

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – MARCH 4, 2009

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on March 4, 2009. Chairman Maloney called the meeting to order at 7:30 p.m. Ms. Appelton called the roll.

Those present:

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

Others: Terry Fedorchak, Township Manager
 David Truelove, Township Solicitor
 James Majewski, Township Engineer
 Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Ms. Jean Broadway, Yardley-Newtown Road, urged the Board to allow a group to study the possibility of non-lethal ways to deal with the deer. She asked that they be given additional time to consider this matter further. Mr. Maloney stated the next time this matter will be put on the Agenda will be March 18, 2009.

Ms. Barbara Pearl Smith, Jenny Drive, stated she has studied the issue of how to avoid deer-car collisions and noted two different devices which have been successfully used. She stated she has data to share which she will be prepared to provide to the Board on March 18. She stated she has also received a commitment from Dr. Priscilla Cohen to give the Township \$10,000 to consider non-lethal alternatives. She stated she understands there is already \$50,000 Budgeted, and Mr. Maloney stated there is \$50,000 in the Budget relative to the consultant's fees and other things of that nature. Ms. Smith stated she has also started to raise more funds for the Township to consider non-lethal options. Mr. Maloney asked that any information she has be provided to the Township Manager.

Ms. Shelia Sadloch, 9 East School Lane, stated she understands that there is a feeling that if they reduce the deer population, they will reduce the incidence of Lyme Disease. She stated she does not feel this is sufficient reason to kill deer and all the articles she has found on this topic pointed consistently to the white-footed mouse as the most important host for Lyme. She noted there a number of other animals which contribute to the spread of Lyme disease. She stated if there were no deer in the area, surrogate animals would

serve as hosts. She stated better solutions could include food pellets, vaccinating, and tick-reduction stations. She stated action taken against the deer will not significantly impact the tick/Lyme problem.

Mr. Vern Smith asked what would be on the Agenda on March 18 as he is prepared to rebut a number of the assertions that have been made in the Deer Management Plan and he could do this tonight if necessary. Mr. Fedorchak stated they plan on having the author of the Deer Management Plan present at the meeting on March 18 who will provide a summary of the Report and an analysis of the proposals that the Township has received. Mr. Fedorchak stated he will also be inviting each company that has submitted a proposal to the Township to make a brief presentation to the Board of Supervisors. Mr. Vern Smith asked if he has recommended anyone who would be recommending non-lethal options, and Mr. Fedorchak stated he is assuming that the residents who are in favor of this will be present that evening. Mr. Vern Smith stated he understands Mr. Fedorchak has not made a formal overture to anyone who is prepared to present the Township with a list of non-lethal options, their evaluations, and the supporting literature. He stated he had provided Mr. Fedorchak his card two weeks ago.

Mr. Maloney stated the Township hired a third party who is an expert on the matter to provide the Township with information. Beyond responding to an RFP that was put out, it would be unwieldy as a process for the Township to go any further than to ask the public at that point to provide its input at which point all those present are welcome to provide whatever information they have on the matter. Mr. Vern Smith asked why it would be unwieldy, and Mr. Maloney stated they hired a third-party consultant; and if after hiring him, they ignored his advice, they would not be doing their due diligence and their fiscal responsibility to the taxpayers of the Township to spend money on a consultant who is an expert in the field and then not consider his opinion.

Mr. Vern Smith stated he feels the Deer Management Plan authored by Bryon Shissler is the beginning of the process, and he has seen no engagement or reasonable discussion of non-lethal options such as he presented two weeks ago. He stated there is nothing in the report that fully evaluates those options. Mr. Maloney invited Mr. Smith to question Mr. Shissler about this when he makes his presentation. Mr. Vern Smith asked if that is the only forum to discuss options, and Mr. Maloney stated if they need more time to discuss and consider this, they can defer a decision until a future date. Mr. Vern Smith asked if the Board would entertain a document that they would present to the Board as a group of concerned Township citizens, and Mr. Maloney stated as he previously noted if there is any interest in providing information, it could be provided in the Board's packet prior to the meeting; and he recommended that he provide any information to Mr. Fedorchak who will disseminate it to the Board. Mr. Vern Smith asked what would be the formal process, and Mr. Maloney stated it could be mailed or e-mailed.

Mr. Chris Lanberger, Eton Drive, stated the paving on the culvert is done and the road will open soon. He stated while the paving was taking place, he had a conversation with the project manager and contractor about his idea to expedite the completion of the most dangerous part of the bikepath which is down the hill from Westover down to the Canal. He stated he has put together a Sketch, and they agreed that it would take approximately two days at a cost of approximately \$10,000 to extend the missing part of the shoulder to complete this one critical link. He asked the Board to consider this, and he had forwarded sketches to Mr. Fedorchak who forwarded them to the engineer. He asked if it would be possible for him to visit the engineer to see if they could expedite this as if they could do this while the contractor is still on site, it would cost much less money. Mr. Lanberger stated they felt something could be worked out between the Government agencies where there could be a change order to do this little bit of work. Mr. Caiola stated he feels they should consider this.

Mr. Garry Cruzan, 729 Stewart's Way, stated he is a former bow hunter and he described his last experience hunting a deer fifteen years ago which caused extreme suffering to the deer. He stated he does not feel that they should authorize bow hunting unless they are going to witness what happens; and he feels if they witness this, they will stop it if it is started.

Mr. Marcus Barth stated the residents depend on their leaders to be fiscally responsible. He stated there are a number of projects going on in the community that require financial assistance, but the Board spent \$14,000 on a study on how to kill the deer. He stated there is an estimate of \$15,000 to \$50,000 for the project. He stated Upper Makefield spent \$90,000 to kill deer and this was only for one year. He stated the residents expect the Board to spend their money wisely. He stated he does not feel they should proceed on this project.

APPROVAL OF MINUTES

Ms. Appelson moved, Mr. Caiola seconded and it was unanimously carried to approve the Minutes of February 18, 2009 as written.

ANNUAL REPORT OF THE HISTORICAL COMMISSION

Ms. Roanne Friehs, Ms. Helen Heinz, Ms. Kaaren Steil, Ms. Anne Devlin, and Mr. Ken Martin were present. Ms. Heinz stated they are an advisory group whose purpose is to lobby, educate, and advocate for historic preservation in Lower Makefield Township. They are to advise the Board of Supervisors on what they feel about historic structures on development Plans, to identify historic Districts, consider overlays that would improve property values, and determine if structures have local or national historical significance.

She stated they also educate themselves, the Township, and the public on the history of the area. She stated they have also been asked to look at properties that the Township has acquired over the years. She noted particularly the Patterson Farm. She stated something that came out of a study group she was involved in was that they need to look at creating a LMT 501(c)(3) that would look at historic preservation by itself. She stated she understands that other 501(c)(3)s are being considered, and they are present to urge the Board to continue this process.

Mr. Truelove stated while this is specifically not on the Agenda tonight, under Other Business he would suggest adding consideration of authorizing the establishment of a 501(c)(3) which would include among the recipient organizations the Historical Commission; and he feels the Board is prepared to move on this tonight.

Ms. Heinz stated the Historic Commission will look into securing additional Grants for the Satterthwaite House and whatever public money is available. Ms. Heinz stated they are looking into a technical assistance grant to look at use planning for some of the structures on the Patterson Farm. She stated they will also look into Heritage Grants for projects such as painting, but these are currently more difficult to get. She stated these are usually matching grants. Ms. Heinz stated they need to consider how much it would cost to make one of the structures, such as the Satterthwaite House, into a public use structure as opposed to a domestic use structure; and they would come back to the Board for approval of this. She stated there has been discussion that if this house were to be used by the public there would be different requirements than if it were to be used as a structure that is rented out as a private home which would be considerably cheaper. She stated they want the 501(c)(3) so that they can begin fundraising efforts.

Ms. Heinz noted showed a picture of the Brown/Janney House on the Patterson Farm. She stated there are actually two houses as there is a large manor house and a small cottage. She stated she understands they plan to continue the domestic rental of the cottage, and Mr. Fedorchak agreed. Ms. Heinz stated the main house is in the best condition of all the structures, and they see this as limited use by Township groups. She stated they have already had requests from various garden clubs interested in beginning to do landscaping and they have plans to oversee that. She stated she received a call from a representative of the EAC to look at a landscaping plan that would be compatible with Colonial architecture, and they will move forward with this as soon as possible. She stated they will continue to supervise and help the Township in trying to maintain these structures.

Ms. Heinz stated they would like to consider eventual reconnection of Patterson Farm to Edgewood Village but at the current time they are preserving, protecting, and maintaining the structures.

Ms. Friehs stated as part of their goal to educate and advocate for the historical preservation of the local historical properties, they will hold the Second Annual Open House Tour on Sunday, May 3 from 11 a.m. to 4 p.m. She reviewed the activities to take place that day including transportation by trolley, open hearth cooking, music, and reenactments. She stated they are asking a \$5 donation with proceeds going to support Lower Makefield Township historic preservation.

Ms. Steil discussed the oral history project being worked on. She stated they are collecting oral histories and family photographs of local long-time residents who have lived in the Township for forty-five to fifty years. She stated in October they will be holding a reunion luncheon of long-time residents at the Brown/Janney House. Ms. Steil showed a photograph of the Woodside/Edgewood School.

Ms. Heinz stated the Historical Commission's monthly meeting report is published by the Yardley News. She stated they are also planning for a new publication in 2010 which is part of what Ms. Steil is working on. She stated the Board of Supervisors has also authorized the reprinting of the brochure, "Guide to Lower Makefield's Historic Landmarks," which had previously sold out. She stated they are trying to seek private grants or matching funds for all of the projects. She stated the landmark guide was previously funded by the Township and what is now Wachovia Bank, and they will go back to the local banks about this.

Mr. Martin stated they are working on a Mercer Tile project, and he showed a sample of the Lower Makefield tile which should be available for purchase mid-April. They will sell them for \$20 each and they will have a table at the Tax Office until the end of April, and there is a mailbox and display card in the Township Office with forms to be completed for purchase. They will be consecutively numbered on the back which would be of interest to collectors. He stated they will have a notice about this project in the paper.

Ms. Heinz showed pictures of the Slack House at Makefield Highlands, and she stated they are looking into income potential for this property. She stated anyone with an idea should contact the Township. She stated it is preserved but it needs a presence. She stated they will also continue to lobby inattentive owners or absentee landlords to preserve their properties. She showed pictures of some of the houses in the Township in need of repair. She also showed a picture of the site of the Octagon School house which was the first octagonal schoolhouse. She stated unfortunately it is not owned by either the Township or Bellemead and it is in private hands on a piece of land between Old Oxford Valley Road, New Oxford Valley Road, and Township Line Road.

Ms. Heinz stated Edgewood Village is an ongoing concern. She showed a picture of the house which was demolished on Edgewood Road. She also noted the porch recently came off the Tomlinson House, and as a Commission they were very unhappy about this as well as the way it was re-pointed and not repaired as it should have been.

Ms. Heinz stated they are looking forward to working with the Elm Lowne Committee to help them de-acquisition that property from Lower Makefield. They will advise any new owners of the significance of the property both locally and Nationally. They will also continue to work with HARB, the Historical Society, and the Special Events Committee to utilize all of the Township properties to the maximum that they can.

Ms. Heinz stated the Historic Commission also considered what they would like to see done in the Township going forward. She stated they would like to have Edgewood Village develop as a destination atmosphere and would like to work with local developers to promote such a Village. Ms. Steil stated while she was working on the oral histories a number of people have indicated there have items that they would like to have displayed in the Township including artifacts, photos, books, etc. Ms. Heinz stated they are also still looking at creating a Historic Zoning Overlay of historic properties. She stated they would also like to work on the 501(c)(3) and would like to see the Township historic buildings leading the way as examples of historic preservation and would like to see them in pristine condition. She stated possibly there could be a private conservancy that would step forward to do this.

Mr. Maloney noted Ms. Heinz had indicated that the Tomlinson House was not re-pointed properly and added this is owned by a private individual. He asked why this was not done properly since he assumes they would have needed Permits from the Township to have made any alterations. Ms. Heinz stated the matter came before a HARB that should have asked what were the guidelines for the National Register for fixing the porch. She stated the porch was demolished in an auto accident, and it should have been restored the way it was. She stated once it was taken off that means the next vehicle will hit the stone wall, causing damage to the structure. She stated rather than restoring the porch, they pulled off the porch and put cement into the pockets where it was previously supported and then pointed the stone in a manner that was not consistent with how it had previously been restored. She stated the Township had previously restored that building with Community Development funds, and she was there when the original pointing was done so she knows that the method used recently was not correct. She stated they are trying to work with the owner, Bob Sill, to see if he would consider putting the porch back on which she feels would be an asset.

Mr. Maloney stated he feels the right processes should be in place and asked if this was missed when it went before HARB. Mr. Stainthorpe stated he was present as liaison to HARB the night it was discussed and some of the experts on HARB indicated that the porch was added on much later and the porch itself had no historic value. He stated there

was no discussion of how to point just referred to by Ms. Heinz. He stated at the meeting Mr. Sill was very amenable, and he indicated he would rebuild the porch if they wanted or would take it off, but the people on HARB indicated the porch was not historic as it was added much later. Ms. Heinz stated she cannot understand that since the entire structure was built around 1810 and the porch was built with the house. She stated the Historic Commission immediately sent them a note advising that they objected to that decision and wanted it returned the way it was on the National Register as it makes no sense for the north side of the house to have no protection.

Ms. Appelton asked if the Slack House would be better suited for domestic or public use, and Ms. Heinz stated she could see it as a domestic use if it were for a Township employee. She noted there are examples of this being done in other Townships. She stated she feels it would make more sense to look at it as a co-occupant with the Golf Course. She stated to separate it out and sell it would not make any sense. Mr. Maloney stated the Golf Committee has actively marketed this previously. He stated he feels everyone is of the opinion that some sort of very low-key commercial use is probably the most likely to be amenable to that kind of interaction such that it would have low foot traffic and low car traffic. He stated it does need to be marketed. Ms. Heinz stated Nationally-registered houses have additions and if someone wanted to do this, it could be a remarkable addition to the Golf Course facility if they were able to work together with a potential renter. Ms. Appelton asked if it could be used for events or parties, and Ms. Heinz stated she feels it could. She stated it had been altered inside so that there are large public rooms downstairs. She stated they had also looked into possible offices upstairs.

Mr. Stephen Heinz stated he is currently on HARB but was not present when the decision was made at the Tomlinson Store property. He feels the presentation made by the Historic Commission was very cohesive. He challenged the Board of Supervisors to look into what could be done to make use of the Township's history. He stated a study was done about ten years ago that there could be an expansion to Edgewood Village. He stated possibly the Township could sponsor a design competition for development in back of the rows of houses on Edgewood Road where the woods connects to the Patterson Farm so that they could expand and utilize this space. He stated if this was developed and a connection made it would make both the Patterson Farm and Edgewood Village more viable and vibrant. Mr. Heinz also noted there was earlier discussion about the Seniors and their need for space and the Township just put a lot of money into the barn in back of the Satterthwaite House to repair the roof and make the space whole for the time being. He stated if this space were to be used it could be valuable with the lower floor being used right away and with structural investigation, possibly the main part of the wood floor above could be used as well. He stated they could connect this with the facilities that are in the Satterthwaite House so that there would be large and small spaces. He stated they could connect the barn to the house with a breezeway, etc. He stated in this way they may be able to use the property for a Senior Center.

Mr. Zachary Rubin, 1661 Covington Road, stated he is Chair of the CATV and they are looking for content for the Governmental TV Channels and would have great interest in the oral and visual history project when it is completed by the Historical Commission if it could be put in some kind of form which could be run on the TV to highlight the historical significance of the Township. He stated they would like to work with the Historical Commission on this. Mr. Caiola stated there was discussion on a virtual house tour as well which would also be good for the TV channels.

Ms. Virginia Torbert stated she wants them to preserve the Patterson Farm as a Farm and they should not look at the structures as individual houses, but in terms of their context not only on the Farm but also the relationship of the Farm and how it is related to Edgewood Village. Ms. Heinz stated the present Farm was actually two farms which extended all the way over past Mirror Lake Road and the other half went to Township Line Road. She stated currently they have the middle section of what was once two huge farms. She stated Edgewood Village was where the services were located and held the community together. She reviewed the history of the two taverns which were located in the Township and the process by which the Township became and remained a dry Township.

APPROVAL OF RESOLUTION #2185 REGARDING THE CITIZENS BUDGET COMMISSION

Mr. Caiola stated when they developed the Citizens Budget Commission it was a five member Commission and over the past three to four months there has been a request from the Commission to expand this to seven people.

Mr. Smith moved and Ms. Appelton seconded to approve Resolution #2185 expanding the Commission from five to seven members.

Mr. Stainthorpe asked what will be gained by adding two more people to the Commission. He stated he has been somewhat disappointed with this Board and has a difficult time determining how it has been helpful in the Budget process, adding he is not stating they have been unhelpful. He stated he is not clear what two more people on the Commission will provide the Board in terms of service or benefit.

Mr. Ethan Shiller stated he is the newly-elected Chairman of the Citizens Budget Commission. He stated he and Mr. Martin, the newly-elected Vice Chairman, have put a structure in place. He stated there are currently five members on the Commission, and one of issues they have had is that there are times that they have not been able to hold a meeting because they did not have a quorum. He noted one of their members goes to Florida in the winter, and there are times when one or two members are unable to make the meeting. He stated this interrupts any kind of objective they have. He stated the

Citizens Budget Commission has done a number of things in the past and currently. He stated the Supervisors are welcome to come to any of their meetings and participate. He stated within the next one or two meetings they will consider another financial policy which would make the Board more fiscally responsible in the sense of maintaining a 5% minimum fund balance. He stated last year they reviewed the Budget through the year and noticed that expected revenues were not meeting what was Budgeted. He stated they will work with the Township Manager to make a list and specify where the difference will be made up. He stated this list would include revenues which were unexpectedly brought in or expenditures that must be cut; and this list would go to the Supervisors to determine if this is the appropriate action they wish to do. He stated they also started a financial policy to be put in place such that any time there is a 5% variance in either a revenue account or an expenditure going over Budget, there is now a “red flag” and a process to handle this. He stated he hopes to be before the Board of Supervisors within the next month to give them a presentation and update on what the Citizens Budget Commission is doing.

Mr. Maloney stated he did observe last year around the last third of the year that there was active discussion between the Finance Manager and the Citizens Budget Commission to make the list that Mr. Shiller referred to of expenditures that they could forego in the interest of preserving the Budget balance planned for. He feels the Citizens Budget Commission has been largely proactive at times when the Board is not taking an active roll which are the other ten months of the year once the Budget is set.

Mr. Caiola stated he feels Mr. McCloskey and Mr. Fedorchak will attest to the fact that the Citizens Budget Commission has been active behind the scenes. He also feels it is good to have additional people on the Commission looking at the Budget and offering input from different points of view. He feels seven would be a reasonable number for this group.

Mr. Stainthorpe stated he feels that over the last few years they have created too many Boards and many of them do not have a fully-defined mission. He also stated they have not been able to fully populate all of these Boards, and he feels they should evaluate where they are with all of these different groups over the course of the year, and should decide who is effective and who is not. He stated the Zoning Hearing Board and the Planning Commission only have five members; and if the main issue is having a quorum, maybe only those who are interested and attend meetings should be on the Board. He feels in many ways the Board of Supervisors is abrogating the decision-making expectation that the voters have given to the Board of Supervisors which he feels is a mistake.

Mr. Maloney stated he feels it is fair that the Board of Supervisors continue to take an active role in evaluating the Boards, and he feels they have had some productive conversations with regard to some other Committees where they feel they need to re-focus their attention.

Mr. Shiller stated it is extremely important to get the community involved and give the residents the opportunity to participate in any decision that the Board of Supervisors are to make. He stated the Board is not turning over the decisions to the Committees, but is allowing them to do the research and come back with rational recommendations to the Board of Supervisors, and they hope that the Board values the time they give to the Township. They feel they are helping the Board get input from the public who elected them.

Ms. Helen Bosley, 546 Palmer Farm Drive, stated she does not believe that the Board of Supervisors deliberates in public with respect to performance against Budget on a quarterly basis so all the taxpayers can understand where they are at a point in time. She feels this is a shortcoming and will continue to be an issue going forward in very difficult times if in fact there is a fair amount in the Budget for Real Estate Transfer Taxes when houses are not selling. She feels the taxpayers need to hear open discussion from the Board, and they have not seen this in the last five years. She stated in the past Mr. Fazzalore was the “financial watchdog,” and she feels these times call for this in terms of Board oversight recognizing that there is a “hole in the Budget” currently since revenues are not meeting expenses. She stated the Board of Supervisors is going to have to do something before year end; and if this is not done, there will be a bigger problem next year which will fall on the taxpayers.

Mr. Fedorchak stated the Finance Director provides the Board of Supervisors and the Citizens Budget Committee with a very-detailed Quarterly Report listing all year-to-date revenues and expenditures, and it is his charge to identify any potential shortcomings. He stated he has provided this for the last two years, and it is made public and posted on the Website. Ms. Bosley stated posting things on the Website assumes the 35,000 residents go there for that information. She stated they are now televising meetings, and she feels this should be considered in public. She stated she understands the Citizens Budget Committee works with the “Business Manager” and has a list of items to save money, control expenditures, cut back, etc.; and she feels this would be a discussion which would be helpful for the Supervisors to have at a public meeting rather than have it occur on a Website where the taxpayers do not know where the Supervisors would stand on this.

Mr. Fedorchak stated the Finance Director’s Report is presented to the Board of Supervisors at a public meeting, and the conversation that follows between the Supervisors and the Finance Director as to the state of the Township finances and what, if any, action is necessary to take is part of the public meeting. Ms. Bosley asked when he will do this the next time. Mr. Fedorchak stated he feels they are doing what Ms. Bosley is asking, and he feels the next presentation will be April or May. Ms. Bosley stated she feels there should be a regular schedule for this such that everyone would know when this would be discussed. Mr. Maloney stated possibly it would be helpful to determine that the third meeting after the close of the quarter would be the meeting at which this would

be presented, and they could include this in a financial policy statement so that the public has an expectation as to when that meeting will occur. He stated he does not feel that this is unreasonable.

Motion carried with Mr. Stainthorpe opposed.

APPROVAL OF KRAMER/CINO PRELIMINARY/FINAL LOT LINE CHANGE

Ms. Caroline Edwards, attorney, was present representing the Applicant. Mr. Truelove stated he did provide to her a draft approval letter. Ms. Edwards stated Anthony and Susan Cino are the Applicants. The purpose of the lot line change is to approve a subdivision of a small sliver of property from Mr. and Mrs. Kramers' property who are present this evening. She stated the Kramer property is located at 2009 Woodland Drive and the Cino's is 829 Edgewood Road. The properties abut each other. Ms. Edwards stated at some point the Cinos realized that their driveway was slightly on a corner of the Kramer's property, and they approached the Kramers with a request that there be a Subdivision so that they could have ownership of that area and a little bit beyond that. Ms. Edwards stated this would be a lot line change to allow a 3500 square foot portion of the property to be deeded to Mr. and Mrs. Cino, and that property would be consolidated with their existing property.

Ms. Edwards noted on the Plan Lot #2 is the portion that will be deeded over. Lot #1 will be retained by Mr. and Mrs. Kramer. She stated the Planning Commission raised an issue about the fact that this would be an undersized lot so what is going to happen is that Lot #1 will be consolidated with the adjoining parcel to make a conforming lot. She stated she did submit a draft Deed of Consolidation to the Solicitor's office for their review both for the Kramer property and for the Cino property. She stated for the Cino property there would be a Deed of Conveyance and Consolidation because the Kramers would be conveying that small parcel which would then, in that same document, be consolidated with the Cino's parcel.

Ms. Appelson asked if the two Parties are in agreement with this arrangement, and Ms. Edwards stated they are, and there is an Agreement of Sale. She stated she represents Mr. and Mrs. Cino. She added Mr. and Mrs. Kramer are present and have signed the Agreement of Sale, and Ms. Edwards stated she has dealt with their attorney throughout the process keeping them advised as to when the meetings are being held and what the Planning Commission recommendation was.

Mr. Stainthorpe moved and Mr. Caiola seconded to approve the Preliminary/Final Lot Line Change for the Kramer/Cino property subject to the following Conditions:

- 1) Compliance with the Lower Makefield Township Planning Commission memorandum dated 12/9/08;
- 2) Compliance with the Remington and Vernick review letter dated 2/27/09;
- 3) Preparation of appropriate and acceptable Deeds of Consolidation for review and approval by the Township solicitor.

Conditions were acceptable to Ms. Edwards. She stated there were Waivers being requested as outlined in the engineer's letter, and she assumes these are acceptable. Mr. Majewski stated he has no objection to the Waivers being granted.

Motion carried unanimously.

APPROVAL OF EXTENSIONS – OCTAGON CENTER (MATRIX) AND GATHERINGS AT YARDLEY

Mr. Caiola moved, Ms. Appelson seconded and it was unanimously carried to grant the following extensions:

Octagon Center (Matrix) Preliminary Plan for Retail Center – 5/20/09
Gatherings at Yardley Preliminary Plan - 7/1/09

ZONING HEARING BOARD MATTERS

With regard to the Robert and Sherri Walters, 14 Beechwood Lane request to permit construction of an addition resulting in encroachment into the rear yard setback, it was agreed to leave the matter to the Zoning Hearing Board.

SUPERVISORS' REPORTS

Mr. Caiola noted some upcoming concerts at the Yardley Community Center which are listed on the Bucks County Performing Arts Website. He stated the Economic Development Commission held a very successful "Meet and Greet" at McCaffrey's Bistro the end of February with forty to fifty business people in attendance. They hope to have these three to four times a year and possibly a Lower Makefield/Newtown Chamber will be formed. He stated the Economic Development Commission is continuing to

work on the map project, and this will feature area businesses, a Lower Makefield map, and information on Lower Makefield Township and other non-profits.

Ms. Appelton stated on March 20 from 3 to 8 p.m. the Environmental Advisory Council will have a table at the Bucks Beautiful Garden and Home Show. They will also hold the Global Warming Conference at the Township Building on April 25 from 9 to Noon.

Ms. Appelton stated the Sewer Authority is going to be updating their 537 Plan.

Mr. Smith stated the Citizens Traffic Commission study group for the West Ferry area met last evening, and they have a number of issues to work on. He stated Special Events is planning a spring event which will be a movie and a dance marathon. The Veterans Committee is working on Veterans Square and putting together their fundraiser to be held March 22. He stated the Elm Lowne Committee continues to work on some issues regarding the potential sale of the Elm Lowne property.

Mr. Maloney stated the Pool Applications for the discounted price are to be completed on-line with payment due by Friday. He stated the Frankford Hospital and T-Mobile Zoning Hearing Board Appeals continue and Frankford Hospital will be next considered at the Zoning Hearing Board meeting on March 17. Mr. Maloney stated the Golf Committee has begun to break down into small subgroups over the past few months which he hopes will result in more productive, focused management of the members working on smaller, more efficient groups working on topics such as conditions of the greens and fairways and review of the upcoming Management Contract that expires the end of the year. Mr. Maloney stated with regard to the Pension Committee, he, Mr. McCloskey, and Mr. Fedorchak met with the investment advisor to review a very recent report as to the investment status. He stated they have suffered the same way the broader pension investment and institutional investment communities have, but he feels they have done a fairly good job staying above their benchmarks and retaining active management value in these very difficult times. Mr. Maloney noted the Agricultural Security Board met and voted to accept the Application of David Ferri for his property on Mt. Eyre Road to be included in the Agricultural Security District.

APPROVAL OF 2009-2010 SIGN MATERIAL AND POST BID

Mr. Stainthorpe moved and Mr. Smith seconded to approve the 2009-2010 Sign Material and Post Bid to Garden State Highway through the Bucks County Consortium.

Mr. Maloney asked Mr. Fedorchak about the status of purchasing the device that the Township could use to make their own signs, and Mr. Fedorchak stated the Public Works Department has begun to look into this and have been reaching out to various manufacturers on the different types of machines available. They hope to have a recommendation to the Board in the next two to three months.

Motion to approve bid carried unanimously.

DISCUSSION AND APPROVAL TO GO FORWARD WITH A 501(C)(3) APPLICATION

Mr. Truelove stated the Board discussed at the last meeting the possible establishment of a 501(c)(3). He was directed to provide to the Board draft By-Laws that would reflect the practical aspects of the proposal. He stated the Resolution he drafted will need to be revised consistent with what he feels the sense of the Board was this evening. He stated the purpose would be to establish a community non-profit corporation with the name proposed to be Lower Makefield Community Foundation, Inc. It would be formed as a Pennsylvania Non-Profit Corporation and after obtaining the Application for this status, they would apply for a Federal Identification Number which would allow them to make the determination that the Foundation is a 501(c)(3) pending. By-Laws would be drafted and they would propose that there be three Board members to be the Township Manager, the Township Finance Manager, and the Police Chief.

Mr. Truelove stated he has added a separate paragraph to the original draft Resolution to include that the initial organizations which will participate as recipient entities would be the Lower Makefield Veterans Committee, the Lower Makefield Historical Commission, and the Lower Makefield Township Police Department; and any other organization, entities, and/or associations requesting participation as recipient organizations will be permitted as participating organizations only upon passage of a Resolution approving same by the Board of Supervisors. He stated this means that it has been identified by the Board that the recipient organizations currently will be limited to the Veterans Committee, the Historical Commission, and the Police Department because those are the three entities that have indicated a willingness and a need to have 501(c)(3) status to encourage contributions. He stated the Veterans Commission has a March 22 event, and in order for them to qualify for 501(c)(3) status, they need the Motion approved this evening so that they can begin the process. He stated they would prepare the necessary paperwork once approved.

Mr. Maloney stated while he feels they have an acceptable composition on the Board currently, they may consider further augmenting it with a role that might be defined as “community member,” who is a non-elected and non-administration official of the Township; but for now he feels they have the right mix in a temporary capacity.

Ms. Appelton moved and Mr. Caiola seconded to approve going forward with a 501(c)(3) Application.

Ms. Virginia Torbert asked if there are other Townships that have this type of set up. Mr. Truelove stated he feels that Bristol Township has one, and Mr. Stainthorpe stated he feels Bensalem has one. Mr. Truelove stated this is not an uncommon practice and is really a way for different organizations to get donations that otherwise they may not receive. Ms. Torbert stated while she understands a 501(c)(3) she is questioning if there are others where they group Police, Veterans, and Historic Commission and it is run by the Township. Mr. Truelove stated the purpose was to centralize the administration so that there are not Township officials performing the same task piecemeal as opposed to having it centralized. He stated in the By-Laws they have a provision where there would be different accounts for the different organizations so the money will not be pooled. He stated funds will be segregated consistent with the donations that are received to the different programs.

Mr. Torbert stated she has no problem if the Police Department wants to set up a 501(c)(3) or if the Historic Commission wants to set up a 501(c)(3) to accept donations; but Mr. Truelove stated they cannot do this separately without Township authority as they are all part of the Township. He stated if they were all separate, there would be three separate Boards with three separate administrations; and the concern is that there could be some of the same people doing repetitive work and there could be a break down in getting things done cohesively. He stated after a period of time with experience, the Board may decide that they will want to separate it out. Ms. Torbert asked if he is aware of this type of set up in any other area Municipality; and Mr. Truelove stated while he believes they exist, he has not done research on this. He does know there are community foundations in other Municipalities. He stated they feel what they have proposed is a practical way to do this. He stated otherwise they would have to create three different corporate entities, three different 501(c)(3) Applications, and three different sets of accounting; and this would require more administration and more costs.

Ms. Torbert stated she is concerned that they will have all this money and she questions who will be making the decision as to how the money will be spent. Mr. Caiola stated checks would be sent to the 501(c)(3) but it would be defined in the memo line where they want the money to go. Ms. Torbert asked about general contributions, and Mr. Maloney stated the intention of the Foundation is that by Resolution of the Board of Supervisors the Board can define a new account to be set up for a specific purpose. He stated they would need to identify the group and what the intent and use of the funds will be. He stated the Board of Directors of the organization would have no authority over whether the funds designated to the Historic Commission would be spent on a particular property, and they are simply there to be custodian of the funds. Ms. Torbert stated her concern is out of all of the money who will decide how much goes to the Police, Historic Commission, etc. Mr. Stainthorpe stated they are separate accounts and you would only be able to accept donations for the Historic Commission, Police Department, or the Veterans Committee; and the Resolution indicates this. Ms. Torbert asked if a check could not be written to the Community Fund, and Mr. Maloney stated they would have to

identify to which group it is going to. Mr. Truelove stated this is in the By-Laws. Mr. Truelove stated if someone indicated they wanted to give money to the Community Foundation, there could be a provision of the By-Laws, if amended, to say money will be divided equally among the different groups. However, as it stands today, the monies need to be designated to the respective funds.

Ms. Torbert stated her only other concern is that there should be a community member on this Board. Mr. Maloney stated they did have this discussion and feel it would be in everyone's best interest to have a community member on this Board, and they have discussed people they feel would be responsible members of the community to serve on this Board; but in the interest of timeliness, they need to get this moving. He stated they do intend to adjust the Board composition once the entity has been created legally. Ms. Torbert asked why they could not provide a slot for a member of the Historic Commission, a member of the Veterans Commission, and an at-large member of the community; and Mr. Maloney stated they may add other groups, and they do not want these Township Boards to have twelve members. He stated the Board of Directors is not going to have discretionary authority over the individual funds so he does not feel they need to be representative of each group that has funds in the organization as the Board is only the custodian. Ms. Torbert stated she feels they should build in a spot for citizen participation and does not feel they need to fill in a name. Mr. Maloney stated Mr. Truelove advised that having an Application with blank spots on the Board of Directors would not be appropriate at this time. Mr. Truelove stated they need to get this approved this evening because if they wait for the next Board of Supervisors meeting it would be too late for the Veterans Committee to take advantage of the status for their upcoming fundraiser. He added this does not mean that if it needs to be amended to add a community member, this could not be done.

Ms. Torbert stated she felt that there was an intention that people could give just a general contribution to this fund, and she would like the Board to address how this will be handled. Mr. Maloney stated there have been a number of discussions about how this Fund would be handled but what Mr. Truelove has described this evening, is what they now intend.

Mr. Dave Shuster, Bluestone Drive, stated he understands that the money that comes into the fund will be used for community projects; and Mr. Maloney stated it will be for specifically identified community projects, and at this point it is going to be preservation of historic buildings, construction of a Veterans Memorial, and a Benevolent Society for the Police. Mr. Shuster asked if the By-Laws will specify that the money cannot be used for Political contributions, and Mr. Truelove stated you cannot use the money for that purpose in a 501(c)(3).

Motion to approve carried unanimously.

OTHER BUSINESS

Ms. Helen Bosley stated Mr. Maloney discussed meeting with the investment managers for the Pension Fund assets. She stated she understands that as a result of poor performance in the markets that contributions whether actual cash contributions or accrued contributions for defined benefit plans are expected to be up by 25% to 35% from prior years, and she asked if this is something they feel that the fund will require; and if so, what was the contribution last year. Mr. Maloney stated a lot of the attention lately has been in the corporate sector because recently-passed legislation significantly altered the structure such that losses in Pension Plans are recognized on a much more accelerated basis than they are in the public sector. He stated the laws have much wider perspective in the case of the public sector. He stated he feels they were down about 20% to 25% over the past year, and he believes that Pennsylvania's Act 205 requires that asset losses be amortized over fifteen years so they can expect to have to pay back about 2% of those asset losses per year. He stated this is 2% of the fund and not a 2% increase. He stated the total fund is approximately \$8 million so 2% would be approximately an additional \$150,000. He stated he feels this is a year during which they have a bi-annual valuation of the Plan, and at that time they will know more; and he anticipates they will hear from their actuary in the summer about a revised contribution schedule.

Mr. Fedorchak stated he has had a recent conversation with the actuary, and he hopes to receive this number in May. Mr. Maloney stated once they get this report, they will make this part of a public Agenda to discuss.

There being no further business, Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to adjourn the meeting at 9:30 p.m.

Respectfully Submitted,

Terri Appelson, Secretary