

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – APRIL 5, 2004

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on April 5, 2004. Chairman Fazzalore called the meeting to order at 6:30 p.m. noting that the Board had been meeting in Executive Session since 6:15 p.m. to discuss three legal matters.

Those present:

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

Others: Terry Fedorchak, Township Manager
Jeffrey Garton, Township Solicitor
Todd Day, Township Engineer
Drew Wagner, Township Engineer
Kenneth Coluzzi, Chief of Police (joined meeting in progress)

Absent: Steve Santarsiero, Supervisor

PUBLIC COMMENT

Mr. Gary Cruzan asked if the Board still plans to discuss the Golf Course items tonight given Mr. Santarsiero's request that these matters be deferred as he was unable to be present this evening in observance of Passover. Mr. Fazzalore stated they will not be able to defer these discussions because of timing concerns. Mrs. Godshalk stated brochures, etc. need to be completed in a timely manner since the Golf Course opening is scheduled for July 1.

Mr. Allan thanked the Board and the Township for their assistance with the McCaffrey Fundraiser. He stated the Police and Fire Departments as well as all involved did an outstanding job helping with this Event. He noted there were between 1500 and 1800 people present and they were able to raise a significant amount of money. Everyone indicated it was a successful Event and this could not have been done without the support of the Township Manager, the Board of Supervisors, and the Township organizations. He stated he is still hearing from people about the Event. He stated the people of the Township should be proud of the effort which was put forth not only by those in Lower Makefield but from Yardley as well. Mr. Allan stated they are still accepting donations and to date they have collected over \$230,000. He stated Mr. McCaffrey is very thankful as well. Mr. Fazzalore stated he is the Treasurer of the Committee and as of last week the

amount raised was approximately \$216,000, and there are still checks to be turned over from Mr. Santarsiero.

Ms. Dana Weyrick stated she understands Heacock Road is a State Road. She asked that the Board of Supervisors help them get this road repaired because of concerns with potholes, etc. Mr. Fedorchak stated he will call the State again about this road.

Ms. Virginia Torbert noted problems with 332 in front of the Patterson Farm where the road is falling apart. She stated while they are planning to widen this road at some point in the future, the road is deteriorating now. Mr. Fedorchak agreed to look into this. Ms. Torbert also asked that the Board postpone the discussion of the Golf Course until the next meeting. She stated she sees from the Agenda that the Board is considering canceling the April 19th meeting, and she feels they should re-schedule the meeting to the following Wednesday. She stated if they put everything off until the first meeting in May, they may have a heavy Agenda. She stated the Golf Course issues will be decided by only three Supervisors this evening since Mr. Fegley does not usually vote on these matters.

APPROVAL OF MINUTES

Mr. Fegley moved and Mr. Stainthorpe seconded to approve the Minutes of March 15, 2004 as written. Motion carried with Mrs. Godshalk abstaining.

APPROVAL OF PURCHASING NEW UTILITY BILLING

Ms. Katrina Krulla was present. Mr. Fazzalore asked if the current system is working. Ms. Krulla stated they are able to get the bills out, but it does take many “man hours” to make corrections. Mr. Fedorchak stated this item comes from the Sewer Fund Budget. He noted \$15,000 was budgeted for this item.

Mr. Stainthorpe moved, Mrs. Godshalk seconded and it was unanimously carried to approve purchase of the AMS in the amount of \$11,300 plus \$125 monthly support.

APPROVAL OF FEE SCHEDULE FOR GOLF COURSE

Mr. William Taylor was present with Mr. Frank Draper, and Mr. Scott Arterburn to discuss the fee schedule as presented by the Golf Committee which was included in the Board’s packet. Mr. Draper stated they have set a weekday, weekend and holiday rate for residents and non-residents, as well as rates for Seniors and Juniors. There is also a cart fee and club rental fee proposed.

Mr. Fazzalore stated while the fees are somewhat higher than other courses in the area, they are competitive. Mr. Fazzalore asked if these numbers reflect the analysis of what the Golf Course will bring in, and Mr. Taylor stated they back ended into these figures. They are anticipating 18,900 rounds the first year and eventually they will get to 40,000 rounds a year. With 40,000 rounds, they will pay the debt.

Mrs. Godshalk stated there will be no preferential tee times given to Township residents. Mr. Draper stated reservations can be made on the Website fourteen days in advance and in person or by telephone seven days in advance. Mrs. Godshalk asked why someone that does not have a computer could not call or come in fourteen days in advance. Mr. Taylor stated it is automated on the Website and does not have to be done manually. Mr. Draper stated you must use a credit card to make reservations on the Website and you will not be able to book multiple reservations without being billed for them all.

Mrs. Godshalk stated she feels the Twilight Rates seem early. Mr. Taylor stated this was based on Kemper's experience.

Mr. Stainthorpe stated Kemper recommended these rates based on fees charged at area courses and what is needed to cover the debt. They recognize that they may have to make some changes next year.

Mr. Allan stated he feels there should be preferential tee times for Lower Makefield residents and feels they should block out certain times on the weekends for Lower Makefield residents only. He stated he feels they should get this because it is the taxpayers paying for it. Mr. Fazzalore stated if things go the way they are planned, the residents would not be paying for the Golf Course. Mrs. Godshalk stated the Lower Makefield residents are getting a preference in being able to pay a lower fee. Mr. Stainthorpe stated they will look at this again after the first year to see the percentage of residents versus non-residents playing the Course. He stated they do want to encourage people to try the Course. Mr. Draper stated while he agrees with Mr. Allan, he does not feel they have a sense at this time what the mix of players will be. Mr. Fazzalore stated he does not want to "turn off" non-resident golfers who may not come back if certain times are blocked off for residents only. He stated the key item is to have the Course pay for itself. Mrs. Godshalk suggested that they do it this way the first year, and then reconsider it next year. Mr. Allan stated he is concerned that Lower Makefield residents are not going to be able to get a tee time on the weekend. Mr. Draper stated he will discuss this matter with Kemper again to see if they can make a change on this issue. Mr. Stainthorpe stated he feels they need to decide these issues this evening because these items have to be printed as soon as possible. He stated the key objective is to develop a customer base that will use this Course and enable the Township to meet the financial obligations.

Mr. Cruzan stated in the feasibility study he read it indicated there would be 25,000 rounds the first year up to 45,000 rounds in the fifth year. He asked when this changed. Mrs. Godshalk stated the fees are higher than shown in the Feasibility Study. Mr. Taylor stated those were also for a twelve-month year. Mr. Stainthorpe stated the management company had the most input, and they have an incentive to meet these numbers.

Mr. Paul Foray asked what the rates are which are being considered, and Mr. Stainthorpe stated it is \$34 for residents during the week and \$44 on the weekend. Non-residents pay \$44 during the week and \$54 during the weekend. Carts are \$15.

Mr. Stainthorpe moved and Mrs. Godshalk seconded to approve the fee schedule for the Golf Course as presented by the Golf Committee. Motion carried with Mr. Fegley abstaining.

APPROVE CHANGE ORDER #1 AND #2 FOR WIENCEK & ASSOCIATES, ARCHITECTS

Mr. Arterburn stated Change Order #1 has to do with the heating system. Mr. Hackman had asked that they look into oil, and the decision was then made to go with oil. Change Order #1 is for the design only.

Mr. Stainthorpe moved and Mrs. Godshalk seconded to approve Change Order #1. Motion carried with Mr. Fegley abstaining.

Mr. Arterburn stated Change Order #2 has to do with preparation of the bid packets as the bid packet had to be re-done. Mr. Fazzalore asked how this relates to the Budget. Mr. Arterburn stated it is a contingency. Mr. Taylor stated the total came in \$700,000 above and this will come from the reduced borrowing cost and the contingency. Mr. Arterburn stated they are still on Budget. Mr. Fazzalore stated this is because they are paying only 1.2% interest and they had budgeted 3.5%.

Mr. Stainthorpe moved, Mrs. Godshalk seconded and it was unanimously carried to approve Change Order #2 in the amount of \$30,000. Motion carried with Mr. Fegley abstaining.

AWARD BID FOR PURCHASE OF GOLF CARTS

Mr. Taylor stated they are recommending a four year lease. He stated they opened the original bids on March 2 and one of the bidders protested that the documents were contradictory. Upon advice of the Solicitor, the Board of Supervisors rejected the bids and they were sent out again after correction. The bidder who protested did not re-bid.

They only received one bid. They were able to pay for the cost of advertising by a reduction in the bid by about \$7,000. The bidder does have seventy-five carts available.

Mrs. Godshalk asked if it is in the Contract how quickly they will respond to breakdowns, and Mr. Taylor stated it is. They also come in every two weeks to go over the vehicles.

Mrs. Godshalk moved and Mr. Stainthorpe seconded to award the bid to Golf Cart Services in the amount of \$256,588.32 pending approval by the Solicitor of the Contract.

Mr. Cruzan asked why only one firm bid the Contract. Mr. Taylor stated the Yamaha dealer was asked why he did not respond, and he indicated his cart was not compatible with the specs. The other bidder chose not to re-bid the second time.

Mrs. Godshalk noted they are awarding the bid to a U.S. manufacturer.

Motion carried with Mr. Fegley abstaining.

DISCUSSION OF MC CAFFREY'S EMPLOYEES FUND - FIRST OFFICIAL ROUND OF GOLF AT MAKEFIELD HIGHLANDS

Mr. Fazzalore stated the first official round of golf at Makefield Highlands will be paid for by the Committee. They will pay the rates approved in the fee schedule. The price paid by the individual winning the round was \$1500. Mr. Draper asked that they get the names of the individuals who will be playing. Mr. Fedorchak agreed to provide this.

Chief Coluzzi joined the meeting at this time.

APPROVE PROPOSAL BY OPEN AIRE AFFAIRS TO PLACE A TENT ON ELM LOWNE PROPERTY

Mr. Fazzalore stated he has never heard from the Elm Lowne Committee what the purpose is of Elm Lowne. He stated the Township paid approximately \$700,000 to purchase the property and he has never seen a plan on the purpose of Elm Lowne. Mrs. Godshalk stated the Township has just recently purchased another property with almost nothing on it for \$500,000. She stated at Elm Lowne there is a building and beautiful grounds. Mr. Fazzalore stated the last purchase just referred to by Mrs. Godshalk was for open space.

Ms. Joe Norum, Chair of the Elm Lowne Committee, stated there was not an Elm Lowne Committee behind the purchase of the property. Mr. Fazzalore stated the Elm Lowne Committee should still tell the Board of Supervisors what they plan to do with it. He stated he knows there is a Grant out to study the barn, and the Board of Supervisors should know what they are going to do with it. Ms. Norum stated the study is to look into how they can make the barn into a revenue-producing part of the property. She stated there are several parts to the property, and they are looking at them with separate goals. She stated the twelve acres are among the most beautiful in the Township. It is a different kind of open space than there is in other parts of the Township. The purpose of the Elm Lowne Committee is to do what they can to preserve the twelve acres and the house and the property for future generations to use and enjoy. She stated they are present this evening with a plan for a way to try to secure income. She stated they have learned that they cannot manage and market a property of this size with a volunteer group of only nine people.

Mr. Shannon Wilson, Mr. Larry Ott, and Mr. Joe Garvey were present. Ms. Norum stated they were approached by Mr. Wilson of Newtown Rentals who stated if they could put the tent up for a number of seasons, they could more economically market the property for events at a reasonable price if they did not have to have the man hours involved with putting up and taking down the tent all the time. The location originally proposed for the tent was between the pond and Makefield Chase. Mr. Wilson and Mr. Ott then came back and suggested a location on the small shaded lawn which would not impact the adjoining residential neighbors. The Committee also felt this was aesthetically pleasing since the tent would not be visible from most of the house. It will be slightly visible from the street, but it is at least 100' back from the road. The Committee unanimously approved of this location.

Mrs. Godshalk stated if someone wanted to use the house for a small function and not use the large tent, they would still have the full view out the rear of the house.

Mr. Fazzalore asked if they considered what they stated in the beginning, that they were purchasing a "pristine" property and now they will be seeing a tent. Ms. Norum stated what they are proposing will not change anything that has to do with preservation.

Mr. Wilson stated they would be putting in a solid floor and they could leave the tent up and therefore reduce the rent. He stated putting the floor in gives a more marketable option. He stated Open Aire Affairs will market the property with its other locations for brides, etc.

Mr. Fedorchak stated in looking at the proposal it shows a lot of work to be done and asked who will do this. Mr. Wilson stated his firm will do this. He stated they would also agree to do upgrades to the landscaping on the site to help with the concern about the view from the road.

Mr. Fazzalore noted the fee included in the plan received, and it was noted these are fees given to the Township. Mr. Fazzalore stated they have indicated they could raise \$60,000, and Mr. Wilson stated they did go conservative on this number. They believe they can get between forty and sixty events at this site per year. He stated Curtis Hall is a similar site and does 120 events at that location. Mr. Garvey stated he feels the Elm Lowne site is even more attractive than Curtis Hall. Mr. Wilson stated they have seven events booked for the site already.

Mr. Stainthorpe stated he feels they must consider what they can do in terms of a public/private partnership in order to help offset costs of the site. He stated the trend has gone downward on income for this site over the years. He feels the Township needs help. He asked how they could have 40 events when there are only 52 weekends a year. Mr. Garvey stated having the tent up makes it much more attractive as a site because they can actually see the tent up at this location. He stated as a caterer he could have two events at this location in the same day.

Mr. Fazzalore asked if they will have only one caterer at this location, and Mr. Wilson stated any DJ, caterer, etc. can come.

Mr. Stainthorpe asked if someone can use the tent if they come to the Township, and Mr. Wilson stated they would rent the site from the Township and rent the tent from Open Aire Affairs. Mr. Wilson stated they feel they will be able to get higher rates eventually. Mr. Stainthorpe stated he feels they should try this for a two-year period and determine if this is a good plan for the Township. Ms. Norum stated it does state that this can be cancelled by either side at any time and they must return the ground to its original condition. Mr. Wilson stated he feels they will need three years. Mr. Stainthorpe stated he would be agreeable to a three-year Contract and review it in the third year. Mr. Stainthorpe stated he agrees with Mr. Fazzalore that the Committee needs to decide the purpose of the property. Mr. Garvey stated he hopes the success of the property over the next three years will show the purpose of the property. Mr. Stainthorpe stated he does not want to have spent Open Space money to have a catering hall.

Mrs. Godshalk asked if they will do the grass cutting. Mr. Ott asked how it is handled now. Mr. Fedorchak stated it is cut by a landscaping company once a week. Mr. Garvey stated if a client wants something above and beyond this, the client should have to pay for it. Ms. Dana Weyrick asked why the Township does not cut the lawn. Mr. Fedorchak stated it is function of how much grass the Township has to cut currently. They had the opportunity to use this landscaping company on a contract basis, and it is less expensive to have the landscaper cut it than for the Township to do so.

Mrs. Godshalk asked about payment for the guardians, and Mr. Wilson stated the client would pay for this. Mrs. Godshalk asked about the restroom, and Mr. Ott stated this is paid for by the client as well. It was noted the price listed in the information provided is for the restroom area and not the restroom trailer itself.

Mr. Fegley stated he feels it is good to use the property to generate revenue to help cover expenses and generate income. He is also not opposed to the tent being visible; however, he does find offensive the manner in which the Elm Lowne Committee has become a Committee unto itself, acting outside the direction of the Board of Supervisors. He stated this is the first time this has been presented to the Board of Supervisors, and he had no idea there were caterers that had Elm Lowne as an approved site. He stated the last time there was an Elm Lowne item presented to the Board of Supervisors was over one year ago when they presented the fees to be charged for weddings/events, etc. Ms. Norum stated they were also present about the barn study. Mr. Fegley read from the information received by the Board which indicates Open Aire has already begun marketing the property, and he does not feel this should have been done without approve by the Board of Supervisors. Mr. Wilson stated the Elm Lowne Committee was not responsible for this. Ms. Norum stated the Committee did feel that if money was raised on the property, they could spend it on the property; but now they are aware of the process.

Mrs. Godshalk stated they still have the ability to market Elm Lowne and put a tent up the way they have done in the past.

Mr. Fegley stated the Elm Lowne Committee has been acting largely on its own without the Board of Supervisors. Mrs. Godshalk stated they have monthly meetings and submit their Minute to the Board of Supervisors.

Mr. Bob Slamen, Bedford Place, asked if anyone has thought about selling Elm Lowne. Mrs. Godshalk stated she does not feel they should sell it as it is a gem in the Township. Mr. Slamen stated it is not open space. Mrs. Godshalk stated it is open space. She stated it is worth a lot to the community. She stated she was able to get a property in Edgewood Village for no money, and the Township recently sold it for \$350,000. Mr. Fazzalore stated that property was costing the Township a great deal of money. He stated he does not feel the Township should be in the real estate business.

Mr. Pete Vitella, Orchard Way, asked if liquor will be served at Elm Lowne and how this will fit in with the Township Ordinances. Mrs. Godshalk stated the person having the function is responsible for the liquor and must turn into the Township a \$1 million insurance certificate when they reserve Elm Lowne. No liquor will be sold. Mr. Vitella asked if this is a sufficient amount considering the size of lawsuits. Mrs. Godshalk stated the caterer would also have insurance.

Ms. Virginia Torbert stated she does feel this is open space. She asked if the septic system problem at Elm Lowne has been resolved. Mrs. Godshalk stated there are two septic systems and these are checked out frequently. She stated the proposed Fire Station across the street includes a proposal to install public sewers at Elm Lowne when it is built. Mr. Fazzalore stated it was the intent of the Board that if the Fire Station were built, they would try to sewer Elm Lowne. Ms. Torbert stated if this is done, it will vastly increase the value of Elm Lowne.

Mrs. Godshalk moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Contract to include:

- 1) Any special lawn cutting to be paid for by other than the Township;
- 2) Guardians to be paid for by other than the Township;
- 3) Rental fees paid directly to the Township;
- 4) Restroom to be paid for by third party;
- 5) Rates are fixed to 2006, after which they will be discussed.

Mr. Fegley moved, Mr. Fazzalore seconded and it was unanimously carried to require the Elm Lowne Committee to present a plan specifying what marketing activities are currently being done and an idea of what they intend to do in the future. Also assuming funds are raised, ideas they have for the use of the funds.

Mr. Fegley asked that Mr. Fedorchak provide to the Board information on the expenses.

Mr. Stainthorpe stated the Board of Supervisors did approve spending money to install lights in the parking lot, and he would like them to do this. Ms. Norum stated she does plan to meet with PCS on this. Mrs. Godshalk stated they held off on this because of the Plan being discussed this evening.

APPROVE MODIFICATION FOR LEAGUE SANCTIONING

Ms. Donna Liney, Mr. David Fritchey, and Mr. Andrew Newbon were present. Mr. Fritchey stated the Park & Recreation Board has proposed some changes to the League sanctioning rules. He stated there are limited resources in the Township, and they need a policy that can do the most good for the most number of people plus allow for new organizations as well. Mr. Fritchey reviewed the proposed changes.

Mr. Stainthorpe noted Yardley Baseball's previous concerns and asked if this change will exclude them from use of the fields. Ms. Liney stated they would not be excluded, but they would have to meet the criteria. Mr. Stainthorpe stated he does take issue with excluding people. He stated he does not want to see this set up so that no one can ever form a new league. Mr. Fritchey stated he does not feel this restricts people from starting new leagues, but they do want to guard against an individual creating a new league because they were not chosen to coach their own child. He stated they have been trying to give everyone an opportunity to do what they want, but they must show that they have a sustained market share growth. He stated Yardley Baseball was sanctioned last year by the Board of Supervisors and they have another year to meet the requirements. He stated Yardley Baseball had indicated that they would have a league in the fall, but did not come back at that time. Mr. Fritchey stated the definitions have been made very clear through these changes.

Mr. Stainthorpe moved, Mrs. Godshalk seconded and it was unanimously carried to approve the modifications for League sanctioning.

MOVED TO AUTHORIZE ADVERTISEMENT FOR AMENDMENT TO THE ZONING ORDINANCE TO PERMIT RECREATIONAL ORGANIZATIONS TO PLACE SIGNS AT TOWNSHIP FIELDS

Mr. Stainthorpe moved and Mr. Fegley seconded to authorize advertisement of amendment to the Zoning Ordinance to permit recreational organizations to place signs at Township fields. Motion carried with Mrs. Godshalk opposed.

AWARD BID FOR TWO WOODEN PAVILIONS

Ms. Liney stated one pavilion will be placed at the Lower Makefield Softball Complex and the other will be placed at Kids Kingdom. The budgeted amount for this item was \$65,000.

Mrs. Godshalk moved, Mr. Stainthorpe seconded and it was unanimously carried to award the bid for two wooden pavilions to Recreation Resources, Inc. in the amount of \$64,300.

APPROVE PURCHASE OF SLIDE FOR COMMUNITY POOL THROUGH STATE CONTRACT AND AWARD BID FOR INSTALLATION

Mr. Brad Sharp, Pool Manager, was present. Ms. Liney stated the Park & Recreation Board surveyed the Pool membership in 2002, and the members indicated an interest in water play features – in particular a slide. It was not possible to order this until mid-February of this year and delivery would be twelve to fifteen weeks with installation taking eight weeks. Installation this year would have interfered with use of the Olympic pool. The low bidder has agreed to defer until post season – approximately September 8. She stated they can then use the Cash Reserve Funds and replenish them by not approving a major purchase in 2005. She noted the installation bid was higher than anticipated, but the architect has indicated it is not out of line. No tax dollars are involved. The Park & Recreation Board and the Pool Manager recommend approval of this item.

Mr. Fazzalore asked about Membership revenue to date, and Ms. Liney stated she does not handle this but understands this was included in the Board's packet. Mr. Fedorchak stated they are on target. Mr. Stainthorpe stated they are above last year. Mr. Fazzalore asked if they have enough money to proceed with this project, and Ms. Liney stated they do. She stated they do have Cash Reserves to cover this.

Mrs. Godshalk moved and Mr. Stainthorpe seconded to approve the purchase of slide through the State Contract in the amount of \$104,453 from Miracle Recreation and to award the bid for installation commencing September, 2004, in the amount of \$120,800 to Stoneridge, Inc.

Mr. Stainthorpe asked why the estimate for installation was so far off. Ms. Liney stated they allocated money in the preliminary budget in July for a slide but did not get into the design until later in the season. It is a more state-of-the art slide. Mr. Fazzalore stated they were also required to do more work to meet safety requirements. Mr. Fritchey stated it did come in higher than anticipated but it is more economical to do the project as proposed. Mr. Sharp stated there is a separate pump that pumps pool water up the slide.

Motion to approve carried unanimously.

APPROVAL OF BOXWOOD FARMS PRELIMINARY PLAN

Mr. Edward Murphy, attorney, and Mr. Joe Marrazzo were present. Mr. Garton reviewed possible conditions of Approval. Mr. Murphy showed the plan for the property and where they intend to move the existing home. Mrs. Godshalk stated this is one of the prize historic homes and asked if they are agreeable to leaving the home where it is and being permitted to have smaller lot sizes so that they can get the same number of lots. Mr. Murphy stated they are not able to do this. Mr. Marrazzo stated the foundation is falling apart and has not been maintained as well as the interior of the home. He stated it will not be difficult to move the house. They will keep the same orientation but take access from Penny Lane. They will have a side entrance garage from Penny Lane. Mrs. Godshalk stated she would prefer to have them enter the house from a driveway in the front. Mr. Murphy stated everyone else looking at the plan, recommended that they maintain the existing view from the road.

Ms. Helen Heinz stated she was present at the Planning Commission, but the Historic Commission did not see the latest presentation by Mr. Marrazzo. She stated the last time the Historic Commission saw this, the house was turned sideways. Mr. Murphy stated they submitted revised plans to the Township, but have no control as to who receives copies. The revised plans do show this revised orientation. Ms. Heinz stated at the Planning Commission meeting she did raise her objection to moving the house. She presented documentation on this property. She stated it was previously recommended that they restore the barn and keep the landscaping the way it was. She stated if the structure is moved forward, there are substantial wetlands in the area and this is probably the reason why the house was built on a hill. Ms. Heinz stated she also feels they should use historic names and would be opposed to the street being called Penny Lane.

Mrs. Godshalk stated she feels the reason for the creation of the Historic Commission was to preserve historic properties and get them in private hands. Mr. Murphy stated this plan will do that. He stated Ms. Heinz indicated two weeks ago that this house did not have any intrinsic historic value. Ms. Heinz stated she did say that architecturally speaking, it is similar to other homes, but its significance is its landscaping and placement at that location. She stated Mr. Marrazzo does not have any experience in moving such buildings.

Ms. Deborah Gould stated she objects to the statement that the house has no intrinsic value. She feels Ms. Heinz meant the house in and of itself has no value which would warrant it being on the National Historic Register, but this does not mean it does not have any historic value. She stated houses were set back from the road because that is what they had to do to survive in a farming community. She stated she feels that the developer should consider losing one building lot in order to preserve this.

Mr. Marrazzo stated he felt as the developer he was doing a good thing by preserving the home. He stated they could have taken the house down, but he did not want to do this. He stated it would cost them only \$10,000 to take it down and will cost them \$60,000 to move it. Mr. Murphy stated he has been involved with developers who have preserved a number of properties in the Township which were well-deserving of being preserved.

Ms. Gould stated she did look at the Minutes from 2003 and they were advised to go to the Historic Commission at that time, and they chose not to do so.

Mr. Stainthorpe stated he does not have a problem with moving the house but he wants some guarantees. He noted there were problems with Mr. Marrazzo's developments in the past when more trees were removed than permitted. Mr. Marrazzo stated he recognizes that he would have to agree to certain conditions. Mr. Fazzalore stated they could be required to post a bond. He stated this is the third time they have looked at this site, and feels this is the best of the choices they have seen.

Mr. Stainthorpe moved, Mr. Fegley seconded and it was unanimously carried to approve the Preliminary Plans for Boxwood Farms, Plans dated 3/13/03, last revised 11/28/03 subject to:

- 1) Receipt of all permits and approvals by agencies having jurisdiction;
- 2) Compliance with Lower Makefield Township Traffic Impact Fee Ordinance;
- 3) Payment of Fee-In-Lieu of Recreation in accordance with the Ordinance;
- 4) Compliance with CKS letter dated 2/12/04;
- 5) Compliance with PCS letter dated 2/17/04 including waivers for:
 - a) Location of intersection with the street
 - b) Grading at bottom of the basin designed for a meadow mix
 - c) Pipe as it is tying into existing pipe

- 6) Applicant to reimburse the Township for improvements made to Oxford Valley Road with amount to be determined between now and Final;
- 7) Applicant to agree to dedicate to the Township a Facade Easement to Protect the integrity of the house;
- 8) House landscaping to be resolved between now and Final;
- 9) House to remain as part of the project;
- 10) Developer post a bond to guarantee reconstruction with amount to be determined between now and Final;
- 11) Between now and Final Plan determine name of street (Penny Lane).

Mr. Murphy agreed to the conditions of Approval.

THOMAS GOUGH MINOR SUBDIVISION PRELIMINARY/FINAL PLAN
DISCUSSION, TABLING OF PLAN TO MAY MEETING, AND AUTHORIZE
TOWNSHIP MANAGER TO HIRE HYDROLOGIST

Mr. Edward Murphy and Mr. Thomas Gough were present.

Mr. Stainthorpe moved and Mr. Fazzalore seconded to approve Preliminary/Final Plan for Thomas Gough Minor Subdivision Plans dated 10/3/03, last revised 2/24/04 subject to the following:

- 1) Receipt of all permits and approvals by Agencies having jurisdiction;
- 2) Compliance with CKS letter dated 2/16/04;
- 3) Compliance with PCS letter dated 3/16/04 with the following Waivers:
 - a) Turf stabilized swale in the basin to save trees;
 - b) Reduction in run-off less than required in order to save trees;
- 4) Lot #3 to be conveyed to Tax Parcel #20-22-141 and merged;
- 5) Payment of Fee-In-Lieu of Recreation;
- 6) Payment of all Township expenses;
- 7) No other improvements to Houston Road as they have all been done;
- 8) Compliance with Traffic Impact Fee Ordinance.

Mr. Murphy agreed to the conditions of Approval.

Mr. Mike Masa, 1328 University Drive, stated he was interested in this property at one time and was told by the Township, Township engineer, and the EPA that this property would need a sewage pump in order to be built as it failed a perc test. It was also determined that this would impact the creek and the Delaware River. Mr. Murphy stated they are proposing public sewers. There is no pumping station although there is a grinder pump in the house. They do not feel there will be any adverse impact on adjoining properties. Mr. Wagner stated they have gone out to the site and feel the current proposal will have no negative impact on the neighborhood around it.

Ms. Linda Buben stated they had lived in their property for twelve years and had never had a water problem until DeLuca built homes in the area. They were told at the Planning Commission that water does not run uphill, but she has had water problems since the time DeLuca built. The individual who worked at her property to correct those problems indicated that the water table must have changed and that the water table came up. She stated the property now under discussion will be in her back yard, and she is concerned she will have problems again. Mr. Wagner stated tests were done on the site, and it does not show any water.

Mr. Masa stated he does have information from the DEP and there were no plans to handle the water into Buck Creek for this new construction. Mr. Wagner stated DEP would determine if there is an underground creek and if it went further, it would go to the Army Corps of Engineers. Mr. Gough stated there are no wetlands. He stated DEP studies were done and the Army Corps was on the site. Mr. Gough stated he does have this report.

Mr. Ernie Kelly stated his home is at the bottom and there are several springs that run all year long. He feels they must consider the run off and the fact that there are natural springs; and if they are not careful, they may get diverted.

Mr. Garton stated the expiration for this plan is not until May 6. Mr. Murphy stated they have NPDES permits and have submitted everything to the agencies having jurisdiction. Mr. Garton stated Mr. Fedorchak has recommended that they confer with the individual the Township dealt with at the Golf Course and have them look into the water at this property.

Mr. Stainthorpe moved and Mrs. Godshalk seconded to table until the May meeting and to authorize Mr. Fedorchak to hire a hydrologist to look into this site.

Mr. Gough stated he did do the test and he would not build a home for his family or put it in an area where there would be a water problem. His basement will be nine feet deep, and the test hole did not show water until fourteen feet. He stated the elevation of his proposed home will be lower than the homes around it. He stated he has done multiple reviews. He stated he has twenty years experience and does not feel this plan will create any adverse conditions to adjoining neighbors. He stated he dug six test holes himself. Mr. Garton stated they will look into this between now and the next meeting of the Board of Supervisors. Mr. Fazzalore stated if the experts agree with Mr. Gough, they can then proceed.

Motion carried with Mr. Fegley opposed.

APPROVAL OF EXTENSION FOR FIELDSTONE AT LOWER MAKEFIELD

Mr. Stainthorpe moved, Mrs. Godshalk seconded and it was unanimously carried to approve an Extension for Fieldstone at Lower Makefield Preliminary Plan until 6/30/04.

APPROVAL OF EXTENSION FOR LOWER MAKEFIELD TOWNSHIP –
PATTERSON FARM

Mr. Stainthorpe asked why they are requesting that there be an Extension. Mr. Fedorchak stated at the Planning Commission neighbors came forward and raised concerns. Mr. Stainthorpe stated while this is correct, he does not feel anything will change. Mr. Fedorchak stated a number of other items have come up. Mr. Fazzalore stated he is concerned about significant damage to the house if they do not do something soon. Mr. Stainthorpe stated the issue that was raised involved easements and they have found that the easements do not affect the ability to subdivide, so he feels they should proceed.

Mr. Stainthorpe moved, Mrs. Godshalk seconded and it was unanimously carried to approve an Extension for Lower Makefield Township - Patterson Farm until 7/9/04.

Ms. Virginia Torbert asked that when they do bring this matter up again involving the issue of selling off houses and subdividing the Farm, that they give adequate notice. Mr. Fedorchak stated in addition to this, he will send out information to the neighborhood explaining what is happening, why they are doing this including the problems they have with the house, and how much it would cost to properly repair the house which will be in the area of \$400,000 and perhaps more if it were to be restored under historic standards. Ms. Torbert asked that he also come up with some other options and have someone other than the engineer look at the house – possibly an architect. Mr. Fedorchak stated he has had Code Enforcement people, a historic architect, and a structural engineer look at the property. They do have a report that indicates it will cost \$400,000 to repair it structurally. He stated no money had been put into the house for a very long time. Ms. Torbert stated there are people living there now. Mr. Fedorchak stated this is correct, and they did communicate to the tenants some time ago the direction the Township will be going and the fact that they will need to look into other lodging in the very near future.

Mr. Fegley stated he feels this property can be subdivided off and sold, with the money used for further open space efforts. He stated he feels differently about the main house.

Ms. Torbert stated she would like them to explore use of the house as a tenant house with a future farmer living in the house while farming the property. Mr. Fedorchak stated the Township would then have to pay \$400,000 to bring it up to Code.

Mrs. Godshalk stated she wants to make sure that whoever purchases the house has the resources to restore it so the community can enjoy it.

Ms. Torbert stated she finds it hard to believe that the house cannot be made livable for less than a half million dollars and would like to see other options explored such as a carpenter who could do some of the work himself. Mrs. Godshalk stated she does not feel it is fair to the neighbors to have to look at this as a work in progress for ten years.

Mr. Fedorchak stated he does have the reports available at the Township showing what needs to be done to bring it up to Code.

APPROVE EXENTION FOR DEDICATION OF DOLINGTON ESTATES I,
PHASE IV AND DOLINGTON ESTATES, II

Mr. Stainthorpe moved, Mrs. Godshalk seconded and it was unanimously carried to approve Extension for Dedication of Dolington Estates I, Phase IV and Dolington Estates II until May 3, 2004.

APPROVAL OF RESOLUTION NO. 2055 – BILL NO. 6-04 - DEDICATION OF
PEBBLE CREEK

Mr. Garton stated the staff would recommend approval of Dedication subject to execution of the Agreement. He stated there are no existing drainage issues. Mr. Stainthorpe stated they did not get this information in their packet. Mr. Day stated there was a problem in one of the adjacent yards, but they felt this was due to the initial construction and now that the landscaping has taken root, it is not a problem.

Mr. Stainthorpe moved, Mr. Fegley seconded and it was unanimously carried to approve Resolution No. 2055 – Bill No. 6094 - Dedication of Pebble Creek subject to approval of the Agreement.

APPROVAL OF RESOLUTION NO. 2054 – DEDICATION OF MILL ROAD
ESTATES

Mr. Stainthorpe moved, Mrs. Godshalk seconded and it was unanimously carried to approve Resolution No. 2054 – Dedication of Mill Road Estates.

ZONING HEARING BOARD MATTERS

It was agreed to leave to the Zoning Hearing Board the John & Diane Tumulo, 526 Southridge Circle Variance request to for a fence.

It was agreed to leave to the Zoning Hearing Board the Gary & Kimberly Lisa, 2060 Silverwood Drive, Variance request to allow a fence, doll house, and concrete pad within the special setback and easement.

It was agreed to leave to the Zoning Hearing Board the Gerald Magilton, Jr. and Noorjehan Dhalla Variance request to permit four dog kennels on the property at 1721 Powderhorn Drive.

It was agreed to leave to the Zoning Hearing Board the Country & McCaffrey Variance requests for reconstruction of the supermarket at Heacock and Stony Hill Roads.

ACCEPT \$100,000 URBAN RESOURCE GRANT AND APPROVE EXECUTION OF CONTRACT FOR TREES AT THE GARDEN OF REFLECTION

Mr. Fedorchak stated this would fund the landscaping portion of the 9-11 Memorial. The original request was in the amount of \$190,000 and they received a \$100,000 Grant. The landscaping will cost approximately \$180,000. There will be no out of pocket piece for the Township. Mr. Fazzalore stated the Township's responsibility is the road and the utilities.

Mr. Fegley moved, Mr. Stainthorpe seconded and it was unanimously carried to accept the \$100,000 Urban Resource Grant for trees at the Garden of Reflection and approve execution of the Contracts.

APPROVE RESOLUTION NO. 2056 – ESTABLISHING A PROCESSING FEE FOR REGISTRATION AND SCREENING OF ALARM COMPANIES

Mr. Stainthorpe moved, Mrs. Godshalk seconded and it was unanimously carried to approve Resolution No. 2053 – Establishing a Processing Fee for Registration and Screening of Alarm Companies at \$150.

SUPERVISORS REPORTS

Mr. Fazzalore stated they are going to try to get the Newsletter out in July. Mr. Fedorchak stated they may do a second Newsletter this year depending on whether or not there are funds available. Mr. Fedorchak stated Ms. Langtry will try to get copy to the Board next week.

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APPROVE CANCELING APRIL 19 MEETING DUE TO STATE CONVENTION

Mr. Fegley moved, Mr. Stainthorpe seconded and it was unanimously carried to cancel the April 19 meeting due to the State Convention.

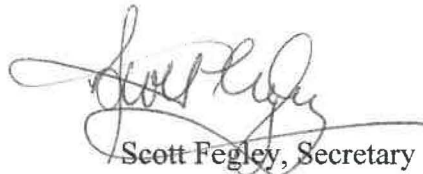
OTHER BUSINESS

Mr. Garton stated he received a request from the Homeless Shelter that the Township donate a free round of Golf for a fundraiser. Mr. Fazzalore stated there is no free golf.

Mr. Stainthorpe stated Mr. Terry Bannon has just started at the Golf Course and he is ready to start discussing Golf Outings.

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

Respectfully Submitted,



Scott Fegley, Secretary