

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
ORGANIZATIONAL AND PUBLIC MEETING
MINUTES – JANUARY 3, 2005

The Organizational and Public meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on January 3, 2005.

Mr. Fazzalore called the meeting to order at 7:30 p.m. noting that the Board had been meeting in Executive Session since 7:00 p.m. to discuss legal matters.

Those present:

Board of Supervisors: Pete Stainthorpe, Chairman
 Scott Fegley, Vice Chairman
 Grace Godshalk, Secretary/Treasurer
 Frank Fazzalore, Supervisor
 Steve Santarsiero, Supervisor

Others: Terry Fedorchak, Township Manager
 John Koopman, Township Solicitor
 Todd Day, Township Engineer
 Drew Wagner, Township Engineer
 Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Mr. Kurt Sheinbott, Apple Blossom Drive stated he is concerned with the digging on their street under Verizon's supervision. He stated a number of the neighbors from his development have a mess on their front lawn. He stated they were advised that the digging was to be between the sidewalk, and the street but the digging has gone onto the lawns and big boxes have been installed. He stated the Township engineer has indicated that these boxes are an invasion.

Mr. Fedorchak stated he has had discussion with Verizon regarding a number of complaints of this nature. When they discussed the operating conditions with Verizon, the Township made it clear that they could only operate within the Township rights-of-way; and if they had to locate any of their hardware, on private property, they would have to first secure an easement from the property owners. Mr. Fedorchak stated Mr. Day has been handling this matter for the Township and will be meeting with Verizon and their representatives tomorrow. Mr. Day stated he will meet with three representatives from Verizon to discuss a number of issues including working outside the right-of-way. He stated they were advised that they needed to acquire easements to get onto private property and this will be discussed tomorrow morning.

Ms. Anna Burke, 1354 Apple Blossom Drive stated she has at least three dangerous sink holes on her property. She stated it appears that they dug in the area and put the sod on top and it has settled. Mr. Day stated there is an eighteen-month maintenance bond. Ms. Burke stated they did try to talk to the workers several times, but they do not speak English.

Mr. Fedorchak stated they will continue to work with the Township residents. He stated Verizon requested over fifty permits, and the Township only approved approximately twenty. He stated Verizon will not get any more permits until they correct these problems.

Mr. Fegley stated Verizon did work in his area and they did a good job, so it may have been a different crew. Mr. Day agreed that this work does seem to depend on the crew, and he will be meeting with each of the sub-contractors tomorrow as well.

Mr. Santarsiero asked that the contractors put flyers in the neighborhood before they go in. Mr. Fedorchak stated they are supposed to mail out a thirty-day notice and a three to five day door-knocker notice. A number of Supervisors and residents indicated that this is not being done. Mr. Santarsiero asked if there is a performance Bond, and

Mr. Fedorchak stated there is. Mr. Sheinbott stated he did get one to two days notice with a flyer.

Mr. Paul Winter, 1330 Apple Blossom, asked why this must be put right in front of their homes. He stated Comcast put their boxes between the properties. He stated the boxes are also much larger than the Comcast boxes. He questions who gave them permission to put these on private property.

Ms. Beth Keal stated she has the same concerns as those already expressed. She is very concerned with the “wells” on her lawn as well as the cable stations. She stated there are huge sunken holes in the lawn; and she is concerned that someone will step on this and fall, and she will get sued. Mr. Stainthorpe stated the boxes will be buried and will not be above ground. Mr. Winter stated they are still at level and you will not be able to put a bush, etc. around it. Mr. Stainthorpe stated they will continue to look into this and advise Verizon that they must follow the rules. He stated they do not have permission to go on to private property, and they will address this tomorrow.

Mrs. Godshalk stated even though they have been advised that there is a performance bond, she feels that while construction is going on, there should be nothing hazardous, and there should be no open holes or depressions. Mr. Fedorchak agreed. Mr. Santarsiero stated they should be shut down if they do not comply.

Mr. Sheinbott stated they also left huge mounds of dirt on the sidewalk.

Ms. Virginia Torbert stated Mr. Cruzan has written several letters to the paper on the Matrix project and noted his concern with the deal falling apart because nothing is being put in writing. Ms. Torbert stated she understands there will be a meeting next week on this matter. She stated RAM should not be excluded from any meetings. Mr. Stainthorpe stated there are a number of items in the newspaper and Mr. Cruzan's letter which are inaccurate. Mr. Stainthorpe stated they have not set a meeting date and are still trying to get a date that meets everyone's schedule. He stated it is to everyone's best interest that all five Supervisors be present. He stated RAM is not being excluded. He feels Mr. Cruzan is working to prevent the compromise. Mr. Stainthorpe stated everything is still on the table, and Mr. Cruzan knows this. Mr. Stainthorpe stated the Board of Supervisors is committed to getting the project done. Mrs. Godshalk stated the Board did provide a date; and some people indicated they could not make it, so they are still working on a date. Mr. Koopman stated the proposed meeting for January 11 is up in the air. He stated the entire Board agreed to participate in a meeting as long as everyone was in attendance. They are waiting for Mr. Brookman to confirm dates with RAM. The Township did provide a number of dates and January 11 was one of them. He stated if all cannot meet on January 11, the Township is prepared to give other dates when the Board of Supervisors can meet with all parties. Mr. Koopman stated Matrix had suggested that such a meeting would be helpful to resolve some of the issues. Matrix wanted all five Supervisors to be present to resolve the four to five open issues. The Board of Supervisors and RAM recognized that this was a good idea, and they are trying to get a date that all can meet which is difficult. He was advised that RAM was notified of the dates by Mr. Brookman. Mr. Santarsiero stated Matrix's original proposal for this meeting was to have all members of the Board of Supervisors as well as all members of RAM's Board be present rather than just the negotiating team. He stated this is normal in litigation where settlement discussions go forward for a long time and you are close to the point where you are hopefully about to agree, and it helps to have all decision makers together in one room. He stated he agrees with this, and hopefully they can put this meeting together.

Mr. Fazzalore thanked all those who come to the Board of Supervisors' meetings for their decorum and the way they handled themselves all year. He also thanked the Board for their cooperation this year. The meeting was turned over to Mr. Koopman, Chairman pro tem for the Election of Officers for 2005.

APPOINT CHAIRMAN OF THE BOARD OF SUPERVISORS FOR THE YEAR 2005

Mr. Koopman called for nominations for Chairman of the Board of Supervisors for 2005. Mr. Santarsiero moved and Mrs. Godshalk seconded to elect Pete Stainthorpe. There were no further nominations, and the Motion carried unanimously.

APPOINT VICE CHAIRMAN OF THE BOARD OF SUPERVISORS FOR THE YEAR 2005

Mr. Koopman called for nominations for Vice Chairman of the Board of Supervisors for 2005. Mr. Stainthorpe moved and Mrs. Godshalk seconded to elect Scott Fegley, There were no further nominations, and the Motion carried unanimously.

The meeting was turned over to Mr. Stainthorpe

APPOINT SECRETARY/TREASURER OF THE BOARD OF SUPERVISORS FOR THE YEAR 2005

Mr. Fegley moved and Mr. Fazzalore seconded to elect Grace Godshalk as Secretary/Treasurer of the Board of Supervisors for the year 2005. There were no further nominations, and the Motion carried unanimously.

APPOINT ASSISTANT SECRETARY/TREASURER OF THE BOARD OF SUPERVISORS FOR THE YEAR 2005

Mr. Fazzalore moved, Mr. Fegley seconded and it was unanimously carried to appoint Terry Fedorchak as the Assistant Secretary/Treasurer of the Board of Supervisors for the year 2005.

APPOINT TOWNSHIP SOLICITOR FOR THE YEAR 2005

Mr. Fazzalore moved, Mr. Santarsiero seconded and it was unanimously carried to appoint Begley, Carlin & Mandio as Township Solicitor for 2005.

APPOINT TOWNSHIP ENGINEER FOR THE YEAR 2005

Mr. Santarsiero moved and Mrs. Godshalk seconded to appoint Pickering, Corts & Summerson as Township Engineer for the year 2005.

Mr. Fazzalore stated he would like to know the rates charged in the prior year as well as the current proposed rates. Mr. Fedorchak stated the annual retainage fee remains the same. He reviewed the remaining fees.

Motion carried unanimously.

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APPOINT TOWNSHIP SEWER ENGINEER FOR 2005

Mr. Fazzalore noted CKS did provide a comparison of their rates. Mr. Fazzalore moved, Mr. Santarsiero seconded, and it was unanimously carried to appoint CKS Engineers, Inc. as the Township Sewer Engineer for 2005.

APPOINT CHAIRMAN OF THE VACANCY BOARD FOR 2005

Mr. Fazzalore asked if they have contacted Ms. O'Reilly Allen to see if she would be willing to be re-appointed, and it was noted she had not been contacted. Mrs. Godshalk stated they could appoint her contingent on her acceptance; and if there is a problem, they could then revisit this matter in the future.

Mrs. Godshalk moved and Mr. Fazzalore seconded to re-appoint Marge O'Reilly-Allen as Chairman of the Vacancy Board for 2005 subject to her acceptance.

Mr. Santarsiero asked the identity of Ms. O'Reilly-Allen. It was noted she is on the Board of Auditors, and he was advised of the duties of the Chairman of the Vacancy Board. Mr. Santarsiero stated he understood the function of the Auditor but did not know who she was.

Motion carried unanimously.

APPOINT DELEGATE AND ALTERNATE DELEGATE TO THE ANNUAL CONVENTION OF PENNSYLVANIA TOWNSHIP SUPERVISORS

Mrs. Godshalk moved, Mr. Santarsiero seconded and it was unanimously carried to appoint Mr. Stainthorpe as the Delegate to the Annual Convention of Pennsylvania Township Supervisors to be held April 17 to April 20 as the Hershey Lodge.

Mr. Santarsiero moved, Mr. Fazzalore seconded and it was unanimously carried to appoint Grace Godshalk as the Alternate to the Annual Convention of Pennsylvania Township Supervisors.

DISCUSSION AND TABLING OF ESTABLISHING COMPENSATION OF TREASURER AT \$4,000 PER YEAR SUBJECT TO APPROVAL OF THE BOARD OF AUDITORS

There was discussion on the amount to be paid as compared to the amount which was paid last year. Mr. Fegley stated he was only paid \$3,000 last year. Mrs. Godshalk stated

it has been \$4,000 for a number of years. Mr. Fedorchak stated the Board of Auditors establishes the compensation.

Mr. Santarsiero moved, Mr. Fazzalore seconded and it was unanimously carried to table.

ESTABLISH THE AMOUNT OF TREASURER'S BOND AT \$2 MILLION AND ASSISTANT TREASURER'S BOND AT \$2 MILLION

Mr. Santarsiero moved, Mr. Fegley seconded and it was unanimously carried to establish the Treasurer's Bond at \$2 million and the Assistant Treasurer's Bond at \$2 million.

APPROVE REVISED PRELIMINARY/FINAL PLAN FOR CHANTICLEER

Mr. Edward Murphy was present and stated the Board of Supervisors approved the Plan for this tract approximately six months ago. He reviewed the Plan which had been previously approved. He stated since that time they acquired additional property from the Millers who had approached the developer about purchasing their property.

An Agreement was reached and they looked into incorporating the additional land into the approved Plan. The Revised Plan was shown. They have eliminated one flag lot and a roadway has been shifted to the east. The Miller home will be demolished. There will be a net increase of two lots.

Mr. Fegley noted two large lots on the Plan and stated he would prefer that some of this area be in open space. Mr. Murphy stated in a large part they will remain in open space because of the wetlands and the wetlands buffer. Mr. Fegley stated he is concerned that this much natural resource area will be on private lots. Mrs. Godshalk stated she is concerned that the Homeowners Association will have to maintain the open areas, and this has presented problems in the past. Mr. Koopman stated this is not a change from the previously-approved Plan. Mrs. Godshalk stated it also states that Lower Makefield and the Homeowners will jointly own all storm sewer easements. Mr. Murphy stated the Township wanted this as part of the previously-approved Plan so that the Township had the right to go in and maintain these areas if the homeowners did not do so.

Mr. Koopman stated this was requested by the Township so that they would have the right to maintain the basins, if necessary. He stated the Township will have an easement. Mr. Murphy stated the Township chose to do it this way because these are naturalized basins. Mr. Koopman stated none of this has changed from the original approval other than the fact that they are adding a net of two lots and moving the street.

Mr. Murphy stated the Planning Commission was in favor of approval of the Revised Preliminary/Final Plan. He noted they are still subject to the sewer moratorium.

Mrs. Godshalk asked if the Township has reviewed the homeowner documents, and Mr. Murphy stated they have not. Mr. Koopman stated the documents must be submitted to his office for review which is generally a standard condition of approval. Mrs. Godshalk asked about the fees, and Mr. Murphy stated this was done at the time of the prior approval, and the Township engineer will calculate it and the Township Solicitor will include this.

Mr. Fazzalore stated he would like to see the open areas noted by Mr. Fegley to be Township property. Mr. Murphy stated they will be subject to a Conservation Easement. It was noted that the Township does not own any contiguous open space in this area. Mr. Murphy stated there is a Note on the Plan that there is to be no further subdivision of any of the lots. Mr. Fegley stated he is concerned that when people feel this is their property, they will mow down to the creek rather than keep it natural. Mr. Koopman stated in the past the Township has not wanted to own small parcels of property which they could only access through an easement through someone's yard. Normally they only take ownership when there is contiguous Township property. Mr. Stainthorpe stated they discussed this thoroughly when they approved the original Plan. He stated the only question at this time is the addition of two lots.

Mr. Santarsiero moved and Mr. Fegley seconded to approve the Preliminary/Final Plan for Chanticleer dated 2/27/03, last revised 10/8/04 subject to:

- 1) Compliance with the PCS letter dated 12/7/04;
- 2) Compliance with CKS letter dated 11/4/04;
- 3) Continued compliance with all Conditions imposed at the Final Plan approval on 6/21/04 as set forth in the letter from Begley, Carlin, Mandio to Edward Murphy on 6/25/04;
- 4) Payment of all Township expenses related to the Application.

Mr. Murphy agreed to the Conditions.

Mr. Fazzalore asked who checks whether they have complied with these conditions. Mr. Koopman stated before the Development Agreement is signed, PCS signs off on this. Mrs. Godshalk asked if all the lots will be part of the Homeowners Association, and Mr. Murphy stated they will. Mrs. Godshalk asked how much they will get up front for maintenance, and Mr. Murphy stated this has not yet been determined. He stated they will have HOA documents which include the amount of money to be paid by the homeowners, and the Township does review these.

Motion carried unanimously.

APPROVE DEVELOPMENT AGREEMENT WITH MICHAEL WIELEHOWSKI

Mr. Fedorchak stated this is in the Island Woods Estates development which is in the area of St. John's off Big Oak Road.

Mr. Fazzalore moved, Mr. Santarsiero seconded and it was unanimously carried to approve the Development Agreement with Michael Wielehowski.

ZONING HEARING BOARD

Mr. Santarsiero moved, Mrs. Godshalk seconded and it was unanimously carried to oppose in its current form the McGinn Construction Company (Minehart property) Variance requests for the property located at the intersection of Lindenhurst Road and Woodside Road to permit a residential subdivision crossing wetlands.

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried to leave to the Zoning Hearing Board the Janet Snead, 408 Big Oak Road, Special Exception request to permit a dental office, but the Solicitor was asked to appear to request that Dr. Snead reside on the premises.

It was agreed to leave to the Zoning Hearing Board the Sam Virgillo, 504 Countess Drive, Variance request to construct a shed resulting in greater than the permitted impervious surface.

APPROVE CANCELING THE JANUARY 17 MEETING IN HONOR OF MARTIN LUTHER KING DAY

Mr. Fazzalore moved and Mr. Santarsiero seconded to cancel the January 17 meeting in honor of Martin Luther King Day. Motion carried with Mrs. Godshalk opposed.

APPROVE PENNDOT STREET SWEEPING CONTRACT

Mr. Fedorchak stated the numbers that are shown should cover the Township costs.

Mr. Santarsiero moved and Mr. Fegley seconded to approve the PennDOT Street Sweeping Contract. Motion carried with Mr. Fazzalore abstained.

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SCHEDULE I-95/SCUDDER FALLS TOLL BRIDGE IMPROVEMENT PROJECT
PRESENTATION FOR FEBRUARY 7, 2005

Mr. Fedorchak stated they talked to the engineers who are representing the Toll Commission. The Board of Supervisors had asked that the engineers and the Commission conduct a meeting at Lower Makefield Township for the residents. This is a follow up to the meeting held three to four months ago. He would suggest that they have this item heard on February 7.

Mr. Fazzalore stated he is concerned that the Agenda may be heavy for that meeting. Mr. Santarsiero stated this group did make a similar presentation to the Southeastern Bucks League of Municipalities last month and it only took approximately one half hour.

SUPERVISORS' REPORTS

Mr. Stainthorpe stated this is the middle of his term; and he has thoroughly enjoyed this experience, and is looking forward to being Chairman. He thanked Mr. Fazzalore for serving as Chairman and Mr. Fegley for serving as Secretary/Treasurer who had to work additional hours signing checks last year. Mr. Stainthorpe stated he feels this coming year will be a time to take a break and consolidate some of the good things they have done. He stated the Golf Course is up and running. He hopes they will put the Matrix matter behind them this year and hopes to see the construction of the Memorial. He hopes they can then look forward to the future. He hopes there will be some open space opportunities in the coming year and that they will find solutions to the Lindenhurst Road issues. He stated he is looking forward to the year and thoroughly enjoys working with the Board members.

Mrs. Godshalk stated the Traffic Task Force will meet on January 20 at Yardley Borough. She also noted that the Golf Course was very crowded on New Year's Day.

There being no further business, Mr. Fazzalore moved, Mr. Santarsiero seconded and it was unanimously carried to adjourn the meeting at 8:30 p.m.

Respectfully Submitted,


Grace Godshalk, Secretary

