

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – MARCH 17, 2010

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held at the Municipal Building on March 17, 2010. Chairman Smith called the meeting to order at 7:30 p.m. noting that the Board met in Executive Session prior to the meeting to discuss real estate and litigation matters.

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

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, expressed disappointment that Mr. Simon Campbell, Pennsbury School Board Member, was not present to hear her remarks this evening. She stated she would request that in the future Pennsbury School Board matters be agendized and not be part of Public Comment so it is known ahead of time that School matters will be discussed. She stated this would not be necessary for a short announcement Mr. Campbell may wish to make. Mr. Smith stated while this may be a good idea, the Board does not always know what the public may wish to comment on. He stated the Lower Makefield Board does not usually strictly limit the Public Comment to five minutes per person as the School Board does. Mr. Caiola stated he agrees that Mr. Simon, as the School Board liaison to the Township, could contact the Township if there is something he wishes to discuss. Mr. Smith stated any resident can contact the Township Manager if they want an item to be put on the Agenda.

Ms. Kathy Kraeck, Veterans Committee, announced that they are launching an engraving campaign at the site of the proposed monument at Veterans Square Park on the corner of Edgewood and Heacock Roads. She stated they have distributed brochures throughout the Township on this program which has various sponsorship opportunities from \$125 to \$10,000. She stated they recently received three donations for \$5,000 each. She stated they would like every household to purchase a brick. She stated they will also allow any veteran who has ever lived in Lower Makefield or Yardley to have their name engraved

on the monument wall free of charge. Information is available on their Website and in the brochure. Ms. Kraeck stated their next fundraiser will be held on April 13 at the Yardley Inn which will have a Phillies and Flyers theme. Ticket prices are \$35 and tickets can be purchased online, from Veterans Committee members, or at the Yardley Inn.

APPROVAL OF MINUTES

Mr. Caiola moved, Mr. Maloney seconded and it was unanimously carried to approve the Minutes of March 3, 2010 as written.

FUTURE AGENDA ITEM ANNOUNCEMENT

Mr. Smith announced that the deer management issue will be discussed by the Board of Supervisors at their first meeting in April.

DISCUSSION OF MATRIX BUFFER VIOLATION

Mr. Edward Murphy, attorney, was present with Mr. Russell Tepper from Matrix. Mr. Smith noted a number of people have expressed concern about trees which were removed from the Matrix buffer area. He added the EAC has had an opportunity to comment on this and some of their members are present along with a representative from the Planning Commission.

Mr. Murphy thanked the Board for the opportunity to discuss this matter. He stated this incident actually occurred late summer last year when a contractor employed by Matrix made a mistake and trees were removed in an area on the Approved Land Development Plan where trees were required to be preserved. He stated it has been incorrectly reported that 110 trees were removed, and in fact the number of trees that were removed which were required to be preserved was 50. Mr. Tepper noted on the Plan the area where the trees were removed from which is just south of the entrance point to the retail center. Mr. Murphy stated once that error occurred, they stopped removing trees. Mr. Murphy stated Mr. Majewski became aware of the error sometime after Labor Day; and since that time they have been collaborating with Mr. Majewski and PennDOT to address the situation so that they could quantify the area, calculate the number of trees which were mistakenly removed, and formulate a solution that makes sense.

Mr. Murphy stated once the mistake occurred, they stopped removing trees that were authorized to be removed under the terms of the original Approved Land Development Plan. Mr. Tepper noted on the Plan areas on the Plan where trees were slated for removal but were not in fact removed. Mr. Murphy noted those areas are located in the PennDOT right-of-way, and Mr. Tepper showed on the Plan the red line that delineates the area between the lot and the PennDOT right-of-way. Mr. Murphy stated that even though these trees were slated to be removed, they have been retained but only with the permission of PennDOT. Mr. Murphy stated there has been an ongoing dialogue between Matrix, Mr. Majewski, and PennDOT to see if they could retain the trees that would otherwise be removed, and just recently PennDOT has signed off on this. Mr. Tepper showed on the Plan the area north of the driveway in the PennDOT right-of-way where the plan was to make improvements to the existing drainage swale designed and approved along Oxford Valley Road. He noted another location on the Plan where swale improvements were approved. He stated when they recognized they had made the error with regard to the tree removal, and in an attempt to help mitigate that error, they worked with PennDOT to make changes to the swale design so that they could maintain some of the woodland areas on both sides of the driveway. He stated there are approximately 35 trees on the north side of the driveway that will be preserved as well as a stand of vegetation on the south side of the driveway.

Mr. Murphy noted the green line on the Plan running to the south of the southernmost building on the site, and he asked Mr. Tepper to describe what this green line represents. Mr. Tepper stated when they went through the Land Development process in 2006 to obtain approvals for the Residential component, they delineated a woodlands tree clearing line that meanders throughout the property in Lower Makefield. He stated they drew that line in order to insure that they met the Ordinance requirements for maintaining a certain percentage of woodlands. Mr. Tepper stated when they went to next Phase of the project which was the retail portion, they designed it in such a manner that they did not have to extend the woodlands all the way to that line; and he noted on the Plan where they are preserving the woodlands.

Mr. Murphy stated a question was raised whether or not the removal of the trees had any adverse impact on the storm drainage planned for the property. Mr. Tepper stated the area which was disturbed in error is predominantly within the PennDOT right-of-way, and the drainage area to which that area drains to is within the drainage swales within the PennDOT right-of-way so any potential effect of runoff from the removal of the trees to the stormwater system designed on the Matrix property does not exist because this area does not drain onto the Matrix site but rather drains into the drainage swales that already exist.

Mr. Murphy stated the fifty trees which were removed in error ranged in size from 1” to 6” and were of uncertain quality. He stated they understand that they were primarily sweet gums and red maples. He stated Mr. Majewski has developed and provided to the developer a proposed reforestation plan, and the Plan shown this evening by Mr. Tepper incorporates that reforestation plan. The legend in the lower right hand side of the Plan details the nature of the proposed plantings including trees and shrubs that were proposed to accommodate Mr. Majewski’s recommendations to replenish the area that had been removed. Mr. Murphy stated they would agree to accept Mr. Majewski’s recommendations and would do so quickly given the time of year.

Mr. Caiola asked for details of the Plan proposed by Mr. Majewski. Mr. Tepper read the list of materials to be planted. Mr. Majewski stated all of these plantings are native plants. Mr. Majewski added that the EAC did want an opportunity to look at the Plan to make sure that they concurred with the plant selection. Mr. Majewski stated there is a mix of evergreen plants and shrubs as well as ground cover so that they will restore the whole area back to a forest area and will provide a permanent screen year round. He added that previously there were deciduous trees in this area, and these proposed plantings will provide a year round screen. Mr. Majewski stated the spacing is as close as possible without causing trouble with future growth.

Mr. Caiola stated he appreciates the work that has been done on this and asked that they expedite this Plan on the site once they have received acceptance of the Plan from the EAC. Mr. Tepper stated as soon as the EAC approves of the Plan, the appropriate orders will be placed and the plants will be delivered and installed. Mr. Murphy stated it would be appropriate to install them at this time since the project is nearing completion and other plantings are being installed as well.

Mr. Zachary Rubin, 1661 Coventry Road, stated in the Agreement there is specific language that says that the tree line on Oxford Valley Road will not be disturbed and says nothing about north or south of Big Oak Road or about negotiations with PennDOT. Mr. Rubin asked Mr. Tepper how he would respond to this when the tree line was disturbed. Mr. Tepper stated he does not dispute the words in the Settlement Agreement. He stated they were developing a large tract of land opposite an existing Residential community that wanted to be buffered from the new development. He stated there was no discussion relating to a desire to buffer the potential retail stores from a retail shopping center. He stated he agrees the wording in the Settlement Agreement relating to this is poor; but added part of the approvals they have obtained for the property include PennDOT Highway Occupancy Permits with a full set of design drawings that show the woodland areas within the PennDOT right-of-way being cleared to make room for the road improvements that were agreed to as part of the Settlement Agreement. He added that the Land Development Approval they obtained for the retail stores reflected clearing

in the location discussed this evening. He stated the only error they made, which they apologize for, and was not intentional, is the area which was cleared in error discussed this evening.

Mr. Rubin stated he takes exception to Mr. Tepper's explanation, and he stated he feels the language put in the Agreement was excellent. He stated he does not feel at any time in the negotiations with PennDOT or for the land approval, Mr. Tepper brought up the Agreement which is a legal, binding Agreement. He stated he feels the sanctity of the Contract should be enforced by the Board of Supervisors.

Mr. Truelove stated while he did not negotiate the Contract on behalf of the Township, he is familiar with the terms and also recalls that diagrams were incorporated into the Agreement that referenced specifically some of the areas being discussed and those became part of the Agreement.

Mr. Rubin stated he feels that the Agreement was violated and it should be nullified.

Mr. Smith stated any wrongdoer still has the right to cure. He stated the developer has come here, apologized, and advised how they will cure this. He stated they need to determine if the method they are proposing to cure the breach of Contract is satisfactory to the Township.

Mr. Rubin stated he does not feel they have the right to remove 110 or 50 trees as they have disturbed the tree line and he feels coming in and stating they will install 50 more trees and not take other trees down is "nonsense," as this is a violation of the Agreement.

Mr. Geoff Goll, EAC, stated this evening's presentation brought a lot of clarity to the issue. He stated the EAC takes buffers seriously, and they want to preserve as many trees as possible. He stated there was some confusion when the EAC reviewed the Plan. He showed on the Plan the property line as well as the location of two detention basins and stated he understands that when the grading was reviewed, a tree line, which he showed on the Plan, was permitted to be removed. He questioned how this approval for clearing happened. Mr. Majewski stated during the process of approving the Plans, Matrix had to go to PennDOT to get a Highway Occupancy Permit. As part of that Permit, there is an entrance off of Oxford Valley Road; and associated with that is a accel/decel lane. In order to accommodate this, they had to move a few drainage structures further away from the road which pushed in towards the buffer; and in order to get the grading from there to work back into the site, they had to grade at a specific slope which would require all the trees to be removed. Mr. Majewski stated they were able to tighten up the grading so that not all of the trees would have to be removed. Mr. Goll asked where the Township is in that Approval process. Mr. Truelove stated PennDOT

was not party to the Agreement, but there are certain development aspects over which PennDOT and the State have the ultimate jurisdiction; and he feels this is what happened in this instance.

Mr. Goll stated the EAC is concerned since this part of the project is less than 10% of the job; and while they understand there was a mistake, they do not want this to happen again particularly for the rest of the project which is on a much larger scale.

Mr. Tepper stated there are no additional designs or approvals necessary for the road improvements along Oxford Valley Road since they have already been designed and approved as they relate to the Residential development. He stated this does not require any right-of-way or woodlands to be disturbed.

Mr. Smith stated the Township is concerned about what type of oversight mechanisms there are or will be put in place to make sure that this does not happen again.

Mr. Majewski stated in the next phase of the development, they will go around the entire area with a hand-held GPS to make sure that they have not made any survey “blunders.”

Mr. Murphy stated they have already discussed this going forward.

Mr. Smith asked Mr. Goll if he is satisfied with what has been proposed recognizing that he has not had an opportunity to review the Plans in depth; and Mr. Goll stated he is now that it has been clarified. He advised the has looked at the site and there are some silver maples on the southern part of the property that blew over during the last storm, and he asked that the Township make sure that these are cut so that they do not damage other trees and possibly they could put a few more trees back in that location.

Mr. Bray, EAC, stated he is not sure about the proposed replacement trees, and the EAC will want to review this and will provide a written report on this shortly after they receive the proposal for review. He stated the Native Plant Ordinance is site specific and specific plants do well in specific sites which is why the EAC extensively reviews all the Plans. He stated the EAC makes recommendations, and almost without exception the recommendations are accepted and the Plans are then much better in the long run since the trees thrive and do not have to be replaced. Mr. Murphy stated Mr. Majewski was the author of the reforestation plan, and the EAC could make their comments to Mr. Majewski and the developer will do what the Township requests. He stated they will also agree to cut up the fallen silver maples and replant that area under the direction of Mr. Majewski.

Ms. Karen Friedman, Planning Commission, stated she came in support of the concerns of the EAC, and is happy to see that the developer has taken responsibility and is willing to rectify the situation as carefully and quickly as possible.

State Representative Steve Santarsiero was present and thanked Matrix for attending to this problem and understands that it was a mistake. He stated he was part of the negotiations originally, and he along with Gary Cruzan, brought this issue to the Township's attention. He stated if you look at the line of trees to the north of Big Oak (Robert Sugarman Way) they are a beautiful line of trees, and he feels it would be hard to replace them. He stated this was one of the natural beauties of that area that they did not want to disturb; and when they approved the Agreement, they made it clear this was a very important issue for them. He stated with respect to the legal effect of any approvals PennDOT may require for the right-of-way, the written Agreement which was negotiated between the Township, Matrix, and RAM, made it clear on this issue; and he would submit that this is what controls here. He stated on a going-forward basis, he feels it puts the Township as well as RAM in a strong position to enforce that; although after listening to Mr. Tepper's comments this evening, he is hopeful that this will not be necessary.

Mr. Gary Cruzan stated he likes the resolution which has been reached. He stated he agrees that their focus was on the bigger part as Mr. Tepper has indicated, and he did not anticipate this little retail part being developed first. He stated the real focus was not on that area, but they also did not anticipate losing the buffer. He stated he would like to see the buffer restored so it really buffers and that the selection of trees be buffering-type trees.

Mr. Murphy stated they expect that they will hear back from Mr. Majewski in approximately one week once the EAC has had a chance to review the Plan. They will then implement the Plan presented by Mr. Majewski as expeditiously as possible.

APPROVAL OF MARCH 1, AND MARCH 15, 2010 WARRANT LISTS AND FEBRUARY, 2010 PAYROLL

Mr. McLaughlin moved, Mr. Maloney seconded and it was unanimously carried to approve the March 1, and March 15, 2010 Warrant Lists and February, 2010 Payroll as attached to the Minutes.

FINANCIAL OVERVIEW

Mr. Brian McCloskey, Finance Director, was present with Mr. Joe Menard, Chairman of the Citizens Budget Committee. Mr. Smith stated Mr. McLaughlin had requested that finances be discussed on a regular basis during the Public meetings. Mr. Smith also stated that when he became Chairman in January of this year, he had indicated that he wanted to have the Citizens Budget Commission report periodically to the Board of Supervisors and provide updates.

Mr. McCloskey stated they will continue to provide a quarterly report which will also be posted on the Township Website. He stated during the interim months, they also provide a comprehensive report to the Board of Supervisors which is also posted on the Website. Mr. McCloskey stated the Township's fiscal year runs on the calendar year. He stated the Auditors are currently reviewing the Township statements. He stated during the first few months of the year, the Finance Department closes out the previous year and works on reports for liquid fuels and several of the Commonwealth Agencies. During the second quarter of the year, tax revenues begin to come in, and they begin their comprehensive financial reporting. He stated they do reports each month including Departmental Budget reports, payroll, and accounts payable. He stated he attends the Citizens Budget Committee meetings and Board of Supervisors meetings.

Mr. McCloskey stated he works with Mr. Fedorchak on a number of issues including the enterprise funds – golf, sewer, and pool. He stated he is also involved with bond issues. He stated in July and August they begin to get ready for the Budget season which culminates with a series of workshops with the Supervisors and the public. He stated they are the stewards of the Township money and try to safeguard the assets and revenues and monitor the expenses.

Mr. McCloskey stated he wanted to take the opportunity this evening to report on 2009 and provided a hand out. He stated he would like to discuss the General Fund since this is the largest fund and brings about the most discussion. He stated in 2009 with a lot of effort, the Township was able to beat the Budget by approximately \$300,000 in the General Fund. He stated the hand out shows the revenue which came in approximately \$150,000 above Budget and expenditures came in approximately \$150,000 below Budget. He stated they were able to get to this point since they received an insurance dividend check in the amount of \$100,000 which came in after the Budget workshops were over. He also stated on December 30, they were notified that the Township would be receiving a recycling check for \$106,000 and this came in two days before the end of the fiscal year. He stated they also had some extra transfers which took care of some costs related to some projects that were unforeseen and some of the carriers on the cell towers provided additional revenue. He also noted the interest revenue received and the interest savings on the debt service. He stated Administration, Public Works, and Police came in under Budget but Zoning was over Budget because of the Hospital project.

Mr. Caiola asked if they will be able to count on a recycling check for this year as well, and Mr. McCloskey stated this is Grant money and they are not allowed to Budget for this; and while they have budgeted the commission they get from the recycling plant, this is very minimal. Mr. Fedorchak stated the State has warned the Township that they should not anticipate receiving these grants next year.

Mr. Maloney asked Mr. McCloskey to explain the transfers to the enterprise funds; and Mr. McCloskey stated calculations are made with a value placed on time spent by himself, Mr. Fedorchak, accounts payable time, etc. working on the Sewer, Pool, Park & Rec. etc.; and there is a charge back associated to those funds.

Mr. Stainthorpe commended Mr. McCloskey for his work done for the Township.

Mr. Maloney asked that Chief Coluzzi address the reduced Police expense in 2009. Chief Coluzzi stated expenses were lower since they held back expenses when they saw what they were facing in 2009. Chief Coluzzi stated they applied for a Hiring Grant from the Commission on Crime and Delinquency which was approved; and they have been awarded \$50,000 for 2010 and \$50,000 for 2011 to apply to the salary and benefits of a new Police Officer. He stated they have also applied for a \$40,000 technology grant.

Mr. McCloskey stated there were expenses due to the blizzards. Mr. Smith asked that Mr. McCloskey come back in late May to provide the Township with an overview; and Mr. McCloskey stated they will come in with the Auditor.

Mr. Menard stated going into the beginning of the year there was a \$160,000 shortfall due to revenue and expenditures and \$50,000 of excess costs charged to liquid fuels for a total of \$210,000. He stated they need to look at this as they go through the year. He stated they need to address expenditures and different ways of operating the Township to see if they can find savings. He stated, they will be marginally in Safe Harbor.

Mr. Menard stated they are working with Park & Recreation and have been meeting with Ms. Liney to understand the work done by her staff on the large number of facilities in the Township. Mr. Smith stated he understands that they are also working with the Senior Citizens, and Mr. Menard agreed. Mr. Menard stated with regard to Park & Rec funds he feels by 2012 the current surplus in Park & Rec will be used up through its normal operations. He stated \$70,000 in Capital Improvements has been Budgeted for 2010 although he recognizes that in the past the Township has suspended some of the capital improvements they had requested and they need to consider this going forward. He stated this is also true with regard to capital improvements for the Pool noting that the Pool is over twenty-five years old. Mr. Menard stated he has not yet met with the Park & Recreation Board but they want to work with them to see what can be done. He stated the Citizens Budget Commission would also like to meet with Mr. Caiola and Mr. Stainthorpe to discuss what was discussed with the athletic clubs so they can try to keep the discussion on facilities moving forward. Mr. Caiola agreed to discuss this with them.

Mr. Maloney stated whether it is Parks and Rec Operating Fund or Capital Improvement for the Parks or the Pool, it will cost money; and until the Board is ready to spend money, they cannot do anything. He stated if they are willing to do something, they need to assess what that dollar amount is, and work backwards from there. Mr. Maloney stated another facet of their discussion about having the Capital Improvement Fund reinstated is as planning is done in that direction, although they may have to scale back and do projects in pieces, they will have a mechanism where money could be set aside and they can then move forward to get something done.

Mr. Smith stated historically the Capital Improvement Fund seems to have been neglected over the years, and they were relying on Fee-In-Lieu; and he feels they need to improve this process. Mr. Fedorchak agreed, and Mr. Smith stated there may be a need for a change in philosophy in the future on establishing and maintaining a Capital Improvement Fund.

With regard to the Senior Citizens, Mr. Menard stated they have not yet met with them but the Citizens Budget Commission has discussed this and have some ideas to discuss with them and will be meeting with the Senior Citizens group and then report to the Board on where they stand on this.

Mr. Fedorchak asked Mr. McCloskey about the Sewer Capital Reserve Fund for 2009, and asked if this would be part of the 2010 Budget. Mr. McCloskey stated it is not segregated, and it is part of the balance. He stated they restricted \$500,000 last year that is in the Sewer fund as Sewer Capital Reserve.

Mr. Harold Koopersmith, 612B Wren Song Road, thanked the Board for the work they do. He stated by April 5 when there is a report on job growth or lack thereof, the Township will have a better understanding of where they stand since the transfer tax and revenue are dependent on the economy. He stated the Township is running a very tight Budget and doing a great job.

Mr. Zachary Rubin, 1661 Covington Road, stated he is Chairperson of the Electronic Media Advisory Committee. He stated for two years the Township has been receiving revenue from the Fios franchise tax. He stated this was revenue neutral because it was former Comcast customers switching over to Verizon; but Verizon also offered tremendous promotional rates for two years. He stated that two years have expired and cable bills for Verizon have now skyrocketed. He stated his bill was raised this month by \$66. He stated last year the Township received \$533,000 in revenue from the franchise tax on Comcast and Verizon which is tens of thousands of dollars above what was anticipated in the Budget on the revenue side. He feels since cable rates are going up, the franchise collections are going up; and he sees that there will be more income this year.

Mr. Ethan Shiller, 367 Lang Court, stated he was the past Chairman of the Citizens Budget Committee. He congratulated the Board of Supervisors for not raising the millage more than the ½ mill. He stated with regard to Safe Harbor, the Citizens Budget Committee proposed a fund balance maintenance policy to avoid any future potential tax increase to get the Township into Safe Harbor. He stated last year's proposed ½ mill was to get the Township into Safe Harbor. He stated they have heard this evening that there was a surplus of \$325,000. He stated this year they entered the 2010 Budget with an expected \$390,000 in the General Fund Balance and adding the \$325,000, this brings them to \$720,000. He had suggested that they adopt the fund balance maintenance policy as a Resolution last year. He stated he is requesting that this matter be put on the Agenda so that it can come to fruition and the Board adopt this as a Resolution and stand by the fiscal policy that is intended.

Mr. Stainthorpe asked if this is a recommendation from the entire Citizens Budget Committee at this time, and Mr. Shiller stated it was a recommendation of the Committee last year. Mr. Maloney stated the Board discussed this earlier this year, and the Board of Supervisors was not interested in putting this on the Agenda.

Mr. McLaughlin stated he feels the issue at the time was that Mr. Truelove indicated that a Resolution would not be binding on future Boards; and that while they felt this was a good policy, he was concerned that having something so concrete in terms of fund balance would put a restriction on the Supervisors in terms of meeting various needs. Mr. Smith stated he recalls that they did discuss whether they wanted to be confining future Boards through an Ordinance as opposed to a Resolution or a general policy. Mr. Caiola stated he recalls that he was willing to support the policy that they try to retain the Safe Harbor at 5% unless there were circumstances far beyond their control. Mr. Caiola noted the snow storms this year over which they had no control. Mr. Shiller stated he previously suggested and would do so again that there be a quarterly reporting of tracking any revenues that are coming in that are outside of the Budget. Mr. Caiola stated they do have the Finance Director and Mr. Menard coming regularly to the Board of Supervisors. Mr. Smith stated the Finance Director and Township Manager are working twelve months a year on the Budget and not just during the time of the Budget workshops at the end of the year.

Mr. Shiller stated a memo was issued by the Citizens Budget Commission last year that raised a question about whether Township Committees can retain professional services that would impact the Budget outside of their authorization. Mr. Stainthorpe stated he feels this has been taken care of and no expenses for any professionals will be reimbursed, paid, or acknowledged unless they are specifically approved ahead of time by the Township Manager. Mr. Shiller stated he assumes the Committee Chairs have been made aware of this as well as the Supervisor Liaisons. Mr. Stainthorpe stated this is correct and the engineers and law firms also been so advised. Mr. Smith stated he feels it is a good policy that they have one person – the Township Manager – who on a day to

day basis oversees approval or denial of certain expenditures. He stated all approvals should come from the Township Manager. Mr. Caiola stated if a Committee does need the help of a professional, they should go through the Township Manager. He stated the Board of Supervisors is very conscious of this as are the volunteer Commissions.

Ms. Virginia Torbert asked if this policy applies to Zoning and Planning activities or if there is a different standard for them. Mr. Caiola stated Zoning Hearing Board is a quasi-judicial Board and they do have to have their attorney there and Planning personnel. Mr. Stainthorpe stated no member of the Planning or Zoning Commissions can contact the Township engineer and request that he do a certain job, and this has stopped for all Boards. He stated the professionals know that if they do this, they will not get paid unless the work is requested by the Township Manager.

Ms. Torbert stated with regard to Mr. Shiller's statement, she does not feel it is a good idea to tie the Board's hands and be restricted in terms of the Budget. Ms. Torbert stated they did discuss costs savings and one of the things she has not heard was what the efforts were going to be with regard to costs savings within the Departments in terms of doing business more efficiently. She particularly noted negotiating Contracts and trying to achieve some savings such as asking Township employees to contribute more money toward their health benefits since these types of things in the long term are what is going to save the Township money. Mr. Smith stated during the Executive Session, Mr. Fedorchak takes a proactive stance in terms of reporting savings throughout the year. Ms. Torbert stated she is suggesting that the Citizens Budget Committee not only look at Fund Balances, etc. but that they also look at how the services are delivered and more efficient ways to deliver the services. She stated the Township is larger than a lot of cities; and while she admires what Mr. Fedorchak does, the idea that one person can determine all the cost savings in a Township of this size is difficult. Mr. Smith stated the Citizens Budget Committee is already looking into things that can be done to save money and discussing these with Mr. McCloskey and Mr. Fedorchak.

Mr. Maloney stated a number of the Townships the size of Lower Makefield do have Assistants to the Township Manager, and the Township does not have this; and he feels there is only so much that can be done by the structure they have, and he feels they do a tremendous job. Mr. Maloney also noted that he has been traveling around the Township and the Township suffered a tremendous amount of road damage due to the recent storms, and they must consider how aggressively the Road Department can address these conditions which could result in damage to residents' vehicles.

APPROVE CERTIFICATES OF APPROPRIATENESS

Mr. Caiola moved, Mr. Maloney seconded and it was unanimously carried to approve granting a Certificate of Appropriateness for 1739 Yardley-Langhorne Road for the demolition of existing detached garage and deconstruction of existing detached barn.

Mr. Caiola moved, Mr. Maloney seconded and it was unanimously carried to approve granting a Certificate of Appropriateness for 1761 Yardley-Langhorne Road to rebuild the detached barn.

GRANT EXTENSIONS OF TIME FOR FIELDSTONE AND JENNINGS TRACT

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

Fieldstone at Lower Makefield No. 496-N - 6/29/10
Jennings Tract Preliminary Land Development Plan – 6/30/10

ZONING HEARING BOARD MATTERS

With regard to the MCB Enterprise, LLC for property located at 511 Kings Road, Variance request to replace existing patio and walk resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Manoj Patel, 1319 Apple Blossom Drive, Variance request to construct a shed resulting in encroachment into the special setback of Big Oak Road and encroachment into the side yard setback, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Flavio and Angela Riva, 1210 Yardley-Morrisville Road, Variance request to construct a two-car detached garage resulting in greater than permitted impervious surface and encroachment into the side yard setback, it was agreed that the Township should participate.

With regard to the Windsor at Township LP Special Exception request to permit the lease of the southern portion of the office building to a physical therapist and for general medical uses, it was agreed that the Township should participate to insure that certain issues are covered.

SUPERVISORS REPORTS

Mr. Stainthorpe stated the EAC had a presentation regarding the revitalization of the R8 rail line. He stated this rail line, which ran from Fox Chase to Newtown, was discontinued by SEPTA in the early 1980s. Mr. Stainthorpe stated the Pennsylvania Transit Expansion Coalition made the presentation and would like to come before the Board of Supervisors at a future meeting to make a presentation and potentially have the Board of Supervisors endorse their proposal. Mr. Stainthorpe stated the existing stations are basically tapped out in terms of parking/capacity; and if you live in Newtown, you need to drive to Warminster or Yardley/Woodbourne to catch the train. He stated since they discontinued the line, the population in the area has almost tripled so it may be viable now. Mr. Smith agreed to place this matter on an Agenda in April.

Mr. Stainthorpe stated the Electronic Media Advisory Committee had a presentation from a company called Telaview which is a hardware/software supplier of video and web-based communication equipment and they are looking at ways where the Township could simulcast their meetings on the Township Website so that the meetings would be accessible to residents who have satellite television and cannot get the meetings at this time. He stated they could also potentially have the meetings archived on the Website so that they could be reviewed. He stated the cost would be approximately \$15,000. The Committee will be looking at other vendors and other ideas as well.

Mr. Stainthorpe stated the Economic Development Committee is continuing to look at a signage program and are in the process of contacting vendors. He stated they are potentially scheduling a Meet and Greet for local businesses to be held at the Makefield Highlands in April.

Mr. Maloney stated the Golf Committee met and continues to be very productive and their dealings with the new management company are very positive. He stated the Pension Committee met today, and they are moving toward meeting at least quarterly.

Mr. Smith stated the Historical Commission will be reporting on the Patterson Farm at the first meeting in April.

AWARD CONTRACT FOR 2010-2012 REFUSE COLLECTION AND DISPOSAL SERVICES

Mr. Maloney moved, Mr. Stainthorpe seconded and it was unanimously carried to award the Contract for 2010-2012 Refuse Collection and Disposal Services to Waste Management of Pennsylvania, Inc. in the amount of \$57,800.

AWARD CONTRACT FOR 2010-2012 GARDEN OF REFLECTION LANDSCAPE MAINTENANCE

Mr. Maloney moved, Mr. Caiola seconded and it was unanimously carried to award the Contract for 2010-2012 Garden of Reflection landscape maintenance to J. Margerison Landscaping, Inc. in the amount of \$42,000.

OTHER BUSINESS

Mr. Maloney stated there has been a problem with electric outages, and he suggested that they send a letter to all the Bucks County Representatives asking that they bring PECO in and have a Public Hearing on the maintenance issues that are occurring. Mr. Smith stated he did have a discussion with Mr. Fedorchak about the number of incidents PECO had. Mr. Fedorchak stated the last storm was particularly difficult for PECO; and at one point there were over 6,000 Lower Makefield residents without power and 37 separate events that PECO had to deal with. He stated they worked through the night for over two days trying to resolve these issues. At this point, he believes everyone now has power. Mr. Maloney stated it was obvious that they were working non-stop, but it not obvious that their staffing has kept pace.

Mr. Stainthorpe stated while it is beyond their control when many trees come down, there are issues with certain neighborhoods where power goes out frequently; and these issues should be addressed. He stated he feels a complaint should be made to the PUC that they want specific action in specific neighborhoods. Mr. Smith asked the Township Manager to follow through on this. Mr. Fedorchak stated they have started this process to review the problem areas in Lower Makefield to see what can be done.

Mr. Ken Martin, 19 Austin Road, reported on two incidents in his neighborhood where there were power outages and PECO workers did a great job working to restore the power. Mr. Caiola stated he agrees that they do come out, but he has frequently lost power at his home in Yardley Hunt; and he feels there are some inferior grids, and this is what they need to address.

Mr. Smith asked Mr. Fedorchak to ask the Tax Collector to include in the next bill the number to call if there is a problem with PECO. Chief Coluzzi stated rather than calling 911, there is a non-emergency Police number that can be called which is 215-493-4011.

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APPOINTMENTS

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to re-appoint Megan Dorko to the Disabled Persons Advisory Board and Joe Sundeen to the Environmental Advisory Council.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Matt Maloney, Secretary