

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – SEPTEMBER 15, 2010

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on September 15, 2010. Chairman Smith called the meeting to order at 7:30 p.m. Mr. Caiola 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

Ms. Doreen Kaplan was present from the Special Events Committee and stated because of the Budget constraints, there was no money allocated for any special events this year; however, they would like to have a Veteran's Parade. She stated they are planning this for Sunday, November 8. She stated they will have Scouts and Veterans participating. She stated they are asking for financial support from the community. She stated Greg Caiola, their Supervisor liaison, has been able to secure some funds, but they still need additional funds. Mr. Caiola stated if anyone wishes to send in a check, they should write on the check that it is for the Veteran's Day Parade.

Mr. John Zack, 10 Morningside Drive, stated he is a member of the Senior Citizens Center Committee. He thanked the Board for allowing them to have the flea market and auction they are proposing for Saturday, October 2 at the Township Building. He also thanked the business community for donating items/gift certificates for their auction. Mr. Zack stated the Senior Citizens group is helping the Troops and also has a number of upcoming trips. Mr. Smith stated he understands that they are working with the Citizens Budget Committee to come up with a business plan to hopefully have a Township Senior Center one day.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, asked for an update on the recent decision on the Dalgewicz matter and the status of the Aria Appeal. Mr. Smith stated with regard to the Dalgewicz matter, a decision came down from the Commonwealth Court; and there is a limited amount of time within which the Township can make an Appeal. Mr. Maloney stated the Dalgewicz matter refers to the property which is now the Makefield Highlands Golf Course. Mr. Smith stated the Board will vote on this matter later this evening as it was discussed in Executive Session prior to the meeting. With regard to the Aria matter, Mr. Truelove stated there is a Rule 27 Conference on Tuesday which is the first step at the Common Pleas level scheduling briefing times, etc. He stated given the complexity of the case and the Record that was developed, he feels the briefing schedule will be extended compared to some other Zoning cases; and he predicts that briefs will probably be due sometime in November with argument after that.

Mr. Mark Cherepko, 32 Maplevale Drive, stated the deer hunt will start this Saturday on the Taylorsville Road tract of land owned by the Township. He stated they received a letter about this on August 31 indicating the hunt would be taking place; and on September 1, he made comments at the Board of Supervisors meeting about his personal concerns regarding a miscommunication with a hunter on his property. He also had concerns and questions about the letter in general. He stated at that meeting he had been asked about input from his neighbors; and since that time his neighbors have had time to offer their input and many of them voiced concern with safety. He stated they are concerned that the hunt will take place next to a residential neighborhood. He asked that the hunt be limited to the northern tract of I-95 away from the neighborhood. He asked that the Manager and the Board consider this as soon as possible since the hunt is scheduled for Saturday. He stated he did get one email indicating that the Township was going to look into this, but they did not get any concrete information back. He stated he has this evening a petition signed by 32 of the residents about their concerns. Mr. Cherepko stated they are concerned about the safety of the hunt, strangers parking in front of their homes, the length of time the hunt will take place on a single piece of property, injured deer coming onto their properties, and how the deer will be removed. Mr. Cherepko asked how far away the hunters will be from the neighboring properties. Mr. Cherepko stated the property was posted indicating that the hunt will take place from September 18 to November 6 which, while shorter than previously indicated, he feels is still too long. Mr. Cherepko stated there is still no resting time, and this will impact the weekends on this small parcel of land. He stated the posting also indicates that the hunting will occur from dusk to dawn but the letter they received indicated that the hunt will take place from dawn to dusk. He stated if the hunting is going to take place from dusk to dawn, he does not feel this could be an archery hunt since hunters cannot hunt at night, so they feel they will be using sharpshooters.

Mr. Stainthorpe stated there will not be any sharp shooting.

Mr. Maloney stated this is not a new issue, and there was Township-wide discussion on this for over two years. Mr. Cherepko stated he did talk to residents who had been present at meetings when this was discussed back to 2007; and the discussions were about large tracts of land, and no one felt they would be on such small parcels of land adjacent to residences.

Mr. Cherepko read into the Record the petition which he presented to the Board this evening asking that the hunt be limited to the northern part of the tract away from the residences.

Mrs. Cherepko stated safety and the time period this will take place are their primary concern. She stated there are a number of people who use that area for recreation. She stated they are concerned with strangers coming into their neighborhood. She stated the Board represents the residents, and this is why they voted them in. She stated the residents are not happy, and they were only told two weeks beforehand. She asked if studies have been done to indicate how many deer are on this small tract of land and the ecology of the area. She stated this evidence is not on the Website for this tract.

Mr. Smith stated the discussion about deer management has been going on for several years, and finally action was taken on this about one and a half years ago. He reviewed the history of the deer management program discussions and decisions. He stated last year there were similar concerns expressed by the residents adjacent to the Five Mile Woods, and there were no accidents last year. He stated when Mr. Cherepko came before the Board of Supervisors at their last meeting with his concerns, Mr. Fedorchak immediately called in members of BOWMA to discuss this matter. Mr. Smith stated the Supervisors were surprised to hear about the length of the season for the neighborhood, and modifications were made in that regard. Mr. Smith stated they must consider if this neighborhood is any different from other tracts where a hunt is planned. Mr. Smith stated they were advised that in their neighborhood, as well as some others, there were illegal tree stands that were not set up by BOWMA but by people who come into those areas and hunt anyway even if they are not authorized to do so. Mr. Smith asked for clarification on when during the day the hunt will take place since there is conflicting information on this.

Mr. Stainthorpe stated this was not an easy decision for the Board, and this is why it took them three years to reach a decision. He stated this must also be framed in the context of the safety and welfare of the people throughout the Township since there are an inordinate amount of car/deer accidents, and the deer spread Lyme disease. He stated for a number of reasons, he became convinced that a deer hunt was necessary. He stated areas they hunt are chosen by where they think the deer are. He stated last year was a limited hunt. He stated there are homes that border the Five Mile Woods so the concerns of Mr. Cherepko are not unique as many of those residents had the same concerns.

Mr. Stainthorpe stated BOWMA requires every hunter to be trained and certified, and the hunts are carefully and tightly managed. He stated the Township is very concerned about safety, but they are committed to solving the deer population problem. He stated they do want to work with neighborhoods; but the only way they are going to solve this problem, is to hunt in as many places as it is safe and possible to do so.

Mrs. Cherepko asked where the research is to indicate that they have an abundant deer problem on that tract since the neighbors live there and have not seen anything.

Mr. Fedorchak stated safety is their number one concern. He stated they strictly follow all Pennsylvania Game Commission regulations. He stated the basic requirement is that there is a 50 yard safety zone from an occupied dwelling to the location where you are going to hunt, and they plan to double this and establish a 100 yard safety zone. He stated the site under discussion is fourteen acres, and there are several sites where hunting is scheduled which are less than fourteen acres. He stated the hunt will take place from dawn to dusk during daylight hours, and there will be no nighttime hunting. He stated there will not be hunting on Sunday. Mr. Fedorchak stated access to this site will only be through either Taylorsville Road or from private property if the owner gives permission.

Mr. Cherepko asked if this information will be conveyed in another format prior to Saturday; and Mr. Fedorchak stated as they come to an understanding this evening, he could send out another letter to the residents in the neighborhood. Mr. Cherepko stated he is still not comfortable with this even if the distance is 100 yards.

Mr. Fedorchak stated there are fourteen acres on the south side of I-95, and ten acres on the north side. Mr. Smith asked if the hunt were restricted to the north side, would this be workable. Mr. Maloney stated he feels the issue they face is that anytime they introduce a hunt in the community on any parcel, regardless of the size, they take a risk; but it is no bigger on one parcel than another. He stated regardless of the size of the entire tract, if a deer is 100 feet from the property border, it is just as dangerous. He stated Five Mile Woods is bordered by sixty to seventy homes; and the deer could be on the edge since they are transient creatures. He stated after the trial program last year, they were told that they were not hunting on enough parcels to make sure that they were taking enough deer to be effective. He stated he is concerned that if they make an exception for one neighborhood, it sets a dangerous precedent; and he feels it is more important to make each site as secure as possible. Mr. Cherepko stated he disagrees with a blanket policy, as he feels every situation is unique. Mr. Maloney stated there are parcels that abut Schools as well, and they are trying to take all the right precautions to guarantee safety.

Mr. Fedorchak stated they are not going to have four to five hunters on the fourteen acre site, and there will be no more than two hunters at this location. He stated they will be operating out of fixed locations – tree stands, and they will be shooting down into the ground.

Mr. McLaughlin asked the total number of locations; and Mr. Fedorchak stated there are about one dozen. Mr. McLaughlin asked how many of those locations abut houses, and Mr. Fedorchak stated virtually every single one. Mr. McLaughlin stated they understand the concerns being expressed, but the Board must recognize that if they relieve Mr. Cherepko's concern, they would have to relieve everyone of their concern if they come even close to one of these parcels. Mr. McLaughlin stated a high percentage of the accidents in the Township are deer related. He stated the Board must consider the welfare of the 35,000 people who drive in the Township as well.

Mrs. Cherepko advised the Board that this will be remembered in their neighborhood and the other neighborhoods. She asked if they are going to do this every year. She again asked for data and how they chose the different locations. She stated the communication also needs to be clear to all residents of Lower Makefield since her neighbors were not aware of this, and they felt it was just done in a Park. She stated the Website also needs to be updated, and they should include the research.

Mr. Caiola stated the Board reassesses this every year. He stated they have listened to their concerns and have adjusted the safety zone and limited the time of the hunt. He stated that although they were not satisfied last year with the number of deer taken, the hunt was very successful as far as safety was concerned adding that the hunt was conducted in areas adjacent to homes. He stated they did significant research about the safety of hunts before they made a decision to proceed, and they will be diligent this year as well.

Mr. Dave Kimball, President of BOWMA was present with their Treasurer, Lee Milas. Mr. Kimball was asked what they propose for this specific area under discussion this evening as well as throughout the Township in terms of safety. Mr. Kimball reviewed the screening process which includes a bow hunter's certification course as well as the general hunter education process both of which comprise thirty hours. He stated they must also take a proficiency test administered by BOWMA, and they must pass with a minimum score. He stated this does not guarantee that they will be selected for the program as they only select the best. Mr. Smith stated they know that there are unauthorized hunters on numerous properties in the Township, and he asked how they distinguish a BOWMA hunter. Mr. Kimball stated everyone who hunts for BOWMA will be carrying an ID badge with their picture, and their vehicle will have a card in the dashboard with their hunter number. He stated they will not do anything unsafe or unethical. Mr. Smith asked how many safety incidents they had last year, and Mr. Kimball stated they had zero safety incidents. Mr. Smith asked how they will hunt the area in Maplevale. Mr. Kimball stated they had Mr. Fedorchak's permission to scout the area ahead of time to look for evidence that deer are using that area. He stated there was evidence that this area under discussion was heavily traveled by deer. He stated there were deer trails in the area as well as deer droppings and a browse line. He stated there were also two illegal tree stands in the area which were removed by the Township.

Mr. Kimball stated this year they will put one hunter in that location, hunting from an elevated location, shooting with downward trajectory. He stated their hunters are told to shoot from a capable range which for most archers is 30 yards or less; and in a tract that is as heavily forested as this location is, there would have to be a very close shot. He stated they have access through a property on Taylorsville Road, and no one will be parking in the neighborhood.

Mr. Milas stated they have worked with the Board of Supervisors, and public safety and the welfare of the community is their number one concern. He stated he is a member of the community, and this is his concern as well. He stated they have two to three pages of rules and regulations which they review at their meetings two to three times before people go out and hunt. He stated they hold everyone to the highest standard; and if you make one mistake, you are out of the program. He stated the people they have are very good and most are residents of the Township as well.

Mr. Harold Koopersmith, 612 B Wren Song Road, stated the Board of Supervisors makes their decisions after reviewing the issues; and they stand by their decisions. He stated he does not feel people should try to intimidate the Board of Supervisors by making idle threats.

Mr. Robert Innis, Rose Hollow, stated he has lived in the Township for thirty-five years, and was recently appointed to the Historic Commission. He stated he is a long-time member of the Lower Makefield Historical Society. He stated his home is across from the Giant Shopping Center and the traffic on Stony Hill Road is unbelievable at times. He stated if the Zoning changes for Edgewood Village are approved, it will mean more people living in that area, and there will be more traffic on Stony Hill Road. He stated they are also going to put in a bank with a drive-in-window; and this will make driving up Stony Hill Road even worse. He asked that the Board of Supervisors consider all the possibilities with all the changes in that part of Edgewood Village and possibly some of these changes could be scaled back dramatically. Mr. Innis stated he is also a Navy Veteran but feels Veterans Park should be left the way it is currently. He stated if they put a huge monument and a big flag in that area, it will take up a huge amount of space. He stated there are a number of other Veteran monuments in the area that are only a few miles away. He stated there is also the 9-11 Memorial where Veterans are also involved. He stated he does not feel another monument is necessary.

Ms. Michelle James, Maplevale Drive, suggested that the Board change the time frame for the hunt to Monday through Friday from 10:00 a.m. to 2 p.m. when the children are in school. She stated she has lived in the Township for twenty-two years, and she has hit three deer; but it did not occur near her home. She stated she is very concerned about her children who hike in the woods, and she feels the trails they are seeing are trails from the neighbors and not the deer and that they saw tree houses in the woods and not deer stands. She stated she does not want to be concerned with people looking in her back

window. She stated she is concerned if she puts her house up for sale that she will have to inform potential buyers that they have hunting in the area. She stated last year's hunt was a complete disaster, no deer were taken, and it was a waste of money.

Ms. James also stated that every morning between 7 a.m. and 9:30 a.m., they have continuous people coming from Woodside and Upper Makefield to make u-turns in their neighborhood. She stated she has posted a large sign on Taylorsville Road stating "No U-Turns." She stated this is a bus stop, and cars are making u-turns in the center of their neighborhood. She stated she was almost been broadsided, and there are traffic jams in their small community from all the cars making u-turns. She stated she has made complaints to the Police Department and was advised that there is nothing that can be done because it is not illegal. She stated she has parked her car on the street in the morning so that the cars cannot make u-turns. She stated they are making these turns at the bus stop on the corner of Maplevale and Meadow Drive. She stated there are approximately forty children in their neighborhood. Chief Coluzzi stated he will look into this further.

Chief Coluzzi asked if they have experienced more of this in the last few weeks since the Washington Crossing Bridge has been closed, and Ms. James stated the traffic is non-stop and they posted two signs in the area. Chief Coluzzi stated the Washington Crossing Bridge is out, but is scheduled to re-open on September 26 and hopefully this will relieve some of the traffic. He stated in the meantime, he will have another Officer come out. Ms. James stated at least forty cars in the hour and half time frame make u-turns in her neighborhood. Chief Coluzzi asked if they are making u-turns or are they cutting through to get to Taylorsville Road. Ms. James stated they are going through and are not stopping in the middle of the street making a u-turn. Chief Coluzzi stated the Officer was telling her that assuming the car is not speeding, they are not doing anything illegal. Ms. James stated they are a complete U and it would be much safer if they went all the way around. Mr. Smith asked if the Citizens Traffic Commission is aware of this situation; and Ms. Torbert stated this problem specifically has not been brought to them, but she feels it is related to the Dolington/Taylorsville intersection. Ms. James stated she does not feel this is the case. She stated they are coming from the Woodside area making a left into Maplevale and making a complete u-turn to go to the Scudders Falls Bridge. Ms. Torbert stated currently both the Calhoun Street Bridge and the Washington Crossing Bridge are closed, and the preferred detour route is the Scudders Falls Bridge so this problem is exacerbated now; and hopefully by September 26 when both Bridges will open, the problem will be less. Mr. Smith asked that the Citizens Traffic Commission look into this matter. Mr. Maloney stated the ultimate solution will be when the Scudders Falls Bridge is bigger, but this will not be resolved for five years; and they need to address this sooner.

Ms. Torbert asked that the Board contact the Bridge Commission since she feels it is very dangerous merging on to the Bridge with only a faded yield sign. Mr. Smith stated they will address this tomorrow.

APPROVAL OF SEPTEMBER 1, 2010 MINUTES

Mr. Caiola moved, Mr. McLaughlin seconded and it was unanimously carried to approve the Minutes of September 1, 2010 as written.

APPROVAL OF SEPTEMBER 7, 2010 WARRANT LIST AND AUGUST, 2010 PAYROLL

Mr. McLaughlin moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the September 7, 2010 Warrant List and August, 2010 Payroll as attached to the Minutes.

APPROVE ORDINANCE NO. 385 AUTHORIZING A BOND ISSUE IN THE AMOUNT OF \$5.6 MILLION TO REFINANCE THE 2003 GENERAL OBLIGATION BOND.

Mr. Gordon Walker, financial advisor, was present with Mr. Bucky Closser, Township solicitor. Mr. Walker stated they have presented the Final Financing Report. He stated the first two pages show the rating from Moody's, and the Aa1 rating has been reaffirmed. He stated the Township is among the elite in terms of ratings in Pennsylvania. He stated four firms bid on the issue, with the winner being Boenning & Scattergood with a true interest cost of 1.69%. He stated they had estimated in August that it would be slightly over 2%. Mr. Walker noted Page 5 showing the existing '03 Bonds which will be refunded with interest rates ranging from 3.35% to 4.45%. Mr. Walker noted Page 6 which indicates that they are callable on 12/1/10, and this is why this deal is economically prudent. He stated they could not legally have done this deal earlier when they did the prior refundings. Mr. Walker noted the size of the issue shown on Page 7 which was resized from \$5, 835,000 based on the winning bid, and it is now \$5.6 million because Boenning is willing to pay the Township additional funds of \$217,000 which is the original issue premium. He stated this is because the rate of interest is higher, but the yields are very low so when the rate of interest is high, they pay the Township a premium. He stated the issue size of \$5.6 million is reflected in Ordinance No. 385. Mr. Walker stated the savings to the Township are shown on Page 8. He stated the Board at their August meeting decided to take the realized savings from 2013 to the end of the issue at 2018, and there will be a total dollar savings after expenses of \$474,000 which in present value dollars is equal to \$435,000. He stated these numbers are one third greater

than what they presented in August because the interest rates continued to decline, and this is also reflective of the Township's fine credit rating. Mr. Walker stated the average reduction in debt service for the six years from 2013 to 2018 is \$78,000. Mr. Walker stated if the Board approves the Ordinance this evening, they will close the transaction on October 20, 2010.

Mr. Closser stated he has provided the finalized Ordinance which authorizes the refinancing as Mr. Walker has described, accepts the winning bid, and authorizes them to proceed with filing with the State for approval of the Bond issue. They will then proceed to closing.

Mr. Stainthorpe moved and Mr. Maloney seconded to approve Ordinance No. 385.

Mr. Maloney stated he understands that they purchased this at a premium lowering the yield, and Mr. Walker agreed. Mr. Walker also noted the couponing on Page 8 with the rate of interest on the Bond shown in column 3. He stated because some of the rates are quite high at 3% to 4%, they are willing to pay the Township premiums. He stated what the Township is really concerned about is the yield column to the right in column 4 which is the Township's true cost of money. He stated these yields range from .4% out to a highest yield of 2.25%. Mr. Maloney asked about the additional \$217,000 and asked if they are receiving this in the form of further reduced debt payment, and Mr. Walker stated the Township will be getting this money at closing which reduces the amount that the Township has to borrow.

Motion carried unanimously.

APPROVE ADVERTISEMENT OF ORDINANCE RE-ENACTING LOCAL SERVICES TAX FOR THE YEAR 2011

Mr. Truelove stated late last year the Township enacted a Local Services Tax, and this year they are doing it in a way that will make it a permanent Ordinance assuming the Board wishes to do this. He stated this is a common practice across the Commonwealth for Municipalities to enact Local Service Taxes to help fund Police and Fire protection paid for by an assessment on employees who work in the Township.

Mr. Caiola moved and Mr. McLaughlin seconded to approve advertisement of the Ordinance. Motion carried with Mr. Smith opposed.

APPROVE HOMEOWNER'S REQUEST FOR EXTINGUISHMENT OF AN EASEMENT AT 16 HOUSTON ROAD

Mr. Majewski stated the property owner has requested that an existing storm drainage easement be vacated by the Township. Mr. Majewski stated several years ago the Township installed a storm drainage system within the neighborhood, and the easement is no longer needed to serve any public purpose. He stated if the easement is extinguished, he would suggest that the homeowner bear the cost of the extinguishment.

Mr. Stainthorpe moved and Mr. Caiola seconded to approve the extinguishment of the easement at 16 Houston Road with the property owner to bear the cost of the extinguishment.

Mr. Stainthorpe asked the costs, and Mr. Truelove stated he could not provide exact costs but it would be similar to establishing an easement which is to make sure the survey is correct and take the proper steps with the Recorder of Deeds. He does not feel the costs would be onerous.

Mr. Majewski stated the property owner is present this evening and a letter from the property owner had been included in the Board's packet.

Motion carried unanimously.

MOTION ON DALGEWICZ MATTER

Mr. Truelove stated the Jury trial occurred in 2008 which they felt was adverse to what they felt the appropriate law was at the time. He stated evidence was also submitted with respect to an offer that was never reduced to an Agreement of Sale after the initial taking which they also felt was an evidentiary mistake. He stated those issues and others were taken up to the Commonwealth Court and argument was held after extensive briefing. The opinion came down adverse to the Township within the last two to three weeks. He stated this was not surprising because the Commonwealth Court frequently affirms trial court decisions. He stated the Board must now consider if they wish to file the next step which would be a Petition for consideration of an Appeal with the Supreme Court of Pennsylvania. He stated this must be done within 30 days of the Commonwealth Court decision, and they need to make a decision on this tonight. He stated if they decide to proceed, the Supreme Court would take some time to make a determination if they are going to consider these issues, and he would estimate that it could take two to three months before they would consider this. Mr. Truelove stated in the meantime, the Township could still engage in discussions with the Dalgewicz family and their counsel with respect to any possible resolution which they have been attempting to do all throughout the process.

Mr. Stainthorpe moved and Mr. Caiola seconded to petition the Supreme Court for an Appeal. Motion carried with Mr. Smith opposed.

Mr. Truelove stated this evening in Executive Session which commenced at 6:30 p.m. they discussed matters of litigation and real estate.

AWARD BID FOR PAINTING COMMUNITY POOLS

Mr. Majewski stated they received four bids for painting the Community Pools. He reviewed the work to be done. Mr. McLaughlin asked if this was a Budgeted project, and Mr. Fedorchak stated it was.

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to award the bid for painting the Community Pools to J.P. Smith Contractors in the amount of \$44,970.

APPROVE RESCHEDULING THE DECEMBER 1 BOARD OF SUPERVISORS MEETING DUE TO HANUKKAH

Mr. Stainthorpe stated he does not feel they should cancel the meeting because they may need the meeting for public discussion of the Budget. It was agreed to reschedule the meeting to Tuesday, November 30.

Mr. McLaughlin moved, Mr. Caiola seconded and it was unanimously carried to reschedule the meeting to Tuesday, November 30, 2010.

DISCUSSION OF DELIVERIES OF UNSOLICITED NEWSPAPERS

Mr. Truelove stated he sent a draft Ordinance to the Board for consideration based on prior discussions from a resident about the problem with unsolicited newspapers. Mr. Caiola asked if there are other communities that have such an Ordinance. Mr. Caiola stated he felt they were going to have communication with the organizations that were doing this to get clarification on their opt-out program rather than have an Ordinance. Mr. Stainthorpe stated they discussed at a prior meeting having the Township solicitor send out a stern letter indicating they had to strengthen their opt-out provisions. Mr. Truelove stated he could do this. Mr. Stainthorpe stated this matter was raised by a resident a few months ago, and he feels this is getting into an area where Government overreaches with their authority. He stated these newspapers are delivered throughout the Township, and they have not heard from people who might actually like to get them.

He stated this is a way for newspapers, which are having a difficult time, to boost their circulation and ad revenue. He stated he does not feel the Township needs to get involved in this matter, and he does not feel they need an Ordinance banning these; and each homeowner can take personal responsibility and put the paper in the trash. He stated the Ordinance as drafted is setting up a licensing procedure, etc. Mr. Truelove added they can only regulate, and they cannot prohibit. Mr. Truelove stated he will look into the different papers being distributed in the Township, write to them, and report back to the Board at their next meeting.

Mr. Maloney stated he does not feel it is overreaching to have the solicitor write a letter. He stated an individual does have the right to ask another party not to litter on their property. He stated if the other party ignores this, he does feel it would be the purpose for government to intervene.

Mr. Smith stated he is concerned about enacting an Ordinance that may not be Constitutional. He stated he has no problem with the Township sending them a letter about having a strong opt-out program.

Mr. Caiola stated he feels they need to take the first step and advise these organizations that they want things handled differently in Lower Makefield, and they need to give people an option to not take their product.

Mr. Stainthorpe stated he feels the letter should be sent to the publisher and not just the Circulation Department.

APPROVAL OF PRELIMINARY/FINAL PLAN FOR ZUBAIDA FOUNDATION

Mr. Tom Hecker, attorney, was present with Mr. Heath Dumak, engineer, and Mr. Mohamed Hussain, from the Zubaida Foundation. Mr. Truelove stated this is a proposed addition to a facility across from Charles Boehm Middle School on Big Oak Road. Mr. Truelove stated he and Mr. Hecker have exchanged comments along with Mr. Majewski for a draft approval letter.

Mr. Hecker stated the property has a long history in the Township of being used for religious purposes. The property is approximately 4 ³/₄ acres and is Zoned R-2. He stated in 2006, the property was purchased by the Zubaida Foundation for continuation of the religious use and has been used since that time for that purpose. He stated the existing building has limitations with regard to the activities that are performed at the building. He stated the building consists primarily of a large meeting room used for prayer services, eating, office use, and education. He stated the purpose of the expansion is to be able to separate those activities into different rooms which will be constructed so that

they will be able to segregate the prayer services from the educational activities; and there will be a kitchen and a eating area separate from the prayer room itself. He stated they have gone through extensive reviews and feel they are in a position tonight to request a favorable consideration.

Mr. Dumak stated the site is 4.75 acres. He stated they have attempted to keep all the improvements to the site in the existing non-wooded area; and the majority of the woods is not being disturbed and will be put in a Conservation Easement. He stated they are proposing two storm systems as well as numerous BMPs that they have worked out with the Township engineer. He stated the upper basin will be naturalized with a discharge to a lower sub-surface basin which will be a timed release into the Big Oak Road storm sewer system. Mr. Hecker stated they will also provide additional parking to accommodate the expansion. Mr. Dumak stated the site will accommodate eighty parking spaces. He stated there are two existing driveways on Big Oak Road, and what they are proposing is to make it one way in and one way out traffic flow to service the two buildings that are currently on the site. There will be no need, based on discussions with PennDOT, to widen Big Oak Road or create a turning lane in order to access the site. The expansion is approximately 6,600 square feet with the majority being the second floor. There is only a nominal increase to the footprint.

Mr. Stainthorpe moved and Mr. Caiola seconded to approve the Preliminary/Final Plans for Tax Map Parcel #20-041-002 subject to the following:

- 1) The Applicant shall comply with Lower Makefield Township SALDO and 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 including but not limited to PADEP, PennDOT, and the Bucks County Conservation District;
- 3) Compliance with the Remington & Vernick review letter authored by James Majewski dated 7/26/10;
- 4) Compliance with Lower Makefield Township Planning Commission Review Memorandum and attachments dated 8/24/10;
- 5) Compliance with specific notation in the Lower Makefield Township Planning Commission Review Memorandum dated 8/24/10 that the Applicant and Developer agree to provide wire mesh with proposed split rail fence as noted in the Plan;

- 6) The Applicant and Developer agrees to the establishment of a Declaration of the Conservation Easement subject to review by the Township solicitor;
- 7) Compliance with Remington & Vernick sanitary review letter dated 8/25/10;
- 8) Compliance with the EAC review letter of 8/20/10 to the extent that it is feasible from an engineering perspective after review by the Township engineer especially with respect to stormwater management issues;
- 9) Compliance with Traffic Planning & Design review letter dated 8/13/10;
- 10) Compliance with PennDOT review letter dated 7/21/10;
- 11) Compliance with review letter dated 7/18/10 from James V.C. Yates, Fire Protection Consultant;
- 12) Compliance with Bucks County Conservation District review letter dated 6/22/10 and 6/7/10;
- 13) Compliance with jurisdictional determination from the U.S. Army Corps of Engineers dated 8/9/09;
- 14) Compliance with the Bucks County Planning Commission Memorandum dated 7/29/10;
- 15) The following Waivers are granted:
 - a) SALDO Section 178-20.c9 requires that Plans show existing buildings, driveways, sewer lines, storm drains, culverts, bridges, utility easements, quarries, railroads, and other significant manmade features within 200 feet of and within the site. The Applicant is requesting a partial Waiver, and has proposed an aerial map of the site be provided for the project;
 - b) SALDO Section 178-20.e29 states that pavement core samples be provided for all existing roads abutting the site to be developed. The existing cartway, the abutting portion of Big Oak Road currently includes one lane in each direction and the existing asphalt is in fair condition and there is no proposed additional road widening improvements.

- c) SALDO Section 178-20.g states an Environmental Impact Assessment shall be submitted for all Land Developments. The Applicant is requesting relief from the requirement to provide an EIA.
- d) SALDO Section 178-40.a requires a right-of-way width of 100 to 120 feet for arterial streets and 80 feet for a collector street. The existing 26 foot wide cartway in Big Oak Road currently includes one lane in each direction. The Applicant has not proposed any improvements in the right-of-way.
- e) SALDO Section 178-46a states that to encourage low impact development curbs are discouraged along proposed streets except where required by the Township or deemed necessary for stormwater management, traffic control, pedestrian safety, or to provide roadway stability. There are no curbs proposed along Big Oak Road for this project.
- f) SALDO Section 178-47a states that sidewalks shall be provided on both sides of streets where required by the Township for safety and convenience. There are no sidewalks proposed on Big Oak Road for this project.
- g) SALDO Section 178-57g states a parking lot shall be separated from buildings by minimum distance of 20' or more. The Plans show the east side of the building addition located closer to the parking lot than it was previously.
- h) SALDO Section 178-93d6 states that the maximum slope of the earthen detention basin embankment shall be four horizontal to one vertical. The Plans show a three to one ratio of slope in the naturalized earthen detention basin which will be owned and maintained by the property owner.

- 16) SALDO Section 178-39 requires the Board of Supervisors shall establish the amounts of impact fees payable by the Developer for off-site public transportation capital improvements as authorized under the applicable Impact Fee Ordinance of the Township;
- 17) Stormwater Controls and Best Management Practices Operations and Maintenance Agreement as outlined in Chapter 173-34a of the Township Code shall be signed and recorded for the stormwater management facilities prior to the signing of the mylars;
- 18) Where applicable, the Applicant shall comply with all comments from the appropriate authorities responsible for the approval of the proposed utilities;
- 19) Applicant shall pay all required and appropriate fees associated with this project;
- 20) Parking spaces proposed be permitted to be 9' by 18'.

Mr. Hecker agreed to the Conditions of Approval, and the Motion carried unanimously.

A member of the Zubaida Foundation was present and stated he is a doctor at Lower Bucks Hospital; and on behalf of dozens of physicians who come to the Zubaida Foundation every Friday to pray because of its convenient location to the area hospitals, he thanked the Board for their kindness allowing the project to go ahead.

APPROVAL OF EXTENSIONS FOR JENNINGS TRACT AND FIELDSTONE AT LOWER MAKEFIELD

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

Jennings Tract Preliminary Land Development Plan – 12/30/10
Fieldstone at Lower Makefield No. 496 – 12/31/10

ZONING HEARING BOARD MATTERS

With regard to the Woodway Construction/Schaunn McKamey Variance request for property located at 1209 Candlewick Court to permit construction of an addition resulting in encroachment into the rear yard setback, it was agreed that the Township should participate with respect to questions which may be raised on impervious surface.

With regard to the Harry Shrank Variance request for property at 537 Kings Road to permit construction of a patio resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

MARSHA TERRACE PROPERTY DISCUSSION

Mr. Smith stated there have been a number of calls made to the Township about a property on Marsha Terrace, and Mr. Fedorchak stated there was a fire at that location in August. He stated the Township is aware of the issues involved with this structure, and the Planning & Zoning Department has issued a series of Notice of Violations to the property owner. He stated the property owner is slowly taking the necessary corrective action. He does not feel it is a public safety concern at this time, but they will continue to keep an eye on this.

AUTHORIZE HIRING POLICE OFFICER

Mr. Maloney moved and Mr. Caiola seconded to hire Jason Landis as a Police Officer.

Chief Coluzzi stated he will be replacing an Officer who retired earlier this year. While there is not yet an exact start date, it will be within the next three weeks. Once this hire takes place, the Department will be back up to 38 officers.

Motion carried unanimously.

SUPERVISORS' REPORTS

Mr. McLaughlin stated there will be a meeting with the Citizens Budget Committee Tuesday, and they will be providing deep analysis on the Budget.

Mr. Maloney stated the Golf Committee is still waiting to have a second meeting with the Citizens Budget Committee; and Mr. Joe Menard, Citizens Budget Committee member, stated he will be meeting with Mr. McCloskey prior to the meeting on Tuesday. He stated the Golf Committee was interested in additional detail, and the Citizens Budget

Committee wants to review the entire procedure so that they have a detailed methodology in applying the Government Services Contract.

Mr. Smith stated they are in process of interviewing people for the Citizens Budget Committee, and once everyone has been interviewed, they will fill the vacancy.

Mr. Maloney stated the Park & Rec Board met last night, and there was a presentation from the Township engineer and PAA on the Samost Tract. Mr. Maloney stated the Park & Rec Board recommended a slightly adjusted version of the Plan last seen by the Board of Supervisors, and they will be forwarding their recommendation to the Board which includes an indoor facility to be paid for by PAA. The Park & Rec Board also made a recommendation on revised user fees and special event fees for 2011.

Mr. Caiola stated the Veterans Committee will hold a jazz concert Sunday, September 19 from 1:00 p.m. to 4:00 p.m. at the corner of Edgewood and Heacock Roads. There will be four bands. It is free admission and any donations made will go to the Veterans' Monument. Mr. Caiola stated the Special Events Committee is moving forward with the Veterans Day Parade as was discussed earlier this evening. They are in discussion with Mr. Fedorchak and Chief Coluzzi to see about bringing this event in as inexpensively as possible. He stated if any of the Board members have contacts that may be willing to help support this, it would be appreciated. He stated he has been successful in securing some funding. Mr. McLaughlin asked the estimated cost, and Mr. Fedorchak estimated it to be \$4,000 to \$5,000. Mr. Caiola stated he has been able to raise \$1,500 to date. Mr. McLaughlin asked when they will make a final decision whether or not they are going to have the Parade, and Mr. Fedorchak stated he feels a final decision should be made within the next three weeks. Mr. Caiola stated if they are about \$1,000 short, he will probably ask that the Board consider funding this. Mr. Caiola stated the Bucks County Performing Arts Center will be holding a fundraising event at Crossing Vineyard tomorrow night with music and a silent auction.

Mr. Smith stated the Historic Commission had previously discussed an event to be held on October 10 at Elm Lowne, and he asked that Mr. Fedorchak get clarification from them on this.

There being no further business, Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to adjourn the meeting at 9:35 p.m.

Respectfully Submitted,

Matt Maloney, Secretary

