

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – OCTOBER 1, 2008

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on October 1, 2008. Chairman Caiola called the meeting to order at 7:30 p.m. He asked for a moment of silence in honor of the two Philadelphia Police Officers who were recently killed in the line of duty. 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. Virginia Torbert, Citizens Traffic Commission, stated the Citizens Traffic Commission presented a letter to the Board dated today which contains their comments on the proposed Stoopville/Washington Crossing intersection. She stated Toll Bros. gave a presentation on the conceptual plan, and the letter shares the Citizens Traffic Commission's comments and concerns. Ms. Torbert reminded everyone about the Citizens Traffic Commission's first safe driving event to be held Saturday, October 18 from 8:30 a.m. to Noon. She stated a number of speakers will be present to speak on a number of topics related to safe driving.

Mr. Sam Conti, Sutphin Road, stated there was a discussion about a conservancy when the Board discussed the proposed \$15 million Open Space Referendum. He asked what are the principles and conditions of a conservancy, the benefits to the Township, and the obligations of the property owner. Mr. Santarsiero stated they were discussing purchasing the development rights of a property and typically the way this would work is that there would be a number of different easements placed on the property. He stated this is what occurred when the Township purchased the development rights for the Wright Farm. He stated there would be a local, County, and State system of easements. He stated if you have more levels of easements, it would make it more difficult in the future for someone to challenge this and try to develop the property.

Mr. Stainthorpe stated the benefit to the Township is that the Township does not actually own the property so that the underlying land stays on the tax rolls and in private hands, and the Township would not have the liability or the maintenance. He stated the intent is that the farm would continue to be farmed.

Mr. Conti asked what would happen if the farmer no longer wanted to farm and instead wanted to use the property for some other use. He asked if someone could use the property for a wind farm or for placement of solar panels. Mr. Santarsiero stated the easements will run with the land so that regardless of who owns the land, they would be bound by the scope of the easements.

Mr. Stainthorpe stated the farmer/owner owns the property as agricultural land; and if the Township bought the development rights a wind farm could be put on the property with the Township's consent as the owner of the development rights. He stated the Township could also sell the development rights, and it would depend on the temperament of the Board in place at the time. Mr. Santarsiero stated this would depend on the easements which are placed, and he feels there should be multiple levels of easements. He stated if it were only the Township putting on the easement, Mr. Stainthorpe would be correct; but if there were both County and State easements placed, it would not be just the decision of the Township. He feels this would be a safer way to do it if you are concerned about preserving space and not having it open for development as the decision would be taken out of the hands of a future Board of Supervisors who might be inclined to do something with it. He stated if there were multiple layers of easements, any future decisions would not be made by only the owner of the property and the Township. He stated there are a number of ways that easements can be written in terms of the restrictions on the property on a going-forward basis.

Mr. Conti asked if they were to proceed with this acquisition, would the Board of Supervisors discuss the easement with the voters, and Mr. Santarsiero stated they would discuss this in public just as they did with the Wright Farm and other lands that have been preserved in this way.

Mr. Conti stated they are in the third year of consideration of culling of deer and the problem continues with farmers losing over 30% of their crops to the deer. Mr. Stainthorpe stated he feels they need to make a decision on how they will deal with this, and he feels this should be part of the upcoming Budget process. Mr. Fedorchak stated their consultant, Bryon Shissler, sent him drafts of three different RFPs about two months ago – one for a sharp shoot, one for an archery hunt, and a third which would involve a hunting club in order to spearhead the efforts. Mr. Fedorchak stated he has sent out the draft RFPs to several groups and is waiting for their responses before formally submitting them at a public meeting. He feels he will have this information within the next thirty days.

Ms. Helen Bosley, 546 Palmer Farm Drive, stated she is concerned about the absence of any discussion on the Budgets especially in light of the current economic climate. She stated she is most concerned about the borrowing rates for any short-term debt, how much short-term debt the Township has, the impact on the Pension costs, and what the Township will do going forward to mitigate any impact. Mr. Brian McCloskey, Finance Director, stated the third quarter ended yesterday, and in the next Board of Supervisors' packet, they will have their third quarter finance report which will provide a better idea of where they will be by the end of the year. He stated the short-term borrowing rates have decreased throughout the year which has benefited the Township in the variable rate debt but they have also seen a decline in the interest earnings. With regard to the Pension costs, they are not really determined by the markets and they are involved with actuarial calculations which has to do with the longevity of the employees and their ages, plus some returns in the Pension investments. He stated with regard to the volatile market, they discuss this daily. He stated the Township's position is very stable and the funds are collateralized as required by law. Going forward, they will look at not only the credit market but all the markets including the housing market which impacts the deed transfer tax. They will continue to monitor all of these items and report on it monthly and quarterly.

Mr. Maloney stated the real estate transfer tax is the element of the Budget which has been hurt the most. He stated they are down between \$200,000 and \$400,000 for the year projections. He understands that the Township has been actively addressing this by realizing savings in other places in the Budget or additional revenue in other places in the Budget so that they are working toward the same ending cash balance or as close to as possible given the usual variances. He stated he feels if they are going to give a third quarter report at the next Board of Supervisors report, a member of the Citizens Budget Committee should attend as well to speak to the details of the reviews that have been done particularly with regard to the deficit in the transfer tax. He stated they did recently complete an evaluation of the Pension Plan and most of the numbers that can be impacted by the economics were determined prior to the recent events in the market. He stated the obligation for the current year was not adversely effected by what has happened recently. He stated there will be a meeting in a few weeks to discuss fund performance and the liabilities that will be observed in a going-forward basis.

Ms. Bosley stated if there is a \$200,000 to \$400,000 decrease due to the real estate transfer tax, she feels it would be helpful that the public is clear about this number if they are going to report on this in two weeks. She also stated she feels going forward given the financial times and the impact this is having on a number of taxpayers, they should do everything possible to hold the line on tax increases for next year. She asked where the money would come from if there is a \$200,000 to \$400,000 "hole" this year. Mr. Maloney stated there are expenditures that they will not be observing that they had originally planned to, and there have also been realized revenues that they had not anticipated. He stated they will speak to these specifics at the next meeting

Mr. Caiola reminded that everyone is welcome to attend the Budget Hearings, and many of the items raised by Ms. Bosley are discussed in much more detail at these meetings.

Mr. Simon Campbell stated he has heard about contractual work regarding maintenance of the Community Pool and there was discussion about bids to get contractors to do work on the Pool, and asked if this was true. Mr. Caiola stated this is true. Mr. Campbell stated he has heard that a bidder came in approximately \$200,000 lower than the next bidder, but that bidder did not meet the requirements of Ordinance #369. Mr. Caiola stated all of the bidders came in above Budget, and the low bidder did not meet as many of the criteria as the other bidders; but all of the bidders came in substantially higher than Budgeted, and this is why they chose to re-bid it. Mr. Campbell asked if it was true that the low bidder was \$200,000 lower than the next bidder, and Mr. Caiola stated he feels this is correct. Mr. Campbell asked if it is also true that bidder did not meet the requirements of the Responsible Contractor Ordinance, and Mr. Caiola stated this is his understanding.

Mr. Santarsiero stated he does not feel that any of the bidders fully met this requirement. He stated the reason they decided to re-bid was because even the lowest bidder was a couple hundred thousand dollars higher than the estimated cost and therefore beyond the budget for that issue. Mr. Santarsiero stated this project is not merely maintenance as in this case there are two major capital projects – the one being to completely re-do the baby pool and the other is to essentially double the size of the Intermediate pool both of which are very large projects. He stated the architect, Wallover Associates, had come forward with an estimate and when the bids came in, the lowest bid was substantially higher than what the estimate had been which is why they re-bid the project.

Mr. Campbell asked if any of the three bids which were received met the Responsible Contractor Ordinance, and Mr. Santarsiero stated this is their understanding they did not. Mr. Campbell asked if this is because none of the three have a Union apprenticeship program, and Mr. Santarsiero stated they have apprenticeship programs to varying degrees. He stated he is not sure that they were Union, but this is irrelevant since the Ordinance only requires that they have an Apprenticeship program. Mr. Santarsiero stated they have had successful bidders since the Ordinance was enacted who had apprenticeship programs that were not Union shops. He stated for every bid they have had up until now since the Ordinance was adopted, they have chosen the lowest bidder in every case. Mr. Campbell questioned what will happen if they are faced with a situation where the lowest bidder does not meet Ordinance #369, but they could have done good quality work. He asked if the taxpayers will have to pay more money than they need to because of this Ordinance. Mr. Santarsiero stated they will see what the next round of bids reveals, but if there is a situation where, regardless of whether the bidders meet the Responsible Contractor's Ordinance, they are all above the estimated cost that the project was going to be, given the economic uncertainties that face the Township, he personally would be hesitant to go forward with the project under those circumstances.

Mr. Stainthorpe stated he has been an outspoken opponent of the Responsible Contractor Ordinance, but these bids were rejected for a number of reasons besides being overbid as there were a lot of flaws in the contracts. He stated the project was not well handled, but he will be curious to see when the next round of bids comes in how it will stack up as he is confident at some point in time the Board will be faced with the situation where the low bidder does not meet the Ordinance.

Mr. Campbell stated his concern is that the Board has passed a local law that could shut out a really competitive bid for political purposes. He stated he does not understand why they passed this law. He stated he does not feel they should necessarily pick the lowest bidder every time as he feels they should check to see if they do quality work. He stated he does not feel they need this law, and if they can do quality work and are the lowest bidder, he feels they should be hired.

Mr. Santarsiero stated under State law they must go with the lowest responsible bidder, and State law does not clearly define what “responsible” means. He stated they had a situation in 2006 which involved a sewer project and the lowest bidder was a firm about which they learned information which caused them concern as to whether or not they would be responsible. He stated the Board rejected that bid and the lowest bidder sued them and the Township lost and had to go with that bidder. He stated ultimately the job was done and they were relatively satisfied, but when the Board is trying to gauge a bid, they can only be as comfortable as the information they are getting. He stated when they subsequently passed the Responsible Contractor Ordinance, their thinking was they have the authority as a local government to pass a law that would further define what they mean when they say “responsible” so that when a bidder comes before them and they feel there are serious questions as to whether that bidder will do the job responsibly as well as for a low price, that the Township, like an individual, will have the authority to say no they are not going to go with that bidder as they feel in the long run it is going to cost the Township more when the job is not done right. He stated they can debate whether or not they feel that one criterion out of several that are in the Responsible Contractor Ordinance of having to have an apprenticeship program is one that indicates it is a more responsible than another. Mr. Campbell stated he does not feel it is. Mr. Santarsiero stated the judgment of the Board was that criterion was significant enough that it should be included among the other criteria in the Ordinance to define what “responsible” is. Mr. Santarsiero stated they have heard the argument that it favors Union shops, and while it is true that most Union shops have apprenticeship programs, it is also true that there are non-Union shops that have apprenticeship programs. He stated they have already had cases like this in the bidding process; and in fact some of the parts of the job for the Pool work that were bid upon in this first round of bids was work that was going to be performed pursuant to those bids by non-Union shops that had apprenticeship programs.

Mr. Campbell asked the size of the Pool project, and it was noted it is approximately \$2 million. Mr. Campbell asked if there has been a project of this size and scope since the Ordinance was passed. Mr. Santarsiero stated there have been a number of projects that have been approved, and there has been no comment until now about any of those projects because they all have been awarded to the lowest bidder.

Mr. Campbell asked if the Pool project is the biggest project. Mr. Stainthorpe stated this would be the biggest project since the Golf Course. He stated in an economy as bad as this where they are doing a \$2 million project and they only get two bids, he questions whether people chose not to bid because of concerns about the Responsible Contractor Ordinance. He stated when this Ordinance was first brought up, he suggested that they take out the apprentice pieces of it and keep the other pieces in. Mr. Campbell stated he feels that by passing this law, the Township is opening itself up to potential legal action since if a bidder comes in and indicates they have met all of the requirements except for the Apprenticeship requirement, they may decide to sue the Township if they are rejected. He feels this Apprenticeship program requirement is needless government regulation. He stated while there may be some non-Union firms who have these programs, he feels there were politics involved in this and the taxpayers may be facing higher expenses in an economic environment where people are struggling. He stated he is concerned that the taxpayers are going to over-pay for this large project because of the Ordinance in place.

Mr. Santarsiero stated he feels they have recently seen the consequences of lack of government regulation on Wall Street. He stated Mr. Stainthorpe voted for this Ordinance originally, and Mr. Stainthorpe stated he voted to advertise it. Mr. Santarsiero stated they advertised it and then voted for it the first time and later found out that the advertising was deficient so they had to vote on it a second time. He stated the first time Mr. Stainthorpe and Mrs. Godshalk voted for it and later voted against it. Mr. Stainthorpe stated he has no problem changing his mind for the benefit of the taxpayers; and once he figured out what was going on, he changed his vote. Mr. Santarsiero asked why there was not an outcry every time the awards have come up since the Ordinance was passed where they have gone with the lowest bidder. Mr. Santarsiero stated he feels this is now an issue because of the upcoming Election.

Mr. Campbell stated he has also heard that the Township is interested in taking over trash collection, and Mr. Caiola stated research has been done by the EAC and they will be presenting this information in November. He stated they are looking into the potential of looking at either one or two haulers who would cover the entire community. Mr. Campbell stated it seems that the Board of Supervisors is considering passing a law mandating which trash company the residents must use. Mr. Caiola stated after a lengthy discussion, it would come down to a vote by the Board of Supervisors if they wish to proceed in this way. Mr. Campbell asked why the Township would begin the process of whether they should dictate who picks up the trash. Mr. Caiola stated they may be able

to save money for the residents and may be able to have one hauler come into the Township as opposed to five. He stated they are looking at the environmental and economic value of having one hauler. Mr. Campbell stated he would prefer to choose which company picks up his trash. Mr. Caiola stated this will be part of the discussion. Mr. Campbell stated there are a lot of regulations being passed at the Township level which are impeding upon the civil rights of residents of the community. Mr. Campbell stated he does not feel this discussion should even be initiated. He stated if the Supervisors believe that one of the companies is not being environmentally-friendly, they should provide this information to the residents who can then make the decision on what they want to do. He stated this is similar to the non-native plant Ordinance, and he questions if he is breaking the law now that he has had landscaping done. Mr. Santarsiero stated the Native Plant Ordinance does not apply to private ownership. Mr. Santarsiero stated he feels any idea should be able to be brought before the Board of Supervisors so that there can be a public discussion. He stated it is possible that they may decide that they do not wish to pursue the trash collection issue after discussing the matter.

Mr. Maloney stated there are many parts of the Country where trash collection is the responsibility of the local government and there are also places where sewer services are provided by private enterprise. He stated what they have seen over the past year is the tendency to assume that the way it has always been is the right way for it to be. Mr. Maloney stated he feels it is always worth looking at something and trying to decide what is the right way to proceed. He stated he does not feel they should allow their past approaches to color what they feel the right solution should be. Mr. Maloney stated the Pool project will not be funded by taxpayer dollars but rather by the members of the pool which is a much smaller base. He stated the Pool conducts itself on a self-sustaining basis, and so the project and the costs it encompasses will be based on whether or not the revenues of the pool can meet the expenses of the project, so that not every taxpayer in the Township will be affected and only those who are Pool members will be affected. Mr. Campbell asked if it is true that no taxpayer money goes to the Pool, and Mr. Caiola stated it is a separate fund. Mr. Maloney stated the Budget that has been proposed for the Pool project is based on the projections of the future revenues of the Pool and the Pool alone.

Mr. Campbell asked if the Native Plant Ordinance applies to private residences, and Mr. Santarsiero stated it does not apply to private residences. Mr. Campbell asked where it does apply. Mr. Santarsiero stated it applies to Township property. Mr. Campbell questioned why they would pass a law on themselves, and Mr. Santarsiero stated they wanted to create public policy.

Ms. Caroline Mundy, Brookfield Road, stated she feels the items brought up by Mr. Campbell are important to her, and she questions what the Board is trying to accomplish by putting these Ordinances in place. She feels the trash pick up issue seems

to be an invasion; but if the Board decides to consider this, she feels they should let the taxpayers decide whether they want the Board of Supervisors to be in charge of the trash collection. She stated she feels they should put out a Referendum on this. She feels the Board has become invasive and out-of-control. Mr. Truelove stated Referenda in Pennsylvania are only allowed for certain items and issues. He stated no matter what the issue is the Second Township Code and the Public Records Law and the Sunshine Act require public discussion on all these issues. He stated he feels that this Board, regardless of political affiliation, has always been very good about large public discussions. Ms. Mundy asked how they are getting the information out to the public before they decide to pass these Ordinances. Mr. Truelove stated the Ordinances have to be advertised and Agendas are available for review before every meeting. He stated information is also put on the Website and the TV Channel. He stated an Ordinance would not be passed the first time that it is discussed. He stated they first discuss whether it should be advertised and it is discussed again when they consider whether or not to pass it. Mr. Truelove stated he feels the Board is very proactive about getting information out to the public as to what is being discussed. Mr. Truelove stated the Responsible Contractor Ordinance was passed a year and a half ago after a lengthy discussion.

Mr. Caiola stated the information on the trash collection issue has not yet come before the Board. He stated there are oftentimes two to three meetings before an Ordinance is approved.

Mr. Santarsiero stated he feels more than any time in the history of the Township now that there is television coverage of the meetings, the amount of information that is being disseminated to the public is greater than it has ever been. Mr. Santarsiero stated when he ran for Supervisor in 2003, one of his planks was to televise meetings, and many people at that time felt it was not a useful expenditure of Township money; and while they do not have statistics on this, he has heard from many people across the Township that they do watch the meetings so that they can be apprised of what the Board of Supervisors does.

Ms. Mundy stated her fear is that the more regulation that is put out, the higher the bar will be and the more it will cost the taxpayers.

Mr. Caiola stated particularly with the trash collection, one of the primary reasons they would act on this would be if it would save the taxpayers money. He stated they would not want to take away the taxpayers' freedom of choice and then have it cost the taxpayers more.

Ms. Mundy stated she is concerned with the additional level of bureaucracy. She stated if she has a problem with the trash collector, she would have to go through the Township first. Mr. Caiola stated this is something that they will have to be worked out. He stated

there may be an outpouring of people who are against this if they feel it will not cost less. He stated he recognizes that Senior Citizens have particular carriers who give them a reduction in their rate, and all of this will be discussed when it comes before the Board before a vote it taken.

Mr. Zachary Rubin, 1661 Covington Road, stated American history teaches that as part of the Mayflower Compact some individual rights and freedoms were given up to the Government in return for the Government providing for the common welfare of the community. Mr. Rubin stated in many communities, the Government is in charge of the trash pick up as they feel that is an important service to provide for public health and safety. He stated he lives in Makefield Glen and the Governing Board of Makefield Glen negotiates with the trash haulers; and through economies of scale, they are able to get a better rate than if everyone contracted individually.

#### APPROVAL OF MINUTES

Mr. Santarsiero moved, Mr. Smith seconded and it was unanimously carried to approve the Minutes of September 17, 2008 as written.

#### ANNOUNCEMENT OF NEW PARK & RIDE CAR POOLING WEBSITE

Mr. Santarsiero stated in August he proposed that the Township provide a service for residents to facilitate ride sharing and put something on the Township Website where people could post whether they had a ride share they would like to participate in which would facilitate people coming together and being able to car pool. He stated they now have on the Website a place where residents can go to check out this information. Mr. Santarsiero demonstrated on the laptop how this procedure works. He stated they are showing one posting already; and once it is further advertised, he hopes that they will have more people accessing the site. Mr. Fedorchak stated the Webmaster does first review the postings before allowing it to be put on the Website.

#### AUTHORIZE ADVERTISEMENT OF ORDINANCE PROHIBITING PARKING ON SUTPHIN ROAD BETWEEN YARDLEY-MORRISVILLE ROAD AND MOON DRIVE

Mr. Truelove stated this matter relates to the Marrazzo Zoning Hearing Board issue. He stated there were concerns raised by the residents in the area that large trucks were “camping out” on Sutphin Road which some felt was dangerous and annoying to the residents in the area. He stated it was requested that the Township look into the possibility of creating a “No Parking” area on both sides of Sutphin Road from the intersection with Yardley-Morrisville Road to Moon Drive.

Mr. Maloney moved, and Mr. Santarsiero seconded to authorize advertisement of an Ordinance prohibiting parking on Sutphin Road between Yardley-Morrisville Road and Moon Drive.

Mr. Maloney added that the residents involved in the Zoning Hearing Board Application indicated that this matter was something they would expect to be in place before that matter is concluded, and he would not want this to be a stopping point to a resolution of that matter.

Ms. Cynthia Osofsky asked if they are also including that trucks cannot park on Yardley-Morrisville Road in front of Marrazzo's. She stated the trucks are parking along Sutphin Road and Yardley-Morrisville Road waiting for Marrazzo's to open in the morning, and she would not want them to now all move to Yardley-Morrisville and wait there if a law is passed that they cannot park on Sutphin Road. Mr. Truelove stated because Yardley-Morrisville Road is a State road, the Township does not have jurisdiction to enact an Ordinance regarding parking in that area. He stated they can discuss this further with the Police and others because it may be a danger for other reasons and may not require an Ordinance to prohibit this. Ms. Osofsky asked if the Township could speak to PennDOT about putting up a "No Parking" sign on Yardley-Morrisville Road. She stated it would also be helpful to have some Police patrols in the area. Mr. Maloney stated they are working on some issues with regard to traffic calming in this area as well, and Chief Coluzzi was asked to look into enforcement opportunities that may exist.

Mr. Smith stated at the last meeting, Mr. Moyer expressed concern about truck traffic in this area, and Chief Coluzzi was going to look into this. Chief Coluzzi stated with regard to the truck parking, they did ask Marrazzo to ask the truck drivers waiting for them to open to park in one of the larger parking lots in the area such as area shopping centers until the time Marrazzo's opens and then pull into Marrazzo's yard. Ms. Osofsky agreed that it has been better but she is concerned about the impact once no parking is permitted on Sutphin Road.

Mr. Fedorchak stated the Board had asked that he reach out to PennDOT and request that they conduct a traffic study in the entire corridor starting with the intersection of I-95 to the southernmost Township boundary; and this was positively received, and he expects to hear back from PennDOT in the next few weeks.

Motion carried unanimously.

**DISCUSS PROPOSAL TO PREPARE FINAL DESIGN AND BIDDING SERVICES FOR A PEDESTRIAN WALKWAY ALONG BLACK ROCK ROAD**

Mr. Santarsiero stated this issue was dependent upon the replacement of the culvert on Black Rock Road which is now being done. He stated a number of residents in the Westover Section brought to the Township's attention some time ago their concern with cyclists and pedestrians going down to Black Rock Road on the southern side of the Road toward the River to get to the bikepath or use it as a route from the Westover area to get to Macclesfield for athletic events. He stated the Board was also advised that there are a number of individuals who are coming from the east toward the Canal from the Glen Drive area as well. He stated the concern is that the pedestrian/cyclist traffic on Black Rock Road was hazardous because the side of the road is fairly narrow, cars tend to go down the hill at fairly high rates of speed, and the road curves. He stated along with the Township traffic engineer and members of the Citizens Traffic Commission, he walked the full length of the route and considered what could be done. He stated it was concluded that it would not be too difficult to proceed with a bike/pedestrian path on the southern side of the Road from Westover, down to the Canal, over the Canal culvert, and end up at Glen Drive. He stated at that time, the much-anticipated replacement of the culvert at Black Rock Road crossing the Canal was not yet underway. He stated by the end of 2006, the funding was in place for that project, and the construction is now taking place. Mr. Santarsiero stated TPD has presented this proposal to prepare the final design and bidding services for this pedestrian walkway along Black Rock Road.

Mr. Stainthorpe stated he is a cyclist and appreciates the safety hazards, but asked if they have this money Budgeted. Mr. Fedorchak stated while they did not Budget for this particular item, they have enough funds in the Capital Reserve Fund to cover this. The total price is \$47,100.

Mr. Maloney stated he understands that this will be a joint effort by CMX and TPD, and Mr. Majewski stated his firm will be providing surveying services to TPD for the project. Mr. Maloney asked what is included in this as it does not appear that any traffic studies are listed. Mr. Majewski stated no traffic study is required as part of this project. Mr. Maloney asked Mr. Majewski if he feels the \$47,100 will cover everything that is required, and Mr. Majewski stated he feels it should cover everything.

Mr. Smith asked the estimated start and completion dates, but Mr. Majewski stated he is not sure although he knows TPD is anxious to get started. Mr. Majewski stated they need to do surveying, engineering, and permitting from the State; and he would anticipate getting all of this could take several months so that by the end of the year, they could have the design ready to go out to bid for construction in the spring.

Mr. Santarsiero stated this is a health and safety issue which is why he is in support of this. Mr. Smith stated while he is concerned about the Budget, he feels the safety issues are more important.

Mr. Stainthorpe stated the construction of the culvert and dredging of the Canal will probably be complete by the time they are ready to proceed with this. Mr. Santarsiero stated they did not want the culvert work to be done in a way that would have precluded this project from taking place; and when the design for the culvert came before the Board, he had asked Mr. Majewski if it would be sufficient to accommodate the pedestrian/cyclist path, and Mr. Majewski had indicated that it would. Mr. Stainthorpe stated they do not really know what the project will cost until the engineering is done, and a decision will have to be made at that point whether or not they are able to proceed. Mr. Santarsiero stated he would like TPD to come in during the Budget Hearings to provide an estimate for this project.

Ms. Helen Bosley stated she is unclear as to the \$47,100 being considered, and it was noted that this is for the engineering alone and is not the cost of construction. Ms. Bosley asked if Mr. Majewski could provide an estimate for the cost of construction, and Mr. Majewski stated during the Budget process TPD will probably be able to give a better estimate on the construction costs. Ms. Bosley stated she is concerned that they are spending \$47,000 to design this with no understanding of how much the total project will cost. Mr. Maloney noted the number of residents who came to the Board about this problem and the tremendous amount of activity in the area. He stated there is no opportunity to get across the Canal safely by non-motorized vehicles and pedestrians/runners, and there is a significant need to provide for this. Ms. Bosley stated there is a culvert on Ferry Road and one at Woodside Road, and she feels at some point they need to determine what are the priorities and the costs to the residents. She asked if there are capital reserves for this project as it could cost \$250,000 for this one project. She also questioned why it would cost \$47,000 to get an engineering study done for this project. Mr. Maloney stated he feels Mr. Majewski will advise them if this is not an appropriate charge.

Mr. Santarsiero stated there will not be a lot of construction work as the biggest part of this is the culvert which is being done by the State. He stated there may be two lots where rights-of-way acquisition will be necessary. He stated this is a health and safety issue, and Black Rock Road is more centrally located than either Ferry Road or Woodside Road and it does get wide use on a day-to-day basis. He stated the responsibility of the Board of Supervisors is to protect the health and safety of the residents, and they have been on notice of this as a problem for approximately two years.

Mr. Stainthorpe stated they are under no requirement for professional services to get bids, but he stated at Memorial Park they had three phases of engineering and they got bids for the second two phases which were substantially lower and the Township was able to save

money. He stated while he likes the quality of work done by Traffic Planning & Design, perhaps before they spend \$47,000 they should get some additional bids. Mr. Smith stated he agrees. Mr. Smith particularly noted Part 4 of the project for Final Design Services which is listed at \$27,900 and stated he would like more of a breakdown on the services they intend to provide which he does not feel should be difficult. Mr. Stainthorpe stated while TPD is the Township's traffic engineer, it may be possible to save some money as they did at Memorial Park.

Mr. Santarsiero stated he would not want to significantly delay the project now that the State work is getting done. He feels it would be reasonable to have TPD come to the next Board of Supervisors' meeting and provide more information as to the costs; and if the Board is comfortable with their response they could proceed at that time; and if they are not, they can consider getting other bids. Mr. Maloney stated with professional services they do have leeway and they would not have to go through a formal bidding process; and Mr. Fedorchak could speak to other engineers to see if this figure is approximately what other firms would charge. Mr. Santarsiero stated Mr. Fedorchak and Mr. Majewski could do this between now and the next Board of Supervisors' meeting. Mr. Smith stated he feels the project is extremely necessary, but he would like to have a better explanation.

Ms. Virginia Torbert, Citizens Traffic Commission, stated she feels TPD should provide more detail, but added that the Citizens Traffic Commission does feel that this is a very important project. She stated many children are using Black Rock Road to access the towpath and Macclesfield Park which is the major athletic park in the Township. She stated local residents have reported that vehicles on this road are traveling at very high rates of speed.

#### APPROVAL OF EXTENSION – NORMAN AND PATRICIA O'ROURKE MINOR SUBDIVISION

Mr. Santarsiero moved, Mr. Maloney seconded and it was unanimously carried to grant an extension of time for Norman and Patricia O'Rourke Minor Subdivision Plan to January 21, 2009.

#### APPROVAL OF PUBLIC WORKS BIDS – LEAF COLLECTION

Mr. Fedorchak stated the staff recommends that the Board award a Contract to the three bidders noted who will help the Public Works Department pick up all the Township leaves in November and December.

Mr. Stainthorpe moved and Mr. Maloney seconded to approve the leaf collection bid to Ken's Lawn Service, Kent's Tree Service, and Douglas Scott.

Mr. Maloney asked if Mr. Hoffmeister has had discussions with the farmers about the location of the leaf drop off, and Mr. Fedorchak stated he has asked him to do this.

Motion carried unanimously.

#### 2008-2009 CONSORTIUM SALT BID

Mr. Caiola stated Mr. Fedorchak has indicated that he has received some additional information on this matter and has asked that it be pulled from the Agenda so it will not be moved on this evening.

#### SUPERVISORS' REPORTS

Mr. Maloney stated the Zoning Hearing Board continues to hear the Frankford Hospital and Comcast matters. He stated both items have generated significant interest from residents. He stated it was discussed informally with the Township solicitor that they believe that it is common practice in other Townships to selectively broadcast through the Cable TV channel certain Hearings of the Zoning Hearing Board without necessarily prejudicing the process. Mr. Maloney stated he would recommend that Mr. Truelove review any possible case law as well as practices of other Townships to corroborate the belief that other Townships have done this without retribution of Applicants. He stated if this is the case, he would encourage the Board to make a policy of broadcasting those two Hearings as they have generated so much interest and further recommend for the 2009 Budget that funds be allocated to broadcast all future Zoning Hearing Board meetings.

Mr. Truelove stated the next Comcast Hearing will be held tomorrow night so that he would not have the information in time to televise that meeting; but he will be able to provide a recommendation before the next Frankford Hospital Hearing which is scheduled for October 21. Mr. Truelove stated he is aware that other Municipalities do this on a selective basis based on the nature and type of the Hearing and the public interest generated.

Mr. Smith stated he feels communication of any issue that is before the Township should be broadcast if it has some importance to the Township; and he is in favor of more information than less information for the public consumption. He stated he feels that other Township meetings such as the Planning Commission and other Boards and Commissions that are of interest to the public should be broadcast as well.

Mr. Caiola stated if they are going to be broadcasting more, it is going to be at a greater cost to the Township so they need to look at this as well.

Mr. Smith stated the Elm Lowne Committee and the Veteran's Committee have asked for permission to speak to the Board of Supervisors at their next meeting; and he asked that they be put on the next Agenda. Mr. Smith stated the Veteran's Committee has some recommendations with regard to the Edgewood Village Pocket Park. He stated Special Events is moving ahead, in conjunction with the Veteran's Committee, with the Veteran's Day Parade which will be held on Sunday, November 9 at 1:00 p.m. on Edgewood Road.

Mr. Caiola stated in the month of November, Mr. McCaffrey has opened up his meeting room and free jazz will be provided in conjunction with the Bucks County Council for the Performing Arts and information can be found on their Website where there is also information on other events they will hold in the near future. Mr. Santarsiero stated there is a two to three minute slide show that they have put together about different events to be held in the future and he asked that this be provided to Mr. Fedorchak so that it can be put on the Township Cable Channel.

Mr. Caiola stated the Historic Commission was going to hold an event in December, but this will have to be postponed as a number of items need to be worked out. They are looking for support from the Special Events Committee and hopefully next year, they will hold this event.

#### OTHER BUSINESS

Mr. Caiola stated in January he discussed the need to do more for the surrounding communities, and in conjunction with this, he would like to encourage those voting to bring canned goods to the polls that will be donated to local food banks – the Pennel Food Bank and the Trenton Area Soup Kitchen. He stated recommended items will be posted on the Township Website and the Cable Channel. He stated they will make sure that this is done in such a way that it will not be an obstruction to voting. Ms. Osofsky suggested they involve the school children as well.

Mr. Smith stated the Veterans Commission is also going to work on collecting items for the soldiers and a list of needed items will be posted soon.

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Maloney moved, Mr. Santarsiero seconded and it was unanimously carried to appoint Ken Martin to the Historic Commission.

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

Respectfully Submitted,

Matt Maloney, Secretary