

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – SEPTEMBER 17, 2008

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on September 17, 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
 Jordan Yeager, Township Solicitor
 James Majewski, Township Engineer
 Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Ms. Rebecca Cecchine stated they will be extending the Farmers' Market to October 9. She reviewed the events to take place during upcoming Farmers' Markets. She stated they will also sponsor a Craft Show on Sunday, October 5 at the pocket Park. She asked those with questions to call 215-815-2212.

Mr. Roger Moyer, 1 Black Rock Road, stated he is concerned with truck traffic on Yardley-Morrisville and Taylorsville Road as trucks are using Lower Makefield as a short cut, trying to by-pass the DOT inspections on I-95, and trying to avoid paying the Toll on Route 1. He reminded the Board of the serious accident which occurred in this area in March. He stated he has also witnessed trucks going through red lights. He stated River Road is the designated truck route through the Township and the trucks should be using the By-Pass. He stated he has contacted the Transportation Secretary and PennDOT, and they indicated that they would need the Township to start the process to make the road for local trucks only. He stated he has the contact information of these individuals. Mr. Moyer stated the problem starts at 4:30 a.m. and ends at approximately 4:00 p.m. He feels there are 200 truck trips per day on this road. He stated the truck drivers are aware when the inspections are taking place.

Mr. Stainthorpe asked if Mr. Moyer feels this problem has increased in the last few years, and Mr. Moyer stated the problem began when the railroad bridge was raised and it has gotten progressively worse each year. Mr. Stainthorpe asked that Mr. Fedorchak be

provided the contact information of who he spoke to as the Township is usually told that if it is a State road, they cannot restrict truck traffic.

Mr. Santarsiero stated he feels there will need to be enforcement even if they are successful in having the road designated for local trucks only. He stated they also need to consider traffic calming in this corridor. He stated the issue of trucks being diverted off of I-95 to avoid the station was flagged in the Regional Traffic Task Force Report, but they did not recommend anything with respect to dealing with the problem.

Mr. Moyer asked if the Township Police can conduct a DOT inspection as is done in Falls. Chief Coluzzi stated they do this periodically already in conjunction with Upper Makefield, Morrisville, and Newtown Township; and they have been set up on Yardley-Morrisville Road, Main Street in Yardley, and at 332 and Lindenhurst Road.

Mr. Smith stated he recommended that Mr. Moyer come to a public meeting to bring up this matter. He asked if he has had an opportunity to speak with the Township's Citizens Traffic Commission, and Mr. Moyer stated he has not. Mr. Smith suggested that he provide his name and number to one of the members of that Commission who are present this evening so that they can further explore this. Mr. Smith stated Lower Makefield was noted as being one of the best with regard to enforcement when they attended the Regional Traffic Task Force meetings. He stated he feels they can probably be even more proactive with regard to enforcement. Mr. Smith stated traffic problems in one area also have an impact on traffic in other areas. He asked what can be done on an interim basis to help correct this problem. Chief Coluzzi stated he feels enforcement is key and feels there should be more stops and inspections of the vehicles which he feels will act as a deterrent and encourage them to take a different route; although the only way to stop the trucks permanently would be to ban them which they know from past experience is very hard to do.

Mr. Moyer stated he does not feel most of the trucks belong on this road. He stated there is a By-Pass which is a road which was built to take 80 ton trucks. He stated the local roads are not designed to handle these trucks. Mr. Smith stated he is concerned with the costs to fix the roads if the roads are not built to withstand this type of traffic.

Mr. Santarsiero stated he feels they have to focus on traffic calming in this corridor. He stated the Citizens Traffic Commission did consider this when they did their report. He stated they need to discuss with Yardley Borough how to deal with the intersection at Dolington and Taylorsville Roads which needs signalization. He stated they need to look at capital needs going forward at Budget time, and the recommendations of the Citizens Traffic Commission need to be addressed during that time.

Mr. Moyer stated he feels the State Police should see the pictures of the accident which occurred at Black Rock Road as he is concerned that someone is going to be killed by

one of these trucks traveling this fast through the Township. He invited the Board and the Chief to stop at his home to watch the truck traffic.

Ms. Virginia Torbert, Citizens Traffic Commission, stated in light of what Mr. Moyer was stating, she assumes that PennDOT meant that the Township should take back the road so that they could limit the road to local trucks. Chief Coluzzi stated he will contact PennDOT and report back on their response. Ms. Torbert stated the Citizens Traffic Commission raised the issue of the trucks avoiding the weigh station on I-95, and she felt that they were going to look into this further. Ms. Torbert stated on Monday the Citizens Traffic Commission had a presentation from a Toll Bros. representative of the concept plan for the Washington-Crossing/Stoopville Road intersection changes, and the Commission will send a letter to the Board of Supervisors regarding this presentation and their concerns. She thanked Mr. Fedorchak for arranging this presentation. Ms. Torbert stated the Citizens Traffic Commission would like to invite the public to the kick-off of their Safe Driving Campaign to be held on October 18 in the Township Building from 8:30 a.m. to Noon. She stated they feel there must be changes made with regard to driving behavior and attitudes, and experts have been invited to speak on various topics related to safe driving. They hope a number of parents and teenagers will attend. She reviewed some statistics related to teen driving. There was discussion as to whether driving education is mandated in the local Schools. Mr. George Davenport stated he is a professional driving instructor, and there are driver safety classes offered in many of the schools in the area.

Mr. Michael Upton, 13303 Cornerstone Drive, expressed his intense opposition to the building of a hospital complex at 332 and Stony Hill Road. He feels this will result in an environmental disaster as they will lose a tremendous amount of farmland and it will result in significant impervious surface. He stated problems with water are a community and regional problem. He feels this project will also result in increased costs for police and fire protection. He is also concerned with the impact on the traffic in the Township. He also expressed his concern with the resulting noise and the aesthetics of the site which will be compromised by this project.

Mr. Peter Vitella, 17 Orchard Way, stated he would urge the Board to retract its decision to support a Referendum to borrow \$15 million to buy more land. He stated he feels it is irresponsible to propose this Bond Issue in the current economic climate. He stated for several years, the Township has engaged in deficit spending and has spent more than has been taken in and is depleting the reserve fund. He stated this will be difficult if not impossible to replenish. He stated the Board has no short or long-range Plan to stop deficit spending. He read portions of the Minutes of the 5/20/08 Board of Supervisors' meeting regarding plans to curtail deficit spending. He stated taxes were raised last year, the real estate market is down which impacts revenue, and opportunities for new revenue are slim because the Township is built out. He stated he feels it would be bad policy to propose a new Bond Issue which will further raise taxes in a time of economic turmoil.

Mr. Santarsiero stated since this will be a Ballot question, the voters will have the opportunity to vote in favor or against it. He advised Mr. Vitella that he has the right to present his opinions in opposition to this Ballot question. Mr. Santarsiero stated when land is developed there is a long-term cost to the Township which impacts taxpayers as well including costs of roads, sewers, water hook ups, and police protection. He stated he feels saving land in the long run preserves the character of the Township, the quality of life for the residents, and also helps keep taxes lower in the long run. Mr. Santarsiero stated he recognizes that Mr. Vitella disagrees with this, and stated Mr. Vitella is free to try to convince his fellow residents to vote against the Referendum. He stated the voters will make the ultimate decision on this, and he feels this is an example of Democracy in action. He stated merely asking for the authority to borrow \$15 million does not mean the Board will borrow the full amount or borrow it right away.

Mr. Caiola stated when surveys have been taken in the past as to what is important to the residents in the community, open space has been overwhelmingly noted. He stated with respect to comments made at the 5/20/08 meeting, although the Board may not have all the information for five to ten years ahead, Mr. McCloskey and Mr. Fedorchak do develop long-range plans and part of the Budget process is looking at those long-range plans.

Mr. Vitella asked if the Referendum is approved and the Board buys the two farms which have been previously noted, will those farms produce any revenue. Mr. Santarsiero stated although these are not the only properties being considered, with respect to the two farms which have been discussed, they would propose buying the development rights. The Township would not own the farms, and they would continue to be owned by the current owners and they would continue to be farmed and pay taxes.

Mr. Vitella stated since the Board needs ratables, he questions why the Board would not re-zone the two farms and go out and seek light industry companies or research firms to come into this area. He added these uses would not result in additional children in the School system so that there would not be an increase in the School taxes. Mr. Santarsiero stated he personally would not be in favor of seeing either of those uses on those properties, and the idea of preserving the properties is to maintain the character of the Township. He noted the Torbert Farm is part of the gateway into the Township coming off of I-95 and across the street is Patterson Farm so he does not feel this is a suitable area for an industrial facility as it would completely change the character of Lower Makefield. He stated this would also be true for the Guzikowski Farm on Big Oak Road which is adjacent to the Five Mile Woods. Mr. Vitella stated the deficit spending has to stop.

Mr. Smith noted the comments made by Dr. Long from the Pennsbury School District at the 8/6/08 Board of Supervisors meeting when he indicated it costs approximately \$10,000 per year to educate a regular elementary student, \$12,000 for a secondary student, and \$22,000 for a special education student. He also noted Ms. Cecchine's

comments that evening that the fewest complaints she gets at the Tax Office are about the Township taxes and that what is proposed for the Referendum would be a “bargain” compared to what it would be if houses were built and children move in who would add to the population of the Pennsbury School District. Mr. Smith stated the Board is putting this question out to the residents to decide and there has not been any marketing or promotion of the Referendum on the part of the Board. Mr. Vitella stated he is not in favor of building houses in the area so the argument made by Dr. Long does not apply. Mr. Smith expressed his concern if a developer came to one of these farms offering the owners a significant amount of money similar to what happened at the Fleming Farm so that they are now being faced with the possibility of a hospital being built in the Township.

Mr. Geoff Goll, 5 Homestead Drive, Ms. Irene Koehler, 25 Spring Lane, and Colleen Klock, 1296 Jacob Drive, were present. Mr. Goll stated they are all concerned about the proposed Frankford Hospital which is before the Zoning Hearing Board for a Special Exception. He stated a number of residents have formed Residents Against Frankford’s Relocation (RAFR) which is a grass-roots organization which has become a Party to the Zoning Hearing Board Application against the hospital. They feel this use will result in traffic and congestion in an already-congested area of the Township, and also believe that a 24/7 facility will impact the quality of life as there will be light pollution, noise pollution and an impact on the police force. He stated a number of people have joined the group, and they will be hiring an attorney to represent them before the Zoning Hearing Board. He stated they do not feel there is a need for a hospital in the Township given the number of hospitals already in the region that serve the people in the area. Ms. Koehler thanked the Board for being so supportive in their opposition to the Hospital relocation and would invite other Township residents to join their group.

Ms. Jeanne Bray, 12 Terracedale Road, stated she is thrilled that they are considering the Open Space Referendum. She stated since they have had the Farmers’ Market it has become even more clear how important the farmers are to the residents and that they can get local, healthy food which also saves the environment. She feels saving the farms and the open space is one of the best things they can do to maintain the quality of life in the Township.

Mr. George Davenport stated he is a member of the Lions Club and they would welcome new members to his organization. He stated they currently have 23 members and they meet the first Wednesday of the month at Vince’s Pizza in Yardley Borough. He stated the Lion’s Club is a service organization, and he reviewed some of the projects they work on. He stated he has been a member for 40 years, and anyone with questions can contact him at 215-295-0188. Mr. Smith suggested that information on this and other worthy service organizations be put on the Township TV channel to assist them in recruiting new members.

Mr. Harold Koopersmith, 612 Wren Song Road, expressed concern with the impact of corporations on the American middle class.

APPROVAL OF MINUTES

Mr. Santarsiero moved and Mr. Maloney seconded to approve the Minutes of August 6, 2008 as written. Motion carried with Mr. Caiola abstaining.

Mr. Santarsiero moved, Mr. Maloney seconded and it was unanimously carried to approve the Minutes of September 3, 2008 as written.

APPROVAL OF SEPTEMBER 2, 2008 AND SEPTEMBER 15, 2008 WARRANT LISTS AND AUGUST, 2008 PAYROLL

Mr. Maloney moved, Mr. Santarsiero seconded and it was unanimously carried to approve the September 2, 2008 and September 15, 2008 Warrant Lists and August, 2008 Payroll as attached to the Minutes.

ANNOUNCEMENT OF UNITED STATES ENVIRONMENTAL PROTECTION AGENCY 2008 ENVIRONMENTAL ACHIEVEMENT AWARD

Mr. Caiola stated the Township has been advised that they have received an EPA award which recognizes outstanding organizations and individuals who have made significant contributions towards enhancing and protecting the quality of the environment. He stated he feels this is testimony to the initiatives made over the last three to four years. He particularly thanked Mr. Bray, Chairman of the EAC, Mr. Santarsiero, and Mr. Stainthorpe who have been very active in moving forward with environmental initiatives. He stated the EAC has undertaken a number of projects over the last few years. He stated on September 25 a number of Township representatives will be going to the Constitution Center in Philadelphia to accept the Award. Mr. Caiola thanked all of the Township volunteers and the Board of Supervisors who have helped the Township obtain this award.

Mr. Jim Bray stated he feels this award shows what happens when local Government works the way it is supposed to. He stated it also validates the hard work done by a number of people in the Township. He stated the EAC has spoken in various parts of the State throughout the year, and Lower Makefield is known as a community that pushes environmental initiatives. He stated the current Board of Supervisors has a strong environmental conscience and the EAC is comprised of very talented and dedicated people. He stated great relationships have also been forged with the EAC, Planning

Commission, and the Board of Supervisors so that everyone is working in the same direction from an environmental perspective. He thanked all those who made this award possible particularly the Board of Supervisors who have supported this work.

DISCUSSION OF NATURALIZATION OF TOWNSHIP DRAINAGE BASINS

Mr. Jim Bray, EAC, was present with Mr. Mark Gallagher, a Township resident who works for an environmental engineering firm and has offered to assist the Township with this project. Mr. Bray stated Mr. Gallagher has worked on similar projects for the last ten to twenty years. Mr. Bray noted the report provided to the Board on naturalization of the Township drainage basins. He stated the Township has approximately 120 detention basins, most of which have to be maintained by the Township. He stated Mr. Fedorchak has advised that the Township spends approximately \$100,000 to maintain these basins. The proposal is to start with eleven basins which were selected by Mr. Hoffmeister in conjunction with Mr. Majewski because they are difficult to maintain. He stated they propose to allow them to grow naturally and only cut the fringe on a periodic basis. He stated this will have environmental benefits since by growing a mixed meadow rather than grass, they will be able to absorb twice as much water which will cut down on nuisance insects and help cut down on flooding. He stated there are also significant cost benefits, and they feel that by naturalizing these eleven basins, they will be able to save the Township at least \$5,000 a year. He feels eventually they could save the Township up to \$75,000 to \$100,000 a year in the long run.

Mr. Caiola asked if other communities have done this and asked if it has resulted in cost savings. Mr. Bray stated there are some other Townships that do this, and he noted particularly Northampton and Whitemarsh Townships.

Mr. Gallagher stated naturalization of basins has been in practice for a number of years although not many Townships have embraced this approach. He stated a number of the Township basins are older facilities which predate the understanding of controlling storm water volume and establishing meadow is a simple way to help control storm water volume and reduce run off. He stated this change will benefit the community at no cost. He stated the meadow will soften the landscape and help integrate nature into the suburban environment. He stated in order to maintain the facilities, they would mow one time a year, normally in March; and this allows greater wildlife value over the year and the cutting keeps the woody plants from getting established. He showed some examples of similar projects in the area.

Mr. Stainthorpe asked if there are issues with mosquitoes breeding, and Mr. Gallagher stated if the basins are designed to be more natural, it creates a better balance; and the maintained basins actually have more problems with mosquitoes because with constant mowing there can be compaction which results in ruts which permit standing water and

this results in a mosquito problem. He stated with a meadow you develop a thatch layer and this reduces the habitat for mosquitoes. Mr. Santarsiero stated there is a retention basin in his neighborhood; and while it took a while for the developer to plant the proper plants, they have now taken and they have not had any significant problem with mosquitoes. He stated he has noticed a number of basins in the Township which seem to be natural already. Mr. Majewski stated some of the basins are ones which they had difficulty maintaining, and plants developed properly, and the Public Works Department does not mow them other than once a year. He stated many of them are quite attractive, and Mr. Santarsiero agreed. Mr. Santarsiero asked if they are proposing to authorize a meeting with the residents in the areas involved, and Mr. Bray stated if this is approved, they would like to move forward and hold a public meeting at the Township Building with all the effected neighbors who lived around the basins involved. Mr. Bray stated Mr. Fedorchak stated he can provide a list of the residents, and they will send out the letter which was included in the packet provided to the Board. Mr. Bray stated they will tell them about the economic and environmental benefits associated with naturalized basin

s. He stated they will then come back to the Board of Supervisors to report on the results of the meeting and they would then like to move forward with the project. They then hope to add more basins each year.

Mr. Stainthorpe stated he feels this is a good idea particularly as it relates to the long-term financial benefit and the fact that it is better for the environment. He stated his only caution is to make sure that the residents involved buy into the project.

Mr. Smith asked how they chose these sites, and Mr. Bray stated he asked Mr. Hoffmeister and Mr. Majewski if there were basins which were a nuisance to maintain, and they provided a list. He stated they also tried to select basins which were not surrounded by numerous houses. He stated Mr. Hoffmeister has many candidates for the following year if the project moves forward. Mr. Smith asked if they have found that any of the detention basins which were naturalized became magnets for trash or dumping, and Mr. Bray stated they have not found that this is an issue.

Mr. Maloney stated he feels this is a great project and after looking at the pictures, he feels they all look quite pleasant.

Mr. Sam Conti stated there is a basin near his home on Friar Drive and a lot of it has grown up approximately 8' high, and it is never cut. He feels when this dries out in the fall it will be a fire hazard.

Mr. Geoff Goll, 5 S. Homestead Drive, stated he is a member of the EAC and a member of the Frog Squad. He stated the basin at Friar Drive is one of the basins he monitors for the Frog Squad. He stated the frogs take care of any mosquito problem.

Mr. Michael Upton stated he feels this is an excellent idea. He stated his only concern is that the natural progression of a meadow is to small tree growth, and Mr. Bray stated this is why they mow these basins once a year to prevent tree and large shrub growth.

The Board was in favor of the EAC proceeding to take the next step in the process.

DISCUSSION OF 2009 SEWER FUND BUDGET & RENTALS

Mr. Brian McCloskey, Finance Director, was present with Richard Gauck, Chairman of the Sewer Authority. Other members of the Sewer Authority were present in the audience this evening.

Mr. McCloskey stated they have a power point presentation on the sewer system in the Township. He stated they have also provided a preliminary Budget for 2009/2010 for the sewer system. He stated they would also like to discuss why they feel there is a need for a rental fee increase entering the 2009 fiscal year. Mr. McCloskey stated rates were last increased in 2005, and since that time two of the providers have passed on rental fee increases. He stated they understand that a third rental increase is scheduled for January, 2009. Until this time, the Township has absorbed in the sewer fund the rental rate increases from the transmission providers without passing them onto the residents. He stated the Township does not own a sewer treatment plant and relies on the Morrisville Municipal Authority, the Bucks County Water and Sewer Authority, and the Township of Falls Authority to either treat or transmit the flows. He stated Morrisville does do the treatment of the flows going to that Authority since they have a treatment plant. He stated the Township of Falls and Bucks County Sewer and Water transmit the flows to the City of Philadelphia for treatment. He stated Lower Makefield has very little control over the transmission fee rates that are passed on to the Township.

Mr. McCloskey stated in 2008 expenditures totaled \$4.765 million and of this Budget \$2.7 million or almost 57% are transmission fees. He stated debt service on the outstanding bonds in the Sewer Fund are over 12%, salary and benefits are 8.5%, and repairs and maintenance total 5.4% or just over \$250,000. A pie chart showing this expenditure breakdown was shown.

Mr. McCloskey stated in June, 2007 the Township of Falls Authority passed on a 58% rate increase to Lower Makefield Township which was retroactive to January 1, 2007 and this increase on the Sewer Budget was \$185,000 annually or in the two years since that has happened will total \$370,000. He stated the Township of Falls is planning a 15% rate increase to Lower Makefield Township in January, 2009, and this will impact the Sewer Budget by approximately \$75,000 annually. Mr. McCloskey stated in 2008 the Bucks County Water and Sewer Authority increased the Township's rates 24% effective July 1 which will be just under \$100,000 for 2008 and approximately \$190,000 in 2009.

The Township of Falls Authority transmits flows to Bucks County Water and Sewer, and Bucks County Water and Sewer then transmits them to Philadelphia. Mr. McCloskey stated by the end of 2009 the transmission fees will have decreased the Sewer Fund cash by \$700,000, and the Township cannot continue to absorb these increases alone.

Mr. McCloskey stated in discussions with the Sewer Authority, they are proposing a 15% rate increase for 2009 effective the fourth quarter of 2008, and in 2010 another 15% increase. These increases will generate \$500,000 and \$580,000 respectively in the next two fiscal years. He stated the approximately \$1.1 million of additional revenue will be used to help fund the increases from the transmission providers and also potentially help to create a needed capital reserve fund within the sewer system. He stated they could do nothing and try to absorb the transmission fee increases; but if there were no sewer rental rate increase and the Township tried to absorb this completely, by the end of 2009 their cash position in the sewer fund would be negative and would be negative \$1 million by the end of 2010.

Mr. Smith asked what control the Township has over the rate increases, and Mr. Gauck stated 60% of Township flows go to Morrisville Borough for treatment and this is completely under Morrisville's control. He stated Bucks County Water and Sewer have increased their rates significantly due to charges by the City of Philadelphia. Mr. Smith stated it appears that the Township has no control and is "captive" to Bucks County Water and Sewer and Morrisville, and Mr. Gauck agreed. Mr. Gauck stated they could appeal the rate increases; but that is really only a request to reconsider, and the Township really has no control. Mr. Smith asked the position of the Sewer Authority, and Mr. Gauck stated they would recommend the two 15% increases as noted by Mr. McCloskey. He stated the rest of the Sewer Authority members are present this evening and were 100% behind this recommendation. He stated included in the financial forecasting are capital improvements to the system in the amount of \$155,000 for the Buck Creek Interceptor rehabilitation project and \$182,000 for upgrading pump stations throughout the Township. Mr. Smith stated it appears that the fiscally responsible action to take would be to approve these increases. Mr. Gauck noted there has not been a rate increase for almost three years. Mr. McCloskey stated without a rate increase, there will be deficit spending which is not always considered fiscally responsible.

Mr. Caiola stated a majority of the discussions they had when they were considering the sale of the sewer system were about the lack of ownership. He asked if the percentages being discussed this evening were part of the discussion when they were considering where they would be in five to six years either under a sale of the system or maintaining the system. Mr. McCloskey stated when they did the analysis of whether to sell or keep the system, the proposed rate increases were not proposed to be 15% and 15%, and they were less than this. They did not anticipate the 24% increase in July and another 15% increase this coming January. He stated they did forecast over five to six years that there would be necessary rate increases. Mr. Caiola stated he did not feel it would be this soon

or this dramatic, but added he recognizes that it is critical to look ahead and develop a capital budget. Mr. Caiola stated the Township does have a lack of control over the fees from the different communities.

Mr. Stainthorpe asked the average Township sewer bill per quarter, and Mr. McCloskey stated it is approximately \$80. Mr. Stainthorpe stated while these are large percentages, it is not that large of a dollar amount per quarter so he feels it is a good idea to proceed with this at this time. He stated he does not feel absorbing this is an option for the Township. He stated he is on the Board of the Bucks County Water and Sewer Authority, and the rate increase that Bucks County got from Philadelphia was 47% over a four year period. He added the rates that Philadelphia has charged Bucks County have gone up 108% since 2001. He stated the Authority is vigorously contesting the rate increase and is applying for arbitration and has hired experts. He stated this is a complex process, but they are going to fight it although it may take years to come to a resolution. He stated if it were to work out in Bucks County's favor, they would be getting money back, but he does not feel they can count on this in the short term. He stated he feels the Township needs to look at the fiscal viability of the system now and do what they must to keep it financially healthy. Mr. Gauck stated the Sewer Authority is well aware of the Bucks County Water and Sewer Authority fight against Philadelphia; but they still feel they cannot wait. Mr. Stainthorpe stated the Authority has a strong suspicion that Philadelphia is taking their wholesale customers from the suburbs and essentially subsidizing their retail rates in the City, and they cannot do this. He stated Bucks County is hoping that Delaware County, who is facing this as well, will join them in the fight.

Mr. Maloney stated it appears they would still need to pay the rate until a decision is made on an Appeal. Mr. Stainthorpe stated Bucks County has been paying the higher rate since July 1. Mr. Maloney stated he assumes the Township is trying to break even and not generate a surplus. Mr. McCloskey stated the Sewer Authority has discussed the need to have a capital reserve to help offset potential future costs; and while the 15% and 15% increases will not generate millions of dollars in surplus, it is projected to result in a positive cash position. He stated they anticipate what they have proposed will preserve the existing cash and by 2010 add approximately \$500,000.

Mr. Maloney asked if the pass-through rates from the vendors are applied uniformly or is there an attempt to allocate costs where costs exist. Mr. Stainthorpe stated for the Bucks County Water and Sewer Authority, everyone gets the same increase. Mr. Maloney asked about the last Morrisville increase, and Mr. Gauck stated last year they projected an increase of \$200,000 in capital improvements for their plant. Mr. McCloskey stated this is not a transmission fee, and he feels it has been at least two years since there was an increase. Mr. Hoffmeister stated Morrisville does have a plant so they have a certain amount of control on the costs, but unfortunately Falls Township Authority and Bucks County Water and Sewer do not have a plant and they rely on Philadelphia and whenever they put through an increase, there is an obligation to pay that cost. Mr. Hoffmeister

stated 70% of the Township's sewage goes to Morrisville. He stated the Township does not have any representation at the Morrisville Authority, the Township of Falls Authority, or on the Bucks County Water and Sewer Authority other than the fact that Mr. Stainthorpe is serving on the Board. He stated when the system was originally set up they had two providers – Morrisville and Township of Falls Authority which took a minimal amount of the Township. It was not until there was growth in the Township in the western end that in 1975 they had the Neshaminy Compact which is a group of Municipalities within Bucks County Water and Sewer which resulted in the connection with the City of Philadelphia.

Mr. Maloney asked if the Township has an opportunity to look at the facilities to determine if the pass throughs are appropriate, and Mr. McCloskey stated they do receive written notices about the rate increases. He stated Mr. Hoffmeister does contact them and ask why there is an increase; but ultimately they do pay it and then make a decision if they want to try and fight it.

Mr. Santarsiero stated the last time there was a rate increase which was in 2005, it was done as part of the Budget process; and he asked if it is critical that they do this now so that it can be included in the fourth quarter or can they consider it during the Budget process. Mr. McCloskey stated they could consider it during the Budget process although the sewer fund would benefit if the increase were effective by the fourth quarter of this year; but added it is not critical that this be decided immediately.

Mr. Smith asked when they received notice from the City of Philadelphia about the rate increase, and Mr. McCloskey stated they received the notice in May from Bucks County Water and Sewer who are passing this on. Mr. Stainthorpe stated Bucks County received word from Philadelphia in late April that the increase would be effective July 1. Mr. Smith stated in the last few weeks the City of Philadelphia has suffered a shortfall which they did not anticipate in their finances. He stated there is no guarantee that there will not be another rate increase next year from the City of Philadelphia. Mr. Stainthorpe stated although there are not any guarantees, the rate increase they passed on to Bucks County Water and Sewer Authority was through 2012. Mr. McCloskey stated there are no guarantees, and they have factored in all their scenarios potential increases from Bucks, Falls, and Morrisville. Mr. Smith stated he is most concerned about Philadelphia trying to balance their finances on the backs of Bucks County residents.

Mr. Stainthorpe stated what is being presented this evening would essentially be what they would present during the Budget discussion, and Mr. McCloskey agreed. He added they feel that what they have presented will be healthy for the Sewer fund and not too much of a burden on the residents. Mr. Stainthorpe suggested that they delay a decision on this matter until the first meeting in October which will give the Board of Supervisors the opportunity to review the information and they can then decide if they want to act on it at that time.

Mr. Maloney stated it appears that they would still have a cash balance by the end of 2008 of \$660,000 even if they do not apply the increase until 2009 and this is above the safe harbor threshold. Mr. Maloney asked if it would be possible to request from Falls and Bucks County Water and Sewer Authority a copy of their financials so that the Board can gain an understanding of these entities, and Mr. McCloskey agreed to request this and summarize the information in a report to the Board during the Budget process.

Mr. Zachary Rubin, 1661 Covington Road, asked if Lower Makefield is treated as a wholesale customer by Bucks County Water and Sewer similar to how a factory in Middletown would be; and Mr. Stainthorpe stated each of the Municipalities that feed into the Bucks County system would be considered a wholesale customer although Middletown is also treated as a retail customer as they own the retail system there as well. He stated all the wholesale customers are treated the same. He stated there are two large interceptors one following the Poquessing Creek and the other the Neshaminy Creek and these take the wastewater to Philadelphia. Mr. Rubin asked if the Authority does a direct pass through to the Municipalities when Philadelphia raises their processing rates. Mr. Stainthorpe stated the exact increases from Philadelphia were laid out through 2012, and the immediate increase was approximately 27%, with the total until 2012 being 47% in the four year period. He stated the Bucks County Water and Sewer financial staff considered how they could make the impact of this as small as possible particularly when it came mid-year. He stated Bucks County proposes to refinance some debt, had some cutbacks in personnel, and was able to come up with a 24% increase which will be a one-time increase to cover all four years. Mr. Rubin stated the transmission fee paid to Bucks County Authority is not the total bill adding that Bucks County also has their own fixed costs and variable costs. Mr. Rubin asked if there are not additional fees that are being tacked on that the ratepayers have to pay, and Mr. Stainthorpe stated there are not with this rate increase, and this was 100% due to what Philadelphia was passing on. He stated they did not pass through the full 47% increase.

Mr. Rubin asked if Lower Makefield has any input as a customer to the Bucks County Authority to challenge costs such as the purchase of expensive vehicles or large salary increases which are passed on to the Municipal customers. Mr. Stainthorpe stated he feels there is a process to challenge this, and he feels it would be the same process being undertaken by Bucks County Water and Sewer against Philadelphia. He stated he assumes there is an arbitration process. Mr. Hoffmeister stated the Contract Lower Makefield has with Bucks County does outline the arbitration process. Mr. Stainthorpe stated the Bucks County Authority has recently purchased a number of Ford Escape Hybrids so they are conscious of watching costs and doing what is environmentally right.

Mr. Harold Koopersmith stated he would recommend that the Board agree to increase the rates no later than the first quarter of 2009. He stated the Board of Supervisors has done an excellent job with the process of whether or not to sell the sewer system.

Mr. George Davenport stated Mr. McCloskey has done an excellent job in presenting the facts, and he feels the Board should make the decision this evening to raise the rates.

Mr. Smith stated he was the Liaison to the Sewer Authority, and they were very concerned about increasing the rates and did a significant amount of analysis over numerous meetings. He stated they did eventually feel that this increase was the right thing to recommend to the Board of Supervisors.

Mr. Caiola stated it is the consensus of the Board that they will wait until October to move on this, although it appears that they do feel that this is probably something that is needed.

DISCUSSION AND APPROVAL OF PROPOSAL TO UPDATE THE LOWER MAKEFIELD TOWNSHIP OPEN SPACE PLAN

Mr. Fedorchak stated this matter was discussed a number of weeks ago. He stated Lower Makefield will be receiving approximately \$800,000 from Bucks County as part of the Open Space Program; and in order to establish eligibility for the Grant, the Township must first update the Open Space Plan which was prepared and submitted to the County in 1998. Mr. Fedorchak stated he obtained two proposals from local agencies – one from the Heritage Conservancy in the amount of \$10,000 and one from Bucks County Planning Commission in the amount of \$5,000. He stated at the last Board of Supervisors meeting, the Board asked Mr. Bray if he would discuss with the EAC the possibility of the EAC undertaking this effort so that the Township could save money. Mr. Fedorchak stated Mr. Bray has indicated that the EAC would prefer not to do this and feel either agency would do a good job for the Township. Mr. Fedorchak recommended that the Board of Supervisors proceed with the proposal from the Bucks County Planning Commission.

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the proposal of Bucks County Planning Commission to update the Township Open Space Plan in the amount of \$5,000.

Mr. Fedorchak stated while this amount can be taken out of the Grant money from the County; he has become aware of the Growing Green Program which is sponsored by PECO, and the Township will make application for this to pay for the update to the Open Space Plan.

APPROVAL OF EXTENSIONS FOR HARRIS FARM, FIELDSTONE, NO. 549,
HARRIS FARM, FIELDSTONE NO. 496N, MIDDLEMISS SUBDIVISION,
LOTUS TRACT

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

Harris Farm, Fieldstone No. 549, Edgewood Road	– 12/30/08
Harris Farm, Fieldstone No. 496N, Edgewood Road	– 12/30/08
Middlemiss Subdivision, Mahlon Drive	– 12/21/08
Lotus Tract, Big Oak Road	– 1/7/09

GRANT CERTIFICATE OF APPROPRIATENESS – 1724 YARDLEY-LANGHORNE
ROAD “ANIMAL HEALING CENTER”

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Certificate of Appropriateness for replacement of the sign at 1724 Yardley-Langhorne Road “Animal Healing Center.”

ZONING HEARING BOARD MATTERS

With regard to the T-Mobile Northeast LLC Challenge of the validity of the Ordinance to permit construction of a telecommunications facility on the property located on Williams Lane, Mr. Santarsiero moved, Mr. Smith seconded and it was unanimously carried to oppose the Application.

With regard to the Sheila Scott, 2308 Stackhouse Drive, Variance requests to permit construction of a retaining wall within an easement, it was agreed that the Township should participate.

With regard to the Mardi and David Schleinkofer, 1903 Woodland Drive, Variance request to permit construction of a swimming pool in the 100 year flood plain, it was agreed that the Township should participate.

SUPERVISORS’ REPORTS

Mr. Caiola stated the Citizens Budget Commission discussed some possible revenue sources and also had an update on the Budget from Mr. McCloskey. He stated the Economic Development Commission is in the process of putting together a Meet and Greet to be held in February someplace in the Township with the help of the Lower Bucks Chamber of Commerce.

Mr. Santarsiero stated the League of Municipalities meeting scheduled for this month has been canceled due to the conflict with the Jewish holiday, and it will be rescheduled sometime in October or November.

Mr. Stainthorpe stated the Cable TV Advisory Board met with Comcast and they did have a good discussion. He stated Comcast's intent is to get in compliance with the pedestal boxes, and he feels that they are looking to get this matter resolved as quickly as possible recognizing that they have to continue the process with the Zoning Hearing Board. Mr. Stainthorpe stated he would like to have a discussion at a future Board of Supervisors' meeting about the issue of Verizon and their willingness to make a public access channel available. He stated the public access channel the Township has with Comcast is run out of Comcast's building in Levittown and any tapes to be run are taken to their office and Comcast takes the responsibility for editing the content. He stated Verizon does not have such a facility, and the Township would probably have to make some investment in equipment and establish procedures as to what is appropriate content, and he questions who would supervise this. He stated he does feel they should discuss this at a meeting in the future. Mr. Maloney stated he feels that they first need to determine the costs involved for equipment. Mr. Stainthorpe stated they also need to consider that they need to have a person to review every tape or disc that someone wants to run on public access.

Mr. Smith stated he was also promised that at some point in the future the Board would discuss the expansion of use of TV to cover other meetings in the Township and other events which he feels would be a worthwhile investment.

Mr. Maloney stated the Zoning Hearing Board ruled on the Cara Mia Remand and found in favor of the Applicant and has approved their request. He stated the Golf Committee has expressed concern that conditions at the Course have quickly deteriorated and there have been meetings with Kemper regarding this. He stated there is a remediation plan in place. Mr. Stainthorpe asked if this relates to the lack of rain, and Mr. Maloney stated there are conflicting reports on this. He stated the Township has expressed concern as to the staffing levels and some other maintenance items, and they are looking to put pressure on Kemper. He stated Mr. Fedorchak and Mr. McCloskey are continuing their involvement in this matter. Mr. Fedorchak stated the tee boxes in particular experienced an unusual amount of stress far too early in the season, and Kemper has indicated they recognized this but were not sure why this happened. Mr. Fedorchak stated the fairway conditions were also not what they should have been. He stated while there were extended periods without rain, they did rely on their wells and there were no shortages there.

Mr. Smith stated the Special Events Committee met last evening and did a critique of Community Pride Day and are already planning for next year. He stated the Veterans' Day Parade is scheduled for Sunday, November 9 with the Parade planned for 1:00 p.m.

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Mr. Smith stated there are two vacancies on the Special Events Committee and those interested in serving should contact him at 267-274-1048.

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

Respectfully Submitted,

Matt Maloney, Secretary