

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – OCTOBER 15, 2008

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on October 15, 2008. Chairman Caiola called the meeting to order at 7:30 p.m. 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
 Bucky Closser, Township Solicitor
 James Majewski, Township Engineer
 Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Mr. Bob Slamen stated the economy is not in good condition, yet the Board wants to spend \$80 a year more for open space which he feels is wrong. He stated the Township has enough open space. He stated the Township is spending a fortune on maintenance for Elm Lowne, and he feels it should be sold. He stated the Township just spent over \$115,000 on a new roof for a property at Patterson Farm. He stated the Board raised taxes 15% last year which was the greatest increase in 18 years and could be the greatest in Lower Makefield Township ever. He feels the Open Space question should not be on the ballot. Mr. Caiola stated they will be getting a report from the Elm Lowne Committee about the future of that property.

Ms. Helen Bosley, 546 Palmer Farm Drive, stated she agrees with Mr. Slamen and is concerned that for those who are at the average level it will cost \$72 to \$80 for acquisition of open space but for the upper half of the residents it will be over \$100 for a long period of time. She stated she is concerned about the amount of the Bond Issue. Ms. Bosley stated she also feels there is a need for fiscal responsibility. She stated she has gone through some of the numbers that Mr. McCloskey was helpful in providing. She stated she is most concerned about the Real Estate Transfer number as \$1.4 million was budgeted for this year, but through eight months they have only \$700,000. She is concerned, given the real estate market that in the absence of any huge real estate transfer, the number could be as high as \$400,000 under budget. She stated this forces the number for the personal real estate taxes to go up. She stated last year they were

increased a total of \$1 million. She feels there needs to be significant discipline going through the coming Budget.

Mr. Bruce McClish, 506 American Drive, stated he moved to Lower Makefield from California where he lived in an area which had a three County Open Space District which improved the quality of life in the community offering habitat for natural elements in the State and recreational opportunities for people. He stated open space is what attracted he and his wife to Lower Makefield. He stated the Township had the foresight to acquire development rights on some of these properties. He would urge the Board to continue to set aside funds and approve the Bond to buy more open space.

Ms. Sue Herman, Lindenhurst Road, thanked Mr. Santarsiero for establishing the Citizens Traffic Commission on which she serves to help mitigate the dangers of speeding traffic especially truck traffic. She stated Toll Bros. recently presented to the Traffic Commission their concept plan for the intersection of Stoopville/Washington Crossing Road. The Commission has reviewed and sent their comments and concerns to the Board of Supervisors.

Ms. Rebecca Cecchine announced that the last Farmers' Market will be held tomorrow evening where they will also have a children's parade. She thanked Mr. Santarsiero and the Environmental Advisory Council for starting the Farmers' Market. She stated farmers are the original small businesses. She stated they also have local vendors who are at the Farmers' Market and were at Community Pride Day which also helped a lot of local businesses. Ms. Cecchine stated while transfer taxes are down, her receipts on real estate taxes are up and she has had to send out fewer reminders than she did last year. Mr. Caiola thanked Ms. Cecchine for taking over running the Farmers' Market this year and also thanked the other volunteers. Ms. Cecchine thanked Mr. Caiola for suggesting that voters bring food to the polls on Election Day.

APPROVAL OF MINUTES

Mr. Santarsiero moved, Mr. Maloney seconded and it was unanimously carried to approve the Minutes of October 1, 2008 as written.

HISTORICAL COMMISSION UPDATE

Ms. Michele Stambaugh was present with Ms. Ann Devlin, Ms. Roseanne Friehs, Mr. Ken Martin and Ms. Kaaren Steil, members of the Historical Condition along with Ms. Susan Mazetelli

Ms. Stambaugh stated the Historical Commission is an advisory Board and their mission is to help preserve structures and maintain the historic integrity of the community. She reviewed some of the projects they have done in 2008 particularly the Historic Open House Tour where there were over 400 people in attendance. She stated their goal for next year is to publicize more and to work with other groups.

Ms. Roseanne Frihs reviewed the homes which were on the Historic Open House Tour held on 5/4/08. She thanked the Board of Supervisors, particularly Mr. Caiola and the Township staff for their help with this event as well as all the volunteers and sponsors. She stated Sunday, May 3, 2009 will be the date for next year's Open House.

Ms. Stambaugh stated this was the first time they held an Open House and she thanked the Board for approving this event which brought awareness of the houses to the community. Ms. Stambaugh stated the Commission worked on development plans and worked with the PHMC and HARB. She stated they have started a monthly report in the Yardley News. She stated they also worked with the Woodside Presbyterian Church on their design of the Church. She stated they recently worked with a developer on protecting the Civil War gravesites at the cemetery on Yardley-Morrisville Road. Ms. Stambaugh stated while they were considering a winter celebration, due to economic reasons, they have decided to cancel this and will look forward to planning this for 2009.

Ms. Ann Devlin stated part of their Mission is to promote awareness of Lower Makefield and its history and for 2009 they are looking into a tile produced by the Moravian Pottery and Tile Works which will have the Lower Makefield logo and people will be able to purchase these at various community events. She stated the Bucks County Parks & Recreation Board gave their approval to go forward with this project, and she will be meeting with the head ceramist at the Tile Works. Ms. Devlin stated they are also looking into a book on the Township published by Arcadia Publishing which has approached them about doing a book. She stated they are appealing to residents to provide the Historic Commission with historic photos with captions so that they can document the history of Lower Makefield. She is working on a proposal to Arcadia to get the project approved. Once published, the books will be marketed by Arcadia with the books put in strategic locations within the Township, and will also be sold at local events. Ms. Stambaugh noted that any photos sent to the Township will be returned. Ms. Devlin stated the captions need to be 75 to 100 words.

Ms. Steil stated the Historic Society is going to join with the Historic Commission on the tile project. Ms. Steil stated they are working on increased publicity and are putting their monthly minutes in the Yardley News, and information about the Historic Commission and their events in the newspaper, on the Township TV Channel, and on the Township Website. Ms. Cecchine has also included information with the tax notices. They are looking into putting information at the Library as well. She also asked the Board of Supervisors and the residents to let them know if there is a house that they would like to have them look at. Ms. Steil stated Mr. Caiola has also asked that they include something

on the Township Website about 100 special unknown things about Lower Makefield and she asked that residents submit information to the Township. She stated these may be facts that new residents are not aware of. Mr. Caiola stated the Economic Development Commission is working on this as well.

Ms. Stambaugh stated they are also looking into creating a 501C(3) as a long-term goal to try to help preserve the homes. Mr. Caiola stated he would like to see this set up no later than February or March. He stated they are working with the Solicitor on how to set this up and are looking into funding going for historic preservation and the Veteran's Memorial.

Mr. Caiola thanked the Historic Commission for their presentation and stated he is enjoying working with them.

SPECIAL EVENTS UPDATE

Ms. Marielle Wolf stated they are planning the second annual Veteran's Day Parade. She stated there will be a number of speakers. The ceremony will take place at pocket park immediately after the Parade. She stated they have gone to the Elementary Schools and asked the 4th and 5th graders to write an essay on Veteran's Day. The winners will be presented at the ceremony and their essays will be printed in the Yardley News. She stated the Special Events Committee invites all Veterans from Bucks County to participate.

Mr. Caiola asked if they have done anything to reach out to Veterans organizations, and Ms. Wolf stated they sent out over 350 letters. She invited all of the Supervisors and Chief Coluzzi to carry the flag down the parade route.

APPROVE REQUEST TO RENAME TOWNSHIP PARK AT EDGEWOOD AND HEACOCK ROADS AND TO DESIGNATE SPACE FOR A VETERANS MONUMENT

Mr. Chris Desmond, Mr. Kevin Treiber, and Ms. Jennifer Dunkley were present. Mr. Desmond stated he is honored to serve the community in his role on the Township Veterans Committee and his elected position as the Commander of Veteran of Foreign Wars Post 6393 in Lower Makefield Township. Mr. Desmond noted others present to support them including members of the Veterans Committee, and members of VFW 6393 and American Legion 317. Mr. Desmond stated they would like to submit their proposal for the establishment of a commemorative area within the Township to honor those who served their Country and to build and preserve future honors through reflection and recognition of Veterans past, present, and in the future.

Mr. Treiber stated their mission is to honor and serve the Veterans of the community through remembrance, service, and outreach, and act as liaison between the community, Veterans, Veterans organizations, and the Township. Mr. Treiber showed a picture of the Lower Makefield Honor Roll which was erected in the Edgewood Village area a short time after World War II which paid tribute to men and women from the area who served during World War II. It is not known why this monument was removed. Examples of monuments throughout the Country were shown.

Mr. Treiber stated they considered a number of locations for a memorial including Memorial Park, but they felt that since it was the home of the Garden of Reflection, they did not want to encroach on this. They also wanted a more central location. He stated sites around the Municipal Building were discussed, but they felt a better location was at “pocket park,” which is currently the end point of the Veterans Parade. It is also in the area where the original Honor Roll was located. They also felt this was a good location as the intention at some point in the future is to have Edgewood Village become a town center. An aerial photo of the proposed location was shown. They feel this site has great visibility as it is a crossroads in the community and it is a flexible space that could be used for other community functions as well. It is the current location for the Farmers’ Market and they envision that it would remain the site of the Farmers’ Market.

Mr. Treiber stated they have discussed the project with HARB, the Historic Commission, the Farmers’ Market, and the Park & Recreation Board which last evening recommended that the Board approve this proposal. They have also discussed this with the members of the VFW and the American Legion. There were no objections.

Mr. Desmond stated they propose the monument area to have two broad general sections – the somber memorial area to memorialize those killed in action, missing in action, and prisoners of war, and those killed in the line of duty during active duty, and a commemorative area where the public could commemorate their present living Veteran members or those deceased after discharge members of the community. Mr. Desmond stated they are in the very early stages of the design for the monument and feel it will grow in phases through ongoing fundraising and donations. They are considering a 501C(3) and will work with the Township on this and whether it should be a stand-alone for the monument or be a joint 501C(3) with the Township. No taxpayer burden is envisioned for any portion of the monument.

Mr. Desmond stated inaugural names for the monument would include re-posting of the names which were on the original Honor Roll and a commemoration of Sgt. Dunkley. Mr. Desmond stated it was recommended that the Veterans Committee not be involved in researching the names on its own and it is recommended that the names be submitted by the citizens and families, and the names will then be reviewed and placed in the proper areas. Mr. Desmond stated they envision that notations in the memorial area will include name, rank, branch of service, and action abbreviation. In the commemorative area it

would include the name, rank, and branch of service. All branches of service would be included. The overriding stipulation is that the Veterans recognized must have been honorably discharged. They will also welcome submissions from citizens of Yardley Borough. Mr. Desmond stated last evening the Park & Recreation Board recommended that there should be a distinct time window for submission of information of those to be considered for the Memorial initially so that they are able to proceed in a timely manner.

Mr. Desmond stated some of the elements they are considering at the Memorial include walls, seals of the forces, flagpoles, columns, pictures and symbols, foliage, and water features. He stated they will solicit suggestions on what should be at the Memorial on their Website, www.lmtmemorial.org. Mr. Treiber stated the Website will also keep the public informed as they go forward. Mr. Desmond showed an example of the sign they hope to erect on 11/9/08 at the conclusion of the Veterans Parade.

Mr. Santarsiero moved and Mr. Stainthorpe seconded to rename the Township Park at Edgewood and Heacock Roads, Veterans Square.

Mr. Smith asked the reaction by other Veterans organizations in the area, and Mr. Desmond stated VFW 6393 is apprised of the work of the LMT Monument Committee at every monthly meeting, and they are heartily in favor of it. They have a number of trades in the Post who are eager to participate. They have also had input from American Legion 317, and they have indicated that they are in favor. Mr. Smith stated he has been serving as Liaison to the Veterans Committee and is proud of the work they have done in such a short period of time. He stated they have also been working with the Special Events Committee, and he thanked them for all the work they have done in time for Veterans Day.

Motion carried unanimously.

DISCUSSION OF I-95 NOISE MONITORING STUDY

Ms. Tracy Stroschein and Mr. Chad Dixson of Traffic, Planning & Design were present. Mr. Dixson stated Ms. Stroschein is the Environmental Services Manager at TPD and a qualified noise expert who conducted the preliminary noise study along the I-95 corridor. Ms. Stroschein stated they were asked to conduct a noise study between Langhorne-Yardley Pike and the Railroad underpass to the south. She stated they conducted the study in accordance with PennDOT and Federal Highway guidelines for noise studies. They chose six random sites to monitor and she showed the location of the sites on a map. The sites were used to calibrate the model after they took the traffic information they collected from the highway. She stated traffic counts were conducted during the week 9/8/08 to 9/12/08 to determine the peak hour traffic volumes; and based on data recorded, the peak hours were from 7:30 a.m. to 8:30 a.m. and 5:00 p.m. to 6:00 p.m.

Ms. Stroschein stated noise abatement criteria include two subsets – one is 66 decibels and the sites impacted according to the model were shown on the map. The other criteria that PennDOT considers is 10 decibels or greater increase which typically only occurs with a new highway alignment or a major change in capacity which would not happen in this situation. She noted Sites 2, 4, and 6 which were over the PennDOT criteria for 66 decibels, and detailed monitoring information has been provided in the report.

Ms. Stroschein stated they used GIS data available from DVRPC to determine the geometric relationships between the receptors and the highway itself and to determine elevation changes which is critical in running the model. She stated they used the 2008 volumes to calibrate the model, and the model calibration came out fairly accurate and they were only three decibels off which is what is acceptable in PennDOT's criteria. She stated it showed that the model was over predicting slightly, so they were conservative. Ms. Stroschein stated typically PennDOT conducts their noise studies for the traffic year 20 years in the future so they used 2030 as their design year. The number of impacted receptors was shown on the map.

Ms. Stroschein stated they also did a short mitigation study and she showed on the map the barrier they studied. She stated the barrier location could vary once they get into detailed design. She stated for the purpose of their study they assumed it would be at the shoulder. She stated PennDOT typically in their feasibility studies for mitigation bases it on three criteria. Warranted means that there are impacted receptors which they do have in this case. They also study feasibility which is dependent upon the ability for them to construct a barrier. She stated the final consideration is "reasonableness," and PennDOT has chosen \$25 a square foot for their cost to consider in "reasonableness," and she stated this works out to approximately \$50,000 per residence benefited. To be "benefited" you need to receive a decibel insertion loss which means the barrier benefits you by lowering the perceived decibel level by three. She stated this is the audible level that people perceive something is getting quieter. She stated they did the "reasonable" analysis, and they did make an estimate and feel the benefited costs per residences benefited would be from \$11,000 to \$14,000 which is significantly lower than what PennDOT would provide per benefited residence. She stated on the northbound side there were 58 impacted receivers in 2030, and they could benefit 51 with a barrier that was reasonable. There were 144 receivers impacted southbound, and they could benefit 100 of those. Total barrier costs on the south side would be \$1.5 million and on the northbound, approximately \$900,000.

Ms. Stroschein stated it is not PennDOT's policy to install noise barriers if there is no highway project in the area that will significantly alter vertical or horizontal alignment or add additional capacity. She stated there is a program in place called a demonstration noise wall project which involves getting Federal earmarks. She noted where some of these projects took place.

Mr. Stainthorpe asked how these conclusions line up with what the Bridge Commission has proposed doing. Mr. Dixon stated they understand that the Bridge Commission has not studied this section of I-95 at all.

Mr. Santarsiero asked what height wall was being considered, and Ms. Stroschein stated it would vary between four and fourteen feet depending on the topography. Mr. Santarsiero asked when Ms. Stroschein discussed there would need to be a change to the road and increase in the volume, would the project north of this area suffice to qualify for the sound barriers; and Ms. Stroschein stated if it would increase capacity of the road sufficiently, it should be studied as a secondary impact as part of the project although it would not be a direct impact. She stated when they do their environmental document for roadway widening, they are supposed to take into consideration cumulative and secondary effects. If they are introducing enough capacity on I-95 as a result of that project and the traffic volumes are going to go up, they should consider what will happen down the road. Mr. Dixon stated they have made a request to receive the traffic studies being conducted by the Joint Toll Bridge Commission, and they indicated that they would be released when they finalize the documents internally. Mr. Santarsiero asked if it is still possible that the Township could use that argument as a way of advancing funding from PennDOT, and Mr. Dixon stated this is a possibility.

Mr. Maloney asked about the 3 decibel margin of error allowed for measurement, and Ms. Stroschein stated they measure out in the field a condition at that instance which may not be the average condition; and the model itself runs the traffic numbers and the algorithms within the model generate a decibel level based on the volume and the speed of the traffic as well as how far away the receptors are. She stated they then take the monitoring numbers and the model numbers and see if they are correlating. If they are past three decibels, this indicates that there is something wrong. The monitoring is a way for them to make sure the model is not grossly under predicting or over predicting. She stated they used the growth factor PennDOT recommends to determine what the traffic would be in 2030. Ms. Stroschein stated noise is always subjective. Mr. Maloney stated he is concerned that they may have picked an under reporting day, and Ms. Stroschein stated this is typically why they do traffic studies for a week to try to get the best average they can. She stated the noise model tries to predict the average the best that it can. She stated the Federal Highway Administration has indicated that the model is good within three decibels.

Mr. Zachary Rubin stated his property is #4 on the map. He asked what were the decibel levels for the spots noted on the map, and Ms. Stroschein stated site #4 was 67 and 66 is the threshold. Mr. Ruben stated when the Bridge Commission was present, they indicated the threshold was 67 so he feels this was misinformation. He asked if there were any sites higher than 67, and Ms. Stroschein indicated site #2 was 70. Mr. Rubin stated when the Bridge Commission presented their noise study, there were a number of

people in the audience who challenged the methodology, the validity, and the integrity of the report since it was noted it was louder than 67 decibels. He stated he feels you can extrapolate that if it is 70 in parts of I-95 in the southern part, the northern parts approaching the Bridge would be 70 as well if the speed limit is the same and the traffic volume is the same. Mr. Rubin stated he agrees with Mr. Stainthorpe and feels that they should be able to challenge the Bridge Commission report noting that there are some residents in the Bridge project area that deserve sound barriers that are not getting them, and the area TPD monitored is also entitled. He feels they should find some way to get these sound barriers built. Mr. Santarsiero stated they are going to study the northern sections as well in an attempt to bolster the Township's argument for those gap areas in the northern sections.

Mr. Bruce McClish, member of the Traffic Commission, stated this matter was brought to the Traffic Commission. He asked if the numbers of 67 and 70 decibels are for today or 2030, and Ms. Stroschein stated these are the monitored levels for today and the sites in the future will almost all be in the 70s except for site #5 which will be 68.

Ms. Virginia Torbert, Citizens Traffic Commission, asked why they selected 5:00 p.m. to 6:00 p.m. as the peak afternoon hour, and Mr. Dixon stated they selected it by taking the four consecutive fifteen minute intervals which yielded the highest traffic volumes. They did a traffic count for a week and counted traffic twenty-four hours per day. This was done during the week of September 8 to September 12. He stated they purposely waited until after Labor Day. The noise monitoring was done September 17 and September 18. Ms. Torbert asked how many readings they took when they did the noise monitoring, and Ms. Stroschein stated they did three readings during each session and the readings are to calibrate the model. Ms. Torbert asked if this is the normal procedure, and Ms. Stroschein stated it is.

Ms. Helen Bosley asked about the original decision to have this study done. She stated she recalls that Mr. Maloney was one of the people who voted against having this part of the study done versus having it done on the part in which there is going to be construction by PennDOT. Ms. Bosley stated what has been studied is two to three miles of I-95 recognizing that in Pennsylvania there are fifty miles of I-95; and the Board is spending taxpayer money trying to figure out whether there should be sound barriers on a road for two miles. She does not feel they are considering what the cost of putting sound barriers for every Township along the fifty miles would be to the taxpayers. She stated the Township has spent close to \$9,000 for this study. She stated she does not feel the Township is in a position to be able to generate the funds to put up these sound barriers on I-95 for two miles on either side of I-95. She stated this is one point in time with respect to number of decibels and it may or may not have come before or after gas was higher or lower. She stated people may in the future be driving less or have electric cars on this road which would be much quieter. She objects as a taxpayer that money was spent on this study, given the unlikely ability of the Township taxpayers to pay for the

sound barriers. Mr. Santarsiero stated they are not proposing that the Township taxpayers pay for this, and the purpose of the study was to see if they had a factual basis for which to make an application to the Department of Transportation to get funding for this.

Mr. Rubin asked if I-95 is a Township-owned road, and Mr. Caiola stated it is not. Mr. Rubin stated he assumes it is a Federal highway and added one of the most successful funding programs is the Federal Highway tax which is a user fee tax and not a single person who does not drive pays one penny to build or maintain roads, as it is funded by a Federal gasoline tax; and Mr. Caiola agreed. He asked if Lower Makefield has a gasoline tax, and Mr. Caiola stated they do not.

Mr. Bruce McClish stated one of the other considerations they had in doing this study was the fact that possibly the new Scudders Falls Bridge would be a traffic generator in this segment of I-95; and when they get the numbers from them, they can look at the 2030 number without the Bridge versus the 2030 number with the Bridge and they may find that the Bridge does have an impact in this segment, and this may result in a source of funding for this project. He stated the concern came from the residents in the area who expressed concern over the noise from I-95, and whether it would be increasing as a result of the Bridge project.

Mr. Santarsiero asked, given these results and what was discussed about the Bridge project, what would be the Board's next step if they are interested in trying to get funding to have this done. Mr. Dixon stated they could wait to get the results from the traffic study and then look to see if it falls within the secondary impact. If the Township is not successful in this effort in terms of getting it added to the Scudders Falls Bridge project, they could try to secure Federal or State funds to have it done as a separate project.

DISCUSSION OF PROPOSAL FOR DESIGN AND BIDDING SERVICES FOR PEDESTRIAN TRAIL ALONG BLACK ROCK ROAD AND APPROVE AWARD OF THE PROJECT TO TPD

Mr. Chad Dixon, TPD, stated they had submitted a draft proposal to the Township on 9/23 for design services and bidding for construction of the Black Rock Road pedestrian walkway that they had evaluated for the Township in 12/06. He stated this relates to the culvert replacement that is currently being done over the Canal; and as part of the project, they are going to provide a pedestrian facility along the new culvert which will enable the Township to tie in on either end of the culvert from Glen Drive at one end and from Westover Court to the Canal. He stated they submitted a proposal for preliminary and final design and to bid out the project for construction. Mr. Dixon stated the scope of work they provided is what they feel is the minimum required to provide a contractor with a set of plans to construct the project and to receive outside agency approvals

needed from DEP and the Bucks County Conservation District. He stated there are five parts to the proposal. He stated with regard to the project survey, they would work with Mr. Majewski on this, and they would utilize some survey information already collected by the previous Township engineer to help keep costs for this part down. He stated the second part is determining the preliminary alignment of the walkway. The third part is right-of-way and easement coordination and preparation of documents to obtain any right-of-way or temporary construction easements necessary. The major portion of the work, part four, is preparing the plans for the contractor and receiving outside agency approval. Part five is preparation of the bid documents and assisting the Township through the bidding process. He stated they have laid out a schedule of twenty to twenty-two weeks in order to complete the work in the proposal and get the approvals needed from outside agencies. This also includes meetings with the Township and agencies during the entire project and any revisions needed to plans as a result of those reviews. Mr. Dixon stated page 6 breaks down the total cost by those five major parts including expenses; and the cost they proposed is \$47,100. He stated the initial design estimate was \$52,500, and they brought this down to the number shown.

Mr. Stainthorpe stated he is not questioning the quality of work done by TPD which he feels is excellent, but he brought up at the last meeting the fact that with Memorial Park, they got bids for engineering services and were able to save a significant amount of money. He asked Mr. Fedorchak if he has reached out to any other firms about this project, and Mr. Fedorchak stated he did not and was waiting for the discussion to take place this evening. Mr. Stainthorpe stated at Memorial Park, there were three phases to the project; and the initial phase was awarded to Pennoni. They did not get bids for this phase as it is not required; however, Mr. Fazzalore suggested they get competitive bids for phases two and three and they were able to do this and they were quite a bit less than what Pennoni had offered and the quality of the work was fine. He stated he feels it would be prudent to do this again with this project. Mr. Fedorchak stated in that instance the low bid was approximately \$90,000 and the high was approximately \$160,000 so it was a much larger in scope project than this.

Mr. Maloney stated the largest piece is the design services, and he asked for an explanation of what this involves. Mr. Dixon stated this is not a complicated project to construct and a lot of the cost is related to outside agency approval that is needed. He stated they need to extend the pipe that currently runs under Black Rock Road to carry the pedestrian walkway over the small tributary creek and for this they need a Permit from DEP. They are also disturbing ground so they need approval from the Bucks County Conservation District. These items add a cost of approximately \$10,000. Mr. Maloney asked if the remaining \$15,000 is general design, and Mr. Dixon stated it is.

Mr. Santarsiero asked if the regulatory costs would be the same no matter who does the work, and Mr. Dixon stated it would be very similar.

Mr. Caiola asked about the impact on the timing of the project if they went out to get additional bids. Mr. Fedorchak stated once they get beyond the engineering, they would then have a preliminary cost from the engineer, and the Board would then have to decide if they want to include this project in the 2009 Budget. Mr. Stainthorpe stated if this is going to take twenty-two weeks to complete this portion, they would be beyond the Budget review for 2009. Mr. Santarsiero asked how long construction would take, and Mr. Dixon estimated it to be twelve weeks. He stated his firm would be able to provide preliminary construction cost estimates at any time based on the information they have to include in the Board's Budget discussions.

Mr. Santarsiero stated given the economic climate, they do have to be careful with what they are spending money on in 2009, and when people hear the term "bikepath" they may feel this is purely recreational and is a luxury item that can be done without; however, in this case this is not the situation as there is currently a situation on this road where children and adults are walking and riding bikes on a road which is putting them in a very dangerous situation because of the lay out of the road and the speeds being traveled by vehicles on this road. He stated he would like to proceed with this and try to get the construction done in 2009 given that PennDOT is currently working on the culvert. He stated he is very concerned that there could be a situation where someone is hurt. He stated he would like to get a number from the engineer on the cost for construction. He stated Mr. Fedorchak indicated at the last meeting the Township has the ability to pay for the engineering, and he would like to proceed.

Mr. Smith stated this is a health, safety, and welfare issue for numerous individuals who travel in this area. He asked Mr. Majewski if they have a traffic division in their company, and Mr. Majewski stated they do. Mr. Smith asked why this project was not given to CMX. Mr. Stainthorpe stated he feels everyone agrees that this is a worthy project, and he is not trying to slow down the project; but in tough times he feels they should be prudent. He stated while they are not required by law to get three bids for professional services, he would like the Manager to reach out and get three bids; and if they save even \$1,000 of taxpayer dollars it would be prudent to do so. Mr. Santarsiero stated he is hearing a lot of speculation about costs and Mr. Dixon has explained the work to be done which does not seem to be unreasonable. He stated he would not want to delay the project as PennDOT will be done with the culvert and people will be going down this route, and he would not want to be in a situation where so much additional time was taken that someone is put in danger.

Mr. Caiola stated after hearing the explanation about what happened at the Garden of Reflection, this was fairly substantial; and he does not feel they would achieve this same differential in this situation. He stated they did break out different types of engineering to different firms; and while CMX may be able to do this kind of work, it has not been the thrust of this Board and they have tried to find firms that do extremely well in certain areas.

Mr. Dixon stated he respects the position of the Board in terms of getting competitive bids, but at this point any competitor now knows the price they presented. He stated they can provide the Board with how they broke down their hours for the tasks they are going to complete; and if the Board sees areas which they feel they need to reduce their hours, they could discuss this.

Mr. Smith stated his only question is whether this is something that is beyond the skill or competence of the in-house engineer since there are certain costs built in the proposed contract which involve interfacing with CMX. He stated if they find that cannot save any money with CMX, he would be in favor of moving ahead with the proposed contract with TPD. Mr. Caiola asked the average hourly rate for his organization, and Mr. Dixon stated it is approximately \$80 to \$85 per hour. Mr. Majewski stated their rates would be comparable.

Mr. Maloney stated he generally would be interested in hearing what other firms would quote on a project of this type, but with regard to professional services, you get what you pay for which is why State law does not require them to go with the lowest bidder. He stated if he felt there would be a great degree of variance in the pricing, he would feel there would be value in getting other bids; however, if the expectation is the numbers would not vary that much, he would prefer proceeding with the firm that has been doing this for the Township for a number of years. He stated since these are estimates as to time and materials, someone could come in with a lower bid, but if they spend more time trying to get up to speed with the Township, any savings could be lost. He stated a significant amount of the fee proposed is going toward a portion of the work that is not highly variable; and he feels comfortable proceeding with TPD.

Ms. Bosley stated she was under the impression after the last meeting that there was going to be an effort to get specifics on the large category of expenditures in this proposal and that some of this was going to relate to hourly rate. She stated given the discussion this evening, it sounds as if TPD is willing to work with the Township and she feels that if the Board provides a number, they may be able to fix the fee. She does not argue with the need for the project, but argues that as proposed two weeks ago there were significant issues with the proposal. She stated it would be good if TPD could reduce their fee as they know the difficult position the Township is in.

Ms. Caroline Genovese, 18 Springtree Lane, stated she is in favor of this important project which has been a long time coming. She stated she and her son were almost struck on Black Rock Road while riding bikes. She stated one of the special things about Lower Makefield is that it is along the Canal, and it is important that they have safe access to the Canal and the towpath. She noted the number of people using this facility. She also stated she feels they should do everything they can to encourage walking and bike riding throughout the Township as it is good for the environment as opposed to driving cars.

Ms. Fran Lamberger, 110 Eton Road, stated she agrees completely with this project, and would like to make sure that the project goes through. She is concerned about the twenty-two weeks to get drawings completed and asked if there is a way to try to do this as close as possible to the culvert completion. Mr. Dixon stated the schedule is based largely on the agency approvals needed, and the time it will take them to review their submissions. He stated they will accelerate the schedule if they can. Mr. Smith asked how long construction will take, and Mr. Dixon stated he does not feel it should take any more than eight to twelve weeks; and as they prepare the plans, they will be able to provide a better time estimate. Mr. Stainthorpe stated this construction is not going to take place at the same time the culvert is completed as that project will be finished before this project is started. Mr. Dixon stated they are now at the end of the construction season for 2008, and hopefully they can begin this at the start of the 2009 construction season. Mr. Maloney stated they would like to have this prioritized to the extent possible.

Mr. Santarsiero moved and Mr. Smith seconded to award the engineering project to TPD pursuant to their letter dated 9/23/08.

Mr. Stainthorpe stated he will vote in favor of this because he does understand the safety issues and the concerns of the residents; but he does not feel they are doing this the right way. He will vote for this because he recognizes that the safety concerns override his concerns for the Budget. Mr. Smith stated he feels all of the Board is Budget conscious, but agrees safety overrides everything. Mr. Santarsiero stated they have chosen TPD as their traffic engineer because they are comfortable with their expertise and the work they have done in the past. He stated this is a professional services contact, and he is confident that they will do a good job and that the price the Township will pay is within keeping of what they would pay in the industry as the hourly rate discussed supports this.

Motion carried unanimously.

DISCUSSION OF PRELIMINARY LAND DEVELOPMENT PLAN FOR CAPSTONE TERRACE (A/K/A FLEMING TRACT)

Jeffrey Garton, attorney, was present with Mr. Eric Garton, engineer, and Mr. Bob Riviezzo. Mr. Jeffrey Garton stated they are present to request Preliminary Plan approval of the project for an office complex at the intersection of Stony Hill Road. It has been before the Planning Commission a number of times, and they have recommended approval. The Plan is dated 11/16/07, last revised 8/1/08.

Mr. Erik Garton stated Stony Hill Road had been re-aligned ten to fifteen years ago and part of the re-alignment created a detention basin which they propose to utilize and improve the water quality design as currently there is a low-flow concrete channel which does not provide any environmental quality improvements to the run off that goes to the

basin. Mr. Garton stated this is an 180,000 square foot general office building with associated parking, a good portion of which will be placed in reserve as they do not feel they should build all of the parking if there is no need. In addition to the parking there is landscaping, some bio-retention areas (rain gardens), and four underground infiltration beds.

Mr. Jeffrey Garton stated the Applicant has committed to participate in the LEED process with respect to the environmental-nature of the building. They have requested certain Waivers as part of the Application including a Waiver from being required to provide core samples for the paving in the adjoining streets as they are both State roads. The second Waiver is the requirement that all light standards be located in landscaped islands, and there are two occasions where they are not able to do this. Mr. Eric Garton showed these locations on the Plan. He stated in order to get the proper distribution of light there needs to be light standards at the locations he noted. Mr. Jeffrey Garton stated they have also asked for a Waiver with respect to a planting strip between rows of parking which has been customarily granted for other projects and will also allow them to minimize disturbance on the site. They also have asked for a Waiver for the distance between parking areas and the building which required 20', and they are proposing 12' only in the area where the loading dock is to the right of the project. They are also asking for a Waiver which would require them to place trees in the area on Stony Hill Road that goes over I-95, and they propose to place them elsewhere on the site. He stated because of the difficult grade and the guide rail in that location, they felt it made more sense to place the same number of trees elsewhere on the site. He stated they are also asking for a Waiver as far as the location of the trees as there are certain locations where they cannot stay within the guidelines because of sidewalk/bikepaths and there are areas where they need to be more than 15' off the road because of those improvements. They are also asking to grade within 5' of the property line to the area along I-95 right-of-way. He stated they also have discussed topsoil, but have agreed to deal with this during the Final Plan phase. Mr. Garton stated they are agreeable to complying with the review letters, and there are very few outstanding items in the CMX review letter.

Mr. Garton stated they need to resolve the issue of the Township drainage easement between now and Final Plan. They have had some preliminary discussions but are prepared to reserve this to Final Plan. With regard to the reserved parking spaces, Mr. Garton stated this was recommended by the Planning Commission and the EAC and they will enter into the necessary Agreement with the Township to guarantee that they will construct those if, in fact, they are necessary. He stated they have also agreed that even though there are not current warrants, they will discuss with the Township their contribution toward putting a traffic signal at the intersection across from Shady Brook Farm. He stated if Shady Brook would do more development, they would like to make sure that this Applicant's contribution is equitable. Mr. Garton stated they will also comply with the Traffic Impact Fee and will make the necessary contribution which he feels is approaching approximately \$500,000 toward traffic improvements.

Mr. Smith stated he is not as concerned about Capstone, and is more concerned about the proposed Hospital for this area. Mr. Eric Garton stated he feels the Hospital would be approximately 1500 feet away. Mr. Smith asked if they will comply with TPD's report, and Mr. Jeffrey Garton stated they will. Mr. Smith asked about the potential number of employees at this location, and Mr. Riviezzo stated this would vary depending on the uses in the building, but their experience is that there are usually three employees per thousand square feet so this would be approximately 500 people.

Mr. Maloney asked if there are specific intentions for this building, and Mr. Garton stated there will be no medical offices as they did not seek a Special Exception, but there is not an identifiable tenant at this point.

Mr. Fedorchak asked if rather than making the \$500,000 contribution to the traffic impact fund, would they be amenable to a similar amount to an off-site improvement fund; and Mr. Garton stated they are always amenable to reflecting the Township's interest in that regard.

Mr. Jim Bray, Chairman of the EAC, stated they have some problems with the basic design. He stated the EAC made a comprehensive review of the Plan in April and just received the answers to their concerns in September. He stated they did receive a new Environmental Impact Assessment report which they have not yet reviewed thoroughly because there are strong rumors circulating that this whole project will be shelved shortly and a new plan put in its place. He stated if this is the case, the EAC would not want to spend a lot of volunteer hours reviewing this current plan if it is not going to proceed. He stated they estimate that it takes the EAC between twelve and twenty hours to come up with an appropriate response. If it is the Board's direction, they will do this; however, they would like some kind of assurance that this is the Plan that they plan to move ahead with before they spend a lot of time on a technical job such as this.

Mr. Garton stated they resolved a lot of issues the EAC had initially, and he does not feel that any of the issues the EAC still has relate to the Applicant's failure to comply with Township requirements. He stated the EAC has asked for more open space, asked questions about the skyline, questions about stormwater and water quality, and raised issues about a wet pond; and by virtue of those issues, they eliminated that particular feature. He stated this is a Preliminary Plan so they will have an opportunity to continue to look into issues which are germane to their direction from the Board of Supervisors. He stated with regard to another Plan, he stated nothing is concrete at this time; and if another Plan does surface, it will be basically just a change in the footprint and would not change the access to Stony Hill Road, the stormwater, sewer, water, etc. He stated at this point there is no other Plan that has been firmed up nor is there an Agreement existing that would involve the submission of a Revised Plan. He agreed the rumors are there, but nothing has been firmed up at this time. He stated there have been some discussions

about a potential additional user but those discussions have not resulted in a firm Agreement to proceed.

Mr. Smith stated it seems that at best, they will be “tweaking” the Capstone Plan, and Mr. Garton stated the only thing that may change is the configuration of the building and it will not materially change the stormwater, access points, traffic consequences, etc.

Mr. Maloney asked if there are potential requests for Variances for impervious surface, and Mr. Garton stated there are not. He stated the only Variance they received was to encroach into the manmade slopes to modify the basin. The impervious surface meets the Zoning Ordinance.

Mr. Santarsiero asked Mr. Bray what further analysis the EAC wants to provide to the Board of Supervisors, and Mr. Bray stated the Environmental Impact Assessment is a very comprehensive, lengthy document; and in their initial response in April, they wrote a sixteen-page list of concerns; and if the Board directs them, they will do this again for the current Plan, but they would like some degree of surety that this is the plan that is going to move ahead. He stated he takes exception to Mr. Garton’s comment that the Plan is generic as far as any other facility is concerned, and the EAC feels that this would not be the case. The EIA report is not a generic document and it is very closely related to the specific building that is placed on the site. He stated the EAC also has major concerns with stormwater management with the property. He stated while on the surface, it might fulfill the Zoning requirement regarding the amount of impervious surface, LID that applies in this case is a very strong Ordinance and it stipulates that if they can recharge on site, based on the soils that are on site, that is the first priority means of stormwater management, and they do not feel that this has happened on this site. He feels that there are a lot of natural structures that are part of the Plan that in the long run should probably not be there. Mr. Santarsiero stated the time expires on November 20 so there is some time, and he asked if there is a report the EAC could prepare by the next Board of Supervisors meeting in three weeks on November 5. Mr. Bray stated they could have this to the Board, but he would be concerned if the Plan is shelved shortly thereafter and there is a new Plan in its place. He stated they will follow the direction of the Board of Supervisors.

Mr. Stainthorpe asked if the plan meets the LID Ordinance, and Mr. Majewski stated he believes that they have incorporated a number of low impact features into the project. He stated they have reserved up to about 20% of the parking for future use, and are not building it now. It is shown on the Plan but it will not be built unless needed. He stated 141 spaces are not going to be built initially. He stated they also decreased the size of the parking spaces to 9’ by 18’ spaces for an additional 99 spaces beyond what the former Plan showed. He stated he estimates that they have decreased the amount of impervious surfaces that will be built as part of this project by over an acre. He stated they have also incorporated some rain gardens throughout the site. He stated they also have some

underground stormwater management facilities, and the EAC was concerned that these might become clogged, so they have proposed to install flow guard inserts into the inlets that will take away accumulated debris so it will not clog the underground systems, and they will be able to maintain their effectiveness long term. He stated they had also previously proposed some ponds in the area, but the EAC had a number of concerns with this proposal as did his office; and now they will leave the basins as they are. Testing in those basins done by the Applicant show that those areas in some spots have excellent infiltration which is the reason why even during a heavy rainfall, they are not overflowing, and they drain out fairly quickly. Mr. Majewski stated a number of these items combined are part of the LID, although he knows that the EAC still has several concerns.

Mr. Smith stated it appears they have acted in good faith trying to comply with the LID, and asked if they will be in compliance with the LID standards if they do everything they have indicated, and Mr. Majewski stated he believes they will although he understands Mr. Bray still has some concerns that they have not completely complied.

Mr. Stainthorpe stated he does not feel the Board can make a decision based on rumors and they must consider whether or not they meet the Ordinance with the Plan presented. He asked what would be the benefit to get Preliminary approval for a Plan they may not build, and Mr. Garton stated they may not have another Plan and there may not be another user and they need to deal with PennDOT for which you need Preliminary Plan Approval. He stated they also need to go through the Planning Module process for public sewers. He stated these can be done even if there is a minor plan change. Mr. Stainthorpe stated things could change regardless between Preliminary and Final Approval, and Mr. Garton agreed.

Mr. Maloney stated he does not want to discount the work the EAC does, but he does feel that the developer is also acting in good faith and if there are changes in the Plan, they will not be substitutive; and if there are, they will consider this and use that for a determination as to whether there needs to be a new Preliminary Plan submitted. He stated he feels they should review the EIS and they can consider this at the 11/5 meeting.

Mr. Caiola asked the reduction in impervious surface if they do not construct the parking spaces that have been put in reserve, and Mr. Majewski stated it reduces the impervious surface by approximately 5%. Mr. Eric Garton stated if they built every parking space, they would be at 60% impervious surface, and the Ordinance permits 65%. If they put the parking proposed in reserve, they would be at 55% impervious surface.

Mr. Stainthorpe asked if they would not have the opportunity to consider any issues the EAC has between Preliminary and Final Plan if they decide not to defer the matter until 11/5, and Mr. Maloney stated while this is correct, he would like to allow the process to continue until they feel all the issues have been addressed recognizing that there is time

to do so. He would not want to defer this until November 20, and he feels since Mr. Bray had indicated the EAC could meet the November 5 deadline, he would like to consider it at that time. Mr. Stainthorpe stated while he will go along with the Board, the Permitting process does take a lot of time; and he would be in favor of moving forward with Preliminary Approval this evening so that they can get started on this, and between Preliminary and Final any objections the EAC has can be dealt with then.

Mr. Stainthorpe moved and Mr. Smith seconded to grant Preliminary approval

Mr. Bruce McClish asked if there is a pedestrian/bicycle access provided to the site, and Mr. Eric Garton stated they are proposing a bikepath along the frontage, but they do not have one running up Stony Hill Road as it goes over I-95 because the width of the bridge and the slope makes this very difficult to place one at that location. Mr. Jeffrey Garton stated this was consistent with the Planning Commission recommendation.

Ms. Virginia Torbert stated she has a number of concerns with the traffic from the project; and the Planning Commission, despite recommending approval, also had concerns with the traffic. She asked about the location of the entrances to the project, and Mr. Eric Garton showed the full turning movement entrance proposed on the left hand side which lines up with Shady Brook Farm's existing entrance. Mr. Garton showed this location on the Plan. This is the location where the proposed signal would go. Mr. Garton stated there is also proposed to be a secondary entrance which permits right turn in and right turn out only. Ms. Torbert stated one of TPD's concerns was that they put some kind of physical barrier at this location so that cars could not make a left turn, and Mr. Garton agreed they will do this although the Plan does not show it at this time. He stated they have proposed a "pork chop" island to prevent people from making a left turn. He added that anything they design along Stony Hill Road will be subject to PennDOT approval. Ms. Torbert noted the traffic circle in the parking lot, and Mr. Garton noted the location of the traffic circle. He stated Mr. Dixon did have comments based on the original Plan, and they did revise this consistent with Mr. Dixon's comments.

Ms. Torbert stated the Citizens Traffic Commission is also concerned with the potential for a Hospital in this area, and she understands that as a result of this project, the Level of Service at the intersection of Stony Hill Road and Newtown-Yardley Road will drop from a Level of Service C to a Level D; and the solution in the Applicant's traffic study is signal optimization in which she does not have a lot of confidence. Mr. Garton stated his firm did not prepare the traffic impact study as this was done by Pennoni Associates. Mr. Jeffrey Garton stated this project does not reduce the Level of Service, and he feels that reduction in level of service would be due to the construction of the Hospital should that plan proceed.

Mr. Smith stated when he asked about the number of employees for this project, he was concerned about the cumulative effect in this area recognizing that if the Hospital goes in, it could result in gridlock. Mr. Dixon stated in their last comment letter for Capstone, they did indicate that they needed to see an analysis on the traffic signal and they will review the final details when they get the Plan. Ms. Torbert stated when the Plan was before the Planning Commission there was a discussion about the overall impact of the Hospital, Edgewood Village, the expansion of Floral Vale, and Capstone; and at the Planning Commission meeting Mr. Majewski indicated that PennDOT wants to look at the area as a whole and that PennDOT had recently met with the Township and consultants for the developers of Edgewood Village, Floral Vale, and the Hospital and had made some preliminary inquiries. Ms. Torbert asked what this refers to. Mr. Dixon stated they had a meeting with PennDOT early in the summer regarding the Edgewood Village project, and PennDOT commented at that meeting that ideally they would like to have all three developments looked at together in terms of the overall traffic impact. After the meeting when they got more information on the three projects in terms of where the projects were in their approval processes, they indicated they did not want to hold up Capstone or Edgewood Village because of the various proceedings that will take place with respect to the Hospital project; and they decided to let the Edgewood Village and this project move forward ahead of the Hospital project. If the Hospital does get to a point where they are looking for approvals from the Township and PennDOT, their impact will have to take into consideration the development which is going on with this project and the Edgewood Village project.

Ms. Torbert stated she is concerned about all these projects and she feels they should be very stringent about each and every project. She asked the Solicitor what would happen if they approve this Preliminary Plan and they come in one month later with a different Plan and a different user requesting a Special Exception; and she asked if they would have to start over. Mr. Closser stated it would depend on the nature of the change. Mr. Stainthorpe stated at this point, they are only permitting them to start other Permit processes. Mr. Maloney stated they are always in a position like this with a Preliminary Plan. He stated Mr. Garton has suggested that changes could be made, but they would not be material changes that would impact traffic. Ms. Torbert asked if they could require that all of the questions TPD has been fully addressed before they give Preliminary approval. Mr. Jeffrey Garton stated that PennDOT will not review the Application without Preliminary Plan approval, and they are required to get a Highway Occupancy Permit from PennDOT as a condition of approval. He stated the Applicant is making a substantial contribution toward traffic improvements; and while the Hospital is a possibility, he feels the Hospital should deal with what this Applicant is doing as opposed to this developer having to react to the Hospital. He stated it is not known how long the Hospital process will take. He stated the developer has agreed to comply with the conditions that TPD has included within their last review letter. He stated the Solicitor is correct and the criteria as to what constitutes a new submission is really fact driven and it will depend first on whether there is a revision and then how substantial that revision is.

Ms. Torbert stated she does not see any harm in giving the EAC time to review this. She noted in that time, they will also have had another Frankford Hearing. Ms. Torbert stated this Board has been very proactive in traffic issues, and she feels in this area, given everything that will take place in this area, she would like to see things done differently than was done in the past. Mr. Garton stated he does not feel a lot will be resolved within the next three weeks.

Mr. Closser stated he and Mr. Garton reviewed a number of conditions for Approval which he noted as follows:

1) Compliance with the CMX review letter dated 10/7/08 except the Board of Supervisors grants Waivers from the following provisions of the Subdivision and Land Development Ordinance:

- a) Section 178-20e29 related to providing pavement core samples in that the adjoining roads are State highways;
- b) Section 178-53 requiring that all light standards be located within landscaped islands and be free-standing on secure bases and not on the parking surface where the Applicant proposes to place two light standards on the parking surface;
- c) Section 178-57c requires a 10' wide planting strip between rows of parking whereas Applicant has requested a Waiver in order to minimize the total footprint of the improvements on the site so as to limit the total site disturbance;
- d) Section 178-57g stating the parking lot shall be separated from buildings by a minimum distance of 20' whereas Applicant is proposing a loading area within 12' from the outside building wall;
- e) Section 178-81b2b which states that in a naturalized street tree planting, an average of one street tree shall be installed for every 30' of curb line whereas the Applicant is requesting relief as far as planting trees along the portion of Stony Hill Road that crosses over I-95. Trees not being installed along the portion of Stony Hill Road that crosses over I-95 are being placed elsewhere on the site;
- f) Section 178-81d which states that every street tree must have a setback of at least 4' from curbs and sidewalks but no more than 15' beyond the street right-of-way line and be planted outside any utility easements whereas the Applicant proposes to plant trees within 4' of the bikepath and along the southern driveway and several trees are to be placed further than 15' from the right-of-way;

g) Section 178-95c4 which requires that the edges of grading shall be a minimum of 5' from the property lines or right-of-way lines in order to permit the normal rounding of the edge whereas the Applicant proposes to grade within 5' of the property line along the I-95 right-of-way line;

h) Issues associated with the Waiver related to the removal of topsoil which shall be deferred until consideration of the Final Plan;

2) Receipt of all Permits and Approvals by any agency having jurisdiction over this Application including but not limited to Bucks County Conservation District, Pennsylvania Department of Transportation and the like;

3) Compliance with the Decision rendered by the Lower Makefield Township Zoning Hearing Board dated 5/20/08 which said Decision granted approval to intrude into the manmade slopes in order to make improvements to the detention basin;

4) Compliance with the Disabled Persons' Advisory Board letter dated 12/10/07;

5) Compliance with the Birdsall Engineering, Inc. letter dated 4/14/08;

6) Compliance with Traffic Planning & Design, Inc. letter dated 9/9/08;

7) Compliance with letter received from the Police Department dated 4/4/08;

8) Compliance with the Bucks County Conservation District letter dated 3/20/08;

9) Compliance with the letter received from James V.C. Yates dated 4/13/08;

10) Compliance with the Remington & Vernick Engineers letter dated 4/14/08;

11) Compliance with the Environmental Advisory Council letter dated 4/28/08;

12) Resolution of the issues associated with the Township drainage easement shall be deferred until the consideration of the Final Plan;

13) Applicant to enter into an Agreement with the Township related to the 141 parking spaces being placed in reserve. The Agreement is to be consistent with the provisions of the Zoning Ordinance related to the approval and construction of reserved parking spaces and shall result in the Applicant posting a separate bond to guarantee the construction of the parking spaces if necessary;

14) Applicant to post a bond with the Township with sufficient funds to install a traffic signal at its driveway located directly opposite the main entrance to Shady Brook Farm which said bond shall be maintained for a period of five years after a Final Certificate of Occupancy for the building is granted, subject to securing necessary warrants from PennDOT for the installation of the traffic signal with the understanding that if Shady Brook Farm should be further developed, that an appropriate cost sharing would be resolved by the Township with respect to the contributions required for the light from the Applicant and the Shady Brook Farm development;

15) Applicant to comply with Lower Makefield Township Off-Site Traffic and Impact Fee Ordinance.

Mr. Garton stated one issue was added since Conditions were discussed with the Township solicitor; and he stated they do not have a difficulty complying with EAC requirements that are Ordinance related, but there are some comments such as there should be more open space, etc. which were in the EAC letter. To the extent that the requirements relate to the regulatory Ordinances that are in place, they would be in agreement, but not a blanket compliance to the EAC letter because there are issues in there that are a matter of preference as opposed to regulatory issues that the Township imposes upon the Applicant.

Mr. Santarsiero asked how they will know which issues are which. Mr. Garton stated there is a comment in the EAC letter that states that they would like to see more open space; however, Mr. Garton stated they comply with the Ordinance concerning building coverage and impervious surface. The EAC has indicated they would like them to retain stormwater from the roof, but this is a preference, and not a requirement. He stated they will agree with the items that are Ordinance driven. Mr. Stainthorpe stated the Condition related to the EAC letter should therefore be modified such that they will comply with the EAC letter to any Ordinance-related matters; and Mr. Garton stated he would agree to that Condition. Mr. Maloney stated he is not comfortable with this level of ambiguity. Mr. Smith stated he hopes that if an issue were to arise, they would get input from the Township engineer and solicitor. Mr. Garton stated he would like to have the opportunity to argue his position with respect to their conclusions; but he recognizes that the Board will be guided by the advice they get from their professional staff.

Mr. Santarsiero stated after discussing this matter further, Mr. Majewski has suggested if a decision were put off for three weeks, they would have the opportunity to look into this more thoroughly and the EAC would also have the opportunity to submit their comments for the Board's consideration. Mr. Maloney stated he agrees and he feels a few extra weeks would be helpful.

Mr. Santarsiero moved to table the matter to 11/5/08.

Mr. Stainthorpe withdrew his Motion, and Mr. Smith withdrew his Second.

Mr. Santarsiero moved to table to 11/5/08.

Mr. Garton asked if they will have the EAC report so that they can have a meaningful discussion on 11/5 and Mr. Caiola stated they will have this. Mr. Garton asked that his office be provided this letter a few days prior if possible. Mr. Bray stated they will try to have the report submitted by November 1.

Mr. Maloney seconded the Motion to table, and the Motion carried unanimously.

Mr. Garton reported that Newtown Township discussed the Frankford Hospital Application before the Zoning Hearing Board and have re-committed to continuing to participate and will in fact actively participate. He feels the Township will therefore get more assistance from Newtown going forward. Mr. Santarsiero asked if they are going to oppose the Application, and Mr. Garton stated they are. Mr. Fedorchak asked if there would be any consideration for financial assistance, and Mr. Garton stated they have their own legal fees to pay. Mr. Fedorchak stated the Township will be spending a significant amount of money on a traffic engineer. Mr. Garton stated Newtown is participating at the request of Lower Makefield. Mr. Smith stated they look forward to their active participation in this process.

ZONING HEARING BOARD MATTERS

With respect to the William and Susan Hollis, 1051 Drew Drive, Variance request to construct a portico encroaching into the front yard setback, it was agreed to leave the matter to the Zoning Hearing Board.

With respect to the Karen Laarkamp and Stacy Frankil, 1625 Quarry Road, Variance request to place a sign at Quarry Hill School which is greater than size permitted, it was agreed to leave this matter to the Zoning Hearing Board.

With respect to the Dennis Earle, 1416 Ridgewood Lane, Variance request to construct a fence encroaching into the easement, it was agreed that the Solicitor should participate to ensure that the usual conditions concerning access, etc. are complied with.

With respect to the John and Lisa Scarlata, 1030 Darby Drive, Variance request to permit to remain in place a previously installed brick patio which results in greater than permitted impervious surface and encroachment into the side yard setback, it was agreed to leave this matter to the Zoning Hearing Board.

SUPERVISORS' REPORTS

Mr. Maloney stated there was discussion about televising the Frankford Hospital and Comcast Zoning Hearing Board matters. He stated there is a Frankford Hearing next week.

Mr. Maloney moved and Mr. Santarsiero seconded that for the remainder of the calendar year, 2008, that they broadcast the Comcast and Frankford Hospital Hearings before the Zoning Hearing Board.

Mr. Caiola asked if there are funds available to pay for televising these extra meetings, and Mr. Fedorchak stated he would propose that this be taken from the Capital Reserve Fund. He stated he has discussed this with Dave who will be providing a cost proposal in the near future. Mr. Maloney stated he does not feel the cumulative number of meetings will exceed more than four or five. He stated he does feel that they should seek a long-term funding source in the Budget.

Motion carried unanimously.

Mr. Santarsiero stated the Citizens Traffic Commission will hold their safe driving campaign this Saturday from 8:30 a.m. to Noon at the Township Building. He reviewed the topics to be discussed and the featured speakers. He stated this is part of the Citizens Traffic Commission's attempt to not only identify road changes to make traffic safer, but also to identify ways to modify the behavior of the drivers throughout the Township.

Mr. Smith stated there was prior discussion about deer management and one of the aspects of deer management apart from culling the herd, has to do with driver education and asked if this will be considered at the meeting on Saturday. Mr. Santarsiero stated he does feel a lot of what will be discussed is applicable to this matter as well.

APPROVAL OF RESOLUTION NO. 2170 AUTHORIZING APPLICATION FOR A GREEN REGION PECO GRANT

Mr. Fedorchak stated this would allow the staff to take advantage of a Grant opportunity offered by PECO as part of their Green Region program. PECO will make Grant awards up to \$10,000 to Municipalities and non-profits for various open space initiatives. He stated the Board previously authorized entering into a Contract with the Bucks County Planning Commission in the amount of \$5,000 to revise the Open Space Plan, and he would propose making an Application to cover this cost.

Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to approve Resolution No. 2170.

UPDATE ON COMMUNITY POOL BIDS

Mr. Fedorchak stated on October 9 they opened the second round of bids for the Pool construction project. He stated there were four project components totaling \$2,096,398. He stated this is approximately \$240,000 more than what the architect had estimated in February and is significantly more than what was budgeted for the project. He stated this would be the starting point since invariably when you get into a construction project of this nature, there are change orders which would increase the price. He stated he has budgetary concerns, and he would be uncomfortable moving forward given the price.

Mr. Stainthorpe stated this is being paid out of Pool revenues and not tax dollars, but he understood that they would have to borrow money to do this project; and he stated the Municipal Bond market is not favorable at this time based on a recent experience with the Bucks County Water and Sewer Authority. He stated there has not been a closing of a Municipal Bond issue anyplace in the United States in the last six weeks. He stated he would recommend that if they need to borrow money, the project should be shelved until there is more stability in the bond market. Mr. Caiola stated he agrees and also feels that since this is a significant difference from what was estimated by the architect, they may have to consider next year who will do the initial work for them.

Mr. Fedorchak stated they could reject the bids and then take a step back and review the scope of work to see if they could scale down the project somewhat.

Mr. Santarsiero moved to reject the bids.

Mr. Santarsiero stated he has concerns with how this project was overseen by Wallover, and he questions if they are pursuing the right design for this; and if the financial picture improves, he feels they should consider retaining a different architect and potentially a different scope to work to see if they can do something more reasonable. Mr. Santarsiero

also asked the Board to consider the proposed increase to the Pool membership fees recognizing that while they are getting to a point, since they have not raised fees in such a long time, that the revenues are going to start to be exceeded by the expenses, that the increase not be to the extent originally planned since they are now not providing this additional amenity at the pool.

Mr. Maloney seconded the Motion.

Mr. Smith stated he feels the Board is trying to live within their means and he applauds the Board for putting this project aside at this time as it was so much over Budget.

Motion carried unanimously.

APPOINTMENTS

Mr. Maloney moved, Mr. Stainthorpe seconded and it was unanimously carried to appoint Steve Heinz to HARB.

OTHER BUSINESS

Mr. Caiola stated since this is the last meeting prior to the Election, either Mr. Stainthorpe or Mr. Santarsiero will not be present next year and will be serving in a different capacity; and he wishes them both the best on Election Day and looks forward to either Mr. Santarsiero or Mr. Stainthorpe being able to be their representative in Harrisburg.

There being no further business, Mr. Maloney moved, Mr. Santarsiero seconded and it was unanimously carried to adjourn the meeting at 10:45 p.m.

Respectfully Submitted,

Matt Maloney, Secretary

