives to have every building in the Township want to go Platinum.

Mr. Smith stated he feels the steps that the Township has taken are adding to the Township property values.

Mr. Santarsiero stated he would like the EAC to consider what they could do by way of requirements initially recognizing that they may not want to proceed with all of them. He suggested that they come back to the Board with their ideas rather than coming back with an Ordinance. He stated once the Board sees something they can provide feedback on what the EAC is proposing.

Mr. Zachary Rubin, 1661 Covington Road, asked if the LID Ordinance is mandatory for commercial and residential, and it was noted that it is. He asked who enforces this, and Mr. Stainthorpe stated the Township does. Mr. Rubin asked if it has been a disincentive, and Mr. Santarsiero stated it does not appear that it has been. Mr. Rubin stated since that was a regulation and not an incentive Ordinance he does not see why a Green Building Code could not be similar to that. He stated the Matrix project could be the fourth or fifth largest residential development in the Township, and they have voluntarily agreed to support the LID Ordinance. Mr. Santarsiero stated while they have, it is not actually what would have been required had the LID Ordinance been in place when the development was approved. Mr. Rubin stated in the Court-sanctioned Agreement they indicated they would try to follow the guidelines. Mr. Rubin stated if the Green Building Code is passed, he feels a large development such as Matrix should be compelled to follow it. Mr. Stainthorpe stated he feels there are legal problems doing this because there is a Uniform Building Code in the State of Pennsylvania, and there are restrictions about making requirements which are stricter than this Code. Mr. Santarsiero stated they will have to look at this preemption issue, and this is why he feels initially it would make sense to break out a number of different options for the Board to consider and they could then get a legal opinion as to what would pass muster. Mr. Santarsiero stated the LID Ordinance is not governed by the Uniform Building Code because it is a stormwater and land use management plan that the Township has authority to pass under the Municipalities Planning Code. Mr. Rubin stated it is possible that in the future the Commonwealth's General Assembly may amend the Uniform Building Code to make it more green, and it was noted this is correct. Mr. Rubin stated he feels most people in the Township are not anti-development, but are for responsible development and a Green Building Code is responsible development.

Mr. Santarsiero stated there is an incentive for builders to want to have a green building because of the marketing advantage and the value associated with that. He stated as the health effects of having a green building become more broadly known, this will also drive the market.

Mr. Keith Cochrane, Heather Ridge Drive, stated he has reviewed the proposed hospital presentation, and he expressed concern with the height and the amount of impervious surface. He stated as the cost of energy is increasing, there will be incentives for the hospital to install energy-efficient systems. He stated hospitals by nature are more energy intensive than other type of uses. Mr. Cochrane stated he is active with the LEED program in the Philadelphia area and it has grown exponentially as to the amount of buildings involved. He stated he would like to see an incentive as to the Permit process for more green construction. He stated if the proposed hospital can meet the Codes, he does not feel that the Township will be able to prevent them from proceeding; and he would like to see the hospital and the Township try to do the right thing. Mr. Cochrane stated he feels there should be a "green" five or ten minutes during each Board of Supervisors' meeting to educate the Board and Township residents.

Ms. Virginia Torbert stated the Township is basically built out in terms of residential, but they need to consider the number of additions being built on existing homes which increases the impervious surface in the Township. She agrees incentives are the way to go and feels there may be something they could do with the Ordinance to try to create an incentive when residents come into the Zoning Hearing Board requesting additional impervious surface to try at that point to create an incentive to create a green addition so that in exchange for the additional impervious surface they would have to do something to offset this. Mr. Smith stated when he served on the Zoning Hearing Board he saw that they were proactive in looking for trade offs with respect to people coming in asking for additional impervious surface. Mr. Maloney stated there have been a number of incidents he has seen where the Zoning Hearing Board has required that they provide a seepage bed or some other technique to handle the additional stormwater. He stated there is some question as to which hard materials are considered to be pervious, and he feels that they need to deal with this and put something in writing so the Zoning Hearing Board has direction. Mr. Santarsiero asked the EAC to look into this as well.

Mr. Bray stated he is familiar with the Doylestown incentive program, and he feels that they will be able to prepare an outline for the Board of Supervisors to look at by the middle of July.

#### DISCUSSION AND MOTION ON FEE FOR CONTRACTORS' USE OF RECYCLING YARD

Mr. Hank Hoffmeister stated he would propose that the Township charge a fee to contractors who are using the recycling yard as the Township is expending a lot of money on this program. He stated last year the cost to the Township was approximately \$65,000 and it may cost the Township \$85,000 this year to recycle wood into mulch. He stated he would like to see a tipping fee instituted for contractors making use of the recycling yard. This would not be charged to residents unless the resident is a contractor. He feels this fee would help somewhat offset the cost. He stated there are almost eighty contractors hauling in the Township. He would like to see the tipping fee combined with a License structure so that if a contractor is going to use the facilities, they will have to be licensed.

Mr. Santarsiero stated they have discussed at Budget time that there should be a fee that at least covers the Township costs. Mr. Stainthorpe stated he feels a \$100 per month fee is reasonable. Mr. Smith agreed that this is long over-due.

Mr. Fedorchak stated he sees this as a way to better control who is using the recycling center and what is being dumped since as part of the Application process a License could be required that would identify which Lower Makefield residents are the contractors' clients which the Township staff could check out occasionally.

Mr. Maloney asked who would enforce the licensing adding that weekdays would be easier than Saturday mornings. Mr. Hoffmeister stated the only Saturday mornings available for the residents are the first Saturday of the month from 8:00 a.m. to Noon. He stated currently the recycling center is closed, but it will be open this Saturday. He stated they will not open on July 5. Mr. Hoffmeister stated if the Board is in favor of what he has proposed, he will work with Mr. Fedorchak on a format for licensing and a method by which a contractor will have to pay by a date certain to be current.

Mr. Stainthorpe moved and Mr. Santarsiero seconded to authorize the Township Manager and Director of Public Works to put together a licensing procedure and that they begin charging a fee of \$100 a month for contractors.

Mr. Smith asked if they know where the contractors are from and whether they have insurance. Mr. Hoffmeister stated they do know where they are from, but he is not sure if they have insurance, although this could be part of the process. Mr. Smith stated he would like to see a procedure put in place to identify all contractors coming into Lower Makefield so that they can be located if there are problems so that they will know if they have insurance. He asked that they put this matter on an Agenda in the future, and Mr. Caiola agreed to do so.

Motion carried unanimously.

#### ESTABLISH DATE OF ROAD INSPECTION

After discussion, it was agreed that the date of the Road Tour will be July 19. Mr. Hoffmeister asked that the Board provide him with some idea of what they would like to see on the Road Tour. Mr. Smith noted he would like to see Township Line Road were it adjoins Middletown Township.

#### AUTHORIZE ADVERTISEMENT OF NO SMOKING ORDINANCE

Mr. Truelove stated there was previously discussion about the Ordinance, and they have prepared what they feel is consistent with previous discussions.

Mr. Santarsiero moved and Mr. Maloney seconded to authorize advertisement of the No Smoking Ordinance.

Mr. Maloney stated he does support the exemption for the Golf Course.

Motion carried unanimously.

#### APPROVAL OF FLORAL VALE PHASE III DEVELOPMENT AND FINANCIAL SECURITY AGREEMENTS

Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to approve the Floral Vale Phase III Development and Financial Security Agreements.

#### ZONING HEARING BOARD MATTERS

With regard to the Pennsbury School District Special Exception and Variance requests to construct a cafeteria/auditorium/kitchen addition at Makefield Elementary School, it was agreed that the Solicitor would participate.

With regard to the Mark Szul's Landscapes Variance request to construct a patio at 918 Olson Avenue resulting in greater than permitted impervious surface, it was agreed that the Solicitor would participate.

With regard to the Cynthia Klein, 1705 South Crescent Boulevard, Variance requests to permit construction of an addition encroaching into front yard setback and greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Brian Kirby, 22 Austin Road, Variance request to construct an addition encroaching into the side yard setback, it was agreed to leave the matter to the Zoning Hearing Board.

#### SUPERVISORS REPORTS

Mr. Caiola stated the Regional Traffic Task Force will next meet in July.

Mr. Santarsiero stated the Citizens Traffic Commission meeting has been moved to June 30, 2008 at 7:30 p.m. at the Township Building. He stated the YMS turf field at Macclesfield was dedicated this past Friday night.

Mr. Smith stated the Elm Lowne Committee met this evening and will discuss an overlay restriction on the property to present to the Board of Supervisors. He stated the Veteran's Committee is looking for a place in the community to place a Veterans' monument and are currently looking at the Edgewood Village pocket park. They are also looking into ways to raise funds. He stated Frank Fazzalore, a former Supervisor, has agreed to be a guest speaker at the Veterans' Day Parade. Mr. Smith stated the Special Events Committee is working on Community Pride Day to be held on Labor Day and are looking

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to add a scaled-down Soap Box Derby, and are looking for help from the community on this.

**APPROVAL OF ADOPTION POLICE PENSION PLAN DOCUMENT  
AND RESOLUTION NO. 2164 – NON-UNIFORM PENSION PLAN**

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Police Pension Plan document and Resolution No. 2164 – Non-Uniform Pension Plan.

**CANCELING BOARD OF SUPERVISORS MEETINGS**

Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to cancel the July 16 and August 20 Board of Supervisors' meetings.

There being no further business, Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to adjourn the meeting at 9:50 p.m.

Respectfully Submitted,

Matt Maloney, Secretary