

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – APRIL 7, 2010

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on April 7, 2010. Chairman Smith called the meeting to order at 7:30 p.m. The Pledge of Allegiance was led by Girls Scouts from Troop 21669. Mr. Maloney called the roll.

Those present:

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

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

PUBLIC COMMENT

One of the Girl Scouts present asked if there is a fine for littering, and Chief Coluzzi stated there is a fine through a Township Ordinance as well as a fine as part of the Motor Vehicle Code if you are caught littering from your car.

One of the Girl Scouts present asked about a letter her family received about paying a fine under the dog leash law. Mr. Truelove stated there are laws in Pennsylvania that must be enforced by the local government if your dog is not on a leash. Either the Police or the Animal Control Officer has to enforce those laws and a fine must be paid if the dog is still not on a leash after there has been a warning.

One of the Girl Scouts present asked if you are allowed to have a fire in your back yard. Mr. Larry Newman from the Volunteer Fire Company was present and stated there is an open burning Ordinance which does not permit open burning unless you live on a farm and it is being done as part of a farm operation.

One of the Girl Scouts present asked who is responsible for clean up if a tree falls in the walkway. Mr. Caiola stated if the tree is owned by a property owner, it is their responsibility. Mr. Stainthorpe stated if it is a tree that was in the buffer area, it is the Township's responsibility to clean it up.

Ms. Liz Chomicki stated she is the Project Coordinator for Pennsbury LYFT and distributed flyers this evening for their Town Hall Meeting and Teen Forum to be held on Thursday, April 22 at 6:30 p.m. at the Pennsbury High School West Campus. She stated the topic is “Deadly Doses” and is on underage drinking and prescription drug abuse. She stated this is a teen led event open to all. She stated the event is free and there will be refreshments.

Mr. Dave Shuster, Bluestone Drive, commended the Police Department on their role in a recent incident. Chief Coluzzi stated a Township Police Officer was recently involved in an arrest. He stated in Newtown Borough a female was beaten and almost abducted. Her car was taken and the Officer responded to the area; and as a result of information received, saw the car and chased it into New Jersey where two males were apprehended for the robbery. A gun was also recovered from the vehicle. Chief Coluzzi stated a third male was able to get away, and it was later discovered that this individual was a known gang member from New Jersey who was wanted for other crimes and was a fugitive. This individual was just recently captured in upstate Pennsylvania. The Board congratulated the Police Department for their work.

Ms Jean Broadway, Yardley-Newtown Road, stated her home was burglarized last year and she wanted the Township to know how professional the responding Officers were.

TABLING MINUTES

Mr. Smith stated the Board has agreed to table the Minutes of March 17, 2010 pending corrections.

APPROVE GRANTING ACTIVE VOLUNTEER FIRE FIGHTERS USE OF THE COMMUNITY POOL

Mr. Larry Newman, 643 Friar Drive, President of the Volunteer Fire Company, was present. Mr. Caiola stated the Township currently has a Volunteer Fire Company which answers numerous calls despite having other full-time jobs. He stated the cost for a non-volunteer Fire Company would be very substantial so the Township is very fortunate to have the Volunteer Company. Mr. Caiola stated they have been discussing some things the Township could do for the volunteers in order to attract and retain members and to show them appreciation for what they do. Mr. Caiola stated recently there was discussion about providing the active volunteers and their families a free Pool membership.

Mr. Maloney moved and Mr. Stainthorpe seconded to grant active Volunteer Fire Fighters use of the Community Pool.

Mr. Stainthorpe stated retention of volunteer firefighters is a big issue throughout the State of Pennsylvania. He stated if Lower Makefield were to have a paid fire company, it would cost equal to what they pay for the Police, and this would be a huge expense. He stated the volunteers are among the outstanding members of the community and go out on hundreds of calls each year; and he is in favor of doing this for the active volunteers for this Pool season.

Mr. Newman stated during one of the recent snow storms, the Fire Company had twenty-two calls in a twenty-four hour period. He stated during another storm there were between eighteen to twenty volunteers sleeping at the two fire stations. He stated the volunteers do this because they love helping the community. He stated in order for an individual to be a volunteer firefighter, they have to go through 184 hours of training which spans seven months. Mr. Newman stated they have 33 members who are considered “active” firefighters which means that they make 25% of the calls at a minimum. He stated while they have 93 members on their roster, the bulk of the fire fighting is done by 28 firefighters and 5 fire policemen. He stated their numbers are reducing, and the surrounding Townships now have a number of paid fire fighters particularly during the day. Mr. Newman stated the Township volunteer firefighters are aging and 24% of the firefighters who are active are over 60 years old. Mr. Newman stated the Fire Company appreciates the proposal being acted on by the Board. He stated he feels there will only be approximately 55 total people who will be receiving the Pool membership.

Mr. Maloney stated these volunteers are taking on a huge responsibility by being first responders, and he would be in favor of whatever they can do for them.

Mr. Newman stated currently they have three women firefighters, and they accept members at age sixteen.

Motion carried unanimously.

DISCUSSION OF PATTERSON FARM HOUSES

Ms. Rosanne Friehs, Ms. Helen Heinz, Mr. Ken Martin, and Mr. Robert Innis from the Historical Commission were present.

Mr. Smith stated they have had discussions about the houses on the Patterson Farm particularly the Satterthwaite House; but before the Board acted, they wanted to give the Historic Commission the opportunity to consider this matter and report back to the Board.

Ms. Roseanne Friehs stated they have a diverse group on the Historic Commission, and their mission is to help preserve the Township's heritage and historical treasures. She stated they do have three vacancies on the Historic Commission and asked those interested in serving to send a letter to Mr. Fedorchak.

Ms. Friehs stated they are present to discuss possible proposals for the Patterson Farm. She stated one proposal is to sell off the farm in small parcels. She stated Patterson Farm is not part of Lower Makefield Township's open space so this is possible, but she stated they do not feel the last working farm on the I-95 corridor should be parceled out. Ms. Friehs stated the second proposal would be to rent the Janney-Brown House and the Satterthwaite House. Ms. Friehs stated the Janney-Brown House is tentatively rented to the Artists of Yardley although the Agreement is still pending. She stated if the rent is low possibly the Township could require a maintenance schedule and periodic inspections to insure that the house is being maintained according to an Agreement. Ms. Friehs stated the third proposal would be create a Curator/Resident program for the Janney-Brown House and particularly the Satterthwaite House in which the Township would retain ownership of the property but the curator/resident would gain equity and other benefits.

Ms. Heinz showed a power point presentation on the curator/resident program. She showed a number of photographs of the Patterson Farm property and reviewed the property's history. Ms. Heinz stated they are renting some of the properties including the lease of the fields for agricultural purposes. She stated some of the buildings are also being used for storage by the Township. Ms. Heinz stated it will be very difficult to obtain Grants in the future, and it could be decades before that money comes back in any substantial amount.

Ms. Heinz stated the Historic Commission was asked to review potential uses particularly for the Satterthwaite House. Ms. Heinz showed a picture of the Satterthwaite House adding that the property has basically been "mothballed," which means that the structure is sound and the roof has been replaced, but the property is not in good in condition. She stated the front of the property was recently painted, but they could not afford to paint the entire house.

Ms. Heinz stated the Township took deed to the entire Farm from the Pattersons in June, 1998; and while it is open space/agricultural use for the Township, under the conditions in the Deed, the Township could subdivide and sell parcels to third parties subject to the restriction that the parcel not be larger than five acres and that it be retained as a single-family dwelling. She stated no new structure could be put on the parcel unless the Board of Supervisors agreed and it was related to the use that the Deed intended which is for agricultural purposes.

Ms. Heinz stated the Township put together a Stakeholders' Committee in 2007 which was chaired by Jeff Marshall from the Heritage Conservancy. She stated one of their findings was that there were two separate farmsteads which were eligible for the National Register. She stated they were able to apply for funding for the Satterthwaite House roof based on that finding. She stated the National Registry process was never completed. Ms. Heinz stated Section 106 indicates that if any part of the farmstead is disturbed, there may be a need for the State Historic Preservation Office to investigate the archeology of that disturbance.

Ms. Heinz stated the Stakeholders Committee came up with the following options: the "mothball" option, the removal option (which they decided not to consider further), and the curator/lease option which was brought up by Jeff Marshall. She stated this program was developed in Maryland. In this program, the curator pledges to restore the property and maintain it in good condition and live rent free in the house. Mr. Marshall admitted that unfortunately after the initial investment, there were problems and people had walked away from the leases after a few years and the lack of their equity in the property means that they do not continue to maintain the property. She stated their retirement also became difficult since they did not have equity in the house. She stated it was felt that this could work with commercial or charitable organizations although Zoning changes would be needed and there could be conflict with the agricultural/recreational use and public access could change depending on what kind of organization took possession of the house. Ms. Heinz stated the Stakeholders did not consider this option any further and instead considered other options including short-term Leases. She stated this was specifically possible for the Janney-Brown House which could be used immediately. Ms. Heinz stated the Satterthwaite House needs historic restoration to get a decent price for the rental or sale market. She stated there are no Grant monies available, and the repair costs are very high. Ms. Heinz stated there is also no public water or sewer available at the Patterson Farm at any of the buildings. She stated this is a problem for the Janney-Brown House for use by a group although it would not be a problem if it were used as a single-family residence.

Ms. Heinz stated the Stakeholders also considered public recreational purposes but noted there are sufficient parks available already in the Township. She stated the Stakeholders also recognized that extensive public use would impact the agricultural use and the potential leases of the agricultural ground. She stated extensive public use would also be impacted by the lack of public water and sewer.

Ms. Heinz stated the Stakeholders eventually recommended that absent compelling circumstances such as the fact that it was not economically feasible to restore a building, it was the preference of the Committee that the Township make every effort to keep the Farm intact. Ms. Heinz stated they discussed the financial implications of repairing the Satterthwaite House, and felt that they could possibly lease it to a farmer who could live in the house while farming the land.

Ms. Heinz stated they have recently looked at the Satterthwaite House again. She stated if they were to sell it, the Township's revenue would increase as there would be no more public expenditures; but this would be only a minor revenue increase. She stated that private care is generally better than public care, but there would be loss of public control and access points to the Farm, and the Township would probably have to move the leaf operation. She stated there would also be the potential for spot Zoning under a hardship clause if something happened to the historic property, if someone were to take ownership of the property. Ms. Heinz stated she also feels it would cause a "PR" problem in terms of disillusionment over donations to the public good. She stated there would also be no real control over the level of care if the Township were to sell the property.

Ms. Heinz stated they could "mothball" the Satterthwaite house and this is what has basically been done for the last three years. She stated the property is secure and stabilized, and they are waiting for future public use and funding; however, while they are waiting for this, the structure could continue to deteriorate since it is not constantly monitored. Ms. Heinz also stated that a public use for a historic structure is incompatible with historic preservation since when there are a lot of people in an old house, it results in a lot of wear and tear on a house that is meant for a small number of people most of the time. Ms. Heinz stated they have come to the conclusion that the Township does not really have a use for the Satterthwaite House and its surrounding structures.

Ms. Heinz stated they ultimately decided to consider the resident/curator program which has been successful in other States. She stated they have modified what other States have done for Lower Makefield Township. She stated this would involve upfront capital investment from private rather than public money. She stated there would be incentives built in to continue the maintenance. Ms. Heinz stated the details of this arrangement would be kept as a proprietary agreement between the landlords and perspective curators. She stated there would be two accounts where there would be a continuing minimal rent and the curator would be able to draw down from those accounts for capital repairs and anything they put in from the continuing rental account, they will get back at the end of the lease. She stated if it were a thirty year Lease and they put in \$360,000, they would get that back. She stated there would be positive continuing incentive to keeping the house up. Ms. Heinz stated the property would get returned to the tax rolls with the taxes to be paid by the curators. She stated the property would still be owned by the Township which could still apply for funding for historic projects, and public access would be allowed in the Lease documents so that the public can access the property several times a year to see the house. She stated the Patterson Farm would remain intact.

Ms. Heinz stated she would like to see public RFP put out that would allow anyone interested and qualified to bid on this proposal. She suggested that the Supervisors appoint a Committee to review proposals and recommend the best proposal that fills the requirement of the RFP or suggest rejection of all proposals and then redefine the RFP.

Ms. Heinz showed a suggested RFP that was based on proposals from other States modified for Lower Makefield Township. She stated they would need help from the Township solicitor to provide a description of the ground to be leased. She stated the Commission has already prepared a history of the premises and stipulates major areas of concern regarding the proposed restoration. She stated for the Satterthwaite House, the Township had Jennifer Stark Associates do an outside assessment of the building, and Ms. Heinz stated she herself has gone through and looked at the interior; and with her historical architectural background, she has come up with areas that need to be fixed. She stated she feels Mr. Majewski can help them in this area as well. She stated they would also need a Curatorship Donation of Restoration which requires that the curator donate money to the Township for repairs for both services and materials, and they would get a certificate after five years that indicates the amount they have donated to the Township. She stated this would be a cash donation for the purpose of this Lease, and then there would be a Lease Agreement for the continuing rental. She stated she does have samples of these documents, and this process is working in Massachusetts.

Ms. Heinz stated curators would be required to provide standard resumes highlighting their experience and qualifications in the field of historic preservation, information and photos of projects they have been involved with, and experience and resumes of their contractors. She stated there would also be a requirement for a financial disclosure statement, tax records, and a credit report. She stated the Secretary of Interior Standards for Historic Preservation would be inserted into the RFP and used for guidelines. She stated also included in the RFP would be the requirement for the curator to write up exactly what tasks they will do and the cost estimates for each phase of the project; and they can take up to five years to complete the initial rehabilitation which cannot be less than \$250,000. She stated they are therefore asking for an upfront donation from a resident/curator to be put into the property within the first five years. She stated they will pay rent when they move in. She stated people who are spending money on their own can get work done for less than the Township can with public rates.

Ms. Heinz stated if the resident/curator wishes to change the floor plan or put up an addition, those proposals should be part of the RFP. Ms. Heinz stated they would discourage as much as possible too much alteration to the historic fabric. Ms. Heinz noted some other conditions which she found in the documents being used in other States including references to lead paint and other contaminants so that the Township is not held responsible, that the Township cannot be sued if the resident/curator fails to pay a contractor, and that they maintain sufficient insurance on the property. She stated the Township may wish to carry their own insurance. She stated these issues would need to be discussed with the Township solicitor.

Ms. Heinz showed some pictures of the interiors of the Satterthwaite House.

Ms. Heinz stated they would recommend that the Supervisors advertise an RFP as developed by the Committee and the Township solicitor for a resident/curatorship and seek a party willing to accept the stewardship of the property with a use appropriate to the Farm. She stated the Supervisors should appoint an impartial Committee to review all proposals and recommend the best proposal to the Supervisors or recommend rejection of the proposals. She stated many of the documents needed have already been drafted.

Mr. Smith thanked the Historic Commission for the presentation which he recognizes took a lot of time and effort.

Mr. Stainthorpe stated he agrees that this was an excellent presentation, but he is hesitant because for many years nothing has been followed through on this matter. He is concerned that this is just another idea that will never get fully executed.

Mr. McLaughlin thanked the group for their efforts with this project. He asked how much it would cost to get the property to a livable condition and how much would it cost to get it restored to its historic significance to show people what it would be like to live at that time. Mr. Fedorchak stated the estimate they were given was \$500,000 to get it to livable condition and \$1 million to get it to historic, pristine, condition. Mr. McLaughlin stated the curator program seems like there is a lot of potential for error since the curator could leave, the property could be unhealthy to restore, or it could be restored improperly. He stated he is concerned the Township has bought the properties and then neglected to them to a state where they have to get rid of them; and he would want to see a demonstrated effort by the curator, Historic Commission, and the community since taxpayer money is involved. He stated he is concerned about asking for this level of money for a very risky venture given the current economy.

Ms. Heinz stated they feel this program is one way they could keep the Farm together, maintain the agricultural use, and maintain the public use. She stated selling it outright knowing the current condition, it would be difficult to get a lot of money for the property and the property would then be in someone else's hands over which they would have no control. She stated if they ask for \$250,000 up front, she feels the property would be livable especially since the work would be done privately since they can get prices from a contractor which are considerably less than the Township can get. She noted as an example the cost to the Township to paint just the front of the house was \$40,000. She stated she feels they could ask the State for money in the future. She stated with the resident/curator Agreement, if someone is paying \$2,400 a month in rent and that accrues, after a year they will have quite a bit of money which they can bring back since when it is up to about \$10,000, they could then put in \$10,000 of improvements into the property. She stated the way the Lease arrangement is currently drafted, they could continue to draw that money back so that they are continuing to do improvements on the property as they go forward. She stated the incentive is that in the end, they will have

some equity in the property. She stated this part has not been tried and would make it unique to Lower Makefield.

Mr. McLaughlin asked why the property was not registered; and Ms. Heinz stated the architectural significance portion had already been done, but the State Historic Preservation office asked for details on the agricultural significance which means someone would have to go through the census data, yearly returns from the agricultural centers, granges, and Minutes to find out what was grown on the farm. Ms. Heinz stated while she feels this could be done and the Township group may be able to do this, it would involve going through County records to see what was produced on the farm. Mr. McLaughlin asked what would be gained if it was put on the Register, and Ms. Heinz stated they would not get anything new from what was already received, and it would only be for the prestige of being on the Register. She stated it would prevent Federal funding from being spent on road of improvements and widening of I-95 without thorough review. Mr. McLaughlin asked if it would help get any additional Grants, and Ms. Heinz stated it would not since they have already received Grants by virtue of the eligibility in 2004.

Mr. Caiola asked what type of individual would be interested in this program. Ms. Heinz stated there are some people who have expressed interest in the property for agricultural-type uses, and they would probably need some Variances. She stated they have also heard from people who want to live in the property because they love the property. Mr. Caiola asked about the inspection process, and Ms. Heinz stated the Township would have a yearly inspection to look at the structural and historic restoration issues and suggest some projects. She stated this is done in other instances where this program is in place, and the properties are also open to the public five days a year. She stated the Township as the leaseholder would have the right to go in the property and inspect.

Mr. Maloney stated he understands that the equity piece for the curator would be the gift; and Ms. Heinz stated this is incorrect and the “gift” would be given to the Township up front. She stated it is set up so that they would then pay a rental each month; and as that accrues, it will amount to more than the initial gift by the end of the term which is typically a thirty-year lease. Mr. Maloney stated at the end of the thirty years, they would have the opportunity to cash that equity back out, and Ms. Heinz agreed. She stated they would have to consider who would get the interest, and she would suggest that the Township retain the interest for administering the program. Mr. Maloney stated if the Township feels it is in the best interest of the building that it be restored to the proper level over the next thirty years, at the end of the thirty years they will have to pay back whatever the curator spent to improve it. He stated it is not obvious to him how this arrangement is different than the Township having certain debt structure used to pay for renovating the building and then just charging rent. He asked where the financial benefit is for the Township other than the fact that the Township has no cash outlay initially,

and Ms. Heinz agreed this is the benefit. Mr. Maloney stated he is concerned with putting this burden on the Township in thirty years, for getting something done today. He stated at that time the Township will legally be required to pay out the hundreds of thousands of dollars that the curator put in when they want to cash out. He stated he agrees with putting someone in the building to make sure it is kept up, but he is not in favor of the balloon payment that will result. Ms. Heinz stated the person would be paying into their own account, and they will be getting their money back after the thirty years. She stated the way the Lease is structured is if there are repairs that have not been completed, the Township would have the access to the fund to do them. She stated the initial \$250,000 is being put in by the curator as a cash payment instead of purchasing the property and it is to improve the property to get the privilege of living in one of Lower Makefield's finest houses. She stated they will then also have the rental fee. She stated in Maryland they did not have the rental fee and after the initial payment, they live there rent free; but the problem was that if the property started to deteriorate, there was no incentive. She stated if they pay up front to keep the incentive going forward, they have more of an incentive to maintain the property since at the end they will get back what they put in for that half. She stated there would be two funds one of which is the capital fund that goes toward capital improvements and this would be Lower Makefield's benefit and would not be the renter's benefit other than having the benefit of living there. She stated the amount they pay for their rent, they will get back if the house is in good condition. She stated the Township could then turn it over to another resident/curator and ask for another up front amount. Ms. Heinz stated funds to make the improvements would come from the initial sum paid by the curator as well as the continuing rental payment. Mr. Maloney asked if the resident/curator will get the initial \$250,000 back at the end of the Lease, and Ms. Heinz stated they will not, and this will be a "gift" to the Township.

Mr. Stainthorpe stated it would be helpful to the Supervisors to have specific information about examples where they have done this so that they can see where it has worked and where it has not worked. He stated he would like feedback from the local Government.

Mr. Maloney stated he questions who would pay \$250,000 for something they are not getting anything out of. He stated while they are getting a quality place to live, he feels they could also get a building that is in good shape and they would not have to do this. Ms. Heinz stated this is why they have put in the additional incentive so that at the end they would get back at least half of the rental.

Mr. McLaughlin asked about the monthly rental, and Ms. Heinz stated this would go into two accounts – a capital account and a maintenance account; and the maintenance account they would get back. Mr. McLaughlin stated he also questions who would contribute \$250,000 and is also concerned about the \$250,000 to \$1 million bridge, and he asked who would fund this. Ms. Heinz stated those numbers were for the Township to do the work. Mr. McLaughlin stated even if the cost is not that high, he is still interested in finding out how they would get the house up to its best level and not the minimum

acceptable level so that it is a value asset to the Township. Ms. Heinz stated if someone wants to live in this house, they do not have to buy the property and pay for the land that is under it so that they would put the funds into the house, and the Township then allows them to live there. She stated they would also have use of the barns for a purpose that is compatible with the use of the Farm.

Mr. Smith asked what use they could reasonably use the parcel for. Ms. Heinz stated they have heard varying uses including a veterinarian. She stated there is the potential to rent additional fields from the Township so that the property could be used for livestock, horses, and for storage.

Mr. Smith stated a statement was made earlier that the Township would be cutting up the property piecemeal and losing its identify as a Farm, and he stated he does not feel any of the Supervisors are interested in cutting the Patterson Farm up piecemeal. He stated it was also indicated that a change in ownership by selling the Satterthwaite parcel would take away from the Farm's function as a working farm, and he does not feel this is the case since both the Janney-Brown and Satterthwaite Houses are vacant at this time so he does not feel they take away or add to the ability of the Patterson Farm to remain an active farm other than possibly the storage of vehicles. Ms. Heinz stated it is the historic house that is suffering.

Mr. Smith asked how realistic it is to get someone to enter into the bidding process for this resident/curator program; and Ms. Heinz stated they do not currently know, and if the program does not work, they will have to consider something else. Mr. Smith stated he wants the Board to act on this property this year, and he does not want there to be another two to three year hiatus before they take action. Mr. Smith stated the Township has a difficult Budget situation currently, and he does not want to have to spend any more money on the property other than keeping the structures up. Mr. Smith stated he is also concerned about demolition by neglect as there has not been any "teeth" in the Ordinances in the past. Mr. Smith asked Mr. Truelove if they can put out an RFP for this even if they do not have an intention of selling it; and Mr. Truelove stated he is not familiar with the Resident/Curator program, and he would need to look into this process before recommending anything to the Board. Mr. Smith stated there have been some historical properties in the past that have been put into private ownership. Ms. Heinz noted the Tomlinson Store on which Community Development Funds had been spent on the restoration at greatly inflated prices, and at the current time the property does not look good as it needs re-pointing and the front porch has come off.

Mr. Maloney stated he agrees with Mr. Stainthorpe and would like to hear about details of this program where it has worked in the past. Ms. Heinz stated she can provide links for the Board to review as to how this has worked in other States. Mr. McLaughlin asked that they also be shown in the numbers what a successful program looks like over the period of thirty years.

Mr. Smith asked that this matter be put back on the Board's Agenda for May 5.

Mr. Zachary Rubin, 1661 Covington Road, asked how much the Township gets from leasing the agricultural part of the property, and Mr. Fedorchak stated they get approximately \$20,000 per year. Mr. Rubin asked if this money goes into the General Fund, and Mr. Fedorchak stated it does. Mr. Rubin asked if this curator program goes through, they would only be using the five acre site where the residential property is, and the rest of the property would still be leased to the tenant farmer; and Mr. Caiola agreed. Mr. Rubin asked if they could amend the curator Lease so that the person who gets the property also gets the agricultural Lease and the \$20,000 or more for the agricultural portion could go toward the maintenance of the property as opposed to the General Fund. He stated this would be an incentive since as opposed to getting just a house, they would be getting 235 acres of a farm that would be intact and would be revenue producing. He stated the Township would still then own the property. Mr. Smith stated this may limit the pool of potential applicants. Mr. Rubin stated it is possible that it may expand it as well as there may be those would like to have a 235 acre property and they could have a tenant farmer produce income for them if they themselves cannot do the work themselves. He stated this would keep the Farm intact and the Township would not have the responsibility of the upkeep. He stated he feels this would make it more attractive.

Ms. Heinz stated they did check into the possibility of this with major institutions like Penn State and also talked to the County Agricultural Agent about the future of farming; and they have indicated that within the next twenty years most farming in Lower Bucks County will disappear, and the Township will then be looking for leases for the farmland as well as for the farmsteads. She stated someone may express interest in this when the RFP goes out, but the current Lease on the farmland is not up for at least two more years. She stated at this time, the Historic Commission is interested in taking care of a National Register property that is deteriorating.

Mr. Smith stated while he feels they can explore Mr. Rubin's suggestion, he does not feel it is realistic. Mr. Rubin stated he still sees farms in Bucks County that are not used as a primary source of income. Mr. Smith stated for anyone interested in this property in order to get it up to livable shape, they would have to put up \$250,000 or more. Mr. Rubin stated he feels that is a good value to get 235 acres for \$250,000.

Ms. Virginia Torbert thanked the Historic Commission for an excellent presentation, but noted that the Patterson Farm is not the only working farm on the I-95 corridor. Ms. Torbert stated part of the historical significance of the property is its location and all the elements including the farm buildings and the farmland; and if you remove the farm buildings it is no longer really a farm, and it is only open space. She stated part of keeping the Patterson Farm is keeping it together recognizably as a farm with the farm buildings. She stated this is why she has been fighting hard for many years to keep the Farm from being split up or subdivided.

Ms. Torbert stated she understands the Janney-Brown (main house) on the Farm is being rented to the Artists of Yardley, and Mr. Truelove stated this has not been finalized, and the terms of the Lease are still being worked out. Mr. Stainthorpe stated they have allowed them to hold some meetings there although they have not moved in and taken over the building. Ms. Torbert stated she is in favor of this and she hopes that they will do more of this and use that building for this type of activity as there is a need in the Township for properties that can be used by community groups.

Ms. Torbert asked about the Lease for the farmland, and Mr. Fedorchak stated it is up again in four years. Ms. Torbert asked if they just re-signed a new Lease, and the Board noted they did so approximately one year ago. Ms. Torbert stated she does not recall that this was discussed at a public meeting; but the Board indicated it was. Ms. Torbert stated she would like to know the date that this was discussed at a public meeting since she has been waiting to hear when that Lease was going to be renewed.

Mr. Harold Koopersmith, 612B Wren Song Road, stated the Board must ask itself how important it is to maintain the integrity of the Satterthwaite House. He asked how much they could get if they sold the whole Patterson Farm, and Mr. Stainthorpe stated they cannot do this because the County owns some of the development rights. He stated he does not feel there is any support for selling the whole Patterson Farm. He stated he does feel they need to consider the cost to the taxpayers for the Township to preserve the Satterthwaite House. Mr. Koopersmith stated the Township must also consider the \$2 million judgment that they may have to pay for the Golf Course.

Mr. Smith stated it is important for him to be able to see the open land of the Patterson Farm off of I-95; but they need to look at the budgetary issues. He stated no matter what they do with the Satterthwaite House, the open land of the Patterson Farm will still remain intact.

Ms. Sue Herman stated she feels keeping the Farm intact would provide the current and future generations with a treasure that the Township would have control over. She stated if the Board agrees with this, this will determine how hard the Board will work to find a way to make the Lease proposal work. She also urged the Board to provide the Historic Commission with all their questions during the next week so that while they are providing the Board with the information they have asked for this evening, they will also have answers to other questions the Board may have. She commended the Historic Commission for the work they have done.

Mr. Smith stated the Board of Supervisors could very easily have made a Motion about the Satterthwaite parcel about two months ago, but did not do so in order to give the Historic Commission an opportunity to review the matter and put something before the Board so that they can take action on this property taking into consideration what is in the best interest of the Township including the historic, farmland, and budgetary aspects.

Ms. Heinz stated they are very excited to see something happen to the Satterthwaite House to make it a highpoint of the Township's history. She stated on the 1732 tax list, this House was the fourth highest assessed property in the Township. She stated this property is an architectural treasure.

Ms. Heinz stated Dr. Amy Bentz will make a presentation tonight on her proposal, and she is one of the people the Historic Commission would like to see bid on the property. She stated there are other bidders, and she would like to see this be an open bid process.

Mr. Smith stated no notification has been made to any neighbors of the property; and while they will, as a courtesy, allow Dr. Bentz to make her presentation, before the Board would do anything all surrounding neighbors would be encouraged to come out and comment on the proposals.

Dr. Amy Bentz was present and stated she is an equine veterinarian, and she is interested in this property and has met with the Historic Commission on this matter and has a power point presentation she would like to show the Board this evening on her proposal. She reviewed her education, her career, and her experience. She stated her proposal is to have an equine hospital on the Satterthwaite parcel, and this use is consistent with the farm's history. She stated part of the Mission Statement in the Patterson Farm Strategic Vision prepared by Mr. Marshall talked about using the Farm as open space, agricultural, historical, and cultural purposes and her plan will combine all of these.

Dr. Bentz stated while much of production agriculture is unprofitable, the equine industry is thriving and the number of horses in Pennsylvania has increased 27% in the last ten years with approximately 5,700 horses in Bucks County, 36,000 in Metro Philadelphia, and 42,000 in New Jersey. Dr. Bentz stated the Satterthwaite parcel would be an excellent location to serve the local equine community. She stated there are a number of horses in Lower Makefield and the surrounding areas and horse owners preserve open space. She stated one of the main concerns horse owners have is the distance to an equine hospital adding there is a better survival rate for surgeries if there are shorter distances to access an equine hospital.

Dr. Bentz stated her proposal would restore the Satterthwaite House to its former glory along with the multiple outbuildings. She stated they also need a working farm and need agricultural commodities such as hay and straw so they will preserve the agriculture as well. She stated alfalfa (hay) can actually add nutrients back into the soil. She feels this could be a model for other communities as a way to preserve open space parcels, and her goal would be stewardship. She stated she also hopes to mentor local children who want to be veterinarians since there is a shortage of large animal vets across the Country.

Dr. Bentz stated with regard to the historic restoration of the house, they would work with a well-known architect, John Milnor, who is internationally known. She stated he has already done a walk-through of the property and feels this is a fantastic fit for the property and sees the potential of the house. She showed examples of work Mr. Milnor and his firm have done including one structure which was built to look like an old Pennsylvania bank barn, and she feels potentially the large bank barn on the Satterthwaite property could be turned into a structure similar to this example. She stated the Satterthwaite House is approximately 4,500 square feet and would require major restoration. She stated many of the trees are dead, and they would also need to repair retaining walls and the driveway. She showed pictures of the interior house and stated the house is continuing to deteriorate quite rapidly, although the home is very clean. She stated Mr. Milnor advised that the foundation of the bank barn also needs to be dealt with. She stated Mr. Milnor and a number of builders have provided quotes to restore the Satterthwaite House and the multiple outbuildings, and the costs range from \$110 to over \$400 per square foot which would be \$500,000 to \$2 million depending on what is done.

Dr. Bentz stated in order to generate the revenue to be able to afford this, she would need an initial building of approximately 5,000 square feet; and she showed a rendition. She stated from the outside this would look like horse stalls. She stated they may also need to add another building in the future. She stated this would be a low-traffic business and they only have a few cases per day come in. She showed photos of a similar location to what they propose including a state-of-the art surgery suite. Dr. Bentz stated they would continue the working farm. She stated she is also interested in green building techniques and she is hoping to be able to do geo-thermal.

Mr. Smith stated a few years ago they had a presentation from Ark which was interested in this property, and there was a lot of “push-back” from the surrounding community. Mr. Smith asked the danger to surrounding neighborhoods, if any, of having a facility such as the one Dr. Bentz is describing. Dr. Bentz stated there may be a concern that a horse could get away while being unloaded from a trailer, and they would have to have a fenced area so this does not occur. Mr. Smith stated there are horse training and riding facilities in the area already. Mr. Smith stated they have discussed this property for educational purposes and asked if School groups would come to the property. Dr. Bentz stated this is common partly for education and partly to mentor and recruit the next generation to consider veterinary as a career.

Mr. Maloney stated he does feel this would be an appropriate use, but the Township needs to consider whether or not they want to hold onto the property. Mr. Smith stated it appears that the Historic Commission is supportive of this proposal as well. Mr. Maloney stated he feels what the Historic Commission would not support is the deeding.

Mr. Caiola asked the size of the building she is proposing to construct, and Dr. Bentz stated it is approximately 5,000 square feet. She stated they would need at least a few of the outbuildings initially and eventually would need all of them for storage of hay, farm tractors, etc. She stated it would be a working farm.

Mr. McLaughlin asked Dr. Bentz if she is willing to commit the money she has referenced to the preservation of the House; and Dr. Bentz stated she is. She stated she and her family are from the area, and she is interested in preserving what this area has. She wants to be able to serve the horse owners in the area which she hopes will encourage them to stay in this area. Mr. McLaughlin asked if she would use the house for administrative purposes, and Dr. Bentz stated she would. She stated she is not sure that she would live in the property since they need approximately 3,000 square feet of office space. Mr. McLaughlin stated it seems that this comes down to a question of transfer of ownership. Mr. Maloney stated he does feel that there would be people interested in this property if you were giving them equity.

Dr. Bentz introduced Dr. Jim Wilson, a Lower Makefield Township resident, a lawyer, and a veterinarian who was one of her professors. Dr. Wilson reviewed his credentials. He stated Dr. Bentz has been his student and a colleague and she presented him with this business proposal for which she had a pro forma and indicated she felt she could get the financing. He stated he has reviewed her plans, and he feels she will be able to fill a niche in the area. He stated she is well respected in the area, and he feels this is an excellent way to keep this working farm in the community. He stated the location in the I-95 corridor is an ideal logistical location for anyone in the area in terms of trucking horses in from other communities. He stated they could also consider equine therapy for autistic children and those with cerebral palsy.

Mr. Stainthorpe stated he likes the idea of private ownership and of a thriving business. He stated some of the open space preservation the Township has already done were equine farms, and this would support some of the things they have already done to preserve open space. He stated he feels agriculture is an endangered industry in this area as when there are fewer farms, the supplies, tractor repair, etc. get farther away so the idea of bringing something in that helps preserve this is a good idea. He stated he is not against the curator program, but feels what Dr. Bentz has presented comes with less risk. He stated he feels the Board will need to consider this matter further.

Mr. Smith stated they would like to give the neighbors in the area the opportunity to come out and speak to the issue and asked that Dr. Bentz come back to a meeting in the near future.

A woman in the audience asked what would be done if an animal were to die, and Dr. Bentz stated cremation is usually the option and she noted some nearby crematoriums.

Mr. Koopersmith advised the Board of a number of major horse tracks in the area.

Ms. Heinz stated she wanted to make sure the Board understood that they are actually talking about the resident/curatorship program in conjunction with this kind of use and someone like Dr. Bentz would not have to put out capital to actually purchase the land, and the Township would still retain ownership. She stated this would be a long-term Lease, and Dr. Bentz would use the property for thirty years and possibly have a renewal; but the Township would still retain ownership. Mr. Smith stated there are different avenues they could explore with whoever expresses interest in terms of leasehold or the purchase of the property.

DEER MANAGEMENT PROGRAM FINAL REPORT

Mr. Bryon Shissler was present and stated the deer removal effort conducted this year was successful in that it demonstrated that deer could be safely removed from the Township without incident. He stated 123 deer were removed, with hunters harvesting 29 of the deer and the sharpshooters removing 94. He stated 3,830 pounds of venison was donated to six local charities, and this provided approximately 11,000 meals for the needy. He stated there were no reports of wounded deer or safety violations, and the only unexpected problem were some unusual snow events that did have an impact.

Mr. Shissler stated the Big Oak White Tail Management Association (BOWMA) worked with the Township to develop rules and procedures for the archery hunt; and while he was not involved with the hunts specifically, they have heard nothing that was not positive. He stated they were well organized, cooperative, and diligent in their efforts to be successful. He stated they hunted three properties – Five Mile Woods, Snipes, and land behind the Township Municipal Building. He stated no deer were killed at the Snipes tract or the Township Municipal Building property. He stated BOWMA indicated they did not have enough time to organize their hunters effectively on those two properties as they did at the Five Mile Woods. Mr. Shissler stated at Five Mile Woods 40 hunters participated for a total of 1,400 hours which was conducted in four two-week segments where they hunted for two weeks, did not hunt for two weeks, hunted another two weeks, etc. The first two weeks they killed 16 deer, the second two weeks 6 deer, the third two weeks 5 deer, and the last two weeks 2 deer. He stated overall it required 48 hunting hours per deer removed. Mr. Shissler stated the hunters performed well and should be applauded for their efforts. Mr. Shissler stated BOWMA has characterized their efforts as a productive and successful first step in the Township's deer management effort and feel it served as an excellent foundation for an effective partnership in the future.

Mr. Shissler stated if you look at the data there is a decline in the success rates through the four periods and an increase in effort for deer removal, and decline in the overall harvest each of those periods. He stated this is consistent with published literature which indicates that recreational archery hunts in these kinds of landscapes, while they provide recreation, are not effective for managing deer populations. He stated they create an increased wariness in deer and decreased visibility and vulnerability of deer to recreational hunters. He stated in landscapes like Lower Makefield where there is abundant deer refuge areas, it is very difficult for recreational hunters with archery tackle to manage deer populations. Mr. Shissler stated during the sharp shoot at the Five Mile Woods, there was one day when they initially observed forty deer after the conclusion of the archery hunt. Mr. Shissler stated there is no published literature that would argue that recreational archery hunting, regardless of their skill level and commitment, are capable of managing deer populations as outlined by the Township for this type of landscape. He stated in Upper Makefield, there is a well-funded, well-directed program which has occurred for three years; and after this time, their population estimate shows they still have fifty deer per square mile which is far above the level that will allow a Township like Lower Makefield to achieve their goals. He stated deer adapt very quickly to recreational hunting in these landscapes and are able to avoid the hunters.

Mr. Shissler stated White Buffalo conducted the sharp shoot in the Township between February 14 and March 10 when they removed a total of 94 deer from six properties. He stated while they were granted access to eight properties, on two of the properties there were no deer since there was no winter habitat on those properties as the crops had already been harvested. Mr. Shissler stated White Buffalo hunted for twice the number of hours they would have normally expected because of the delay in implementation, a lack of adequate removal sites from an efficiency standpoint, the unusual snow events, and the deer wariness through the recreational hunting in the primary site which was Five Mile Woods. He stated sharp shoots have been demonstrated as being very effective in these types of landscapes, but there are certain things that have to happen in order for this to work; and there were some conflicting agendas this year. Mr. Shissler stated the staff and citizens in the Township had no experience with recreational hunts or sharp shoots, and therefore a decision was made to move forward on a limited basis restricting the removals to specific public lands; and it was decided that the initial program would be a scaled down version from what would be done ideally if you were trying to have the most efficient program to reduce population. He stated it is a legitimate goal to introduce a program like this on a gradual level.

Mr. Shissler stated White Buffalo has done hunts like this many times, and when hired by a community, they want to get in and be as effective and efficient as possible in reducing the population as quickly as they can, keep their costs down, and be able to maintain their reputation for being very effective. He stated White Buffalo was frustrated by the fact that the decision had been made that the Township was not going to pursue a full-blown program giving them access to many sites; since the fewer sites they have access to, the

less efficient they become since they will not use the same site two days in a row and they want to have as many sites as possible so they can jump from site to site. He stated when you phase in a program gradually, you do not have access to all of those sites. He stated they also need access to private lands to be effective, and the Township made a decision that they were not going to allow use of private lands in the initial year.

Mr. Smith asked how much it cost per deer removed including the deer removed by the archers and sharp shooter given the amount of money spent to date. Mr. Fedorchak estimated it to be \$350 per deer. Mr. Fedorchak noted the original cost that was to be paid to White Buffalo was \$60,000; but their final bill came in at \$39,000.

Mr. Shissler stated the Pennsylvania Game Commission is responsible for managing the State's wildlife including whitetail deer. He stated their Board of Commissions is composed exclusively of recreational hunters, and 90% of their funding comes from those individuals who hunt. He stated as a result, they are in position to promote and recommend recreational hunting to solve these problems. He stated the Game Commission requires public recreational hunting on any site where sharp shooting is to occur in order to qualify for the Permit. He stated it is also required that in order to qualify for the Permit, you have to be able to make a credible argument that recreational hunting will not solve your problem. He stated because of the impact of recreational hunting on sharp shooting, this creates a conflict that makes it very difficult to be successful. He stated this was a change that the Game Commission made just last year. Mr. Shissler stated the sharp shoot at the Five Mile Woods was not effective as a result of the public hunt that was conducted there prior to the sharp shoot, but this public hunt was a condition required of the Township by the Pennsylvania Game Commission. He stated if they are going to proceed with deer management using sharp shooting, that position will have to be renegotiated with the Game Commission. He stated one of the options is to have the sharp shooting contractor work with the public hunters so that they can train them in such a way that they do not increase the wariness of deer. He stated the Game Commission language is a "public hunt," and the challenge is how much can they restrict who may participate in that hunt before the Game Commission will consider it a non-public hunt. Mr. Shissler stated when they met with the Game Commission, they indicated it had to be available to the average hunter and it had to be open during the majority of the season; and this is very difficult to achieve without causing the deer to be unavailable for removal. Mr. Shissler also stated deer removal sites would have to be significantly expanded and include private lands for those landowners willing to cooperate. He stated it was also found out by White Buffalo that there are people who are recreationally feeding deer during the winter which means that the utilization of bait sites is diminished because the deer have plenty of options of sites to go to. Mr. Shissler stated this is why in places such as Princeton, New Jersey they have made it illegal to recreationally feed deer, and they prosecute people who do since it renders sharp shooting over bait less effective.

Mr. Stainthorpe stated he is pleased that safety was maintained. He stated the Township had very few calls or e-mails from the public so they did a good job of doing what they needed to do without upsetting the public or causing any undue concerns. He stated he is still disappointed with the results. He stated this was a very difficult decision for him to make, and he voted to hire the professionals to do a sharp shoot since he felt it would be the most productive. He stated they relied on information from the experts, and he was most upset when he read the comments in the newspaper from the White Buffalo representative indicating they could not do the job because there was a recreational hunt. Mr. Stainthorpe stated the Game Commission required them to have this, and he feels the experts should have coordinated this up front and not used this as an excuse at the end. Mr. Stainthorpe stated he still feels he made the right vote, but is not happy with the results. Mr. Stainthorpe stated he feels they will have to do this again, but he will insist that they all talk up front.

Mr. Stainthorpe stated the Township had a very difficult time working with the Game Commission and had to get their State Senator to intervene so that they would not have to have a public hunt on the Golf Course. He stated White Buffalo harvested 92 deer, but he recalled that they had indicated at one point, they could harvest 300 deer; and even though the Township did not have to spend as much money, one third of the deer they indicated they could get is not acceptable. He stated there must be more of a discussion up front when they do this again.

Mr. Caiola agreed with Mr. Stainthorpe and stated he finds it hard to believe that White Buffalo has not been in a similar situation before where there were bow hunters involved prior to them going in to hunt given the number of hunts they have done. He stated going forward there must be discussion up front and cooperation between the organizations.

Mr. Shissler stated he understands the Township's disappointment and frustration with the comments made in the press. He stated White Buffalo is very good at what they do, but one of the problems they ran into was when the Township put out the RFP, they had not yet met with the Game Commission or received a clear sense of what the Game Commission was going to require in terms of a hunt. He stated under the law, what they require is "a public hunt," and this could range from one hunter for one day to what was done at the Township. He stated he feels there was a lack of communication since White Buffalo felt they were going to come in and aggressively reduce deer the first year, but the politics were that it was not appropriate to come in and aggressively hunt on multiple sites removing deer; and the position of the Game Commission at the time of the RFP was unknown in terms of what they were going to require. He feels White Buffalo feels that they did not have access to what they needed to deliver what they had promised.

Mr. Smith stated he feels they did know what the RFP was and the circumstances when they came in. Mr. Maloney stated he does not feel that is accurate since if you look at the RFP and what the Pennsylvania Game Commission's regulations read, there is a tremendous amount of ambiguity; and the Pennsylvania Game Commission decided to exercise a great deal of authority which the Township did not anticipate let alone White Buffalo. Mr. Smith stated he disagrees. He stated when they voted on this matter, there was a philosophical difference as to how they were going to proceed either with a sharp shooting or archery. He stated the vote was three to two to proceed with a sharp shoot; and the problem he has is that after they had taken a vote and they were going to do a sharp shoot to the exclusion of archery, the Township found out that they would have to have archery anyway. He stated they could have done the archery to begin with to the exclusion of the sharp shooters and given the archers a fair opportunity at much less cost. He stated it has averaged out to over \$300 per deer. He stated he is disturbed that the Board did not know the full dynamics of the public hunt requirement before they took their vote. Mr. Caiola stated he would not have changed his vote. Mr. Smith stated he still feels it would have been good to have had this information prior to the vote. Mr. Maloney stated he agrees with Mr. Smith that it would have been good to have that information. He stated approximately one quarter of the deer taken were through the archery hunt which many felt was an inhumane method. He stated the Board did not know what they were getting into so he does not feel that White Buffalo knew either since what White Buffalo knew was what the Township told them. Mr. Smith stated they need to consider what is their next step and if they do not do anything for a year or two, they will be back at the same position they were one year ago when the Board voted on this.

Mr. Shissler stated it is true that there was not clarity in the Agreement with White Buffalo. He stated in his original report, he identified fifty potential removal sites within the Township; and when White Buffalo responded with their RFP, they wanted twenty sites but they were only given six sites. He stated they indicated that with six, they could not deliver what they had originally agreed to. He stated this evolved after the RFP came in. He stated the Township did not give them the number of sites they were looking for with good reason because of community concerns in the initial year, but this was a large part of the problem. He stated when he wrote the report, the Game Commission did not require a public hunt on the sites, and this was a change the Game Commission made after the initial report to the Township. He stated when the Game Commission made that change, there was discussion at the Board of Supervisors meeting about the need to get together with the Game Commission to find out exactly what they wanted, and he has found that depending on where you are in the State, it means different things. He stated recreational archery hunting that is not highly coordinated by the sharp shooters with very small groups of people, is counter productive to actually being able to remove the deer. He stated they also have good evidence as close as Upper Makefield that recreational archery cannot remove sufficient numbers of deer to have the population reach the goals the Township outlined although it can provide recreation. He suggested

that moving forward communities like Lower Makefield must communicate directly with the Game Commission and negotiate a reasonable solution that does not cost the Township money to solve the deer problem in order to promote an agenda the Game Commission has with their constituents.

Mr. McLaughlin asked if the Township would be under the same guidelines and restrictions from the Game Commission next year that they were this year, and Mr. Shissler stated the regulations are very vague and it only says you must have “public hunting.” He stated it does not say how many days or how many people, and he would argue that this would be subject to interpretation. He stated he feels the Township has a lot of latitude in negotiating with the Game Commission in terms of what the Township is willing to do in terms of public hunting on the sites. He stated science is on the Township’s side in terms of trying to manage deer as opposed to providing recreation as there is no science that will support the Game Commission’s position and the Township probably has more political latitude with the Game Commission than it realizes. Mr. McLaughlin stated he is concerned that nothing will change next year, and they will be required to have a public hunt, scare away the deer, and have diminished success. He stated he would prefer to take 80 deer for free than 120 for \$40,000 in taxpayer money.

Mr. Maloney stated this year they only got 30 of the deer for free. He stated the Township is in charge of some of the parameters noting that they limited this to six sites so that the public could get comfortable with this idea and show how they could keep it safe. He stated he agrees to the extent that the regulatory environment does not change, the Township would still have the same problem. Mr. McLaughlin stated he is also concerned that they would have been required to have the hunt on the Golf Course if the Township had not been able to get an advocate to speak to the Game Commission in the Township’s favor.

Mr. Smith stated if they had just had the public hunt at all the sites which White Buffalo was allowed to participate at and not had the sharp shoot, he feels the archers would have taken more deer. Mr. Shissler stated while they may have been able to kill more deer, he still feels that recreational archery hunting in these landscapes will not solve the deer problem. He stated if the Township wants to provide recreational hunting, this is a legitimate goal; but if the Township is trying to reduce deer impacts, they will not be able to solve the problem using recreational archery hunters in this landscape. He stated if they reduce the population to their goal using sharp shooters and then have only recreational hunters, the deer population will gradually grow because the recreational hunters are not able to kill enough deer to keep the population down. Mr. Smith stated they still need the public hunt each year as well, and Mr. Shissler stated he does not feel this is correct. He stated the Township needs to negotiate with the Game Commission to see how small a group would constitute a “public hunt.” He stated White Buffalo has successfully used recreational hunters under their management to avoid learned behavior

on the part of deer. He stated White Buffalo could work with BOWMA with much lower hunter densities and must less hunter pressure in terms of the number of days and number of hunters, and he feels they could then meet the Game Commission's criteria depending on how "public hunting" is defined. Mr. Smith stated he questions what leverage the Township would have with the Game Commission. Mr. Maloney stated the alternative is that the Township would not open the lands at all to public hunting which would be less in the Game Commission's interest.

Mr. Harold Koopersmith stated they are faced with a bureaucracy that is not working, and they need to be permitted to protect the residents from the problems with overpopulation of deer.

Mr. Dave Kimball, President of Big Oak White Tail Management Association, stated access is the key to success in these programs whether you use archery or sharp shooting. He stated BOWMA hunted one property most of the season, and they were given two properties at the end of the season for two weeks. He stated their hunter densities would be less per property and they could effectively manage hunters better by having more properties. He stated they had 35 hunters enrolled and not 40. He stated their hunter density at the Five Mile Woods was greatest the first two Saturdays, and after that on the 285 acre tract they probably averaged three to five hunters per day. He stated in speaking with a number of deer biologists, 100 per 20 acres is the prescribed method for using archery tackle. He stated at the time of the proposal, Ecologics stated in their presentation that they were made aware of the public hunt change by the Game Commission, and this was prior to the start of the hunting season. He stated everyone knew exactly what was going to happen and White Buffalo knew that there was going to be a public hunt. He stated White Buffalo were the paid professionals, and they never contacted BOWMA. Mr. Kimball stated BOWMA appreciated the chance to have the public hunt, are proud of the job they did, and they have no complaints with the Township. He stated they followed all the rules, every deer and every arrow was recovered, and there were no safety issues. He thanked the Township for the opportunity and stated they would be willing to work with the Township again.

Mr. Jim Bray stated the decision which was made with respect to the deer hunt was a difficult one for all of the Supervisors. He noted an article in the Courtier Times on March 19 indicated that a Game Commission spokesman indicated that "the Game Commission operates under State laws passed by the legislature, and the laws under which they operate dictate that public hunting/trapping, be the primary means of managing wildlife." Mr. Bray stated Mr. Shissler has stated that this system does not work so there is a built in contradiction. Mr. Bray stated he feels Mr. Fedorchak did an admirable job in negotiating with the Game Commission, and this was the best he could do, and added he does not feel he is going to be able to do any better next year. He stated if they want things to change, the Legislature has to change the basic premise that operates the Game Commission itself. He stated the Game Commission is

responsible for managing all wildlife in the State of Pennsylvania. He stated the wildlife technically belongs to the people who live in the State. He stated 6% to 7% of the people who live in Pennsylvania are hunters, and the Game Commission is beholden to 6% to 7% of the population because this is where their funding comes from so he questions how the Game Commission could legitimately address a problem in the interest of all the people in the State of Pennsylvania. He stated any future program the Township has will have the same results unless the Legislature is going to change the Game Commission.

Mr. Shissler stated he feels BOWMA did an excellent job and it is not any failing on their part and it is simply that their technique in these landscapes will not solve the Township's problem. He also stated that this is not a legislative issue, and the law says that the Game Commission is to use hunting as the primary method of managing wildlife, and they have for years allowed for sharp shoots without requiring hunting, and this was a policy change not a legislative change. He stated it does not take an act of the Legislature to change this and it was an internal policy change based on the Game Commission's decision and not the Legislature. He stated there is precedence in that the Game Commission has allowed sharp shoots without requiring hunting.

Mr. Smith asked Mr. Fedorchak to comment on his dealings with the Game Commission, and Mr. Fedorchak stated it was a difficult process, and he would often get conflicting information.

Mr. Ethan Shiller stated \$39,000 was spent for 99 deer to be killed by White Buffalo; and this equals \$415 per deer. He stated in 2009 \$60,000 was budgeted but only \$39,000 was spent. He asked if the difference will go into the General Fund Balance in the Reserve, and Mr. Fedorchak stated they booked that number in 2009 so the balance will increase.

Mr. Smith asked how much money they have budgeted for this year for deer management, and Mr. Fedorchak stated nothing has been budgeted.

Mr. Shiller stated in December, 2009, as Chairman of the Citizens Budget Advisory Commission (CBC), he spoke against spending \$60,000 for this purpose and ending the Contract before any dollars were spent and asking if there would be any liability for the Township if they decided to proceed. He stated the Citizens Budget Committee put out a memo dated 12/7 that will give the Board of Supervisors some direction for next year. He stated in that memo it states that during their meeting Mr. Fedorchak indicated that the deer management program would be long term and they would continue to cull the deer population and that when funding was not available, the Township would use the less-expensive public archery club as an alternative and should be contracted for maintenance of the herd going forward for 2010 and 2011 in as many possible sites. Mr. Shiller stated this was the recommendation of the CBC, and he would suggest that the Board accept this.

Mr. Shiller asked if there was anything that forced White Buffalo to stop the hunt on March 10, and Mr. Shissler stated this had to do with the length of time on the Permit. He stated they did it on a time/expense basis and not on a per deer basis; and since they were being ineffective because of increased deer wariness and the recreational feeding, White Buffalo decided it was not in the Township's interest to spend the additional \$20,000.

Mr. Shiller stated he hopes that the Township does not incur in the future costs similar to what they paid for this program.

Mr. Kevin Costello, Hyde Park Place, stated he does not feel they had any basis on the number of deer other than an aerial photo from 2004, and he does not feel that there are really that many deer. He suggested that with the leftover money the Township get an accurate count before they start another hunt. He stated they could have a wildlife camera set up to take pictures to actually prove what they are saying. He stated he is against any deer hunting in Five Mile Woods. He stated initial reasons given for the hunt were the deer/automobile problems; and they have still not seen any reports on this, disease, or habitat devastation. He questioned why the biologist for the Five Mile Woods was not present this evening to discuss this final report. Mr. Fedorchak stated Mr. Heilferty is at a seminar this evening and was unable to attend. Mr. Costello stated they have indicated that it was \$414.89 to kill 94 deer but there was also the cost of the deer management plan which was approximately \$5,000.

Mr. Smith stated he feels the Board of Supervisors needs much more information before they proceed.

Mr. Virginia Torbert stated when there are complaints from citizens, there is a temptation to do something; but in this case, there are many different factors that make it impossible to do the effective thing. She stated she feels to spend money just to say they are doing something is a poor use of Township resources. She stated she feels they need to look at trying to cooperate with other Townships to influence the Game Commission and the Legislature. She stated she does not see any point in trying to do something which the Township's expert has indicated is not effective. Ms. Torbert stated the Citizens Traffic Commission has been working on compiling information on the deer/car collisions, and they hope to finalize this in the next few weeks and present it to the Township. She stated so far it seems that these accidents are all over the Township and not in areas where they would be able to send in sharpshooters. She stated Lower Makefield, according to those who pick up the deer carcasses, has the fewest number of deer carcasses being picked up in all of Bucks County.

Mr. Smith stated this is part of the data that the Board of Supervisors needs before they take the next step. He suggested that the Citizens Traffic Commission work with the Animal Control Officer to discuss sites where there have been deer carcasses.

Mr. Bob Lambert, 340 Flint Court North, stated he feels everyone did a great job in terms of safety. He stated the archery hunters did more training than required by the State. He asked the restrictions on the public hunt and if they were only permitted to use archery. Mr. Stainthorpe stated there were restrictions based on the proximity to homes. Mr. Lambert asked the time difference between when the archers stopped and the sharpshooters started since the techniques they used were different. Mr. Stainthorpe stated the public hunt ended the second week in December and baiting for the sharp shoot began mid-January with sharp shooting started the middle of February. Mr. Lambert stated he questions how much the recreational hunters actually hurt the sharp shoot. He stated he would recommend that the Game Commission be brought in now so that they can determine whether they need a public hunt and coordinate with them how to lay it out.

Mr. Smith asked that this matter be considered again in May for general discussion.

APPROVAL OF LUTHERAN CHURCH OF THE RESURRECTION DEVELOPMENT AGREEMENT FOR AN ADDITION TO THE BUILDING

Mr. Maloney moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Development Agreement with Lutheran Church of the Resurrection.

APPROVE EXTENSIONS – ZUBAIDA FOUNDATION AND THE GATHERINGS AT YARDLEY

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

Zubaida Foundation, Big Oak Road – 7/22/10
The Gatherings at Yardley, Dobry Road – 7/15/10

ZONING HEARING BOARD MATTERS

With regard to the William and Susan Jenny, 21 Olivia Drive, Variance request to construct a swimming pool resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Steven Kotrick, 412 Honeysuckle Court, Variance request to construct a garage resulting in greater than permitted impervious surface, it was agreed that the Township should participate to insure that stormwater issues are dealt with.

With regard to the Bruce Mittleman, 301 Frazer Drive, Variance request to construct a fence within a buffer easement, it was agreed to leave the matter to the Zoning Hearing Board.

APPROVAL OF RESOLUTION NO. 2206 SUPPORTING AN APPLICATION TO THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION'S COMPACT AUTHORIZED INVESTMENT PROGRAM FOR A PEDESTRIAN/BICYCLE TRAIL ALONG BLACK ROCK ROAD

Mr. Maloney moved and Mr. McLaughlin seconded to approve Resolution No. 2206.

Ms. Torbert asked what this is, and Mr. Fedorchak stated this is the bikepath along the Canal up Black Rock Road as it was designed by TPD. Ms. Torbert asked the cost, and Mr. Fedorchak stated total project cost was \$170,000.

Motion carried unanimously.

APPROVAL OF RESOLUTION NO. 2207 SEWER PLANNING MODULES FOR CAPSTONE TERRACE

Mr. Caiola moved, Mr. McLaughlin seconded and it was unanimously carried to approve Resolution No. 2207.

APPROVAL OF AWARDED 2010-2011 STONE & ASPHALT BIDS THROUGH THE BUCKS COUNTY CONSORTIUM AS RECOMMENDED BY THE PUBLIC WORKS DIRECTOR

Mr. Maloney moved, Mr. Caiola seconded and it was unanimously carried to approve the award of the 2010-2011 Stone & Asphalt Bids.

APPROVAL OF AWARDED 2010-2011 SIGN MATERIAL & POST BIDS THROUGH THE BUCKS COUNTY CONSORTIUM AS RECOMMENDED BY THE PUBLIC WORKS DIRECTOR

Mr. Maloney moved and Mr. Caiola seconded to approve the award of the 2010-2011 Sign Material & Post Bids.

Mr. Maloney asked if the Township is manufacturing signs; and Mr. Fedorchak stated they are, and this will be the raw materials.

Motion carried unanimously.

APPROVE HIRING TWO POLICE OFFICERS

Chief Coluzzi asked that the Board approve the hiring of two new Police Officers – Robert Kennedy with hiring date to be effective 4/26/10 and Brian Pontarelli with hiring date to be effective 5/10/10.

Mr. Maloney moved, Mr. Stainthorpe seconded and it was unanimously carried to approve hiring two Police Officers as noted by Chief Coluzzi.

Mr. Smith asked that the Officers be brought in so that they can be introduced to the Board of Supervisors.

SUPERVISORS' REPORTS

Mr. McLaughlin stated at the Planning Commission meeting held on 3/22/10, they moved to recommend to the Board of Supervisors approval of the Preliminary/Final Plan for Octagon Center Office project.

Mr. Maloney stated the Golf Committee is working with the Economic Development Committee on a "Meet and Greet" to be held 4/29/10. He stated there continues to be a very high level of positive activity at the Golf Course. Mr. Smith stated he has heard great things about the new management group. Mr. McLaughlin asked if renovations are being done at the Club House, and Mr. Maloney stated they are doing some minor aesthetic renovations and have brought in an interior designer.

Mr. Caiola stated the Veterans Committee will hold a fundraiser at the Yardley Inn on April 13 with Ruben Amaro and the Phillie Phanatic in attendance.

Mr. Smith stated the Neighborhood Watch Group is having a fundraiser. Chief Coluzzi stated they are having a Beef and Beer to raise money for different programs, and they will put information on this on the Cable Channel and Township Website.

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CANCEL BOARD MEETINGS IN JULY AND AUGUST

Mr. Smith announced that the Board of Supervisors will cancel the July 7, 2010 and August 4, 2010 Board of Supervisors' meetings. Meetings will be held July 21, 2010 and August 18, 2010.

There being no further business, Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to adjourn the meeting at 10:55 p.m.

Respectfully Submitted,

Matt Maloney, Secretary