

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – JUNE 2, 2010

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 2, 2010. Chairman Smith called the meeting to order at 7:30 p.m. He welcomed Boy Scouts from Troop 10 who led the Pledge of Allegiance. He noted that prior to the meeting, the Board met with the Scouts and discussed Township management and issues currently before the Township. Mr. Caiola called the roll.

Those present:

Board of Supervisors: Ron Smith, Chairman
 Greg Caiola, Vice Chairman
 Matt Maloney, Secretary (joined meeting in progress)
 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

There was no public comment at this time.

APPROVAL OF MINUTES

Mr. Caiola moved, Mr. McLaughlin seconded and it was unanimously carried to approve the Minutes of May 19, 2010 as written.

Mr. Maloney joined the meeting at this time.

PRESENTATION OF 2009 TOWNSHIP AUDIT

Mr. Stanley Booz, CPA, was present with his associate Rich Shelby. Mr. Booz stated they have presented to the Township the independent auditor's report. He stated they have audited the Township's financial statements in accordance with generally-accepted standards. Mr. Booz stated they will provide in the future the hard copy of the document as they are still waiting for some letters back from the solicitor.

Mr. Booz noted the Management discussion and analysis and Budgetary comparison information which is prepared by the Township Manager; and while this is checked, they do not audit it. Mr. Booz noted Page 18 lists the fund balances, and he stated they feel the General Fund Balance \$922,010 based on revenue of \$8.6 million is a good Fund balance. He noted Page 59 which is the Budgetary comparison statement. He stated the Actual was very close to Budget, and they actually came in a little better than Budgeted. He stated they had Budgeted to consume \$559,000 of the Fund Balance and actually only consumed \$250,000 which resulted in a favorable variance of \$309,000. He stated the Township has been able to do this without an earned income tax or a lot of “nuisance” taxes, and he feels the Township is doing an excellent job with regard to taxing. He noted Page 66 which discusses the internal controls, and they did not feel there were any control deficiencies. He stated they have provided the Township a clean report on how the Township did for the last year.

Mr. McLaughlin and Mr. Caiola provided additional information on an audit for the benefit of the Scouts present. Mr. Noel Orio, Wrightstown, asked for the definition of an audit which was provided by Mr. Booz and Mr. Maloney.

DISCUSSION OF REVITALIZING THE R-8 NEWTOWN RAIL LINE

Mr. John Frey and Mr. Paul Iverson, PA Transit Expansion Coalition (PATEC), and Mr. Thomas McHugh, member of the Cheltenham Chamber of Citizens were present. Mr. McHugh stated recently SEPTA advised they were going to construct two very large parking garages – one at Glenside and one at the Jenkintown/Wyncote Station. He stated a number of the citizens were opposed to this, and in investigating the matter they learned about PATEC and their interest in reinstating the R-8 Line between Fox Chase and Newtown. Mr. McHugh stated his background is in conventional and alternative energy, and he feels the commuter rail system is the most efficient way to move people as this results in use of less fuel and less greenhouse gas emissions compared to driving a car. He stated the Federal Transit Administration agrees with this as well. He stated his goal is to do whatever possible to reduce vehicle miles traveled, and the best way to do this is to prevent traffic jams which will result in the Cheltenham area. He stated Cheltenham Township has signed a Resolution asking for a review and study on the reinstatement of the R-8 Line which has been shut down since 1983. He stated there has been tremendous growth on the R-2 and R-3 Lines and SEPTA indicates that on the R-2 Warminster Line there has been a tripling of ridership since 1990. He stated on the R-3 West Trenton Line there has been a quadrupling since 1990. He stated the parking lots along those lines are overflowing, and the trains are standing room only. He stated the R-8 runs right between the R-2 and the R-3.

Mr. McHugh showed a photograph of the Jenkintown/Wyncote parking lot which has 527 surface parking spaces, and he stated that 76% of the cars parking there belong to riders who bypass every train station that was closer to their home; and when asked why by SEPTA, 97% of those riders indicated it was due to a lack of frequency of service at their home station and 68% indicated there was not enough parking at their home station. He stated they have gone to SEPTA asking them to consider increasing service and parking up and down the line so that the riders will use the station that is closest to where they live. He stated this is the best way to reduce vehicle miles traveled and greenhouse gas emissions.

Mr. Paul Iverson, VP of PATEC, stated in the last 30 years the area of the R-8 line has grown considerably. He stated the last studies done by SEPTA were in 1995 so there have been no new ridership estimates since the recent housing boom. He stated the R-3 line is already at capacity, and there will be an increase in ridership in the future. He showed a map of the current corridors in the area – the R-3 Line which goes to West Trenton, and the proposed R-8 which would go to Newtown. He stated the project would fall in line with SEPTA's current system and would be modern and quiet with welded rail. He stated they would also electrify the line, and the overhead power lines used to support the electrification would be on unobtrusive low poles, and would be fully integrated with SEPTA's railroad system.

Mr. Iverson stated the last feasibility study done by SEPTA did not account for ridership outside of the immediate area yet the study done for the Jenkintown garage extended to areas in Warminster, Lower Makefield, Tullytown, and Plumsteadville. Mr. Iverson stated the former R-8 Line had a station within a quarter mile of each of the five major feeders to I-95. He stated what they are proposing would be an electrified train service to Center City with 20 to 28 trains per day with a running time of under one hour. He stated there would be a new station under 413 with many transportation options including express bus service to connect parkers and riders with buses at Princeton and Hamilton Rail Station. He stated it would also connect train riders with jobs in Lower Makefield and provide improved access to commuter rail for Lower Makefield residents without adding parking at Yardley. He stated there would also be no increase in traffic on PA332. They feel this will relieve the stress on the current system.

Mr. Iverson showed a picture of a map with reactivated service on the R-8 Line, and they estimate there will be 3000 new passengers. He stated it would also add 1500 walkers/bikers. It would also reduce the need to construct the garages which is one of their major goals. He also showed a comparison of the travel times of the R-3, R-7 and the proposed R-8 which shows the shortest time would be from the Newtown By-Pass.

Mr. Iverson stated the proposal has bipartisan support. He stated SEPTA estimated the project to be \$100 million, and PATEC had projected it conservatively at \$325 million. He noted the Scudders Fall Bridge project is estimated to cost \$500 million. He stated the cost of six parking garages with 1500 spaces is estimated to cost \$300 million. He stated they estimate that a feasibility study could take up to one year, the alternatives analysis one year, and preliminary engineering one year. He stated Application for Federal funds could take over two years, and the construction could take two years.

Mr. Iverson asked that those interested visit the Website, R8Newtown.com, where there is a petition link and that legislators be contacted. He asked that the Township issue a Resolution in support of the line or an updated study to determine viability in detail. He stated the study must look at all current conditions in terms of service and access to all of SEPTA rail lines in the area, efficiencies, and analyze revenues that would increase transit use, reduce vehicle miles traveled, and improve the local economies. He stated they would also like this rail line added to the Township's Comprehensive Plan.

Mr. Iverson discussed a similar situation which occurred in Boston where the entire line was rebuilt using State and Federal funds, and the current ridership is approximately 8,500 per day.

Mr. Smith asked why the R-8 line was closed down previously, and Mr. Frey stated it was closed in 1983 because it was a poor performing route as it was a diesel train and there were other modernized lines within a four to five mile drive. He stated SEPTA ran it as a transit operation as opposed to a railroad which means they were using bus drivers to run the trains which created labor problems, and they did not have the experience to maintain the equipment. Mr. Maloney stated he understands that there were plans to electrify it but they used the fact that there was low ridership as an argument to disband it rather than to modernize it. Mr. Frey stated it had low reliability and low service before there was low ridership; and as the line became unpredictable, riders did not use it. Mr. Maloney stated the last three stops also moved through a part of the community that had one quarter of the population that they have today. Mr. Frey stated they were in the process of building a new station at Village Shires in Northampton but did not get the station open before the line stopped running; and this would have generated a lot of walk up ridership as there were 4,500 housing units and 6,800 residents that lived in a three to four block distance from the station. He stated there are now numerous developments that are within walking distance of the stations; and the goal is to get people to drive less by putting transit into Center City and to connect to other locations.

Mr. Stainthorpe asked who will do the feasibility study and how much will it cost. Mr. Frey stated it would probably be chaired by the Delaware Valley Regional Planning Commission in conjunction with the Bucks and Montgomery Count Planning Commissions and SEPTA. They are looking for Federal funding that would pay for 80%

of the cost. The costs vary, and they looked at similar studies where costs were approximately \$400,000; and this is the amount they have requested from Washington. Mr. Stainthorpe stated this part of Bucks County has grown significantly since 1982. He stated Yardley Station and Woodbourne Station are not easy to get to. He stated the Government should be forward thinking and consider what will be happening in the next ten years.

Mr. Stainthorpe moved and Mr. Caiola seconded to support the restoration of the R-8 rail and that a study be done in a timely manner.

Mr. Maloney stated he feels they should indicate that “timely manner” be more specific and they should indicate that it should commence by the end of the year.

Mr. Smith asked if anyone else has moved to join the Resolution, and Mr. Frey noted the Townships who have already voted in support of this.

Mr. Maloney asked about the location of the station adding the old station was on the grounds of the George School and they have discussed building one that would be accessible from the By-Pass near the 413 intersection. It was noted that the George School would have a walkway to it as well. It would be underneath the By-Pass where the Municipal Complex is now. Mr. Maloney stated New Jersey usually does a better job than SEPTA with express lines, and he asked if there is anything about the engineering that would prohibit them from having express lines from the outer reaches; and Mr. Frey stated there is not but SEPTA usually chooses to use inferior systems to manage their railroad. He stated SEPTA usually looks at cost reductions and wants to reduce the number of stations and reduce costs by concentrating riders at fewer stations which is why they want a parking garage at Jenkintown. He stated they look to make large hubs with fewer stations that people can drive to rather than improve convenience, the environment, or local economic benefit.

Mr. McLaughlin asked about the “state of SEPTA;” since his understanding is that SEPTA is under extreme financial duress. He asked if this is true, is there a real willingness by SEPTA to engage in a project that could cost \$325 million. Mr. Frey stated there is debate about their financial condition, and he feels it is more where their priorities lie. He stated their capital budget every year is approximately \$400 million and they usually choose to do small projects. Mr. McLaughlin asked if they will need to convince SEPTA that this is a good project, and Mr. Frey stated they are a politically-charged entity so they will respond to what the Legislators tell them to do. He stated they have indicated that they are looking for direction from the Counties and Government on what to do with this line.

Mr. Stainthorpe stated he feels that they will respond to political pressure, and the more people in favor of this the better. He stated they need the legislators to get behind this as well. Mr. Stainthorpe stated he feels the Boston project noted this evening is a good project to make known to them. Mr. Frey stated a number of States across the Country are adding commuter lines.

Mr. Maloney stated he does not feel it makes any sense to build six parking garages which will be finite in their capacity, will be disruptive to the area, and force more people to use the roads when the point of a rail system is to get people off the roads.

Mr. Zachary Rubin, 1661 Covington Road, stated he is in support of the Resolution and is a proponent of rail transit. He stated SEPTA's main concerns are the urban trolley and bus lines and not the regional lines. He stated if this does not come to fruition, he asked the Coalition members present if they would support having SEPTA run commuter buses from the Yardley and Woodbourne Stations down to the Cornwell Heights R-7 line which is only a 20 minute ride into Center City versus a R-3 line which takes over an hour. Mr. Frey stated Mr. Steve Santarsiero, one of the State Legislators, has proposed a bus system that would get people to Cornwell Heights, Princeton, and Hamilton. Mr. Frey stated he would be in favor of anything that helps get the cars off the road.

Mr. Harold Koopersmith, 612 B Wren Song Road stated there has been a lack of forward planning by the Government.

Mr. McHugh stated SEPTA has closed sixty-four commuter rail stations in the last thirty-two years which is exactly opposite what needs to be done.

Mr. Smith noted the shift of people from the City of Philadelphia to the suburbs since the time the line was closed. Mr. McHugh stated the City of Philadelphia has declined in population by approximately 2% since 1990, the inner suburbs have remained static, and the outer suburbs have grown by 11%.

Mr. Stainthorpe and Mr. Caiola agreed to amend the Motion that the study commence within a year. Motion carried unanimously.

SANDRA MIDDLEMISS FINAL PLAN APPROVAL FOR THREE-LOT SUBDIVISION

Ms. Sandra Middlemiss was present with Mr. Robert Pelke, engineer. Mr. Truelove stated this is located at the north end of Stackhouse Drive at Mahlon Drive, bounded on the east side by the Canal and to the north Yardley Borough and the Slate Hill Cemetery.

He stated this matter has been thoroughly reviewed by the professionals, planning agencies, and review boards. He stated currently there is one house on the lot, and they are proposing two new lots. Mr. Truelove, at the request of Mr. Smith, described the Subdivision approval process.

Mr. Pelke stated this is a three and half acre parcel with one existing home and two new lots proposed. They propose a one and a half acre Conservation Easement to the east from the existing house down to the Canal. They are also proposing a disturbance restriction along the westerly line along the cemetery that fronts on Yardley-Morrisville Road. Mr. Pelke stated for stormwater control they are proposing six rain gardens and three seepage beds that will control the additional run off that is created from the project. He stated Preliminary Approval was received in January of this year when the Board granted four Waivers – to not have to take pavement core samples, an abbreviated environmental impact assessment, to be permitted to keep the right-of-way where it is at 50 feet wide versus 56 feet which allowed them to move the houses forward and save some of the existing mature trees on the lots, and a waiver for sidewalks since there are no sidewalks in the existing subdivision.

Mr. Stainthorpe moved and Mr. McLaughlin seconded to approve the Final Plans for the Sandra Middlemiss Subdivision for the Plans dated 8/27/07, last revised 1/26/10 subject to the following:

- 1) Applicant shall comply with Lower Makefield Township Subdivision and Land Development Ordinance, the Lower Makefield Township Zoning Ordinance, and all applicable local, State, and Federal Ordinances, statutes and/or laws;
- 2) Receipt of all Permits, authorizations and/or approvals from all agencies with jurisdiction herein applicable including but not limited to PennDOT AND PADEP;
- 3) Compliance with the Lower Makefield Township Planning Commission memorandum dated 11/24/09 with all attachments to same which has not been otherwise updated or superseded;
- 4) Compliance with the Bucks County Conservation District review memorandum dated 4/26/10;
- 5) Compliance with the Bucks County Planning Commission review memorandum dated 4/21/10;
- 6) Compliance with Remington & Vernick Engineers sewer/sanitary review letter dated 4/12/10;

- 7) Compliance with Remington & Vernick Engineers review letter authored by James Majewski dated 5/17/10;
- 8) Compliance with the Gilmore & Associates letter dated 4/23/10;
- 9) Compliance with the Lower Makefield Township Delaware River South Watershed Stormwater Management Ordinance;
- 10) Compliance with the review letter from James V.C. Yates, the Fire Protection Consultant, dated 4/21/10;
- 11) Compliance with the review letter from the Pennsbury School District dated 4/6/10;
- 12) Compliance with the e-mail memorandum from the Lower Makefield Township Environmental Advisory Council dated 10/18/09;
- 13) Compliance with the review memo from the Lower Makefield Township Historical Commission dated 10/30/09;
- 14) Compliance with the review letter from the Pennsylvania Department of Conservation of Natural Resources dated 2/5/09;
- 15) Compliance with the review letter from the Pennsylvania Fish and Boat Commission dated 5/12/08;
- 16) Compliance with the capacity letter from Henry G. Hoffmeister, Lower Makefield Township Sewer Administrator dated 4/28/08;
- 17) Compliance with capacity letter from the Municipal Authority of the Borough of Morrisville dated 5/12/08;
- 18) Where otherwise not superseded or modified by subsequent review letters and this Motion, compliance with the 12/10/09 letter from Mr. Truelove regarding the Preliminary Plan Approval;

- 19) The following Waivers are granted per the recommendation of Remington & Vernick Engineers from Lower Makefield Township SALDO:
 - a) SALDO Section 178-20.e29 states that pavement core samples shall be provided for all existing roads abutting the site to be developed. The Applicant does not propose to provide core samples since the roads were recently paved by the Township.
 - b) SALDO Section 178-20.g states that an environmental impact assessment shall be submitted for all Land Developments and all Subdivisions that involve three or more dwelling units or lots. A limited EIA was prepared for this project based on input from Lower Makefield Township Environmental Advisory Council.
 - c) SALDO Section 178-40.a requires a right-of-way width of 56 feet for local residential streets. The residential right-of-way is 50 feet wide.
 - d) SALDO Section 178-47a states that sidewalks shall be provided on both sides of all streets where required by the Township for safety and convenience. The Plans do not provide any sidewalks along Mahlon Drive or Stackhouse Drive since none currently exist there or anywhere else in the Stackhouse Drive area or any adjacent streets to that area.
- 20) Applicant agrees to pay all appropriate and applicable Traffic Impact Fees;
- 21) Applicant agrees to pay all applicable and appropriate Park & Recreation Fees or Fees-In-Lieu of same;
- 22) Where applicable, the Applicant shall comply with all comments from the appropriate authorities responsible for the approval of the proposed utilities.

Mr. Pelke agreed to the Conditions of Approval.

Mr. Tim Mitchell, 30 Stackhouse Drive, asked what the Township will do to safeguard the protection of the easements. Mr. Stainthorpe stated this will be made part of the Deed. Mr. Truelove stated the easement runs with the land, and it will be part of the Plan that is filed with the County Recorder of Deeds.

Motion carried unanimously.

APPROVE EXTENSION FOR JENNINGS TRACT

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to grant an extension of time to Jennings Tract Preliminary Land Development Plan to 9/30/10.

ZONING HEARING BOARD MATTERS

With regard to the Thomas Anzabi, 1528 Clark Drive, Variance requests to permit construction of an in-ground pool resulting in greater than permitted impervious surface, encroachment of the fence into a 25' wide rear buffer easement and for shed encroachment into the special setback of Langhorne-Yardley Road and minimum setback for side yard property line, it was agreed that the Township will participate because of the different issues involved.

SUPERVISORS' REPORTS

Mr. Maloney stated the Golf Course hosted a Pro Am through the American Red Cross which was well received and well attended by local professionals in the area. He stated the new management staff and new Course improvements received "rave reviews."

Mr. Caiola stated the Veterans Committee is having a Flea Market on June 19 at Veterans' Square. Mr. Caiola stated he will present information from the Sewer Authority regarding rate increases and some other items before the next Board meeting.

REJECT ALL BIDS FOR THE GARDEN OF REFLECTION LIGHTING REPLACEMENT PROJECT

Mr. Majewski stated the Township received three bids to repair and replace lights at the Garden of Reflection, and the prices came in significantly higher than estimated Budget for the project so they would recommend rejecting all bids. Mr. Stainthorpe asked the

amount of the Budget, and Mr. Fedorchak stated it was \$45,000; and it came in at \$87,000. Mr. Majewski stated the electrical consultant is looking into ways to scale back on some of the repairs to make the project more Budget-friendly. Mr. Stainthorpe asked if some of this was not considered defective work by the original contractor, and Mr. Fedorchak stated the previous contractor walked away leaving \$45,000 on the table; and this was then the Budget. Mr. Maloney asked if this project includes fixing the mistakes, and Mr. Fedorchak stated it is the opinion of the electrical engineer that the \$45,000 fairly represents what would be considered the deficiencies in workmanship. He stated it was also the opinion of the electrical engineer that there should be some upgrades to the existing system so this was also included as part of the original scope of work. Mr. Stainthorpe asked if these funds will come from the Garden of Reflection as opposed to tax dollars, and Mr. Fedorchak agreed.

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to reject all bids.

Mr. Majewski stated today they had the bid opening for the Township Complex and Township traffic signal LED lighting replacement project. He stated the Township had received a Grant for \$250,000 through the Conservation Works Project to be able to replace lights with more energy-efficient lighting which will save the Township significant money over time. He stated the bids came in significantly less than what was estimated. He stated he and Mr. Fedorchak have discussed that it may be possible to add additional lights onto the bid to save even more money going forward.

Mr. Majewski stated under the Responsible Contractors Ordinance there is a thirty-day review period to check on the qualifications of the contractor and since the low bidder was Armour and Sons Electric who the Township has dealt with on a number of project and who currently has the Township's Traffic Signal Maintenance Contract, they would like to waive the thirty day review period since the Township is well aware of their qualifications.

Mr. Majewski stated the public comment period is typically twenty days, and since the Board does not meet the first meeting in July, he would like to reduce the public comment period to fourteen days so that the Contract can be executed at the Board's next meeting on June 16.

Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried to waive the 30 day review period and reduce the public comment to fourteen days.

OTHER BUSINESS

Mr. Smith stated the Township received a letter today regarding the development of the Octagon Center indicating that last Friday Matrix sold a significant portion of the land approved for the age-qualified residential community in Lower Makefield to Toll Bros. Mr. Smith stated he assumes the Township will now receive transfer tax revenue; and Mr. Fedorchak stated that based upon the figures that he is aware of, this amount will be approximately \$120,000 anticipated to be received in August.

PUBLIC COMMENT

One of the Scouts present asked who he should contact for emergency preparedness information for the community, and it was noted it would be Chief Coluzzi. He also asked if the Lower Makefield Township Police Department has jurisdiction with regard to traffic violations outside of the Township; and Chief Coluzzi stated Police Officers in Lower Makefield Township are sworn and certified by the State, but their jurisdictional boundaries are Lower Makefield Township for traffic violations. He stated they can act on a felony or serious crime anywhere.

There being no further business, Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,

Matt Maloney, Secretary