

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – JUNE 3, 2009

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 3, 2009. Chairman Maloney called the meeting to order at 7:30 p.m. Mr. Caiola called the roll.

Those present:

Board of Supervisors: Matt Maloney, Chairman
 Ron Smith, Vice Chairman
 Greg Caiola, Secretary
 Pete Stainthorpe, Treasurer

Others: Terry Fedorchak, Township Manager
 David Truelove, Township Solicitor
 James Majewski, Township Engineer

Absent: Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Mr. Peter Vitella, 17 Orchard Way, stated the Board has been silent on the topic of purchasing open space as a result of the Referendum which was passed in November. He stated he was against this on the basis of fiscal responsibility. He stated he hopes that the Board has now prudently “put this on the back burner,” since he feels it is evident that the Township cannot afford at this time to borrow money for something that, in his opinion, is non-essential. Mr. Maloney stated the Board continues to pursue the mandate from the people in that three quarters of the residents who voted indicated that they do want the Board to pursue the opportunities that may exist in acquiring open space. He stated because this involves specific properties, this is a matter that is kept confidential as it would impact their negotiations. He stated at this time they are not nearing any sale and no money is about to be spent. He stated it will be many months before they would be in a position to execute a transaction; and at that time, economically they may be in a different set of circumstances. He stated the Board remains committed to purchasing open space as a result of the mandate they received from the residents.

Mr. Fedorchak stated the first step is for the Township to revise its 1993 Open Space Plan, and the Board of Supervisors charged the Bucks County Planning Commission with that task. He stated he has had discussions with their representatives a few days ago, and they anticipate that document will be completed within the next thirty to forty-five days. He stated the Board of Supervisors will then review this and decide whether or not to adopt it. He stated the Township is eligible for \$850,000 in County Open Space funds.

Mr. Vitella stated he has searched on the Internet for the full year financial results for the year 2008, and to his knowledge they are not on the Internet although the first quart of 2009 is on the Internet. Mr. Maloney stated they represent their completed year financials through the Audit. Mr. McCloskey stated the summary is available in the Main Office but not yet electronically. In about one week a complete draft of the financial report will be available. Mr. Vitella stated the last projection was that the Township would dip into reserves by approximately \$557,000. He asked if the final results will be better or worse. Mr. Maloney stated on the General Fund the preliminary summary shows revenues exceeding expenditures by approximately \$100,000. He stated in the final months of 2008 they made some cuts in discretionary spending and were able to preserve the balance they had in the General Fund. Mr. Vitella asked if that report has been made public, and Mr. Maloney stated this is covered in the summary document that is available in the office, and the full financial report will be available electronically in about one week.

Mr. Stainthorpe stated for many years they had the Auditor come in and make a presentation, and he feels it is a good idea to do this as they have discussed that it is good to discuss Township finances at times other than during the Budget discussions. He feels it should be discussed at a public meeting and not just put on-line. Mr. Maloney agreed and asked that the Board of Auditors be present for that meeting as well. He agreed that this should be put on an upcoming Board of Supervisors' Agenda.

Ms. Helen Bosley, 546 Palmer Farm Drive, asked if the full 2008 Schedules are in the book or only the summary schedule. Mr. McCloskey stated it is just the summary schedule. Ms. Bosley stated she feels it would be helpful for people who want to go through and analyze the current Budget for 2009 which was based off a projected year end 2008 that all figures for actual 2008 be put in the same format on all pages in the book that is available as a hard copy. Mr. Maloney asked Mr. McCloskey if they have the ability to update the 2009 Budget for what were the true 2008 expenditures, and Mr. McCloskey stated they can do this; and once they have the audit finalized, they can put this on line and as a hard copy.

Mr. Jim Bray, 12 Terracedale Road and member of the Environmental Advisory Council, stated the Lower Makefield Township EAC has come out with its first publication – the Lower Makefield Native Plant List. He stated this list delineates and culls from the Ordinance the selective plant list that contractors and developers must use in developmental buffers. He stated since the Ordinance has been in effect for the last two years, they have not had any problems with the developers. He stated the Ordinance has received a great deal of interest throughout the United States and people across the Country have contacted them requesting information, and this is now on-line. Mr. Bray stated they have also presented the Ordinance and its details at the Northeast Native Plant Conference. He stated they also made a presentation to the Bowman's Hill Wildflower Preserve as part of their winter lecture series. Each Supervisor was provided a signed

copy of the book, and Mr. Bray stated they intend to sell these books for \$5 with all proceeds going directly to the Five Mile Woods. Mr. Bray stated the handbooks will be available in the Lobby in the Environmental publication rack. He stated it also includes a lot of gardening information from Bowman's Hill Wildflower Preserve along with the native plant list. On behalf of the EAC, Mr. Bray thanked the Board of Supervisors for all their support over the last three years.

Mr. Bray announced that tomorrow will be the first day of the Farmers' Market which will be held every Thursday from 3:30 p.m. to 6:30 p.m. for the next sixteen to twenty weeks.

Mr. Robert Smith, 1476 Brookfield Road, Economic Development Commission, stated the Lower Makefield Township map is now available. He stated they produced 10,000 copies of the map, with 3,000 going to the approximately 85 advertisers. He stated 45% of the advertisers are within Lower Makefield Township. He stated the remaining 7,000 copies of the maps will be distributed at community events. He stated Mr. Ron Smith helped them distribute the maps at the recent "Movie in the Park," and they will also distribute them at the Farmer's Market and the upcoming Veteran's Square Flea Market. He stated the maps are available for free and were published at no charge to the taxpayers as it is all advertiser supported. Mr. Smith stated they are available to Township organizations to distribute as well. He thanked Mr. Caiola, Mr. Fedorchak, and Mr. Majewski for their help on this project. He showed a copy of the map. He stated they will also have the map on-line, and working with Mr. Fedorchak and the staff, the Economic Development Commission will have a page on the Website and there will be a link you can click on for the map with a navigation bar to locate advertisers, institutions, etc. He stated the advertisers and institutions are also free to use that link.

Mr. Ron Smith stated he does feel it is important to get the residents to use the Township Webpage, and he feels this will be a good step to do this. Mr. Fedorchak stated you can go to Departments and then click on Economic Development Commission which will take you to their web page.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, stated she has asked a number of times to have the Patterson Farm matter put on the Agenda. She stated it has been one and a half years since the Patterson Farm Stakeholders Committee submitted their report to the Board of Supervisors, and the Board has yet to act on the recommendations. She asked that this be put on the Agenda, and at minimum the Board act on the request one way or the other whether they want to preserve the Patterson Farm as it is not yet preserved from development. She also asked that they consider the recommendation in the report regarding leasing the farmland to the Farmland Preservation Corporation and also consider the issue of the use of the farm buildings for agricultural-related purposes.

Ms. Torbert stated she is concerned that they are drifting back into the period before they named a Committee and just went from year to year not really doing anything with the Patterson Farm.

Mr. Maloney stated he and Mr. Fedorchak have had discussions about putting this on an Agenda, but there are a number of issues they want to get into place before they do this; primarily making sure there is a long-range plan with regard to the leaf recycling and mulching operation which currently exists at the Patterson Farm. He stated they also want to allow the different stakeholders to make comments. He noted the Historic Commission did this in May. Ms. Torbert stated she feels there will always be issues. She stated the farmers' lease is coming due shortly. Mr. Fedorchak stated he feels there are two to three years still on the Lease which renewed a short time ago. Mr. Caiola stated he does not feel they should put this on an Agenda until they have a full Board which would not be until July. Mr. Caiola stated the Board has been discussing this although it has not yet been Agendized. Mr. Smith stated the Board members have differing opinions as to what should be done with the Patterson Farm. He also noted the Seniors recently made a presentation about use of one of the buildings for a Senior Center.

APPROVAL OF MINUTES

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Minutes of May 20, 2009 as written.

APPROVAL OF MAY 4 AND MAY 10 WARRANT LISTS AND APRIL, 2009 PAYROLL

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to approve the May 4 and May 10 Warrant Lists, and April, 2009 Payroll as attached to the Minutes.

DISCUSSION AND APPROVAL OF JOINING THE BUCKS COUNTY TMA AIR QUALITY ALERT PROGRAM

Mr. Stainthorpe stated the Township has been a member of the Bucks County TMA (Transportation Management Association) since the 1990's, and he has been a participant of this group. He stated they are a group of County and Township Officials and private businesses, and their main focus is looking at transportation issues, becoming an advocate for certain transportation policies, and in some cases supplying supplemental transportation to SEPTA. He stated they run a program called the Newtown Rush that

works out of the Woodbourne Train Station and they pick up reverse commuters and take them to the Newtown Business Commons with a bus that goes back at the end of the day. Mr. Stainthorpe stated four years ago they also began dropping people off at Lower Makefield business parks as well. Mr. Stainthorpe stated the Bucks County TMA has a program that is available at no cost to the Township called the Air Quality Partnership which is done in conjunction with the Delaware Valley Regional Planning Commission where they monitor air quality in different parts of Bucks County on a daily basis from May to September. If the Township decides to join this, they would send out an alert every afternoon between 3:00 p.m. and 5:00 p.m. as to what the predicted ground level ozone and particle matter in the air will be for the next day. He stated the Township could then put this on the Township Website and Township TV Channel if it is a particularly hazardous day. He stated people with respiratory problems have difficulty on high level days. They would also make available a red flag that could be put up on the flagpole on particularly bad days. Mr. Stainthorpe stated since this is at no cost, he feels this would be a service they could provide to the citizens with special needs. Mr. Stainthorpe stated if they join, they would need to designate who the alert comes to each day.

Mr. Stainthorpe moved and Mr. Caiola seconded to join the Bucks County TMA Air Quality Alert Program.

Mr. Stainthorpe stated it will be left to the Township Manager who gets the alert and who puts up the flag. Mr. Fedorchak asked if the red flag is critical, and Mr. Stainthorpe stated it is not a requirement. Mr. Fedorchak stated he does not have a problem with putting it on the Cable Channel and TV Channel. Mr. Stainthorpe stated the key thing is to communicate this information to the residents, and the flag would really only help people who are driving on Edgewood Road. Mr. Smith stated there are a number of senior citizens who may have problems and others who have asthma so he would be in favor of the proposal.

Motion carried unanimously.

APPROVAL OF RESOLUTION NO. 2192 AUTHORIZING CREATION OF AN E-FILING PROGRAM

Mr. Maloney stated this is a follow-up to one of his priorities which was to make sure that the Township proceeds in making better use of technology. He stated one of the key components of this is to make use of electronic documentation to cut down on paper waste and resulting costs that come from mailing and transporting documents. He stated they also have a limited amount of space to store the endless number of documents they are expected to retain as a public entity. Mr. Maloney stated the Resolution indicates that there is a State level act that allows Townships to do this. They will have the Solicitor

draft an Ordinance that will amend the SALDO and Zoning Ordinance to require electronic documents in connection with the submission of all Land Use and Zoning submissions. Mr. Maloney stated it also indicates in the Resolution that to the greatest extent possible, they will satisfy record retention policies on an electronic basis and use the widest, legally-permissible availability of electronic documents for Governmental records to retain and disseminate documents to the public. It also indicates that records should be submitted to the Township electronically provided there are no privacy issues. Mr. Maloney stated it also indicates that all communication between entities, employees, Boards, and Commissions, will be done in an electronic form to the maximum extent possible, and all materials delivered to all Boards and Commissions shall in the future be delivered via e-mail and PDF format.

Mr. Caiola moved and Mr. Smith seconded to approve Resolution No. 2192.

Mr. Stainthorpe stated he would be in favor of the Solicitor moving forward, but asked if this is feasible at this point in time with respect to construction documents. Mr. Truelove stated this is one of the issues they will have to look into. He stated they will have to see what technology is available and initially this may be something they encourage, and over time hopefully technology will catch up. He feels Lower Makefield is one of the first Municipalities in the Commonwealth to do this. Mr. Stainthorpe stated even if the construction documents are provided electronically, if paper copies must be produced, this cost should be borne by the developers. Mr. Maloney stated there are certain entities that have indicated that they need paper and they do not want to change the SALDO to create a minimum that is too low or the Township will have to pay for the paper production. He stated he feels the Planning Commission, Board of Supervisors, and Zoning Hearing Board could each have one paper copy among them that would stay at the Township and they would also get an electronic version that they could review at home. Mr. Maloney stated he has had discussions with Mr. Majewski in terms of what engineering firms are able to do and what is practical in terms of review.

Mr. Smith asked the impact to people who do not have a computer or have an outdated computer. Mr. Maloney stated there is a library system with publicly-available computers for the public to use; and in the need for information under Right-To-Know requests, the documents will be available, and they are not going to refuse to produce something on paper. Mr. Maloney stated even if it involves absorbing a little bit of cost, the Township will save enough on paper to cover the costs even if it means putting a public terminal in the Township Building. Mr. Smith stated Philadelphia and other Counties in the Court system have gone to e-filing, and they have terminals in the offices where you file and you come in and a Court employee will help you file whatever has to be done; and he assumes the Township employees will be doing this as well. Mr. Maloney stated if the Board of Supervisors got their packets electronically for a year, he feels this would save enough on paper so that they could buy a few computers.

Mr. Dave Shuster, Bluestone Drive, stated in industry they have had a tremendous movement toward data bases, electronic data acquisition, and file retention. He asked what is the turnaround time for having the electronic documents posted and available. Mr. Truelove stated this is only a Resolution at this time and is not yet an Ordinance. He stated this is only a sense of the Board authorizing the solicitor to move forward, and these questions will be part of the drafting process. Mr. Maloney stated there is an administrative side of this and the Ordinance side of it. He stated the one is Land Use and Applications, and they have already set up and established the system so that these files will be able to be uploaded immediately upon receipt and will be available through the Website. He stated with regard to documents such as Resolutions or public meeting Minutes, this is an administrative matter that they need to work out; but he feels it would be appropriate to set a time standard as to when a document will be available on the Website compared to when it was produced. Mr. Shuster asked how the files will be backed up and retrieved if necessary, and Mr. Fedorchak stated DMX is the company that is responsible for back up.

Motion carried unanimously.

DEFERING EXTENSIONS FOR FIELDSTONE #549 (HARRIS FARM) AND FIELDSTONE #496-N (HARRIS FARM)

Mr. Truelove asked that the Board defer these matters to the next meeting. He stated these two projects have been in process for a long time, and Hovnanian recently sent the Township a letter advising that they were withdrawing their Application, but it is difficult to determine which one they are talking about because both Hovnanian and the Quaker Group have been involved simultaneously for quite some time. He stated the Quaker Group is moving forward with an Application, but he wants to make sure before they recommend an Extension which Plan they should extend and which should be denied. It was acceptable to the Board to defer.

APPROVAL OF AN AGREEMENT WITH FRANK & ADRIANE STILLITANO, 193 RIVER ROAD WITH REGARD TO GRANT OF FUNDS TOWARD RAISING THEIR HOUSE THROUGH THE PEMA FLOOD MITIGATION ASSISTANCE PROGRAM

Mr. Majewski stated as part of the Grant Application that the Township received funds for, the homeowner is obligated to supply 25% of the funds toward the Grant. This Agreement would be a Reimbursement Agreement so that the homeowners would acknowledge their obligation to reimburse the Township for their share of the Grant.

Mr. Caiola asked how many other homes are outstanding and how many have been resolved. Mr. Majewski stated there is one other house that is currently out to bid.

He stated the residents of another house have advised that they do not intend to move forward at this time as they do not have sufficient funds. He stated another resident indicated that they were in the process of possibly moving and were not interested. There is also another resident who he has been unable to contact and assumes they are not currently moving forward. Mr. Caiola asked if PEMA would allow the Township to go to the next person on the list if others have opted out, and Mr. Majewski stated they will not allow the Township to do this. He stated the two people who are moving forward have the highest benefit/cost ratio of the houses that were chosen to be elevated.

Mr. Fedorchak stated there was certain criteria that FEMA and PEMA used to qualify the five homes; and unfortunately, no one else in the Township qualified under this particular program. Mr. Majewski stated there are future programs coming out for which other residents he has spoken to may qualify; and when he gets the information, Mr. Majewski will advise those residents that they may be eligible and they should check with PEMA.

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Agreement.

APPROVAL OF INTENT TO AWARD CONTRACT FOR 2009 ROAD PAVING PROGRAM

Mr. Majewski stated the Township received four bids for repaving of roads throughout the Township. He would recommend that the bid be awarded to the low bidder subject to satisfactory completion of the public review period of the Responsible Contractor Ordinance.

Mr. Caiola moved and Mr. Stainthorpe seconded to award the contract to General Asphalt Paving in the amount of \$260,477 subject to satisfactory completion of the public review period of the Responsible Contractor Ordinance.

Mr. Fedorchak stated they had Budgeted \$290,000 in the 2009 Liquid Fuels Budget for this year's resurfacing program so they are therefore approximately \$30,000 under Budget.

Motion carried unanimously.

ZONING HEARING BOARD MATTERS

With regard to the Joseph Jennings, 2 McKinley Avenue, Variance requests to subdivide a lot and build a single-family dwelling on proposed Lot #2, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Christine Stephenson and James Lydle, 2110 Stackhouse Drive, Variance request to permit construction of a detached garage in excess of maximum height permitted, it was agreed that the Solicitor should participate to clarify some potential issues.

With regard to the Brian Workman, 640B Rose Hollow Drive, Variance request to construct a fence within the 100 year floodplain, it was agreed to leave the matter to the Zoning Hearing Board.

SUPERVISORS' REPORTS

Mr. Maloney stated the Golf Committee is considering a number of items and has formed some sub-committees, one of which is investigating alternative management companies that may be interested in talking to the Board of Supervisors when Kemper's Contract is up in seven months. A Greens Committee has also been formed which is taking an active role in monitoring the physical course including changes to the landscaping.

Mr. Smith asked if there is any comment from the Citizens Traffic Commission. Ms. Sue Herman noted their concerns expressed previously with regard to the Minutes from the meeting with Gilmore and Associates and PennDOT. Mr. Majewski stated he has not heard anything further on this, but could follow up on it. Mr. Fedorchak stated the last thing they heard was that there would be no spur. Ms. Herman asked that the CTC be provided an update prior to their meeting next Monday, and Mr. Majewski agreed. Ms. Virginia Torbert stated the Citizens Traffic Commission has a vacancy and they would like anyone interested in serving to forward a letter of interest to the Township Manager. Mr. Smith stated they are working on this. Ms. Torbert stated they have had the third meeting of the West Ferry working group and a traffic-calming plan for West Ferry has been developed. The next step is a meeting with West Ferry residents which will be scheduled in the next few weeks to gauge the support of the West Ferry residents for that plan. Mr. Smith asked the status of the Scudders Falls Bridge project, and Mr. Fedorchak stated they have not heard anything. Ms. Torbert stated they recently updated their Website in May, and they have been having some open houses. She stated they say they are going to have meetings in Lower Makefield and Ewing by the end of the summer, and they expect the environmental assessment to be completed this fall. Mr. Smith stated the Veterans Committee is planning a number of fundraisers and they will have a Flea Market this Saturday beginning at 8:00 a.m. to be held at Veterans Square. He stated they also worked with the Special Events Committee along with the Economic Development Commission at the recent "Evening in the Park." Mr. Smith stated there will be a video shown on the Township Cable TV Channel of the events which took place at the event.

Mr. Caiola stated the Historic Commission is considering potential use of one of the homes on the Patterson Farm. He stated the Bucks County Performing Arts Council will have a fundraiser on June 25 and information is available on the Website.

OTHER BUSINESS

Mr. Fedorchak stated last week the Township staff submitted a \$1,130,000 Grant Application to PEDA (Pennsylvania Energy Development Authority) for the installation of a 180 kilowatt solar panel system to be located on the Patterson Farm. Mr. Fedorchak stated he and Mr. Bray have been working on this project for the last four months. He stated this would take two to three acres of land, and they would propose to locate the system in an area close to the newly-constructed loop ramp along I-95. He stated this site is highly visible which they feel will give the Grant Application an edge, and it will have minimal impact on the farming operation. He stated if they were to get the Grant, the 180 kilowatts of electricity that would be produced by the array would represent 9% of the Township's overall energy usage and translates to about \$27,000 a year in savings.

SET DATE FOR SPRING ROAD INSPECTION

It was agreed to hold the Township Spring Road Inspection on June 27, 2009.

CANCELING BOARD OF SUPERVISOR MEETINGS

Mr. Caiola moved, Mr. Stainthorpe seconded and it was agreed to cancel the Board of Supervisors meetings of July 1, 2009 and August 5, 2009.

APPOINTMENTS

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to re-appoint Marilyn Huret to Emergency Management and Dean Dickson to the Planning Commission.

There being no further business, Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to adjourn the meeting at 8:45 p.m.

Respectfully Submitted,

Greg Caiola, Secretary

