

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – SEPTEMBER 1, 2010

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on September 1, 2010. Chairman Smith called the meeting to order at 7:30 p.m. 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

Mr. Mark Cherepko, 32 Maplevale Drive, stated his property backs up to Scudders Falls Bridge and a land tract where a hunt is proposed to take place in a few weeks. He stated a hunter was on his property yesterday indicating he had approval from the Township to be there. Mr. Cherepko stated they have had issues in the past with unsolicited hunters in the area. He stated the hunter indicated they should have been contacted by the Township, and he gave them his business card showing he was with Big Oak White Tail Management (BOWMA). Mr. Cherepko stated they then received a letter from the Township about the hunt. Mr. Cherepko stated the deer hunt is proposed to be held beginning September 18 and continue to January 29, 2011. He stated this location is next to a residential area, and he asked the Board and Township Manager to limit the hunt to the northern side of I-95 where the Park & Ride is located and not south of the Scudders Falls Bridge where there are neighboring homes. Mr. Cherepko stated they are concerned because there are a number of children in the area and because they will not be able to fully appreciate the benefits of living in a neighborhood that has woods in the rear of their properties. He stated they are also concerned about random vehicles being parked in the neighborhood. Mr. Cherepko stated they do not have a problem with deer management but are concerned about hunting in this very small area of woods adjacent to residences. He stated he is also concerned that the letter has indicated the residences are restricted from using the woods for the entire duration of the hunt.

Mr. Caiola asked if he has discussed this with his neighbors, and Mr. Cherepko stated there are not a lot of homes in the neighborhood, but a number of the neighbors indicated they were not aware of the hunt and some indicated they felt it is wrong; but they are all concerned about safety. Mr. Smith stated there will be a hunt in the Township, but they too are concerned about safety. Mr. Smith asked Mr. Fedorchak if he was aware that there was a hunter in that area yesterday, and Mr. Fedorchak stated he was not aware of this. Mr. Smith asked Mr. Fedorchak if the letter sent to Mr. Cherepko and his neighbors indicated that the hunt would take place on that parcel for four months, and Mr. Fedorchak stated this is correct.

Mr. Stainthorpe stated last year the archery hunt which took place in Five Mile Woods was for two-week periods at a time, and Mr. Fedorchak agreed that there were four two-week periods when the Five Mile Woods was closed. Mr. Fedorchak stated this year they are going to have the Hunt for the entire season in the area where Mr. Cherepko is discussing. Mr. Fedorchak stated in the Five Mile Woods there will be a two to three week period where there will be a hunt and then another week sometime in November. Mr. Stainthorpe stated he agrees with Mr. Cherepko that it is not appropriate that those in his neighborhood cannot make use of that property from September to January. Mr. Smith agreed. Mr. Stainthorpe stated he feels they should pick a period of time when the hunters can be there, but it should not be open-ended for the entire season for that property or a number of the other properties to be hunted.

Mr. Smith asked Mr. Cherepko if the individual who came onto his property was hunting there yesterday, and Mr. Cherepko stated he was not although he was wearing camouflage and had papers in his hand. Mr. Cherepko stated the individual walked onto their property and stated he had approval to go through their property to the woods. Mr. Smith stated he does not feel this is permitted, and Mr. Stainthorpe agreed. Mr. McLaughlin asked Mr. Cherepko if he believes that the individual was planning to hunt at that time; and Mr. Cherepko stated his wife initially had the conversation with him and the individual was sitting in front of his home when he came home.

Mr. Smith asked that Mr. Fedorchak meet with BOWMA and advise them that they do not have carte blanche to walk across private property. Mr. Maloney stated the Board would not authorize anyone to trespass on private property. He stated the hunters have been given authorization to hunt in the woods being discuss since that is Township land. He stated the hunters can access that property from Taylorsville Road. He added the Board has indicated that they feel four months of unbridled access to the woods, that the neighborhood also expects to enjoy, is something the Township should reconsider.

Mr. Smith asked the Township Manager if there are other areas in the Township where they have been given access to hunt for this long period of time; and Mr. Fedorchak stated there are, and he reviewed the list of tracts and length of time during which hunting can take place.

Mr. Smith stated he feels they should go back to BOWMA and discuss limiting the weeks on some of these sites. Mr. Caiola stated while limitations may impact the numbers, they should consider the impact on the adjoining residential areas and should consider something more conservative. Mr. Stainthorpe stated he is not happy to hear that BOWMA felt that they had carte blanche to go onto private property.

Mr. McLaughlin apologized on behalf of the Township to Mr. Cherepko. Mr. McLaughlin stated it was his understanding that BOWMA “rested” areas because the yield drops if you hunt the area for an extended period of time, and he asked why they would now go back to a continuous hunt of a property. Mr. Fedorchak stated he will discuss this with BOWMA as well. Mr. Smith stated he feels the leadership of BOWMA needs to discuss all of this with their members. He asked Mr. Cherepko to notify the Township if something like this occurs again.

Ms. Virginia Torbert asked what accommodations are being made with regard to the hunt on the Patterson Farm since the Artists of Yardley will be holding art camps on that property. Mr. Fedorchak stated Artists of Yardley has been notified, and it is their responsibility to notify the parents of the children attending the camp.

Mr. Smith asked the Township Manager who at the Township should be contacted if there is a problem encountered by residents. Chief Coluzzi asked that they call the non-emergency number #215-493-4011 and ask the Dispatcher to contact the Police Sergeant on duty at the time or the Chief of Police if the problem cannot be resolved.

Mr. Harold Koopersmith, 612 B Wren Song Road, asked the Board the amount of the unfunded necessary expenses of the Township for the next two to three years; but the Board could not provide an exact figure at this time. Mr. Koopersmith stated he does not feel the State and Federal Government are governing through a proper process. Mr. Smith stated all of those involved with governing the Township are trying to do the best they can for the Township.

Ms. Lisa Gage was present to invite the women of Lower Makefield Township to attend the Third Annual Women’s Night out on September 25 from 6: 00 p.m. to 10:00 p.m. to be held at Elm Lowne. She thanked the Township for making the property available. She stated there will be between twenty-five and thirty local women-owned and operated businesses participating and a number of the participants were noted. She stated the cost is \$10 at the door with small additional fees being charged for certain services. She stated 100% of the proceeds will be donated to a number of women’s health and wellness causes.

## APPROVAL OF MINUTES

Mr. Caiola moved, Mr. McLaughlin seconded and it was unanimously carried to approve the Minutes of August 18, 2010 as written.

## DISCUSSION OF JULY FINANCIAL REPORTS

Mr. Brian McCloskey, Finance Director, was present. Mr. McCloskey stated the positive trend discussed in July, when he presented the mid-year financial reports, has continued. He stated the real estate tax collection is tracking above 98%, deed transfer tax is trending higher than last year, and they are close to meeting the Budget on this. He stated the economic climate is still very challenging, but they hope to be at or near Budget for revenues and slightly under on expenses. Mr. McCloskey stated the enterprise funds are doing well, and the Golf Course is holding up well despite the challenges resulting from limited rain. He stated rounds and revenue are up and expenses are down slightly. He stated while the Pool Memberships are down, they are up with regard to guest sales. Mr. McCloskey stated this is the first year they sold guest booklets at a discount, and this resulted in higher sales than in the past. He added you must be a member to purchase guest booklets.

Mr. McCloskey stated earlier today he and Mr. Fedorchak spoke with Moody's with regard to the refunding of the 2003 Bonds; and they believe that the Township will retain their AA1 rating when the sale takes place in approximately two weeks. Mr. Smith asked about the ratings of other area Townships, and Mr. McCloskey stated he does not know of any other area Township which has a higher rating.

Mr. McLaughlin asked about collection of the local services tax, and Mr. McCloskey stated it is coming in slower than they hoped. He stated they just received the delinquent list from Birkheimer, and there have been some employers who have not yet responded some of whom are quite large. Mr. Caiola asked the Township's recourse. Mr. McCloskey stated they were not going to penalize them the first year, but penalties will be placed the second year. He stated they plan to contact them and advise that this is a payroll tax that the employees have to pay. He stated they will have to pay the back two quarters, but they will not assess penalties this first year since it is a new tax. He added that Birkheimer had indicated they should expect to see incremental increases for the first eight quarters after first enacting this tax. Mr. Smith asked what they anticipated they would receive from this tax, and Mr. McCloskey stated they had budgeted \$180,000 for the year; and by June, they were only at 38%. He stated each quarter, the revenue has been growing.

Mr. Maloney stated at the last meeting they had discussed the road program and the fact that they had deferred some road improvements to next year as a way to meet the Budget they had revised the early part of 2010. He asked if there are any other costs that are inevitable to the Township that they have pushed back as a means to stay within Budget. Mr. McCloskey stated they purchased what they had planned to and the only deferment he is aware of was in the road program. He stated part of it was deferment and part of it was cost savings through the bid process. He stated the Budget was “thinned down” to begin with as it relates to capital. Mr. McLaughlin stated the Budget that was opened in January did not reduce the road program at all; and the number that was agreed upon in December was the number they went forward with in January, and Mr. McCloskey agreed. Mr. Fedorchak stated the road resurfacing program comes out of the liquid fuels allocation which is the money the Township gets from the State. He stated originally they put \$290,000 in the Budget, and this number was maintained throughout the cuts, and they did not change than number in January and February when they went through the series of cuts.

Mr. Maloney stated in the presentation they had at the last meeting they discussed the fact that the original plan with regard to some of the roads that were to be resurfaced in 2010 were moved to 2011. Mr. Majewski stated a few roads had to be deferred to next year because there was another road that was more in need of being paved.

Mr. Maloney asked where they are with the plans to fill the needs that they are going to have next year since they indicated that the road costs next year would be \$200,000 to \$300,000 greater than they were this year. Mr. Joe Menard, Citizens Budget Committee, was present and stated they had a lengthy discussion on capital improvements. He stated he has been concerned with long-range review of capital improvements. He stated with regard to liquid fuels, they had taken \$110,000 and put it into the emergency expenditures at the beginning of the year; and he had expressed his concern that they need to find a way to replace that in order to keep the liquid fuels expenditures in the area where they should be. The Committee would recommend that between now and the end of the year, with the way the Budget is trending, they should take some of the savings and put it back into liquid fuels and back into the roads. He stated in the long term, they are concerned that the money they are funding into capital improvements is sufficient to sustain expenses on an even keel rather than have peaks and valleys in tax rates. He stated they will continue to look into this as they go through the Budget season.

#### APPROVAL OF ORDINANCE NO. 384 ADOPTING THE POLICE PENSION PLAN

Mr. Truelove stated there was proper advertisement in the Courier Times of the proposed Ordinance. Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to approve Ordinance No. 384.

#### DISCUSSION OF RE-ENACTMENT OF LOCAL SERVICES TAX

Mr. Truelove stated they do not have an Ordinance to be considered this evening, but if they wish to re-enact the Local Services Tax, they will have to approve an Ordinance; and it must be advertised three weeks in a row prior to consideration. Mr. Truelove stated as noted earlier, some of the revenue has been slow in coming in; but this is not unusual the first year a Local Services Tax is imposed. He stated most of the surrounding Municipalities have enacted such a Tax. He stated if it is the sense of the Board that they intend to re-enact this Tax, he could present something at the next meeting; and this was acceptable to the Board.

#### GRANT EXTENSION OF TIME FOR CAPSTONE TERRACE

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to grant an Extension of time for Capstone Terrace to December 15, 2010.

#### ZONING HEARING BOARD MATTERS

Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried with regard to the Merrick Wilson Appeal of the Determination of the Zoning Officer relative to the denial of an Application for a Temporary Certificate of Occupancy for the property at 1695 Susan Circle and request for Variance to construct a brick paver in sand patio and walkway resulting in greater than permitted impervious surface, that the Township appear in opposition.

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried with regard to the Hearthstone Waters LP Variance request to allow a general business use on the property at 191 River Road, to permit change to a structure in the Floodplain Overlay District, and to permit less than required number of parking spaces, that the Township appear in opposition.

#### DISCUSSION OF PROPOSED DEMOLITION BY NEGLECT ORDINANCE

Mr. Smith stated some research had been done some time ago on this matter but had not come before the Board of Supervisors. Mr. Truelove stated a few months ago Mr. Smith had asked that this matter be revived, and he has done some additional research on this. Mr. Smith stated demolition by neglect relates to both historic and non-historic properties. He stated there are aesthetic and safety concerns as well as impact to the neighbor's quality of life.

Mr. Truelove stated with respect to the non-historic properties, Bob Habgood, the Township's Code Enforcement Officer, does a great job going out and inspecting properties which are brought to the Township's attention. Mr. Truelove stated Mr. Habgood works directly with Nancy Frick and her Department; and for a Township of 36,000 to 37,000 there is a remarkably small staff that does a lot of work. He stated Mr. Habgood will go out to a property, and make a list of the potential violations under the Property Maintenance Code. As a result many times citations are issued and sometimes Civil actions are commenced against property owners. He stated this is a cumbersome process, and there are due process issues and issues with respect to property rights. He stated the property owner can be forced to make certain repairs or improve conditions so that the safety and welfare of the property itself and the neighbors is preserved. He stated if there is no compliance, the Township may have to go further. He stated in his experience, once advised, the property owners do step up and make the repairs. He stated fines can be imposed which can add up to several hundred or several thousand dollars. He stated if liens are placed, these have to be satisfied if the property is sold.

Mr. Truelove stated with regard to historical structures, if the desire is to bring the structure back to a certain condition that is historically or structurally correct, this can be an expensive process. He stated under the Second Class Township Code under the MPC and the Pennsylvania Historic District Act, there are avenues that can be followed to take enforcement actions. He stated the challenge is how far the Township can go. He stated last year a new Act came into effect at the State level called the Abandoned and Blighted Property Conservatorship Act. He stated while they did not define "blight" an argument could be made that "blight," under certain circumstances, would constitute demolition by neglect. He stated the Act allows, not just the Township, but also certain other entities to petition the Court to appoint a conservator who will take possession of a certain property in order to rehabilitate. He reviewed the requirements for such action to be taken. He stated this would also require input from professionals. He stated the Township could consider if they want to strengthen part of the Zoning Ordinance, strengthen part of the Ordinance that deals with the Historic Commission and its charge as a recommending body, or determine on a case by case basis going through the petition process under the Act just referenced. He cautioned the Board that while he appreciates the desire to preserve the Township's historic structures, it can be a very expensive process.

Mr. Smith stated he is somewhat concerned with the length of time the process takes; and in some instances in the past, the process has taken so long that some of the historic properties have already been demolished. He noted a number of properties in the Township where this occurred. Mr. Truelove stated if there is a list of properties that they feel are public safety issues, they could have Mr. Habgood look into them, and they could go to Court with the first step to proceed with the Code Enforcement issues. He stated for "demolition by neglect," he feels a separate standard would have to be established as they would have to demonstrate that there are substantial structural or other

problems that exist to justify any actions taken. He stated if a property were in such a condition that it is felt that it will fall down within months, the Township could decide, if they wanted to spend the money, to go to Court for public safety issues and file an injunction. He stated this would have to be done on a case-by-case basis. He cautioned again that this would not be an inexpensive proposition.

Mr. McLaughlin asked Mr. Fedorchak if he feels there is an inadequacy currently in the Township's enforcement of derelict properties; and asked if there is a need to heighten the level of governance in this area. Mr. Fedorchak stated the staff has not seen an increase in the number of problem properties over the last few years. He stated in the past when they had very severe sets of circumstances, such as the property in Sandy Run which was determined to be a public health and safety issue, the Township prevailed upon the Courts to allow them to demolish the structure. He stated this was done at the Township's expense, and they put a lien on the property. He stated that process took several months. He stated lately there have been a few circumstances where there have been foreclosures; and until the Bank can assign a local property manager to take care of the property, there may be a three to five month transition until that takes place. He stated in the meantime, there may be grass growing above 10" and other problems at the property. He stated what the Township has done is reach out to the bank's attorney and impress upon them the need to comply with the Township's Exterior Maintenance Code. He stated they have received results in a two to three month period, but during that time the neighboring residents are very upset about the conditions which they feel damage the aesthetic value of the neighborhood.

Mr. McLaughlin asked if the proposed Ordinance would resolve this timing issue, and Mr. Fedorchak stated he does not feel it would and it seems like it would still be a lengthy process where they would need to bring into play a number of experts in order to qualify each step of getting to the point where it is designated a public nuisance and take corrective action.

Mr. Stainthorpe stated the issue with the non-historic properties is that there is not available staff that is out patrolling the Township, and they only know about these problems if the neighbors complain so it is a reactive process. He stated on the historic side it is usually the Historic Commission which advises the Township. He stated he would need to have more information as to costs and how the process would work as it seems that it would be fairly complicated. He stated he does not feel anything is needed on the non-historic side, but recognizes that with regard to the historic properties, once a property like that is gone – it is gone.

Mr. Maloney stated he agrees with Mr. Stainthorpe but would like to make sure they have the maximum amount of “teeth” that they can have. He added for the historic properties, if they can add some “teeth” that they do not currently have, he would like to consider this. He stated if they are only going to add rules that will not speed up the process, he does not see the value of this. He stated they are bound by the due process issues which prevent the Township from taking swift action.

Mr. Truelove stated one of the challenges is that one person’s rights may be interfering with another person’s enjoyment of their property. He stated they need to be careful that they do not violate one person’s rights in order to enforce another’s rights. He stated they would need to consider on a case-by-case basis if they feel compelled enough that something justifies going to Court.

Mr. Smith asked that the Township solicitor continue to look at what is in place and what they can do which would benefit the Township at low cost to the taxpayers.

Mr. Caiola asked if there is anything on the books that if the lawn is not cut a certain number of times, that the Township will cut the lawn and charge them for this.

Mr. Fedorchak stated they do not have this. Mr. Caiola stated this worked well in a Township where he previously lived, but the charge would have to be of a sufficient amount to discourage people from relying on the Township to do this. Mr. Fedorchak stated as part of the Exterior Property Maintenance Code, grass cannot be higher than 10”. Mr. Maloney stated once it gets to that point, there is still a timing process that they have to go through. Mr. Fedorchak stated they first send out a Notice of Violation giving them a certain number of days to correct the problem; and as they are going through the process, a number of weeks can pass.

Ms. Helen Heinz and Mr. Bob Innis of the Historic Commission were present.

Ms. Heinz stated it appears they could be citing people in Edgewood Village under the Property Maintenance Code. She stated the Zoning for Edgewood Village was Historic/ Commercial and most of those properties are owned by someone for purposes of income generation which would be different from a homeowner; and this is why she is in favor of the new Ordinance possibility. She stated enforcing the BOCA Code would help. She stated in the Township there is also a BOCA review group in place. Mr. Truelove stated the BOCA Code deals mostly with electrical, plumbing, etc.; and if certain standards are not met, the Township can cite the property owner. He stated the BOCA Code is a National Code. He stated the Property Maintenance Code deals more with the exterior of the structure which can be seen from the street. Mr. Truelove stated the BOCA review meets periodically and is akin to the Zoning Hearing Board in that it is an established Board that will hear Appeals of those issues. Ms. Heinz stated it is good that this Board is already in place should the Township decide to do something further. Mr. Truelove stated they also have the right to go to the District Justice Court in Morrisville.

Mr. Truelove stated that Mr. Habgood has been very helpful in this regard taking a series of photographs over time of problems at certain properties, and these can be presented as evidence.

Mr. Smith asked Ms. Heinz to discuss the frustrations the Historic Commission has had with some of the historic properties in terms of “demolition by neglect.” Ms. Heinz stated the current group of landlords in Edgewood Village are not very responsive, and most of the houses in Edgewood Village are not occupied and are suffering from neglect. She stated she feels this is when the Municipality needs to step in. She feels these properties are being left vacant on purpose to demolish. She noted the Scammel’s Corner property, not located in Edgewood Village, which is owned by a developer in New York. She stated the owner is allowing the property to decay to the point where it will be very difficult to bring back. She stated if the house is gone, he will not have to deal with the Historic Commission or other Ordinances; and it will then be easier for him to come in and develop the property. She noted some other instances where developers purchased houses and let them go to the point where they were impossible to save or some demolished them outright. She stated there is nothing on the books that would prevent this from happening in the Township. She stated in the Historic District it is somewhat different because those properties are on the National Register, and they need to maintain that in order to get funding from the State. Ms. Heinz stated there is an inventory of the historic properties before 1900, and they could put them in an Overlay District that would identify the historic houses and put them in a different Zoning Class that some of these proposed Ordinances could apply.

Ms. Heinz stated she feels the Township is currently doing a great job. She stated if they would enforce the BOCA Codes with the Commercial property owners as hard as they do to the private property owners, she does not feel they would need to discuss this problem. She stated recently two of the structures in Edgewood Village were sold at tax sale, and they need to follow up with the new owners immediately that they are in violation and they should come in and meet with the Historic Commission to see what can be done. She asked that the Board direct the Township Manager and staff to move forward on this.

Mr. Innis asked about agricultural properties such as barns which are privately owned where the roof is falling in. Mr. Truelove stated he has not looked at the Property Maintenance Code to see how it would apply in that circumstance, but he feels it focuses primarily on residences. He agreed to look into this further.

Ms. Heinz stated the problem is that if they enact a “Demolition by Neglect” Ordinance and label a house as neglected to the point where it is unstable, this would be giving the property owner the right to say that it should be demolished; and this is counter to what they want to see done as they want these properties to be preserved.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, stated she feels there are many Municipalities in Pennsylvania that have some version of a “Demolition by Neglect” Ordinance. She stated she feels the historical issue is the more pressing as opposed to the non-historical properties. Ms. Torbert stated she read Supervisors’ Minutes from three years ago when several Board members had indicated they needed to “put some teeth in the Ordinances,” but they never do. She stated East Brandywine Township has very far-sighted Ordinances that have enforcement mechanisms and incentives in them to encourage that properties be preserved. She stated she is concerned that if some of the Township historic properties are sold to private owners, there is nothing in the Ordinances currently that would prevent the properties from falling into worse shape than they are now.

Mr. Smith stated the Elm Lowne Committee prepared a proposed draft for the sale of the property in terms of what would be required in terms of protections. Ms. Torbert stated this is a different issue, and she was questioning whether there was anything in the Township Ordinances or enforcement mechanisms that would prevent these properties from deteriorating. Ms. Torbert stated she feels they are inviting more litigation if they have weak Ordinances. She feels if you have a strong Ordinance in place, the Courts in Pennsylvania give a lot of deference to this.

Mr. Smith stated they are directing the Township solicitor to look at what the Township has now, and he will advise them if they need anything additional. He stated they may only have to enforce the laws they already have on the books. Ms. Torbert asked that the solicitor also consult with other Townships such as East Brandywine to learn their experiences and what they have found effective, and Mr. Smith stated he agrees that this would be reasonable.

Ms. Torbert stated she feels the Ordinances may need to be improved with regard to the role of the Historic Commission. She stated she feels they could also have tools in place that would withhold Building Permits from developers who are letting historic properties become demolished by neglect. She stated other Townships in Pennsylvania are doing this currently. She stated she feels the role of the Historic Commission and the HARB need to be strengthened just as the EAC was strengthened several years ago. She stated this is necessary because the Township has 11,000 households and too few employees for the amount of work that is piled upon them, and they need assistance in this area if the Township is serious about preserving its historical heritage. She added she feels the Township will be able to save money the stronger the Ordinances are.

Mr. Smith asked that this matter be put back on the Agenda for November or December.

Mr. Zachary Rubin, 1661 Covington Road, stated there are Township properties that have been demolished by neglect. He stated Tomlinson House, Elm Lowne, and Satterthwaite House were Township properties where this happened. He stated the Township sold the Tomlinson House, Elm Lowne is up for sale, and the Satterthwaite House will be up for sale in the near future. He feels there was short-sightedness on the part of the Supervisors in the last years to preserve these properties at no expense to the Township taxpayers. He stated for the last few years, there was an Ordinance on the books called the Responsible Contractor's Ordinance; and in it there was a clause about contractors with the Township being required to have a Class A Apprentice Program. Mr. Rubin stated while that was on the books it did not cost the Township any money on the Contracts that were bid out through that process. He stated last January when there was a proposal to remove this Section, there were representatives from the Building and Trade Association Unions who advised the Board that if they kept in the clause, they promised that would build, at their expense, athletic fields and other properties with their Union members. Mr. Rubin stated if the Township still had that Ordinance, he feels they would have come into the Satterthwaite House and other properties and refurbished them at their expense. He stated since they do not now have this Ordinance, he feels it was short-sightedness by the Board of Supervisors.

Mr. Koopersmith asked the cost to the Township to fix up these properties once they decide to get involved in the process. Mr. Smith stated it would depend on the property and the amount of opposition they have. Mr. Koopersmith asked if the Township would take title to the building, demolish it, or put it out to contract; and Mr. Smith again stated it would depend on the property. Mr. Koopersmith stated he feels they need a strong Ordinance to be used at the Board's discretion combined with the Commonwealth Statute. He stated if the cost is reasonable, he feels they should take title to the property, refurbish it, put it on the market, and put the general revenue into the treasury of the Township.

Mr. Smith stated they will continue to look into this matter.

#### AWARD BIDS FOR USED TOWNSHIP VEHICLES

Mr. Fedorchak stated he recommends that the Board award the purchase of the used vehicles in accordance with Mr. Hoffmeister's recommendation with the exception of the 1995 Ford Explorer as he would like to discuss that vehicle further with Mr. Hoffmeister.

Mr. McLaughlin moved, Mr. Maloney seconded and it was unanimously carried to award the bids for used Township vehicles as recommended by the Public Works Director except for the 1995 Ford Explorer.

## AWARD CONTRACT FOR BLACK ROCK ROAD PEDESTRIAN TRAIL PROJECT

Mr. Fedorchak stated the Township received a \$170,000 Grant from the Delaware River Joint Toll Bridge Commission to construct the Black Rock Road pedestrian trail. He stated they received three bids which were opened on August 18 with the low bidder being S & H Landscaping in the amount of \$106,307. He stated the engineers have thoroughly checked the Bid from S & H and found it to be in order.

Mr. Stainthorpe moved and Mr. McLaughlin seconded to award the contract for Black Rock Road Pedestrian Trail project to S & H Landscaping in the amount of \$106,307 contingent on securing all necessary easements.

Mr. Stainthorpe stated they need to spend the Grant money by the end of the year, and he asked what is involved in securing the easements. Mr. Fedorchak stated he has been working on this for the last two weeks. He stated he has approached the three property owners involved – one the Pennsylvania American Water Company and the owners of two residences in the Westover Court area. He stated there have been two on-sight meetings with the owners, himself, Mr. Majewski, and representatives of TPD, the design engineers for the project. He stated they are making progress although there is a certain amount of concern on the part of property owners when they have to give an easement on a permanent basis. He stated he is cautiously optimistic that they will be able to work through all concerns. He stated there is the possibility that this will not happen; and if they do not secure the easements, they cannot proceed with the project. He stated the homeowners are aware of this. Mr. Stainthorpe asked if there is cash compensation involved; and Mr. Fedorchak stated this is not the primary concern of the property owners, and they have indicated their concern with how the pedestrian trail will effect the aesthetics of the property and how they can adjust for this. Mr. Fedorchak stated they are attempting to add more landscaping, provide a buffer between the trail and the front yards, etc. He stated there could also be a monetary compensation for the easement, and at this point they are asking that \$1 be considered. He stated this was not the property owners' major concern.

Mr. McLaughlin asked what would happen if they did not meet the time deadline, and Mr. Fedorchak stated they would go back to the Delaware River Joint Toll Bridge Commission and ask for an extension. He stated if they have made significant progress, he feels it is highly likely that they will grant this.

Motion carried unanimously.

#### APPOINTMENTS

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to appoint Joseph Ader to the Electronic Media Advisory Council and to re-appoint Ken Martin to the Citizens Budget Commission.

#### SUPERVISORS REPORTS

Mr. Caiola stated the Citizens Traffic Commission will hold an event on October 23 at William Penn, and they will not need Township funds for this as there are a number of organizations helping them. He stated the Veteran's Committee will hold a concert on September 19. He stated there is also a group of people from the Special Events Committee who will be putting together the Parade for November 7, and Mr. Caiola stated he is in the process of securing funding for this. He stated it will be scaled back, but they will try to do as much as possible with private donations. Mr. Caiola stated the Bucks County Society for the Performing Arts will hold an event on September 16 at Crossings Vineyard where there will also be a silent auction.

#### OTHER BUSINESS

Ms. Bobby Moore, Yardley Business Association, was present and stated Yardley Harvest Day will be September 25 from 10 to 5. She stated in their Business Association they have a number of Lower Makefield businesses as members so they will be sending representatives from their Association to the Supervisors meetings.

There being no further business, Mr. McLaughlin moved, Mr. Stainthorpe seconded and it was unanimously carried to adjourn the meeting at 9:25 p.m.

Respectfully Submitted,

Matt Maloney, Secretary