

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – DECEMBER 7, 2011

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on December 7, 2011. Chairman Caiola called the meeting to order at 7:35 p.m. Mr. Smith called the roll.

Those present:

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

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

PUBLIC COMMENT

Mr. Harold Koopersmith, 612 B Wren Song Road, asked if the Board has assessed the short and medium term needs for capital projects and the amount needed to fund them. He also asked for an update on the Senior Center. He also thanked Mr. Caiola and Mr. Smith for their service. Mr. Fedorchak stated the Community Center/Senior Center Site Selection Committee continues to meet, and they are looking at several sites. Mr. Fedorchak suggested that it may make more sense to have them come back before the new Board in January rather than have them at the last meeting of the year, and this was acceptable to the Board. It was agreed they would come before the Board at their second meeting in January. Mr. Fedorchak stated he is going to recommend that they come in and review all of the sites they looked at and the pros and cons as they saw them, and then give the Board their “short list.”

Mr. Jeff Benedetto, 22 Green Ridge, stated there was an article recently in the Courier Times discussing PECO maintenance; and it included a list of Townships that were included in the general maintenance plan, and Lower Makefield was not included. He stated last night PECO was in Yardley Borough, and there were about six other Townships from the area that were included. He stated he was surprised that Lower Makefield was not on the list in light of some recent situations. Mr. Fedorchak stated he understood that PECO was going to be evaluating the problem areas in Lower Makefield, and he had asked the Regional Manager to come to a Board of Supervisors meeting in the

future to discuss the power outages, and he agreed that he would. Mr. Benedetto stated he understood from the article that this was part of PECO's regular maintenance program. Mr. Fedorchak agreed to contact the Regional Manager tomorrow for more information.

Mr. Benedetto stated last night there was testimony about the property at 1499 Overlook Road regarding the boarding use and request for a Special Exception. Mr. Benedetto stated there was a situation that happened this morning at that property, and the Police were very responsive and made an arrest which the residents very much appreciated. He stated there has been an ongoing problem at this residence. He stated the matter was not resolved at the Zoning Hearing Board and has been continued to January.

Mr. Benedetto stated also at the Zoning Hearing Board meeting there was an Application by Regency at Yardley regarding signage; and Toll Bros. was permitted to have an 81 square foot sign when the Ordinance only permits signs to be 32 square feet. He stated this seemed lenient in allowing this exception, and he feels the Ordinances are in place for a reason. He stated the permitted height according to the Ordinance was 4'6" and the Zoning Hearing Board approved 7'10". Mr. Stainthorpe stated the Board of Supervisors appoints the members of the Zoning Hearing Board, but once they are appointed, the Board of Supervisors has no control over them other than Appealing their Decisions to the Court of Common Pleas. He stated if Mr. Benedetto feels that Ordinances should be looked at and revised, he will have an opportunity to consider this once he is a Supervisor. Mr. Caiola stated the Board of Supervisors does review the Zoning Hearing Board Applications during Executive Session, and they decide whether they want to participate or not so he will have input in this once he is a Supervisor.

Mr. Benedetto stated he understands that there were no bids received for the Satterthwaite House, and Mr. Truelove agreed no bids were received. Mr. Truelove stated he would recommend that the Board let the new Board decide what they want to do in terms of re-bidding or re-evaluating this issue.

Ms. Donna Doan, 2814 Langhorne-Yardley Road, asked for a brief update on the Dalgewicz matter and asked if they expect a verdict any time soon. Mr. Truelove stated there was oral argument on November 29 before the Supreme Court in Harrisburg, but it could take six to eighteen months before a decision is made.

Ms. Doan thanked the members of the community who became involved with the Satterthwaite No-Sale Campaign, and she stated she received a lot of encouragement. She feels there are a lot of good options that they can now explore including working with the State Farmland Preservation office and bring in revenue from preserving the property through the State program. She stated she looks forward to working with the new Board in 2012.

Ms. Virginia Torbert, Citizens Traffic Commission stated on Thursday, December 15 from 7 to 9 the Delaware River Joint Toll Bridge Commission will have a public hearing on the Bridge. The hearing will be held at the Sheraton in Langhorne.

#### APPROVAL OF MINUTES

Mr. McLaughlin moved, Mr. Smith seconded and it was unanimously carried to approve the Minutes of November 16, 2011 as written.

#### DISCUSSION OF SUPERVISOR VACANCY AND APPOINTMENT OF KRISTIN TYLER

Mr. Caiola stated he was unable to attend the meeting last week during the Interviews when they had six individuals who came forth interested in serving the two-year term. He stated they need three affirmative votes for a candidate in order for them to become the next Supervisor. He stated if this does not occur tonight, at the next meeting on December 19, the Chairman of the Vacancy Board will join the four Supervisors so that there would be a fifth vote which would break a tie. He stated this evening each of the Supervisors will have the opportunity to nominate one of the individuals, with Mr. Smith going first; and they will then take a vote. If that nomination does not pass, Mr. McLaughlin will go next, Mr. Stainthorpe third, and he will go last. He stated they can go through this process more than once if the Board desires.

Mr. Smith stated he felt there were several individuals who were very well qualified and if he nominates one, would this preclude him from voting for someone else if his nominee does not pass. Mr. Truelove stated you do not have to support the person they make a Motion for, and you are not precluded from making an affirmative vote for someone who was Moved by someone else.

Mr. Smith stated six Applicants came out all with very fine credentials. Mr. Smith stated next year there will be four individuals from one Party, and he was considering whether this should be a factor. Mr. Smith stated he feels Kristin Tyler has excellent credentials, has experience in the community, and is an excellent attorney. Mr. Smith nominated Kristin Tyler. Mr. Caiola and Mr. Smith were in favor and Mr. McLaughlin and Mr. Stainthorpe voted no.

Mr. McLaughlin stated he agrees that the Interview process went very well, and he was impressed with all of the candidates. He stated he feels experience is very important, and next year there will be three “Rookies” on the Board facing complex issues. He feels having people with knowledge and experience means a lot. He stated Fred Allan had served as a Supervisor for two years and served with distinction when he did serve.

Mr. McLaughlin nominated Fred Allan. Mr. McLaughlin and Mr. Stainthorpe were in favor, and Mr. Caiola and Mr. Smith voted no.

Mr. Stainthorpe stated he was impressed with all of the candidates that interviewed last week. He stated whenever they interview candidates for vacancies he is always impressed with the depth of talent and the quality of the people who come forward. Mr. Stainthorpe stated he has known Dawn Burke for four years, and she is currently serving as a Committeewoman and has expressed interest in holding this seat. He stated he liked the fact that during her interview, when she did not know something she said so and when she had an opinion she expressed it succinctly and convincingly. He stated she is a former prosecutor in the Philadelphia DA's office, and he feels she would contribute a great deal to the Board of Supervisors. He stated she is young and can put a number of years into the job. Mr. Stainthorpe nominated Dawn Burke. Mr. Smith abstained, Mr. Caiola voted no, and Mr. McLaughlin and Mr. Stainthorpe voted in favor.

Mr. Caiola stated he was unable to attend the interviews, but Mr. Stainthorpe had called him to tell him how impressed he was with all of the candidates. Mr. Caiola stated one of the reasons he only ran for one term is because he knows that there are a lot of good people in the community who could serve as Supervisor. Mr. Caiola stated he is in favor of Ken Seda because as he worked with him on his campaign he found him to be very dedicated and he will bring a lot of passion to the job. He also feels he will fit in well with the Board members. He stated he feels it is also good to have a mix of Parties on the Board when possible. He stated Mr. Maloney left the position for personal reasons; and in doing so, Mr. Caiola stated he feels there is an expectation by a lot of people that the position would be filled by a qualified person of the same Party as Mr. Maloney. Mr. Caiola moved Ken Seda. Mr. Caiola and Mr. Smith voted in favor, and Mr. McLaughlin and Mr. Stainthorpe voted no.

Mr. Caiola opened it up to Mr. Smith if he had another nomination.

Mr. Smith stated Fran McDonald ran for office several years ago, and he also worked with him at YMS. Mr. Smith stated he has indicated during his interview that he has budgetary experience which would be an asset to the Board. Mr. Smith moved Fran McDonald. Mr. Caiola and Mr. Smith voted in favor, and Mr. McLaughlin and Mr. Stainthorpe voted no.

Mr. Stainthorpe nominated Bill Clark adding he interviewed very well and has a background in business, sales, and marketing. He also noted that through his experience he has dealt with issues including construction, land planning, and Zoning that the Board of Supervisors have to deal with. Mr. Stainthorpe stated he also brings a lot of life experience which is important as a Supervisor. Mr. McLaughlin and Mr. Stainthorpe voted in favor and Mr. Caiola and Mr. Smith voted no.

Mr. McLaughlin asked for a recess, and Mr. Caiola directed a recess to Executive Session at 8:08 p.m. The meeting was reconvened at 8:15 p.m.

Mr. Smith again moved Kristin Tyler adding he feels she will be a great asset to the Board. He stated he feels her positions are consistent with the Board's thinking with respect to the Hospital, and he feels she will serve the Township well. He stated this will also provide a little "check and balance." All Supervisors voted in favor.

Mr. Caiola stated he feels it is important that the Board has voted on this unanimously. He stated the Board over the recent years has often voted unanimously despite being from different Parties.

Mr. Truelove stated the next Board meeting will be Monday, December 19, and Ms. Tyler will be sworn in at that time.

#### AWARD BID FOR REPLACEMENT OF MAPLEVALE PUMP STATION

Ms. Danielle Farrell, Sewer engineer, was present and stated the Township has two ejector stations within the system, one of which is Maplevale Pump Station. She stated the pump stations were constructed as part of the original system approximately 45 years ago. She stated the technology is now to a point where getting parts is very difficult. She stated they have been budgeting in the Capital Plan to replace these two stations; and over the course of the last several months they have designed a replacement to the Maplevale Pump Station and associated force main, prepared plans and specifications as Bid documents, and gone out to Bid. She stated they have also obtained the Permits to do the work. Ms. Farrell stated they received Bids from five companies and at the Bid opening on November 29, the low bidder was Aqua Resources in the amount of \$154,000. She asked that they award the Contract this evening to Aqua Resources.

Mr. McLaughlin asked Ms. Farrell her knowledge of the reputation of Aqua Resources; and Ms. Farrell stated they are affiliated with Aqua America, and while she herself has not done projects with them, she has discussed them with colleagues who have and they indicated they do fine work and they feel they will do a quality job. Ms. Farrell also asked that they waive the 30 contractor review period and reduce the public review period to fourteen days.

Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried to award the Bid to Aqua Resources in the amount of \$154,000 waiving the 30 day contractor review period and reduce the public review period to fourteen days.

Mr. Truelove noted that the Board met in Executive Session at 7:00 p.m. prior to the start of the meeting, and they discussed items of personnel and litigation. He stated they also met in Executive Session from 8:08 p.m. to 8:15 p.m. where matters of personnel were discussed.

#### GRANTING EXTENSION OF TIME TO FIELDSTONE AT LOWER MAKEFIELD AND NEW CINGULAR WIRELESS

Mr. McLaughlin moved, Mr. Stainthorpe seconded and it was unanimously carried to grant an extension to Fieldstone at Lower Makefield to March 30, 2012.

Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried to grant an extension to New Cingular Wireless to January 31, 2012.

#### SUPERVISORS REPORTS

Mr. Caiola welcomed Scouts from Troop 230 who were present this evening working on their Citizenship and Community Merit Badge. Mr. Caiola invited them to email the Supervisors with any questions.

Mr. Caiola stated the Bucks County Performing Arts Center recently had a jazz concert with 140 people in attendance. He stated they will have free concerts at McCaffrey's between now and Christmas with details on their Website. He stated they have been in existence for thirty-five years, and he and Mr. Stainthorpe are working with them to help them supplement the money the Township gives them. He stated he will be working with them as a volunteer once he is no longer on the Board of Supervisors.

There being no further business, Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried to adjourn the meeting at 8:25 p.m.

Respectfully Submitted,

Ron Smith, Secretary