

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – MARCH 5, 2008

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on March 5, 2008. Chairman Caiola called the meeting to order at 7:30 p.m. noting that the Board met in Executive Session to discuss Zoning and personnel issues and had met previous to that in public session to conduct interviews for Board and Commission vacancies. Mr. Maloney called the roll.

Those present:

Board of Supervisors: Greg Caiola, Chairman
 Steve Santarsiero, Vice Chairman
 Matt Maloney, Secretary/Treasurer
 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

Mr. Sam Conti, Farmland Preservation, stated he received a flyer with his taxes indicating that the Historic Commission will be holding a battlefield reenactment on May 4; and he asked where this will be held. Mr. Santarsiero stated the Board has not approved this as yet and had asked that the Historic Commission discuss this with Farmland Preservation if they were considering doing this on one of the farmland properties and with the farmer who farms Patterson Farm if they were considering that farm. The Historic Commission was then to come back to the Board for approval. Mr. Caiola stated while house tours are also noted on that flyer, the logistics of this are still being considered as well.

Mr. Conti stated he is also concerned with the composting pile at Patterson Farm which is currently beyond the capacity of the Farm. He stated there are also leaves there which have not yet been composted. Mr. Conti stated he advised the Board previously that the other farmers will accept the compost, but it must be done within the next three weeks before they start cultivating their land. He stated the farmers would also need to use the Township spreaders. Mr. Maloney stated he understood that they were starting to coordinate this, and Mr. Fedorchak agreed to look into this and discuss it with Mr. Hoffmeister.

Mr. Conti also noted the sewer easement at Towering Oaks. He stated the easement was signed in January, 2003, and the land has not been able to be cultivated for over four years. He stated Mr. Majewski wrote a letter in April, 2007 indicating what had to be done in order to make the ground suitable for cultivation, but nothing has been done. Mr. Truelove stated the Township is considering several options with regard to this development; and he feels the Township should fulfill the obligation under the Agreement with Farmland Preservation to correct the problem, and then include this in anything further that will be considered with respect to the development. Mr. Conti stated he feels Mr. Majewski indicated it would cost approximately \$3,000 to restore the land. Mr. Majewski stated rocks need to be removed and additional topsoil needs to be placed in the disturbed area. Mr. Fedorchak stated he will confer with Mr. Majewski on this and get back to Mr. Conti.

Mr. Tom Humphrey, 660 Rose Hollow Drive, stated he is Vice President of the Rose Hollow Board of Directors for the Condo Association. He stated there is a narrow wooded area that borders Cardinal Drive and backs up to approximately twelve to fourteen residences on Rose Hollow Drive. He stated in the summer you cannot see through it to the street, but in the winter it is very open and has become an eyesore. He stated it has been unattended for many years, and broken trees and debris is piling up. While some residents have gone out and picked up some of the debris, it has been brought up to the Condo Association that the residents would like to see the area cleaned up. He stated they obtained an estimate from their landscaper that it would cost \$1,200 to clean up this area. In doing the research, they found out that this property belongs to Lower Makefield Township. Mr. Humphrey stated their other concern is with regard to the retention basin on the corner of Heacock Road and Cardinal Drive. He stated in 1987 Toll Bros. gave a bond to the Township in the amount of approximately \$6,000 to cover the maintenance of the retention basin. He stated the Township and the Condo Association worked out an Agreement that the yearly bond money interest would be given to the Condo Association who would pay for the maintenance of the retention basin by their landscaper. He stated the bond generated interest in varying amounts over the years; and their records show that from 1987 through 1994, Lower Makefield sent out a check to the Association to cover the maintenance costs. He stated residents have asked about this bond and why they have not received any checks since 1994. He stated they have written letters over the years to Mr. Dillon and Ms. States; and it was identified that the Agreement was made and that there was no ending date.

With regard to Cardinal Drive, Mr. Fedorchak stated he is aware that there are tracts of Township open space in that neighborhood. He stated he would like to meet with Mr. Humphrey about this further and feels possibly this is something that could be handled by the Public Works employees. Mr. Fedorchak stated he is not familiar with the maintenance bond for the retention basin, but will research this and get back to Mr. Humphrey.

Ms. Mary Mavis, 893 Slate Hill, stated she is present with a number of her neighbors from Rivergate who are concerned about an event planned for Macclesfield Park which they learned about when they received a flyer with their tax bills. She asked the current state of planning for this event. Mr. Smith stated planning is essentially complete for this event called May Midnight Madness at Macclesfield. This was announced in January when the Special Events Committee made a presentation before the Board of Supervisors and sought approval for the events they had planned for the year. He stated several venues were considered for this event, but it was eventually determined that Macclesfield was the best location.

Ms. Mavis stated it seems that they have invited the entire Township to the Park and events will include overnight camping. She stated the Rivergate residents are very concerned about liability as she does not feel there is any way to secure the safety of the people in the Park if there are 4,000 people in the Park overnight. She stated there are also concerns about the possibility of alcohol being consumed and issues with trash. She stated there is already a lot of trash in their neighborhood because of their proximity to Macclesfield Park. She stated she did discuss this matter with Ms. Liney who indicated that this event was being patterned after sleepovers in ballparks and museums, but Ms. Mavis stated those are locked down situations which are secure. She stated she is also concerned about the security of the residents in Rivergate.

Mr. Smith stated this event is focused on families, and there will be no minors in the Park unless they are accompanied by an adult. He stated most of the event will be held toward the front of the Park up to Field H. He stated they plan to open the event up to Scouts and the youth organizations. First-responders will be in attendance, and any money raised will go to the first-responders in the Township. He stated there will be some type of security, to the extent possible, to insure that any minor who comes in is accompanied by a parent or guardian. He stated there are plans to show a family movie on a screen, Boy and Girl Scouts will be available to help set up camping sites, there will be sports clinics, and a baseball game. There will also be music with a DJ. He stated the following morning, there will be a pancake breakfast, and a wet down of a fire truck. He stated there will be a clean up following the event, and they are looking for volunteers. He stated this will be a family-friendly event, and they hope Rivergate will join in. He stated they do not want any disturbance or disruption to Rivergate, but noted this is a one-night event. Mr. Smith stated the response has been overwhelming enthusiastic.

Ms. Mavis expressed concern with how they will secure the entire perimeter of the Park. She noted there is access through Manor Lane and through the woods. She feels this is an open invitation for young people to misbehave, and she does not know how they can monitor activity along the Canal and other parts of the perimeter. Mr. Smith stated they will be issuing wrist bands, and the Police Department will be very much involved in the event. He stated he hopes the Rivergate residents will work with the Special Events Committee and be involved in the event.

Ms. Mavis asked if they are going to have a maximum capacity for people coming into the Park. Mr. Smith stated the event starts at 6:00 p.m. on Saturday night and will end before noon on Sunday. He stated some people will sleep over and others will just come for the events but not sleep over. He stated while he is not sure of the capacity of Macclesfield Park, there will be advance registration so that they will know approximately how many people will be camping out. He stated those who arrive to camp out without having registered in advance will be permitted to camp out if there is room available and will have to pay a nominal fee.

Ms. Mavis asked why they would not limit this Event to the 10:00 p.m. time limit already in place for lights, and eliminate the movie and overnight camping. She suggested they have a sports oriented May event as the Rivergate residents are used to this. She questioned why the Township would invite potential safety issues for the children and legal liability for the Township. Mr. Smith stated in the Application there is a release that will hopefully limit liability for the Township. He stated based on the prior events which have been held, there have not been any problems. Ms. Mavis stated these events were not held in the evening; and she is concerned that a group of teenagers may come through Manor Lane and cause problems. She stated she does not understand why they would open up the Township to this risk in an area that is not secured for campers.

Mr. Santarsiero stated he understands the concerns being raised by Ms. Mavis and the fact that there has not been a lot of detailed information provided up to this point. He stated parents and police will be in attendance. He stated last year's Community Pride Day ended at approximately 10:00 p.m. and they had 20,000 people in attendance. He stated they have held this event for two years, and there have not been any serious problems. He stated while the May event involves people staying overnight, there will be parents, police, and volunteers in attendance patrolling to insure safety. He stated while they cannot make any guarantees, he feels they can do a lot to minimize any kind of disruption that may occur. He stated he feels this event will be geared primarily to younger children and their families. Ms. Mavis stated if this were an actual campground, she would not have a problem; but this is a public area located against residences and along a Canal. Mr. Santarsiero suggested that Rivergate residents work with the Special Events Committee and the Police so that their concerns are addressed. He stated he personally will be in attendance at the event, and if there are any problems, he feels the Township will be on it immediately.

Mr. Smith agreed to provide Ms. Mavis with the date of the next Special Events Committee meeting

Ms. Lori Gray, 895 Slate Hill Road, stated she echoes Ms. Mavis' concerns. She stated she did send out an e-mail to Mr. Smith about this event. Ms. Gray stated she is very concerned about parking. She stated her property is adjacent to the bikepath and currently there are people who park their cars in Rivergate and go down to the Park and

drink. She requested that there be someone at this access point at all times during this event. Ms. Gray asked if the Township has the manpower to secure the area and ensure the safety of the Rivergate residents. Chief Coluzzi stated they will have Police Officers, civilian volunteers, and other emergency personnel who have volunteered to be at every one of these entrances to the Park to make sure that the people present are conducting themselves properly and that nothing happens to the adjacent homes. He stated they have had great success with the Special Events Committee in the past. Ms. Gray asked about the parking. Chief Coluzzi stated they have not yet determined areas for parking, but they will meet with the Supervisors and Ms. Liney from Park & Rec to determine how to best handle parking. Ms. Gray stated the January 16 Board of Supervisors meeting Minutes did not indicate any specifics as to location. Mr. Smith stated the original location being considered was where Community Pride Day had been held, but this did not work out; and it was suggested that they use Macclesfield Park. He added that most of the events will take place toward the front of the Park.

Mr. Bob Pierce stated he sent an e-mail to the Board of Supervisors regarding a Smoking Ordinance in the Township. He stated other Townships have taken action on this issue. He stated he has observed smoking taking place at Kids Kingdom and the Community Pool, and he would like to see an Ordinance addressing this issue. Mr. Santarsiero stated the Board of Supervisors has discussed this since they received the e-mail and generally speaking the response is that this is something that they should look at particularly with regard to Kids Kingdom and the Pool, looking into an Ordinance that would prohibit smoking particularly in areas where there are children. Mr. Caiola agreed that this matter would be put on a future Agenda. He stated beyond the health issue, there is also the litter issue. Mr. Smith stated he did discuss this with Mr. Pierce, and he is very concerned with the health issues of this as well as the impact from secondhand smoke. He stated he would also like to discuss with the Board that they consider prohibiting smoking in areas where there are children in attendance; although he feels it would be difficult to enforce this in Macclesfield Park. Mr. Pierce stated his children are involved in sports at the Township, and he is concerned when someone is smoking at these events. Mr. Pierce encouraged the Board to extend the prohibition as far as possible.

Mr. Pierce stated he saw in the paper that there are proposed improvements at the Pool. He stated he saw comments about the heaters, and he feels the pool water is very cold. He stated he has been advised by the Pool management that the heaters are turned off after the season starts. Mr. Stainthorpe stated the two large pools are heated, but the tot pool and the intermediate pools were not; and heating these pools is part of the proposed improvements at the Pool. He stated the consultant advised that for those pools to be inviting to children, they need to be heated to 86 degrees. He stated the other pools are heated to 70 degrees, and this is largely done early in the season as the Swim Teams are there early in the morning. He stated once they get to mid-summer, the sun does heat the pools. Mr. Santarsiero stated these improvements are scheduled to be completed prior to the Pool opening in 2009.

APPROVAL OF MINUTES

Mr. Smith moved, Mr. Santarsiero seconded and it was unanimously carried to approve the Minutes of February 20, 2008 as written.

SCENIC BYWAYS PRESENTATION AND MOTION TO APPROVE THE PROGRAM

Ms. Karen Williamson, Heritage Conservancy, was present to speak about the proposed designation of the D and L Drive as a Scenic Byway. She stated the Luzerne, Carbon, Lehigh, Northampton, and Bucks County area has been designated a National Heritage Area and is called the Delaware and Lehigh National Heritage Corridor because of the impact the Delaware and Lehigh Canals had on the early development of the Country. She stated since 1993, the Commission that has been charged with overseeing the revitalization of this five-County area, has been working with numerous stakeholders to protect natural and cultural resources and to restore historic sites and a variety of points of interest for residents and the traveling public. She stated part of their action plan is to develop a continuous driving route from Wilkes Barre to Bristol so residents and visitors can use the roadway to fully explore the five-County corridor. She stated they are proposing to start at the southern end of this proposed 150 mile route beginning at Easton, going down 611 to Route 32, and down Route 32 to Morrisville through Falls, Tullytown and Bristol Township to get to Bristol Borough at the end. She stated they are considering different routes to determine how they can capture some of the more important sites in the area.

Ms. Williamson stated a Scenic Byway is a public road as well as what can be seen from the road which is called the Byway corridor. She stated in order to be designated a Scenic Byway, they must meet at least one of the six characteristics: scenic views, natural features, historic sites, culture and traditions of the area, archeological artifacts, and recreational opportunities. She stated they feel the proposed route has all of these features. She stated a Byway also includes an intermodal component, and they are looking to provide for pedestrian and bicycle access as well which could be parallel paths and bike routes. She showed a map of Byways which have already been designated in Pennsylvania. She stated Scenic Byway planning stimulates public interest, balances economic development with conservation, coordinates the driving experience, addresses management issues and provides recognition. She stated the goal is to operate as a unit so that people who are visiting one venue can be directed to another venue on the Byway. She stated they have determined that each visitor coming specifically for these kinds of activities will spend approximately \$100 per person per day which will help the local economies.

Ms. Williamson stated in order to get the Scenic Byway designation they initially submitted a letter of interest to PennDOT. Over the past several months, they have had a series of informational sessions encouraging people to participate in the process. They conducted a tour of the proposed route from Easton to Bristol with PennDOT, Bucks County Planning Commission, Lehigh Valley Planning Commission, and DVRPC representatives. She stated they are now looking to obtain stakeholder support. She stated there are thirty-four stakeholders which need to agree, and currently they have approval from eleven including New Hope, Yardley, Morrisville, and Bristol. She stated once they have support from all thirty-four stakeholders, they will submit an Application to PennDOT of the designation and this would have to be approved by the State Secretary of Transportation. If approved, they will then prepare a Corridor Management Plan. This Plan would set forth all that they want to accomplish, consider how it can be funded, and continue to work together to implement the Plan.

Ms. Williamson stated she provided a packet of information to the Board of Supervisors which includes four documents. She stated one is a Route Approval Form which indicates the Township is aware that the Byway will go through the community on Route 32, and that the Township approves of the Byway taking this course. It also asks questions regarding how much technical assistance the Township will need and asks that the Township provide a contact person. She stated they will need a Resolution of support, and they have provided a sample Resolution in the packet. She stated there also needs to be one entity stepping forth as the Official Applicant; and she noted that the Corridor Commission is willing to be that Applicant assuming the Township authorizes them to serve on their behalf, and PennDOT needs a Memorandum of Understanding indicating this. She stated because the goal is to take advantage of local resources, there is a restriction on future off-premises advertising which is typically considered to be billboards. She stated any existing sign of any kind is grandfathered, and any sign which advertises an activity on the property on which the sign is located is permitted. Mr. Smith asked about Election signs, and Ms. Williamson stated she is still getting input from PennDOT on this, but she feels these would be permitted. Mr. Truelove stated the Township does have an Overlay District for billboards, and Ms. Williamson stated she is not familiar with any other areas which have this; and she asked to be provided a copy of this which she will submit to PennDOT to see if they will accept it.

Ms. Williamson stated a Byway designation does open up a separate stream of Federal funding through the Federal Highway Administration for Byway projects; and the types of projects which can be funded include preparation of the Management Plan, road modifications which could also include those which are bicycle and pedestrian related, visitor amenities, recreational improvements, resource protection such as land acquisition and conservation easements, historic preservation, way-finding signs and marketing materials to help people get from place to place.

Mr. Smith asked the cost to the Township, and Ms. Williamson stated she cannot say what it will cost at this point. She stated they need to make an Application to PennDOT first so that there is confidence from PennDOT that they will get the designation so that they know it is worthwhile for them to go through the planning process and determine what improvements need to be made and how they can be paid for. She stated she cannot say that there will not be a financial commitment on the part of all of the stakeholders in the future to make this work, but added there is a separate Federal stream for funding and they have the advantage of the Heritage Park Program and the State Heritage Park funding that can support this. She stated usually there are matching funding limitations to some of the funds.

Mr. Santarsiero asked what costs there would be other than way-finding signs or information to be provided to visitors at one location to make the connection to another community along the Byway. Ms. Williamson stated some communities may need more resources than others. She stated she is not sure to what extent Lower Makefield is satisfied with their pedestrian/bicycle connections or to the extent that the Township may want to preserve historic buildings or purchase natural resources along the route. Mr. Santarsiero stated it seems that this would not put upon the Township any obligation to do this, but it would open up the potential for funding of these projects; and Ms. Williamson agreed. She stated the only expectation PennDOT has is that the Township will not ruin the things that make this a Scenic Byway. Mr. Santarsiero stated this seems like an excellent opportunity for the community and an asset for the communities along the Corridor as described.

Mr. Stainthorpe stated River Road (Route 32) is a State Road, so he does not feel the funding would come from Lower Makefield to make any changes to the Road unless they are considering bikepaths. Ms. Williamson stated the regular maintenance for Route 32 would be covered by what PennDOT is currently required to do, but new things could be potentially funded. Mr. Stainthorpe stated he felt there was already a Federal designation which included River Road. Ms. Williamson stated information is included in the packet on this, and she noted that a number of years ago the State Legislature designated Route 611 and Route 32 as the Delaware River Scenic Drive; however that designation predated the Scenic Byway Program created by the Federal Government, and there is no “teeth” to it, no management planning, and no stream of funding. She stated signs currently on the road with that designation will be taken down so that there would not be confusion. She stated there is also the Lower Delaware Wild and Scenic River which is a National designation, but this does not have anything to do with the roadway itself and is more River related. She stated New Jersey has designated Route 29 as a State Scenic Byway and is now working on a National designation for a Byway; and they are very anxious to have Pennsylvania proceed with a designation on the Pennsylvania side so that there can be a loop. Mr. Stainthorpe stated he feels this program makes sense. He stated he feels the Ordinance the Township currently has with regard to billboards would cover

this since they are only permitted in a certain area, but he would not be opposed to a separate Ordinance banning them from this road. Mr. Santarsiero stated he feels they should have coverage both at the State and local level.

Mr. Maloney stated with regard to the intermodal transportation concept, he assumes the intention is not to provide both forms of transportation next to each other but that there be a congruent path, and Ms. Williamson agreed. Mr. Stainthorpe stated they do have the Delaware Canal which runs parallel in many places. Mr. Santarsiero stated the Citizens Traffic Commission has been discussing how they can extend some of the existing intermodal byways so that if the Township could take advantage of Federal funding to do this, it would be advantageous to the Township, and is another reason why this proposal makes sense for the Township. Ms. Williamson stated the funds need to apply to the Byway itself or within the view shed, and Mr. Santarsiero stated he is considering areas within that corridor. She stated certainly the roadway and what can be seen from the roadway would be considered but the extent to which they could extend the corridor boundaries to include some key sites in close proximity would need to be further examined.

Mr. Santarsiero moved and Mr. Stainthorpe seconded to approve the program and take the steps outlined earlier for the Township.

Mr. Sam Conti asked if in their discussions with PennDOT they are discussing speed limits along the roadways. He noted particularly the roadway through Bristol would be Radcliff Street (River Road) where PennDOT has plans to raise the speed limit to 45 miles per hour which he feels is too high. Ms. Williamson stated they will be meeting with PennDOT Six representatives on March 24; and they have had that question come up at other meetings as well as questions about through-truck traffic, and they will raise these questions with PennDOT.

Ms. Virginia Torbert, Citizens Traffic Commission, stated she was interested in how wide the corridor could be and asked if the criteria for the State and Federal funds are the same with respect to whether monies could be applied beyond the roadway itself. Ms. Williamson stated the funds are Federal funds which are being administered by the State, and it is not two separate programs. Ms. Torbert stated River Road is often subject to flooding and often closed when there is severe flooding. She asked if funds could be used to repair the road as a result of flood damage, and Ms. Williams stated there is a difference between regular maintenance and special projects. She stated they recognize that flooding is a factor for this Byway, and they will take into consideration how to inform the traveling public if a road is closed because of flooding. She does not feel the Byway Program is intended to solve that kind of problem as this is really a road maintenance issue. She stated any existing problem without the designation, would not be funded by the Byway Program, and it would be new things to enhance the Byway that would be funded by the Byway Program. Ms. Torbert asked if there were a project

contemplated to re-route some of the roadway to make it go through an area that is less subject to flooding, would this be the type of road improvement that could be included; and Ms. Williamson stated while she does not feel it would, she will ask PennDOT this question when they meet with them on March 24.

Mr. Larry Wiederspahn stated he has done some research on this and advised that other States that have gone down this route and have had a less than a good experience. He noted particularly the State of Missouri and read a letter to the Editor which discusses the view shed, which is anything visible from the road, and the restrictions which are placed on property owners. He stated property owners are required to apply, at some expense, for permission to make changes to their properties. He stated there is a very severe restriction on personal property rights that goes along with this, and he feels the Board should research this matter further. He also read another article regarding a similar situation in Illinois where property owners along the Byway were omitted as stakeholders although numerous Government agencies were included. He stated the Grant money is very limited as to how it can be spent. He noted it can be used for restrooms, kiosks, interpretative centers, and management and signage plans. He stated in one twenty mile strip along an Illinois Scenic Byway there are five Visitor Centers which are being paid for with tax dollars. He stated between 1992 and 2003, Illinois has spent over \$6 million in Scenic Byway money which has been given to local Governments as Grants for tourist accommodations. He stated these Grants come from the Transportation Fund through the Federal Highway Administration, and he feels these funds could have otherwise been spent on road improvements.

Mr. Smith asked Mr. Wiederspahn if he has done any research on what has occurred in the Commonwealth of Pennsylvania. Mr. Wiederspahn stated he only found one involving Seaway and there was no discussion as to how this has played out one way or the other. He stated this is a Nationally-oriented program being administered on a State-by-State basis, and the rules are the same. He feels that there will be a lot of angry property owners.

Mr. Santarsiero stated he feels this is something that they can address when they write an Ordinance in terms of exactly what rights property owners would have, and the Ordinance could be written in such a way to state that, aside from the concerns mentioned about signage, the Ordinance would not otherwise displace the existing Zoning Ordinances and the other controls the Township has over what happens on private property. Mr. Wiederspahn stated he feels what is being discussed this evening would supersede that. Mr. Santarsiero stated when the Township writes an Ordinance locally, the Township would have the ability to put conditions in the Ordinance so it would be the Township's statement by way of a local law that it would not displace the local Zoning so that the property interests would be the same as they are currently. Mr. Wiederspahn stated he feels the Board should research this as he did before they approve anything.

Mr. Santarsiero stated he feels they can take the step proposed tonight and still have the opportunity when they write an Ordinance that will be protective of the property rights of the people who live along the road. Mr. Santarsiero asked Ms. Williamson what other Townships have done in this regard and whether this issue has been raised previously. Ms. Williamson stated she does not feel they can assume that every State manages their program the same way. She stated with regard to the PennDOT program, the Corridor Management Plan is voluntary in terms of what you want to do. She noted the Memorandum of Understanding provided and stated part of what they are asking the Township to do is to provide at least one representative from the community to work with representatives from the other communities on the Corridor Management Plan so if there are specific concerns about private property rights, they would hope that the Township would have someone who represents that constituency come forward. She stated it is not the goal of the Delaware and Lehigh Heritage Corridor Commission to usurp private property rights, and they have worked since 1993 with communities taking voluntary steps. She stated if they decide that they want to make changes to the Ordinance, the Township can do this; but it is not the Heritage Conservancy that is placing this burden; and it is all voluntary. She stated they encourage as much participation as possible in this process.

Mr. Stainthorpe stated he does feel that points raised by Mr. Wiederspahn need to be looked at thoroughly and they do need to protect individual property rights. He feels they should move slowly with this, and make sure that there is public input. Mr. Wiederspahn stated they should make sure that when they appoint the stakeholders that some of the property owners in the view shed are included so that there is a more balanced outcome. Mr. Wiederspahn was asked to provide his contact information to the Township Manager so he can be advised if this matter comes up again in the future.

Ms. Sue Herman asked if there was any idea as to what additional traffic may be coming along River Road as a result of this designation. Ms. Williamson stated they do not know this, and this is a concern of some other communities as well. She stated there is a general consensus that the goal is to capture the people who are here to make the most of their drive. Ms. Herman asked what New Jersey has seen in terms of additional traffic, and Ms. Williamson stated they have unfortunately not done any traffic studies on the Byways. Ms. Herman asked if this proposal will encourage more truck traffic, and Ms. Williamson stated she does not feel it will. She noted other communities have discussed through-truck traffic being a problem; and they are going to talk to PennDOT to see if they can solve that problem as part of the Byway planning.

Mr. Caiola stated the strip of River Road in Lower Makefield is primarily Residential and would not really be a destination point for commerce compared to Morrisville, Yardley, and New Hope. He stated Lower Makefield is working hard to try to ease the burden that the truck traffic puts on the Lower the Makefield roadways.

Mr. Smith stated he was prepared to vote in favor of this until some of the other points were raised. He stated while the area along River Road in Lower Makefield is beautiful, there are really not any destination points. He asked if they have studied the full impact of how this will impact Lower Makefield if they adopt the Resolution. Mr. Stainthorpe stated they are not actually adopting a Resolution at this time and are only voting to move forward. Mr. Santarsiero stated at this point they are only considering researching this further, and there will be public input solicited from those who live along the corridor as well.

Mr. Wiederspahn asked if Lower Makefield would be the twelfth community agreeing to this by taking the vote tonight; and Mr. Stainthorpe stated they would have to take the other steps of writing and voting on a Resolution approving this. He stated they would also have to write an Ordinance banning the billboards. He stated at this point they are only voting on moving forward with looking into this and having additional public input. Mr. Wiederspahn asked if the other eleven communities alluded to have already done all these things, and Ms. Williamson agreed that they have.

Ms. Torbert asked if “view shed” is a term that Ms. Williamson uses in her discussions, and Ms. Williamson stated it would be part of the Corridor Management Planning Process to look at the view shed. Ms. Torbert asked who would determine what is considered part of the view shed, and Ms. Williamson stated it is a topographic issue, and you look at what you can see from the roadway. Ms. Torbert asked if there are regulations that are part of this program. Ms. Williamson stated what Mr. Wiederspahn described is how one community did their planning process. She stated with regard to the view shed, there is a generally recognized planning process to identify what a view shed is. Ms. Torbert asked if they have to come up with a view shed that includes regulations that in the future would limit what property owners could do and if the regulations would supersede what local Government can control. Ms. Williamson stated identifying the view shed is part of the Corridor Management Planning process, but what each community chooses to do with regard to the view shed is entirely voluntary. She stated the Corridor Management Plan in and of itself has no Ordinance control and only generates a series of recommendations. She stated if a community wants Ordinance changes, it would make that recommendation; and that recommendation would be included in the Plan. Mr. Santarsiero stated it appears that the Township would not be preempted by the State or the Plan in any way, and the Township would still have all of their ability as a local Government to make decisions for the Township; and Ms. Williamson agreed and stated there is actually more burden on PennDOT after the Plan is in place to do contact sensitive design.

Ms. Helen Bosley, 546 Palmer Farm Drive, stated Ms. Williamson indicated that the existing designations with respect to Scenic Drives would go away if this new designation were passed. Ms. Williamson stated there are several blue signs on River Road that indicate the roadway is part of the Delaware River Scenic Drive, and they

would not use that terminology any longer as that would be an outdated designation. Ms. Bosley asked if it is possible that as a result of any of this that a boat parked in front of a house on River Road could no longer be in that location, and Ms. Williamson stated she does not feel the Corridor Management Plan would get into that level of detail; although it does depend on what each community wants to do in their community. Ms. Bosley asked why the Township would want to go along with something that requires the Township to do all of this work when it could take away existing rights from the Township citizens. She stated she feels they should discuss this with the other Municipalities in the region to determine their approach to this.

Mr. Wiederspahn stated in the designation in Missouri, the area under strict control of the Scenic Byway Committee extends from the edge of the pavement to areas of visible high ground that may be ten miles or more away and includes all visible land and property no matter how distant from the road. He stated this enormous chunk of real estate is officially called the view shed. He stated if you can see the road from your property, the Scenic Byway Committee will have legal authority to control the property. He suggested that the Board research this at propertyrightsresearch.org.

Motion carried with Mr. Smith opposed. Mr. Smith stated when the questions that were raised this evening are answered, he would be willing to vote to proceed.

A short recess was taken at this time.

APPROVE EXTENSIONS FOR FIELDSTONE AT LOWER MAKEFIELD (HARRIS TRACT) PLAN NO. 496-N, FIELDSTONE AT LOWER MAKEFIELD (HARRIS TRACT) PLAN NO. 549, AND LOTUS TRACT

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the following Extensions:

Fieldstone at Lower Makefield (Harris Tract) Preliminary Plan No. 496N – 6/30/08
Fieldstone at Lower Makefield (Harris Tract) Preliminary Plan No. 549 - 6/30/08
Lotus Tract Preliminary Plan - 7/07/08

ZONING HEARING BOARD MATTERS

With regard to the Luigi Pompili, 300 Cinnabar Lane, Variance request to construct an addition resulting in greater than the permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Jane and Jeff Evans, 1588 Stapler Drive, Variance request to construct a shed resulting in height in excess of maximum allowed, it was agreed to leave the matter to the Zoning Hearing Board.

Mr. Truelove stated T-Mobile Northeast LLC has applied for a Variance for property located at Lindenhurst Road to construct a telecommunications facility in an area outside of the Radio and Telecommunications Overlay District and also encroaching into the rear yard setback. He stated representatives from T-Mobile are present this evening and have requested the opportunity to make a presentation before the Board prior to the Board making a determination on whether or not they will take a position on this matter.

Eric Goldberg, attorney, was present on behalf of T-Mobile. He stated T-Mobile currently has antennas on all four existing towers in Lower Makefield Township and also provides coverage into Lower Makefield via sites outside of Lower Makefield. He stated despite this they still have a significant gap in their coverage along Lindenhurst Road and some of the streets surrounding Lindenhurst Road. He stated the Overlay District, which is where telecommunication facilities are permitted, was created in approximately 1997; and at that point in time people were just beginning to use cell phones, and the use of cell phones today is not comparable to what it was at that time. He stated the Ordinance that was enacted in 1997 limits the type of coverage that can be provided in a Township the size of Lower Makefield.

Mr. Goldberg stated T-Mobile is scheduled to go before the Zoning Hearing Board as they are incapable of providing coverage to the gap noted from any site in the Overlay District. He stated they have no other means to provide coverage and are looking for guidance from the Township to help them provide the coverage that is needed. He stated the site that T-Mobile has chosen that is the subject of the Application before the Zoning Hearing Board is at the corner of Lindenhurst and Woodside Roads. Mr. Goldberg stated also present this evening is their radio frequency engineer and their site acquisition specialist.

Mr. Santarsiero stated since they are pursuing a Variance from the Zoning Hearing Board they have already made a decision to proceed. He stated they are proposing to put a 120' tower in a Residential area, and he does not feel this is the best plan for the Township; and he would vote that the Board oppose the Application.

Mr. Smith asked if any of the other wireless carriers are experiencing this gap, and Mr. Goldberg stated they are looking into this at the moment.

Mr. Caiola stated while this is going to be handled by the Zoning Hearing Board, the Board of Supervisors discussed this briefly in Executive Session; and the Board members indicated that they were concerned with the proposed location and size of the tower; and their intent is to maintain their neighborhoods in a certain manner, and he does not feel

this fits in with that part of the Township. He stated the Zoning Hearing Board will make the final decision, but he would not be in favor of supporting T-Mobile's endeavor.

Mr. Maloney stated he lives 150 meters from the proposed location, and he is able to get a signal from his carrier.

Mr. Smiths stated he feels it is incumbent on T-Mobile to find out if any of the other carriers are experiencing a similar problem in this area.

Mr. Stainthorpe stated he feels T-Mobile's proposed location is too close to the Residential area, and is not an appropriate structure for the area.

Mr. Santarsiero moved, and Mr. Stainthorpe seconded that the Township appear in opposition to this Application before the Zoning Hearing Board.

Ms. Sue Herman stated she lives close to the proposed location, and asked when this will be before the Zoning Hearing Board. Mr. Truelove stated it is scheduled for March 18. Ms. Herman asked if the residents will be advised of this, and Mr. Fedorchak stated he feels the requirement for notification is a minimum of 200' from the subject site, but he stated they will be broadcasting the notice throughout the entire area. Ms. Herman stated she feels residents on both Lindenhurst and Woodside should be advised of this. Mr. Maloney stated with regard to Zoning Hearing Board notification, the Township tends to notify more property owners than required.

Ms. Herman asked what residents should do at the Zoning Hearing Board to best represent their opposition. Mr. Stainthorpe stated the Township often hears from residents that they do not like how things were handled at the Zoning Hearing Board and stated it should be recognized that a Zoning Hearing Board Hearing is very different from a Township Supervisors' meeting. He stated the Zoning Hearing Board is a quasi-Judicial Board, where they take facts and testimony, and apply the law. He stated opinions and feelings that residents are encouraged to express at a Supervisors' meeting are not relevant at a Zoning Hearing Board meeting. He stated the meeting is run much differently than a Supervisors' meeting. He stated residents can request Party status and make testimony, but it is much stricter than a Board of Supervisors' meeting.

Ms. Herman asked if the Supervisors' Motion this evening will be forward to the Zoning Hearing Board to be taken into consideration. Mr. Truelove stated an attorney from his office will be there at the direction of the Supervisors to represent the Township's interest in opposing the Application. He stated this does not preclude individual residents who may be affected by this from requesting Party status and to make statements and sworn testimony so that they can make a Record. He stated those who are Parties can also participate should the matter be appealed to the Court of Common Pleas.

Mr. Fedorchak stated he anticipates they will send out approximately 250 to 300 letters to residents in the area.

Mr. Goldberg asked if there are any locations in the Township that the Board would look favorably upon, and Mr. Truelove stated the Board of Supervisors cannot comment on this since nothing is before them other than this specific Application. He stated there was a prior Application from T-Mobile for another location in the Township which was outside of the RTF District, and the Board directed the Solicitor to appear in opposition at that time as well. He stated other than these two Applications, the Township has not been advised that the current locations of the towers are insufficient. He stated over the past three to four months, they have had six to eight co-location requests for the existing towers so he assumes those entities have found that those locations are sufficient. Mr. Goldberg stated T-Mobile has a mature network which makes this situation different from a network that is just starting out. Mr. Truelove stated T-Mobile is the only carrier who has indicated that there is a problem. Mr. Goldberg stated T-Mobile would be willing to comply with the Ordinance if it were possible to do so.

Motion carried unanimously.

AWARD BID FOR LANDSCAPE MAINTENANCE SERVICES AT THE GARDEN OF REFLECTION FOR 2008 AND 2009

Mr. Fedorchak stated on February 28, the Township opened six bids with a range of bids from \$61,920 to \$26,512, the low bid, which was submitted by Realty Landscaping. He stated the Township staff and the Garden of Reflection Committee recommends awarding the bid to Realty Landscaping for the amount specified.

Mr. Santarsiero moved and Mr. Maloney seconded to award the bid for landscape maintenance services at the Garden of Reflection for 2008 and 2009 to Realty Landscaping in the amount of \$26,512.

Mr. Stainthorpe expressed concern with the wide price range in the bids, and he stated he would like a guarantee from Realty Landscaping that the workers will be legal and properly documented. He also noted the second memo that breaks out the cost for the Garden of Reflection, flag circle area, and the oak garden arboretum; and he stated he understands it has been suggested that the Garden of Reflection Committee will pay for the maintenance of the Garden of Reflection, and the flag circle and the oak arboretum would be paid for by the Township. Mr. Fedorchak stated this is the request from the Committee. Mr. Stainthorpe asked if this is the case, he questions why the Township Park & Rec workers would not manage these pieces; and Mr. Fedorchak stated it is the recommendation of the staff that Realty do the work since there is a substantial amount of manicuring involved in all three areas; and he feels it would take the Township staff a

considerable amount of time and effort to complete this work in the manner that would be consistent with the way the Garden has been maintained. Mr. Stainthorpe stated he understands that they have not used Township funds for this work in the past, and Mr. Fedorchak stated he feels this is correct.

Mr. Joe Boyle, Realty Landscaping, stated they would be able to furnish the Township with the certification for the workers; and once the crew arrives in two to three weeks, they will furnish copies of their Visas. Mr. Truelove asked if these would be H2B Visas, and Mr. Boyle agreed.

Mr. Caiola asked the cost last year for the same areas, and Mr. Fedorchak stated he does not have this. Mr. Santarsiero stated with respect to the arboretum, it was not as much of an issue until now.

Ms. Ellen Saracini stated the Garden of Reflection Committee was pleasantly surprised at the bid opening noting that many low bids were submitted. She stated Brickman and Shady Brook Farm make yearly landscape donations and Realty Landscaping has been with them since inception and donated the entire core landscaping section. She stated their bid is quite low and the Garden of Reflection Committee and Lower Makefield should thank them for this. She stated the maintenance costs for last year were higher than the maintenance costs will be this year for the three areas.

Motion carried unanimously.

APPROVAL OF SIGN MATERIAL AND POST BIDS

Mr. Fedorchak stated the staff recommends award of the bid to Garden State Highway.

Mr. Maloney moved, Mr. Stainthorpe seconded and it was unanimously carried to award the Bid for Sign Material and Post Bids for 2008-2009 to Garden State Highway.

SUPERVISORS' REPORTS

Mr. Stainthorpe stated he attended his first HARB Board meeting, and they discussed Edgewood Village and the deplorable condition of some of the buildings; and stated while they have been very focused on the future of Edgewood Village, a "Town Center," and new construction, some of the core historic structures are crumbling. He stated the Township should be taking whatever legal steps they can to make sure that the buildings are being maintained. Mr. Smith stated he would like the Ordinance Review Committee to look into this. Mr. Santarsiero stated when they were interviewing Ms. Stambaugh earlier this evening, they agreed that they would ask the Township Solicitor to look at

what powers the Township has to impose regulations both within the Historic District and outside of that with respect to private landowners. Mr. Truelove stated State law allows the Township to do certain things, and they may coordinate with the State Historic Museum Commission. He stated they need to determine the Township's responsibilities without stepping beyond what they can do. He agreed to follow up on this.

Mr. Smith stated he will relay the concerns of the Rivergate residents expressed this evening to the Special Events Committee. Mr. Smith stated Ms. Saracini has indicated there is no Supervisor liaison to the Garden of Reflection, and Mr. Santarsiero agreed to serve as their Liaison.

OTHER BUSINESS

Ms. Herman stated there will be a meeting on March 31 of the Regional Traffic Planning Task Force where they will discuss the Bucks County Regional Traffic Study final report dated 10/07. She stated this was the report that was not accepted as a final report at the last meeting. She asked if the Township's traffic engineer could review that final report and prepare comments for the Citizens Traffic Commission to review on 3/17. This was acceptable to the Board of Supervisors. Ms. Herman also asked for an update on the Newtown By-Pass traffic signal enhancement initiative project in time for the Citizens Traffic Commission meeting.

APPROVAL OF RESOLUTION NO. 2160

Mr. Santarsiero stated earlier this evening the Board distributed a proposed Resolution which deals with the voting machines the County is currently using. He stated this Resolution was taken almost verbatim from a Resolution recently passed by Doylestown Township and a number of other Townships throughout Bucks County which essentially urges the County to look at replacing the voting machines with a voter-verified paper ballot system. He stated this system would involve paper ballots that are marked off by the voter and then scanned into an electronic machine so that there would be a paper record of the vote in case there is a challenge to the Election or a recount. He stated there are well-documented problems throughout the United States with the touch screen machines currently being used, and there is presently pending before the Congress a Bill that would provide Federal funding for the replacement of the machines. Mr. Santarsiero stated the Resolution does not require the Township or the County to spend any money and simply urges the County to consider this, and ultimately it will be the County's decision whether there are funds available for it or not. He stated those who support this measure are sufficiently concerned by the current machines and the fact that they do not create a paper record that is independent of whatever data is in the machine that may itself be corrupted. He stated there are people who note that the old mechanical machines

which were used for years did not create a paper record either; and while this is true, those machines were not as susceptible to the kind of electronic problems that the current machines are. He stated he feels they should strive for the most accurate type of voting system possible; and if it means they can also have voter-verified paper ballots, they should move toward this.

Mr. Stainthorpe stated he does not have a problem with the Resolution since it is only stating that the County should give consideration to a different type of machine. He asked if they know for sure that there have been problems throughout the United States, and Mr. Santarsiero stated they do have information on this, and he agreed to provide this information. He stated a number of jurisdictions which previously purchased those machines have now replaced them.

Mr. Maloney stated after the last Election, he did not know until after 2:00 a.m. what the final results were. He stated he would encourage the opportunity to make the system better.

Mr. Maloney moved and Mr. Smith seconded approval of Resolution No. 2160.

Mr. Zachary Rubin, 1661 Covington Road, stated there is a big problem with the existing machines. He stated even though they do not have modems, anyone with an electromagnetic device can jeopardize the integrity of the machine by going into the booth. He stated he is in favor of a paper trail so that Pennsylvania, which has one of the largest percentages of electronic voting machines in the United States, is not put in a Florida-type situation. He stated there are now certain kinds of scanning machines that are scanned at the Precincts which would cut down on the time it takes to know who won an Election. Mr. Rubin stated while a mistake was made two years ago by the County Commissioners, the information they had at the time was what they made the determination on; but subsequently, in the last two years there is a lot of information from other States indicating that they should go to paper-scanning machines.

Mr. Stainthorpe stated he is not opposed to a paper trail and being able to verify votes, but is concerned that they threw out mechanical machines that worked fine for forty years over hysteria; and he feels a lot of bad decisions were made. He stated the machines are expensive, and he is concerned that six years from now they will be having another discussion about what is wrong with the paper-scanning machines. He stated whatever decision the County Commissioners ultimately make has to be based on real data and not hysteria.

Mr. Rubin stated he agrees with Mr. Stainthorpe. He added that in the last Presidential election 120 million people voted and 1 ½% of those votes were not counted because of machine malfunctions.

Mr. Santarsiero stated even if the scanning machines would have a problem, they would still have a paper trail.

Ms. Torbert stated even Florida has decided to move away from mechanical machines. She agrees that no system is 100%, but at least with this new system there will be a way to check for accuracy.

Mr. Caiola stated he had similar concerns with what the data showed and the cost, but noted the Resolution is only a recommendation that they consider a better machine.

Motion carried unanimously.

APPOINTMENTS

Mr. Santarsiero moved, Mr. Maloney seconded and it was unanimously carried to re-appoint Michelle Stambaugh to the Historic Commission and Cynthia Borda to the Elm Lowne Committee, and to appoint Frank Fazzalore and Richard Robinson to the Veteran's Committee..

There being no further business, Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to adjourn the meeting at 10:05 p.m.

Respectfully Submitted,

Matt Maloney, Secretary