

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – NOVEMBER 4, 2009

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on November 4, 2009. Vice Chairman Smith called the meeting to order at 7:30 p.m. Mr. Caiola called the roll.

Those present:

Board of Supervisors:        Ron Smith, Vice Chairman  
   Greg Caiola, Secretary  
   Pete Stainthorpe, Treasurer  
   Jason Simon, Supervisor

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

Absent:                             Matt Maloney, Chairman, Board of Supervisors

ANNOUNCEMENTS

Mr. Smith congratulated Dan McLaughlin on his victory for Township Supervisor. He also congratulated Fran McDonald on running a great race. He congratulated Howard Goldberg for winning a seat on the School Board and Becky Cecchine who was re-elected as Tax Collector. Mr. Smith also stated Dave Truelove was recently recognized by the Big Brothers and Big Sisters for his volunteer work for that organization.

Mr. Smith announced the following dates for Budget Workshops: Tuesday, November 10, Wednesday, November 11, and Thursday, November 12 all to be held at the Township Building starting at 7:00 p.m. He stated the public is invited to attend, and he invited Mr. McLaughlin to attend these meetings.

Mr. Smith noted the Board of Supervisors normally meets on the first and third Wednesdays of each month, but in December the second and final meeting for the year will be held on Wednesday, December 9, 2009.

#### PUBLIC COMMENT

Ms. Kaaren Steil, Historic Commission, reminded everyone that on November 15, the Historic Commission will be televising a brief history of Lower Makefield. She stated it will begin at 1:00 p.m. and be televised live. She stated eventually they will have DVDs.

Mr. Caiola stated there are vacancies on the Historic Commission that they are looking to fill.

Ms. Virginia Torbert thanked those who attended their Safe Driving Event. She stated there were approximately 70 people in attendance. She thanked the Township and the Police Department for their help with this successful event. She stated it will be rebroadcast in the near future. Ms. Torbert also congratulated Ron Smith on running a good campaign.

#### APPROVAL OF MINUTES

Mr. Caiola moved, Mr. Smith seconded and it was unanimously carried to approve the Minutes of October 21, 2009 as written.

#### REPORT ON PA AMERICAN WATER COMPANY ENVIRONMENTAL GRANT AND RECOGNITION OF BOY AND GIRL SCOUT VOLUNTEERS

Scouts who worked on this project were present this evening. Mr. Majewski stated the Township received a Grant from the PA American Water Company to mark storm drains throughout the Township and in Yardley Borough. He stated volunteers from the Boy and Girl Scouts worked on this project marking the storm drain inlets to educate people not to dump pollutants down the storm drains. He stated they also handed out educational tip cards to residents. He stated this was featured in this month's Newsletter along with a link to the Website which explains the Township's stormwater program. He stated they are looking for more volunteers to continue with this project. Mr. Majewski also thanked the parents of those who worked on this project.

#### APPROVAL OF ORDINANCE NO. 380 AMENDING THE TOWNSHIP CODE TO INCORPORATE "GREEN" PRACTICES IN CONSTRUCTION, OPERATION, AND MAINTENANCE OF TOWNSHIP-OWNED PROPERTIES

Mr. Truelove stated this has been advertised and is ready for the Board's enactment this evening, if this is their desire.

Mr. Simon moved and Mr. Caiola seconded to approve Ordinance No. 380.

Mr. Smith stated there has been extensive discussion on this by the Board of Supervisors and the public in the past.

Mr. Stainthorpe stated they have discussed this extensively, and he felt strongly during the initial discussions in June that an Ordinance was not required to build “green,” and he felt it was a waste of taxpayer money to have the solicitor spend time writing this. He stated it essentially codifies things that the Board of Supervisors could do anyway. He stated he is still opposed to codifying this as he feels it is something that the Board could do without having spent the money on legal fees and engineering to get this done.

Mr. Simon stated he feels it should be codified so that future Boards are compelled to deal with this as there is no guarantee that a future Board would act in a certain way.

There was no public comment.

Motion carried with Mr. Stainthorpe opposed.

#### APPROVAL OF AGREEMENT WITH BUCKS COUNTY REGARDING THE PURCHASING, PROCESSING, AND MARKETING OF RECYCLABLE MATERIALS

Mr. Truelove stated this is a variation on the Agreement that the Township has had with the County, local haulers, and Otter Recycling. He stated there is no cost to the Township. He stated there is a pricing structure based on tonnage produced by the member Municipalities; and the more Municipalities that participate, the more likely it is that the Township will gain revenue from it. He stated the EAC has been involved in this for some time. Mr. Truelove stated he did review this and would recommend that the Board approve this Agreement. Mr. Fedorchak stated this is similar to what they have been doing since 1999. Mr. Fedorchak stated last year the Township received \$100,000 from Otter Recycling.

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to approve the Agreement.



APPROVAL OF EXTENSIONS FOR OCTAGON CENTER(MATRIX) LAND DEVELOPMENT AND MAKEFIELD WOODSIDE LLC-EDGEWOOD CROSSING

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

Octagon Center (Matrix) Land Development Plan – 2/6/10  
Makefield Woodside LLC-Edgewood Crossing – 2/20/10

ZONING HEARING BOARD MATTER

With regard to the Michael and Andrea Doluisio, 1248 Colts Lane, Variance request to permit construction of a fence within a drainage easement, it was agreed to leave the matter to the Zoning Hearing Board.

DISCUSSION AND TABLING OF AWARD OF MANAGEMENT CONTRACT FOR THE OPERATION OF MAKEFIELD HIGHLANDS GOLF COURSE

Mr. Smith stated the Board has had presentations from a number of organizations. Mr. Fedorchak stated the two finalists are Kemper Sports and Applied Golf.

Mr. Stainthorpe moved to continue the Contract with Kemper Sports subject to final negotiations of the Contract.

Mr. Stainthorpe stated while he has not recently been as intimately involved with the Golf Course, he was the Supervisor liaison when the Course was brought on line in 2004. He stated he is the only Supervisor left who was part of the original decision to hire Kemper, and he stated they went through a lengthy process at that time. He stated the Golf Committee in 2004 was very nervous about getting the Course open on time and nervous about the condition of the Course; and Kemper at that time along with the contractor assured them that the Course would open on time, and they were right. Mr. Stainthorpe stated they have been open for five years and have met the financial objectives every year, and the Course is in good shape. He stated he feels it is important to look at the entire body of Kemper's work and not just the last six months to a year. He stated there have been things that could have been done better; but overall, he feels the Course is in good shape, and it is well known throughout the area as one of the premier public courses. He stated he gives a lot of the credit for this to Kemper. He stated the Township knew they needed good solid professionals to run the Course, and they went through a laborious process choosing Kemper.

Mr. Stainthorpe stated he was also impressed with Applied Golf, but he feels that whenever a change is made, there is a cost involved in terms of a learning curve. He stated he feels if they were to make a change, it would have to be a significant improvement to justify a change; and he does not feel there is a value to make a change at this time. He stated while this was not an easy decision, he feels the best decision for the Township and the Golf Course is to stay with the management company they have.

Mr. Simon stated there is a management company in place that has lived up to expected standards but there is also a qualified competitor. He stated Kemper is a larger, National entity with multiple course relationships versus a smaller entity that is more localized with relations in more centralized areas to Lower Makefield. He stated he recognizes that Kemper did an excellent job bringing the Course on line, but he has not heard an overwhelming endorsement for them from the Golf Committee one way or the other which causes him concern as to why the incumbent has not received this endorsement from the group that has worked closest with them. He stated when the Board of Supervisors went through this process, it was evident that there were some things that could be improved upon.

Mr. Caiola stated this has been a difficult decision, adding that if the Board does decide to go with a different firm, he knows that there are a number of residents and organizations that have a very high comfort level with Kemper who will be disappointed. Mr. Caiola stated that since there are representatives present this evening from both organizations, they should be given the opportunity to speak before a final vote is taken.

Mr. Smith stated that no matter who is hired, they will have to agree to a final Contract.

Mr. Smith seconded the Motion.

Mr. Harold Koopersmith, 612B Wren Song Road, stated in some of the campaign letters he received from candidates for Township auditor, it was noted that there is a \$2 million lien against the Golf Course; and he asked how this took place and how it will interface with the Contract the Board is looking to award this evening. Mr. Stainthorpe stated this does not relate to the Contract being discussed this evening. He stated the land for the Golf Course was originally acquired through condemnation in approximately 1995. He stated whenever a condemnation takes place, you are required to get a third party appraisal done; and when you take the land, you immediately pay the landowner based on that appraisal. Mr. Stainthorpe stated the landowner did not feel that the appraisal was adequate, and the matter has been through an arduous, lengthy process. He stated they first went to the Board of View which felt the Township owed approximately \$100,000 more which the Township did pay. He stated the landowner was still not satisfied, and they went to the Court of Common Pleas where the case was heard last year by a jury



which awarded the landowner an additional approximately \$1 million. He stated the Township felt that there were a lot of things during the trial that they were not happy with, and the matter is now under Appeal to the Commonwealth Court.

Mr. Koopersmith asked if the Golf Course earns a profit, and Mr. Stainthorpe stated the Golf Course was designed to make enough money to operate and to cover the Bond payments; and they have done this every year, and continue to do so.

Mr. Smith noted that condemnation of the property was done by a prior Board.

Ms. Janet Bernstein, New Hope, stated she plays golf at Makefield Highlands two to three times a week. She stated she feels they are very customer oriented. She stated she belonged to a private club for many years, and she feels the quality of the play is excellent, and people who run the Course do a great job.

Mr. Bill Mayer, 212 Clover Hill Court, stated he plays thirty rounds a year at Makefield Highlands. He stated he entertains at the Course as well and uses the restaurant and knows many of the people working there, and they have always been very accommodating. He stated the Course is always in great shape, and he would recommend that they keep the people they have.

Mr. Jerry Morris, Upper Makefield, stated Makefield Highlands is a fantastic Course. He stated he is also a member of Huntingdon Valley Country Club, and he feels the job done at Makefield Highlands under the current management team is terrific. He stated he is there three to four times a week playing golf approximately once a week and using the practice facility. He stated he is very pleased with the people who work at the Course including the management team and the rangers. He stated he entertains there and feels it is the best public golf course in the area.

Mr. Francis Collins, Langhorne, stated five years ago he was a rookie golfer and proceeded to fall in love with this Course. He stated he has hosted a number of retirement dinners and special events at the Course, and the people who helped him at the Course at these events went above and beyond the call of duty. He stated when he retired, he got a part-time job at the Course; and he now sees the hard work of all the people who are there making this a premier course in Bucks County. He stated Kemper has done an adequate job; and while he feels there is room for improvement, he feels if they communicate with one another, the Course can be maintained as a premier Course. He stated he played golf at the Course recently with a gentleman from North Carolina who had heard about the Course in North Carolina and was thrilled with the condition of the Course. Mr. Collins stated he feels they can continue to make the Course better.

Mr. A. Seacrest, Churchville, stated he plays at Makefield Highlands every Tuesday night adding they took their League from Northampton Country Club and brought it to Makefield Highlands. He stated there are ten teams in the League, and they have a fantastic time and have great interaction with those working at the Course. He stated they would like the Course to stay the way it is.

It was noted that there were representatives from Kemper present this evening, but there was no one present representing Applied Golf.

Mr. Stainthorpe stated he does not feel that they should stay with Kemper just because it is easier not to change, but feels it will be more productive and less costly in the long run to remain with Kemper. He stated he serves on the Board of Directors of the Bucks County Water and Sewer Authority, and they have a large charity outing every year. He stated the individual who runs the outing for Bucks County Water and Sewer brought it to Makefield Highlands from Northampton and is very satisfied with the service they have received. He stated that individual is also involved with another organization that holds a golf outing, and he is looking to bring that outing to Makefield Highlands as well. Mr. Stainthorpe stated he is looking at the entire body of work that Kemper has done, and he feels they have done a great job. He stated he is not looking for the easiest way to go, but the best way to go; and he feels Kemper is the best way to go.

Mr. Simon stated he assumes that even if they change management companies, golfers who are currently enjoying the Course will continue to enjoy the same physical course which is available to the public.

Mr. Jennifer Verdi, 1014 Summit Drive, stated she is the Controller of Makefield Highlands and serves as the Human Resources Manager as well. She stated she is present to speak about the employees who run the Course. She stated a number of people have made nice comments about their experience at the Course, and she stated the reason the Course is in the physical condition it is and the reason the experience of the customers has been what it is, is because of the seventy to eighty people who run the Course. She stated the decision of renewing the Contract with Kemper or changing the management company and going with Applied will affect all of the current employees, approximately one third of whom are Lower Makefield Township residents. She asked that the Board consider those employees when they make this decision and the effect the Board's decision will have on their constituents. She stated Kemper Corporate is located in Illinois, but local people are running the Course.

Mr. Smith asked how many of the seventy to eighty people who are working there are under a non-compete Agreement, so that if a different company were approved by the Board of Supervisors, those employees would be unable to work for the new management company. Ms. Verdi stated while she cannot get into the legal aspect of this, her understanding of the Contract as written is that the chief management of the company



which would be the General Manager, Superintendent, and the Controller would not be able to continue under a new management company. She stated the employees at the Course have been loyal employees of Kemper Sports and loyal employees to the Township since this is who they ultimately serve.

Mr. Caiola stated he would like to table this matter until the next meeting; and while there have been a number of people present this evening in support of Kemper, he would like to give a representative of Applied the opportunity to attend as well before a final decision is made.

Mr. Caiola moved and Mr. Smith seconded to table.

Mr. Truelove stated there is no further discussion when there is a Motion to table.

Mr. Caiola withdrew his Motion to table.

Mr. Simon thanked Ms. Verdi for speaking this evening. He stated when Kemper made their presentation to the Board of Supervisors, the presentation was made by Corporate, and the Executives from Chicago came in and managed the entire presentation; and the Regional Vice President and the Course Manager did not speak. Mr. Simon stated this gave him a negative impression as he understood that they were the people who were there every day, interfacing with the public, and had intimate knowledge of the Course; but they were not heard from. He stated they did hear a lot about the Corporate support that was taking place out of Chicago including significant opportunities to discuss how financing HR had a significant impact on what was happening with the Course management. He stated the impression was that there was some distance between Kemper's management processes and what was happening at the local level. He stated there was concern from the Golf Committee and others that they should look into this Contract with Kemper. Mr. Simon stated he also does not want to put peoples' jobs at risk.

Mr. Jim Segal, Executive Vice President, Kemper Management, thanked Ms. Verdi for speaking, adding she brings in the local element. He also thanked the customers and residents who play at the Course. Mr. Segal stated he applauds the effort of the Township to look at other alternatives. He stated they were hired in 2003 and grew the Golf Course in; but it is really about the staff on the ground. He stated while he did lead the presentation, there was an extensive question and answer period, mostly led by Mr. Simon, in which all parties had a chance to speak. He stated they feel they have done a great job and believe in the Township and their goals, and feel they have met those goals. He stated the staff at the Course works tirelessly for the customers and the Township. He stated the staff has Kemper Management behind them, and Ms. Verdi does have access to a lot of Corporate support.



Mr. Smith stated he has received letters from a number of individuals speaking highly about the Golf Course. He stated he is concerned about outsourcing of jobs in the Country, and he is touched by those indicating that this could affect their jobs; and he had not considered this until this evening when the Controller raised this issue. He stated he will consider this over the next two weeks.

Mr. Segal stated they did show up this evening because they care and want to continue to be a part of Lower Makefield.

Mr. Caiola stated after the Board had heard both proposals, the Board got the sense that Applied was “hungrier” and that they were looking to expand; and since they were more local, they had fewer levels of management so he had felt that this may be the best way to go. He stated now he feels that he needs to consider this matter further.

Mr. Smith stated he hopes that whoever takes over the Golf Course will take the Course even further.

Mr. Segal stated they have presented the 2010 Business Plan to the Township staff along with the Marketing and Capital Improvement Plan, and he recommended that the Board review this.

Mr. Caiola moved, Mr. Smith seconded and it was unanimously carried to table.

#### DISCUSSION OF DOGWOOD DRIVE ‘GREEN STREET’ AND OTHER CONCEPTS

Mr. Edward Murphy, attorney, was present with Mr. Greg Glitzer, engineer.

Mr. Truelove stated the Dogwood Drive project has been before the Township for a number of years. Mr. Murphy stated this piece of ground has been the subject of varying Subdivision Plans for a number of years. He stated there had been Plans prepared a number of years ago that contemplated the subdivision of the property for as many as ten lots; but a prior Board felt this was an inappropriate use of the property and asked that they proceed with a “by-right” Plan. Mr. Murphy stated what is now pending before the Township is a five-lot Subdivision Plan with smaller size lots and a significant amount of open space with a single point of access shown on the Plan onto the abutting roadway.

Mr. Murphy stated the EAC has recommended that they look at the possibility of developing the cul-de-sac as a “green street.” He stated Mr. Glitzer has looked into this concept, and they would like to present it to the Board of Supervisors to see if they have an interest in having this small stretch of the cul-de-sac developed in this fashion.

Mr. Murphy stated the second issue prompted by comments from neighbors at the Planning Commission meeting has to do with the configuration of the cul-de-sac where it intersects with the street. Mr. Murphy stated they need to revise the Plans, and they would like direction from the Board of Supervisors on these two issues before they do so.

Mr. Murphy stated this property is adjacent to Delaware Rim by Chanticleer. Mr. Glitzer noted the location of the property on the Plan.

Mr. Glitzer stated the Plan embraces the Low Impact Development Ordinance; and in addition to reducing the lots from ten to five, they have also done a number of things to try to lower the impact on the natural resources on the site primarily the woodlands and some of the receiving waterways. He stated the EAC suggested that they look at an underground stormwater management/infiltration/underground storage system within the road disturbance envelope as opposed to clearing more woods for a detention basin or other surface BMP. He stated they need to know if the Township would be interested in accepting dedication of such a system. He stated half of the road would be utilized underneath the pavement and within the central island and swales for a infiltration or stone filled storage bed that would outlet out to the stream. He stated they have designed a similar system in Solebury Township, and he showed a picture of that project. He stated this is a narrow, uncurbed road; and on the low side of the road there is a continuous infiltration bed top dressed with river stones which makes it attractive. This takes and treats run off from where it is generated.

Mr. Murphy asked the impact this would have on the proposed basin, and Mr. Glitzer stated the basin currently shown on the Plan would go away. The area where the basin was to have been located is a treed area and would impact approximately one third of an acre.

Mr. Stainthorpe asked if Solebury Township took dedication of this road, and Mr. Glitzer stated they did not. He stated that was a larger project with eleven lots, and they had a Homeowners' Association. Mr. Glitzer stated for the project in Lower Makefield if there were to be a detention basin, they intended to either assign that to the adjacent lot or create some other type of mechanism such as a Homeowners' Association.

Mr. Stainthorpe asked if a detention basin would be less expensive for the developer, and Mr. Glitzer agreed it would be less expensive than the green street concept even though they would need retaining walls for the detention basin. He stated they would like to try to avoid turning over the roadway for perpetual maintenance to the five homeowners.

Mr. Stainthorpe asked if there is a significant benefit with the green road in terms of management of the stormwater, and Mr. Glitzer stated generally the closer you can treat the stormwater to its source, the better. He stated the green street provides an opportunity for it to infiltrate much better than putting it into a basin.

Mr. Stainthorpe asked if there is a downside as to the road's maintenance, and Mr. Murphy asked Mr. Majewski to comment on how much more maintenance would be required if the Township accepted dedication of this green street. Mr. Majewski stated they would be putting in piping underground that is wrapped in a stone bed which allows the water to go into the pipes and be stored and also percolate into the ground.



Mr. Majewski stated this does involve a little more pipe in the ground, but with a standard road there is still pipe in the ground and you also would have a detention basin. He stated there is not a significant increase in the maintenance that would be required for the green street, and the environmental benefit would be that you would not have to clear out 1/3 acre of woods.

Mr. Smith asked if this meets the LID Ordinance, and Mr. Murphy stated it goes beyond the LID Ordinance. Mr. Smith asked if there are any other green street projects in the Township, and Mr. Majewski stated there are not. Mr. Murphy stated he feels this is a small enough project that they could use as a test. Mr. Stainthorpe stated this proposal will save trees and is a better way to dispose of stormwater.

Mr. Murphy stated the other issue involves the configuration of the access to the cul-de-sac and issues raised by existing property owners. Mr. Glitzer stated the prior Plan with ten lots had a straight cul-de-sac that intersected at a 90 degree angle with Dogwood Drive and incorporated a new cul-de-sac bulb on the end of the existing Dogwood Drive. He stated when they reduced the lot numbers and attempted to reduce the impervious surfaces and impacts, it was decided they should get rid of the bulb on the end of existing Dogwood Drive and swing Dogwood Drive in an alignment to capture as many of the homes as possible. Mr. Glitzer stated the three homes off the end would have a common driveway which was the old bed of Dogwood Drive adding there was some question about the dedication of this right-of-way. He stated there were concerns by the neighbors that by deflecting it this way, it would encourage high speeds.

Mr. Murphy stated the neighbors reported at the Planning Commission that they had concerns about their children playing outside, and the new proposed configuration would encourage high speed. They asked the developer to ask the Board of Supervisors if they would be in favor of this proposal or prefer a more traditional "T" intersection with the intersection of the cul-de-sac with Dogwood Drive. Mr. Stainthorpe stated he does not see how what the developer is proposing would encourage speeding. Mr. Majewski stated the neighbors' concern was that presently on the straightaway portion, there are some drivers who are speeding; and if you go from the end of the road to Delaware Rim Drive, you could pick up speed. He stated in the proposed configuration for the last three houses, you would go on a short stub road, stop, and then go onto the main road. He stated he does not feel what the developer has proposed would encourage speeding.

Mr. Majewski stated he feels the neighbors more pressing concern was that presently they live on a private road and are responsible for the maintenance, and they were wondering if the Township would take dedication of their stub part of the street. He stated he feels this is why they preferred the cul-de-sac with the "T" intersection. Mr. Smith stated he feels there are more accidents at "T" intersections with a stop sign than there are with what the developer is currently proposing.

Mr. Simon asked if the Township could not take dedication regardless of the design. Mr. Stainthorpe stated they are saying the Township should take dedication of the balance of the road. Mr. Murphy stated there was some confusion whether it was or was not a dedicated road. Mr. Majewski stated the Township does not get liquid fuels for the major part of the road and only gets it for the first few hundred feet which is the part of the road which is wider. The balance is not owned or maintained by the Township.

Ms. Virginia Torbert, Citizens Traffic Commission, asked if there would be a stop sign on the Plan proposed by the developer, and Mr. Truelove stated the traffic engineer would have to review this. Mr. Majewski stated Captain Roche was generally fine with the proposal. Mr. Murphy stated they could put in a stop sign or a speed hump if anyone felt that this would be helpful. Ms. Torbert stated she feels they should "T" it off and have a stop sign. Mr. Murphy stated to extend the road and create a cul-de-sac would take down more trees, and they were also trying to reduce the impervious surface. Mr. Smith stated they are trying to encourage LID. Mr. Majewski stated it would not be costly to put a speed hump into the road to slow drivers down. Ms. Torbert asked about the cartway width, and Mr. Glitzer stated it is 26'. Ms. Torbert asked if this is sufficient to accommodate emergency vehicles, and Mr. Majewski stated the entire development is currently 26'.


Mr. Smith encouraged the Applicants to proceed with revising the Plans as discussed this evening.

#### SUPERVISORS' REPORTS

Mr. Smith announced the third annual Veterans' Day Parade will be held on Sunday, November 8 at 1:00 p.m. on Edgewood Road beginning at Long Acre Lane and ending at Veterans' Square where there will be a ceremony immediately following the Parade.

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

Respectfully Submitted,

  
Greg Caiola, Secretary