

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - FEBRUARY 3, 2002

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on February 3, 2003. Chairman Godshalk called the meeting to order at 7:30 p.m. noting that the Board had been meeting in Executive Session since 6:30 p.m. to discuss the potential leasing of Township property and to conduct interviews for Township Board and Commission vacancies. A moment of silence was observed in memory of those lost in the Columbia tragedy.

Those present:

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

Others: Terry Fedorchak, Township Manager
 Jeffrey Garton, Township Solicitor
 Robert Williams, Township Engineer
 Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Charles Snider, 2054 Dawn Lane, asked about the status of the turn-back of Lindenhurst Road. He stated there will be a meeting on February 13 regarding Swamp Road to be held at the Anchor Presbyterian Church. He asked who from the Board was planning to attend. Mrs. Godshalk stated this is a meeting of Newtown and Wrightstown; and Lower Makefield has not been officially invited, although the Board could attend as members of the public. She stated she does plan to attend. Mr. Fegley stated while he has another meeting that evening, he hopes to be able to attend. He stated he has discussed the matter with Mr. Steil advising him that he supports improving the culvert on Swamp Road so that it can be opened up to truck traffic. Mrs. Godshalk stated over the years she has held the opinion that the more roads that are open, the less of a burden the traffic is on any one particular area. She stated Lower Makefield does not have a vote on what they are doing, but they can express their feelings. Mr. Fedorchak stated the Board of Supervisors went on record with PennDOT and State representatives two to three months ago that Lower Makefield supports having both culverts repaired as quickly as possible. He stated on a number of occasions, the Board of Supervisors and staff have made this clear to all of the officials.

Ms. Barbara Alva, 2071 Silverwood Drive, stated there are a number of people present this evening on the Lindenhurst Road issue because they are trying to encourage public support. She asked the timetable for the turn-back of Lindenhurst Road and how soon after the turn-back takes place can they expect the Township to restrict commercial traffic from the road. Mr. Fedorchak stated the Township has sent to PennDOT all the information they have requested with regard to the condition of the road. He has not heard back from PennDOT to date, but anticipates they will respond shortly. Mr. Fegley stated the Board of Supervisors will act on this as soon as they have a clear indication from PennDOT. Ms. Alva asked if it is their intention to close the road to commercial traffic.

Mr. Fegley stated it is his intention to restrict quarry trucks. Mr. Hackman stated the Board did receive information from Andy Warren of PennDOT relating to liquid fuels. He stated last year the Township received \$550,000 for maintenance of the local roads, and Mr. Warren had indicated that imposing restrictions could effect the Township's eligibility for liquid fuels payments. Mr. Fazzalore stated he does not feel that they will take away all of the funds - they would only take away the portion for that particular road. Mr. Fazzalore stated he is more concerned that the Township engineer has indicated that once they take the road back, there are \$1 million in repairs that need to be done. Mrs. Godshalk stated if Newtown and Upper Makefield do not cooperate, they will have traffic at the intersection of 532 and Lindenhurst Road and it will have to go through Dolington or 532 to Taylorsville and those roads were not really built to take quarry truck traffic. She stated this is why the culverts should be fixed so that the trucks will take the closest way to get to I-95.

Mr. Jerry Magilton, Sr., 1721 Powderhorn, stated at the last meeting there was a discussion as to whether or not they had the right to restrict truck traffic. He stated he feels Stoopville where it intersects with 532 is in Lower Makefield and they could make this a "No Left Turn" at Stoopville because of the dangerous turn condition. This would encourage the trucks to go down further and come up through Newtown to get to 532 and possibly Newtown would then be encouraged to take action. Mr. Hackman stated Stoopville and 532 are also State Roads.

Ms. Claudia Fontaine, Dawn Lane, stated they put a light in at Lindenhurst Road which is a State road. She stated if they can prove that it is a dangerous turn, that they should be able to have a "No Left Turn" sign installed. Mrs. Godshalk stated they would have to meet warrants. Mrs. Godshalk stated she does feel they could get the warrants for a light at 532 and Stoopville. Mr. Hackman stated there is a stop sign there now. He stated he is not sure they will be successful in stopping the truck traffic. He stated if they cannot stop the traffic, he wants to lower the speed limit and put in additional stop signs. He stated he is more in favor of stop signs than lights, because everyone is supposed to stop at a stop sign. Ms. Fontaine asked how they have been able to have the other roads closed for thirty years, and it was noted that PennDOT is the one that stopped truck traffic from using those roads because of the culverts. Mr. Hackman stated Lower Makefield Township might have been better off if they had not been so good about fixing their own roads. Ms. Fontaine stated they would need less money to fix roads if they did not allow the large trucks on the roads. Mrs. Godshalk suggested that everyone show their support by attending the meeting on February 13.

Ms. Sue Herman stated approximately one month ago the Township engineer worked up an analysis of what needed to be done to Lindenhurst Road to bring it up to standards. She stated if \$1 million is required to bring it up to standards, it means that the trucks are having a tremendous impact on the condition of the road. She stated she is in the process of trying to obtain a geological survey map that will show the road is not designed for the current level of commercial traffic. Mr. Williams stated the road was constructed in accordance with Township standards although he does not feel any life cycle studies were done to reflect the impact from this kind of traffic. Ms. Herman stated she feels they should pass a Motion that they do core samples to determine the condition of the road and whether it is appropriate to carry such heavy truck traffic. Mr. Williams stated he feels it would be best to have an outside consultant, such as someone from New Jersey, to do this so it is apart from the political atmosphere. Ms. Herman stated this would be outside the sphere of District 6.

Mrs. Godshalk stated usually it is the Township, through development or taking out bond issues, that pays for the road projects on the State roads. She stated the State is really not doing their job as far as maintaining their entire road system. Ms. Herman stated Lindenhurst Road is a minor collector road that was designed to take local traffic. Mrs. Godshalk stated there are other State roads in the Township such as Stony Hill and Big Oak that also take a significant amount of traffic. Ms. Herman stated Stony Hill Road is an arterial road. She stated Lindenhurst Road is a collector road, and is not designed, by classification, to handle the traffic that is currently on it. She stated she has heard that Representative Steil, who has never supported the turn back, gave a Harrisburg representative a tour of the roads in the region. Mr. Fegley stated he told Mr. Steil personally his position on the turn back and that he supports it. He added that after the last meeting he contacted Mr. Steil and Mr. Conti as well. Mr. Stainthorpe stated he too has talked to Mr. Steil. Mr. Stainthorpe stated he feels the residents have clout with Mr. Steil since his votes come from Lower Makefield Township residents and he lives in Lower Makefield as well. Ms. Herman asked if there would be benefit to Lower Makefield Township lobbying Harrisburg. She stated the other Township Supervisors and Managers are lobbying Harrisburg. Ms. Herman stated in the past ten years there has not been a turn back that did not get approved, but in this case, they have found they are not as willing to do so because politically people are pressuring them not to permit this.

Mrs. Godshalk asked that everyone go to the meeting on February 13. She asked that this matter be put on the Board of Supervisors' Agenda for March 3. She stated that in the meantime, Mr. Fedorchak and Mr. Williams could get estimates on obtaining core samples. Mr. Hackman asked if core samples are what they should be obtaining, and Mr. Williams stated core samples is one portion and there are other criteria as well that could be evaluated. Mr. Hackman asked Mr. Williams to advise them what else should be done.

Mr. Bob Gainer, Newtown Township, presented a letter to the Board this evening (attached to the Minutes). He read the letter into the record expressing his concerns with traffic on Lindenhurst and Stoopville Roads.

Ms. Sally Conlon, Edgewood Road, asked the status of the cost of the land for the Golf Course. Mr. Garton stated the Dalgewicz family requested a continuance since their witness could not attend, so they have not had the second hearing yet.

APPROVAL OF MINUTES

Mr. Fazzalore moved and Mr. Stainthorpe seconded to approve the Minutes of January 20, 2003 as written. Motion carried with Mrs. Godshalk abstained.

APPROVAL OF ORDINANCE NO. 338 AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2003 IN THE AMOUNT OF \$12,635,000

Mr. William Taylor, Mr. Chris Monahan, Mr. William Carlin, Jr., and Mr. Thomas Smida were present. Mr. Garton stated they have advertised for consideration this evening an Ordinance which will authorize the funding of the Bond Issue.

Mr. Monahan stated this will refinance the 1997 Bond in the amount of \$4.5 million, the 1998 Bond in the amount of \$6.4 million, and \$1.2 million in new capital projects. He

stated the standard to determine whether a Bond refinancing is viable is 3% savings, and the proposal will show savings of approximately 8%. They are taking advantage of the decline in interest rates and putting in a small portion for capital financing at the same time in order to save the cost of professionals. Mr. Carlin reviewed the terms of the transaction. He noted the Bond Purchase Contract which was provided is identical to what was seen in 1997 and 1998. On Friday, they underwrote the Issue which does derive the savings which Mr. Monahan reviewed. This will lock in the savings this evening. They will close on March 19. Any change in the market would be Janney, Montgomery's risk if rates were to rise. Mr. Monahan noted there are still \$3 million in unsold Bonds available. Mr. Carlin stated they opened this up to the selling groups which opens it up to a wider group for purchase.

Mr. Fazzalore stated at the last meeting he was authorized to be the representative of the Board of Supervisors; and Mr. Monahan did contact him last week, and Mr. Fazzalore advised him to proceed.

Mr. Smida, Bond Counsel, stated the Board has been provided with a text of the proposed Ordinance. This will authorize the incurrence of General Obligation Debt.

Mr. Fazzalore moved and Mr. Hackman seconded to approve Ordinance No. 338.

Mr. Fazzalore asked how they will handle the accounting for the \$590,000 savings. Mr. Taylor stated it is spread over several funds and debt service, and will create a positive balance at the end of 2003 which will reduce the tax requirements for next year. Mr. Fazzalore stated he does not want to use the savings for General Operating Funds.

Mr. Zachary Rubin, 1661 Covington Road, asked what the \$1.2 million will be used for. Mr. Garton stated almost \$1 million will be used for the new ladder fire truck, \$200,000 is for architectural fees for the proposed Senior Center, and \$80,000 is for the design and planning of Memorial Park.

Mr. Hackman stated in the first year they will be paying 1.15%.

Motion carried unanimously.

DISCUSSION AND MOTION ON INTER-GOVERNMENTAL AGREEMENT BETWEEN LOWER MAKEFIELD AND NEWTOWN TOWNSHIPS REGARDING JOINT TRAFFIC CONCERNS

Mrs. Godshalk stated she was asked to put this matter on the Agenda. She stated the Board of Supervisors did agree to an Agreement several months ago and have now heard that Newtown Township has changed the ground rules.

Mr. Fedorchak had asked the Township engineer to come up with map of the Development Plans for Newtown Township, and Mr. Williams provided this evening approximately fifty copies of a map showing the area in question. Mr. Fedorchak stated he received from the Newtown Township Manager the Land Development Plans that have been approved for Newtown Estates, Wilshire Walk, and Newtown Corporate Center. He also provided the Land Development Plan for the CAU Development. He stated these identify the footprints for the lots showing buildings, parking, and roadway systems and where the roads are

going. Mr. Williams stated they took a road map of the Township and the Development Plans referenced by Mr. Fedorchak, got them to a common scale and placed them into the area. Mr. Fedorchak stated Newtown Corporate Center has been reviewed by the Newtown Township Planning Commission and will go before their Board of Supervisors in a week for Preliminary Plan approval. Newtown Estates has been approved and is currently under construction.

Mr. Hackman asked for the total number of cars generated by the Newtown Corporate Center, but Mr. Williams stated they did not get copies of the traffic studies. It was noted the ICT exit currently goes to the By-Pass, and the Plans for the Newtown Corporate Center show this as being a fully-signalized intersection. There will be a T intersection. PennDOT will not review this until they get Preliminary Plan Approval.

Mr. Hackman asked their plans for improving Upper Silver Lake Road. Mr. Williams stated widening and drainage improvements will be done.

Mr. Williams stated there is no access to CAU from Brandywine Boulevard. There is a sewer easement between Buildings C and D that connects CAU to Newtown Corporate Center.

Mrs. Godshalk stated in the original Agreement, Newtown Township had agreed not to have a connection; and by taking mention of the connection out of the Agreement, it leaves it open. Mr. Fedorchak stated he asked Mr. Pellegrino if Newtown Township intended to construct what had been referred to as "Concept Way," and he stated they did not. Mr. Fedorchak asked why this could not be part of the Agreement, and Mr. Pellegrino suggested that the Lower Makefield Board of Supervisors re-present this to the Newtown Township Board of Supervisors. Mr. Fegley stated he discussed this matter with Mr. Steil who indicated that they do not intend any connection and any attempt to connect through the CAU Development would not be feasible because of condemnation and a number of other items. Mr. Fegley asked why they could not put that language in the Agreement if they do not intend to construct it, and Mr. Steil stated he would discuss this with Mr. Pellegrino to see if they could not get that wording into the Agreement. Mr. Fegley stated he discussed this with Mr. Steil since he had been acting as the mediator and was trying to represent both sides.

Mrs. Godshalk asked that someone move to send a letter to Newtown Township indicating Lower Makefield would not proceed with their portion of the Agreement until they add back this clause. Mr. Stainthorpe asked if Mrs. Godshalk could contact the Chairman of the Newtown Township Board of Supervisors and ask that individual to put this clause in. Mrs. Godshalk stated if the Board of Supervisors makes a Motion, she would agree to contact the Newtown Board Chairman.

Ms. Virginia Torbert stated in the Newtown Township 12/11/02 Minutes when they voted on this matter, they indicated they did not feel it was Lower Makefield Township's place to have veto power over something in their Township. Mrs. Godshalk stated in the Inter-Governmental Agreement, they have indicated that Lower Makefield should build the ramps in Lower Makefield.

Ms. Claudia Fontaine stated she feels Lower Makefield does have the right to include certain items in the Agreement and this is why they are entering into an Agreement.

Mr. Jerry Magilton, Jr., 1705 Powderhorn Drive, stated he felt that this was a Regional Agreement and the fact that Newtown has backed out of this is very serious. He feels the Lower Makefield Supervisors should pass a Motion approving the Agreement the way it was.

Ms. Herman stated one of the major criteria that led the Lower Makefield Supervisors to approve the ramp was there would be no connector road between Roadway B and Lindenhurst Road. She stated Newtown Township's removal of this clause is alarming; and if the road is constructed, it will be used as a cut through. She stated at the 1/22/02 Newtown Township Board of Supervisors' meeting, Brandywine estimated there would be close to 1,000 cars of non site-generated traffic. She asked that the Lower Makefield Supervisors also add a clause to the Agreement that there be no left turns at the ICT entrance should the number of left turns equal or exceed seventy-five. She also asked that the Agreement be revised to indicate the approval is for a "ramp" and not "ramps" as shown in the Agreement. She stated the design phase of the ramp is soon to be completed and right-of-way negotiations between PennDOT and Lower Makefield Township will be occurring. She asked that the Board of Supervisors withdraw their approval of the 332/I-95 ramp until these issues are resolved.

Mr. Fazzalore stated he would not agree to withdraw his approval for the ramp since the ramp is a safety concern for all residents in Lower Makefield.

Mr. Fegley moved to send a letter to Newtown Township acknowledging receipt of their letter dated 12/12/02 and the Inter-Governmental Agreement and re-submit the Agreement with the clause back in with a letter to be sent as follows: "We respectfully request that you re-consider your decision. The issue of the connector road is an important one to the residents of Lower Makefield Township; and if in fact as has been expressed by members of the Newtown Board of Supervisors and the Newtown Township Manager, there is no intent to have a connector road to the CAU Development, agreeing to this language should not be a problem for Newtown. We request your immediate attention to this matter."

Mr. Fegley stated he does not approve of any additional threats or conditions there were not part of the original discussions with Mr. Steil. He stated he feels if this is done, it could result in there being no Inter-Governmental Agreement.

Ms. Irene Koehler stated after working on an Agreement for one and a half years, she feels they should be indignant that Newtown has done this, recognizing that this was the clause Lower Makefield was most concerned about. Mr. Fegley stated he does not feel they should go back with indignation and would prefer that they move the process forward.

Mr. Hackman stated the original proposal for an Agreement had several points to it - one was the I-95 single loop, second was proceeding on plans for two additional loops in the undeveloped quadrants, third was the full intersection for the road shown in blue on the Plan, fourth was that there be no connector road, and fifth was cooperation in taking back Lindenhurst Road. He stated so far the loop is proceeding and they are taking care of the additional entrance way on the By-Pass. They vetoed assistance with the Township taking back Lindenhurst Road and they will not agree to include the clause about the connection of Concept Way. Mr. Fegley stated taking back Lindenhurst Road was not part of the original Agreement but was added by Lower Makefield. Mr. Hackman agreed but stated the only thing Newtown Township was interested in were the loops. He stated the loop is moving ahead and Lower Makefield is now getting nothing. He stated there is no sense in having

an Inter-Governmental Agreement if they are not agreeing to share things back and forth. He stated it would be very easy for them to take the driveway from CAU and extend it to the blue road shown on the Plan. He feels they should indicate that this is one of the most important things left; and if they will not agree to this, he feels they should not have an Inter-Governmental Agreement. He stated he does feel they need the loop but feels unless they do something, Lower Makefield Township will get nothing except much more traffic.

Mr. Stainthorpe suggested they try once more to get an Agreement, and if this fails, they may have to take tougher action.

Mr. Stainthorpe seconded Mr. Fegley's Motion.

Ms. Carol Cowlie, 2000 Silverwood Road, stated Lower Makefield Township has 32,000 residents while Newtown Township has only 17,000. She feels Lower Makefield has more clout than Newtown Township. Mr. Stainthorpe stated under Pennsylvania law each Municipality can set the rules for their own Township. Ms. Cowlie stated she feels Lower Makefield Township should be more proactive.

Mr. Bob Butterfield, Newtown Township, stated with the 2/13 meeting coming up, he does not feel this matter will be resolved in a month. He stated he does not feel Mr. Steil is the best individual to have as a mediator and it would be better for Lower Makefield to go to Newtown directly. Mrs. Godshalk stated they are going to send the letter to Newtown Township.

Ms. Virginia Torbert stated they have changed the light over the bridge which has made the situation safer so that traffic coming from Newtown Township making a left to go to I-95 North does have a red light when traffic is coming up from Yardley. She stated if they use the ramp as leverage, they should indicate they are exploring changing the light to make this a safer intersection before a ramp is built. She stated she does not feel Newtown Township really cares about the Inter-Governmental Agreement and does not feel threats will work. She stated she also does not feel that Newtown Township really cares about the ramp and feels they may have to find something else to use as leverage.

Mr. Jerry Magilton, Sr. stated he feels this is an attempt to establish a bargaining position on the part of Newtown Township.

Mrs. Godshalk called for the vote, and the Motion carried unanimously.

APPROVAL OF PRELIMINARY/FINAL PLAN FOR THE METZ TRACT

Mr. Garton stated this matter was tabled so that discussions could take place about concerns by the Orchard Hills residents regarding siltation of their basin and in order to see if an agreement could be reached among the four existing residents regarding the disposition of Prospect Avenue.

Mr. Edward Murphy, Mr. Bill Briegel, and Mr. Tom Doyle were present. Mr. Murphy stated the Board of Supervisors was provided a letter from the attorney representing the Orchard Hills Homeowners' Association, and an Agreement has been reached between the Homeowners' Association and DeLuca. A signed copy of this Agreement has been submitted to the Township engineer and the Township solicitor. The Agreement provides

that DeLuca will install super silt fence at the point where water comes into the basin from Dolington Road and additional silt fencing will be installed along each of the three infiltration trenches that currently exist. They will also periodically clean the riprap and inflow pipe at the developer's cost and they will do this again at the end of construction. It also provides for a cash contribution which will be funded at the time they sign the typical Security and Financial Agreements with the Township which will cover DeLuca's obligation for long-term maintenance. This figure has been negotiated and agreed upon by the parties. Mr. Hilton was present and stated the Agreement has been signed. Mr. Garton stated the Agreement would be a condition of any approval.

With regard to the issues involving the four existing homeowners, Mr. Murphy stated the last time they were present it was his understanding that three of the four homeowners were in agreement to parcel out Prospect Avenue and establish a driveway for the benefit of those four residences. Prospect Avenue would become a private drive. One homeowner was not in favor of that approach. He does not feel the position of the parties has changed. Mr. Murphy stated that Mr. Garton has provided to him this evening a letter from Mr. Adams who continues to be opposed to a private drive and wants it to be a dedicated street. The developer is prepared to agree to whatever the Board decides although the Plans do show the land as being parceled out. Mrs. Godshalk asked if they recognize that there will be no Township maintenance of this private road, and Mr. Murphy stated they are aware of this. Mr. Murphy stated there would also be an Emergency Access Agreement conveyed to the Township. The driveway would be restored to Township specs. In addition some of the residents requested that they provide a mild crown so that the water would not sheet flow onto their property. The area to be parceled out would be 50 feet. Currently this 50 foot wide strip of land is owned by the Metz property.

Mr. Hackman stated this was planned to be a public road, and he feels they should make it a public road and the developer should build it to Township specs. If it is not going to go through, there should be a cul-de-sac or eyebrow so trucks, etc. can pull in and make deliveries, pick up trash, etc. It was noted that currently everything is dropped off at Taylorsville Road. Mr. Murphy stated the Fire Company has indicated that 12' to 14' is wide enough to accommodate their equipment.

Mr. Adams stated he has reviewed the deeds to all four properties and all deeds refer to Prospect Drive. He stated there is a Township Ordinance that indicates the speed limit on Prospect Drive is 25 miles per hour. He stated it has always been intended to be a through road. Mr. Murphy stated the 1974 Plan indicated that this is a private drive. Mr. Fegley stated he is of the opinion that even if it was planned as a public road, it does not necessarily have to become one. He feels they need to consider these matters at the time they review the Development Plans. Mr. Adams stated the developer is required to approve streets which abut developments to Township standards according to Township Ordinances.

Mr. Richard Scott, 22 Prospect Avenue, stated making it a through street will result in it being used as a cut through. Mr. Stainthorpe stated assuming it will not be a through street, what would be their opinion of making it a Township Road. Mr. Scott stated they would still lose part of their property. Mrs. Godshalk stated the Ordinance indicates that every lot should front on an improved street. Mr. Murphy stated they would create a flag lot situation for the Scotts and the Harms. Currently no portion of their lots have frontage on a public street. They would establish the Harms and Scotts could have access to Taylorsville Road. The other two properties currently have access onto Taylorsville Road.

Mr. Adams stated he does not have access to Taylorsville Road, but others in the audience disagreed with this statement. Mrs. Godshalk showed on the Plan a way to provide for a separate driveway for each of the four property owners. She stated this would result in four driveways and each would have 12 1/2' of frontage on Taylorsville Road. Mr. Adams stated he feels they should honor the Agreement signed in 1974 that this would be a public road. He noted Code 178-40 which he feels relates to this. Mr. Adams stated he has discussed this matter with other Townships and they indicated that shared driveways are fine if it is the same family, but as soon as one title changes and a new person moves in, Agreements become very thorny issues with calls to the Police about cars parked on the grass, etc. He stated there are Townships which have banned shared driveway agreements because of the problems they cause. He stated some have been approved if the plot plan shows enough room for a Municipal road to be built if the shared driveway becomes a problem.

Mr. Stainthorpe asked what problems have been encountered in the past since this situation has been in effect for many years. Mr. Adams stated the problem is they do not get Township services. He stated on occasion it has been plowed by the Township as a favor to the residents. He stated it was always intended that when the property was bought from Mr. Metz, that it would be a through street and would be paved. He stated they pay Township taxes and should get Township services.

Mr. Hackman stated he feels the plan in 1974 shows the intention was that this would be a public street.

Ms. Harm stated Mr. Adams does not live on Prospect Avenue as he has a Taylorsville road address.

Mr. Fegley stated having a through street at this location would be a nightmare. Mr. Adams stated he does not feel he should voice his personal opinion since he does not live there. Mr. Fegley stated he feels by looking at the plan it shows that it would be a cut through. Mr. Williams stated he also feels it would be used as a cut through. Mrs. Godshalk stated they have already decided that it would not be a through road, although she does feel it was intended to be a Township road at one time. She had previously suggested that it be a cul-de-sac/eyebrow so that the Township could maintain the road. It was noted there is not sufficient space to do this.

Mr. Garton stated Mr. Adams has been referring to the Subdivision Ordinance, and the Board can waive this. Mr. Williams stated in order to talk about that Section of the Ordinance he is referring to, you must assume Prospect is a street.

Mr. Stainthorpe stated since three out of the four residents want a private drive, he feels they should proceed with the private drive.

Mr. Bolger, 219 Taylorsville Road, stated Mr. Adams was opposed to this being a private road. Mr. Bolger has agreed that they could divide the 50' by 250' lane into three pieces, and he would be willing to grant Mr. Adams a lifetime easement across the property. He would pick up any share of the maintenance or re-paving and relieve him of any future burden. At some future time when he and his mother no longer live on the property, they could convey that property to the next homeowner who would pick up one quarter of the maintenance. He stated he is willing to do this since Mr. Adams has indicated that he and

his mother would have difficulty with any monetary costs, and the three other homeowners have agreed to pick this up. He noted Mr. Adams would not agree to this compromise. Mr. Bolger stated the residents have maintained this on their own for years and they would like to continue to do so. He stated DeLuca has listened to their request that this not be a through street. Mr. Garton stated this would be recorded on each person's deed. Mr. Bolger stated he does not feel Mr. Adams is in favor of this proposal.

Mr. Adams stated he has been in contact with two lawyers and he is researching this matter. He stated there are many Court rulings on these matters, and he feels he has a good case to overturn what the Township is now proposing. Mrs. Godshalk stated the first challenge may be when one of these homes goes up for sale.

Mr. Murphy stated Mr. Adams will still be able to use the driveway as he has in the past. Mrs. Godshalk stated she feels there are three Supervisors willing to approve the private driveway.

Mr. Adams stated there are benefits to having a through road. Mrs. Godshalk stated she does not feel the through road is an option. Mr. Adams stated there are problems selling homes when they have shared driveways. He stated there are also problems with emergency vehicles accessing properties when people have parties and are parking on the grass. He stated varying from the Township requirements may cause appeals to be made in the future. He asked that numbers two and four on the Waiver list be denied.

Mr. Stainthorpe moved and Mr. Fegley seconded to grant Preliminary/Final Plan Approval for the Metz Tract Plan, Plans dated 7/1/02, last revised 11/6/02 subject to:

- 1) Compliance with PCS letter dated 11/27/02.
- 2) Compliance with CKS letter dated 11/25/02.
- 3) Receipt of all permits.
- 4) Waivers as noted in the PCS letter dated 11/27/02.
- 5) Fee-In-Lieu of Recreation to be paid at the time Building Permits are requested.
- 6) Payment of Traffic Impact Fee as required by Ordinance.
- 7) Funding and execution of Development and Financial Security Agreements.
- 8) The house will be sold subject to a Conservation Easement as to the land and with a Facade Easement and a further restriction against further Subdivision. The parcel with the house to be 4.3 acres.
- 9) Payment of \$780,000 by the Township for open space, Conservation Easement and Facade Easement.
- 10) The credits that are noted on the price assume the 28' of cartway, assume the elimination of improvements to Dolington Road, and assume the sidewalks on one side. The Township could receive additional credits of \$3735 if they chose to waive the bikepath.
- 11) The 50' wide portion of Prospect Road be deeded to the three property owners referenced in accordance with the discussions - those being the Harms, the Scotts, and the Bolgers subject to joint Easements for access and maintenance. Mr. Adams' property will get an Access Easement with no cost to be afforded to him as far as maintenance costs or upkeep of the Easement. Will be conveyed to successor in interest for the Adams property in the future with the exact details to be worked out between now and the signing of Agreements.

12) Agreement between Orchard Hill Homeowners' Association and DeLuca to be a condition of this Approval.

Mr. Murphy agreed to the conditions of Approval.

Mr. Hackman stated he feels the bikepath should be built to connect to the other bikepath. Mr. Murphy stated the Master Bikepath Plan shows this to be on the opposite side. Mr. Garton stated they did not want improvements made to Dolington Road so that they could save the trees. Mr. Murphy stated they are still working with PennDOT on required road improvements and feel they will be able to work this out and still save the trees. Mrs. Godshalk stated she feels PennDOT should come out to the property to look at it. Mr. Murphy stated they will continue to work on this and asked that the Board of Supervisors authorize the Township Manager to contact PennDOT with their views on the road improvements.

Mr. Hackman stated he feels the Township residents should have a full-service road in front of their homes, although he does not feel it should be a through street. Mr. Scott stated he appreciates his concern, but he is more in favor of the privacy they have enjoyed for many years.

Mr. Fazzalore asked if the \$750,000 to be paid to the developer is Open Space money, and Mrs. Godshalk stated it is.

Mr. Adams asked for a review of the impact on his property, and Mr. Garton reviewed the Condition of Approval in this regard.

Mr. Bolger stated his concern is that Mr. Adams and his mother are both pensioners. He stated this proposal is only to be for Mr. Adams and his mother and is not for other members of their family.

Motion carried with Mr. Hackman opposed.

APPROVE SUPER FRESH PRELIMINARY/FINAL REVISED LAND DEVELOPMENT PLAN

Mr. Garton reviewed possible conditions of Approval. Mr. Fazzalore expressed concern with safety in the parking lot. Mr. Murphy stated the Planning Commission has recommended some changes to the parking lot and once a final decision is made by the Township, Mr. Murphy will approach the current owner of the shopping center to see if they would agree to make these improvements. He stated this may require an Amended Plan depending on the extent of the changes.

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Super Fresh Preliminary/Final Revised Land Development Plan, Plans dated 10/3/02, last revised 11/4/02 subject to:

- 1) Continued compliance with all prior conditions except as modified by this Approval;
- 2) Compliance with PCS letters dated 11/27/02 and 1/30/03 including the Sketch Plan dated 1/30/03;

- 3) Applicant to comply with latest recommendations of the Planning Commission in their recent memo as it relates to the bollards;
- 4) Applicant to pay any and all expenses to the extent not paid.

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

DISCUSSION ON MIGNONI/GRANGE HALL/EDGEWOOD VILLAGE PARKING PLAN AND MOTION TO WAIVE LAND DEVELOPMENT AND REQUIRE ESCROW FOR FUTURE IMPROVEMENTS

Mr. Murphy stated he appeared in early December asking for the Board of Supervisors' support for their Variance Application for additional on-site parking. They made Application to the Zoning Hearing Board and did obtain relief. There were discussions whether this would require only a Grading Permit Application or a Land Development Plan. Previously, Mr. Hackman had also brought up the need for a bikepath in front of the Grange, and they are prepared to do this if this is the decision of the Township. Mrs. Godshalk stated she would not be in favor of the bikepath noting there is a proposal in the Edgewood Village Plan for a walking path. Mr. Murphy stated sufficient right-of-way is available.

Ms. Marge Mignoni was present and stated she would like to be able to lease the building; but if this does not happen, she may sell the building.

Mrs. Godshalk stated they would like to be able to provide for future improvements in front of the building. Mr. Hackman stated there were discussions about making improvements in front of the Church and at the intersection, and they had indicated at that time that they were going to put money in escrow until they decided what needed to be done. Mr. Murphy stated they could escrow the amount of money that would be required to install a 6' wide macadam bikepath.

Mr. Fazzalore moved, Mr. Hackman seconded and it was unanimously carried to waive Land Development and require escrow for future improvements.

APPROVE PROPOSED ON-LOT SEWAGE SYSTEM AND OPERATION MANAGEMENT AGREEMENT FOR FIRST BAPTIST CHURCH

Mr. Garton stated the Board of Health has approved this but requires Township approval of the Agreement. Mr. Garton stated he has reviewed the Agreement and would recommend approval. Mr. Hackman asked if they are required to hook up to public sewers when available, and Mr. Garton stated this is part of the Plan Approval.

Mr. Stainthorpe moved, Mr. Hackman seconded and it was unanimously carried to approve the proposed on-lot sewage system and Operation Management Agreement for First Baptist Church.

DENY REQUEST FOR DEDICATION OF THE ESTATES AT PEBBLE CREEK

Mr. Garton stated the staff is recommending denial of the request for Dedication . Mr. Hackman moved and Mr. Stainthorpe seconded to deny the request for Dedication of The Estates at Pebble Creek based on outstanding issues in the CKS letter dated 1/28/03 and the PCS letter dated 1/30/03.

Mr. David Shafkowitz and Mr. John DePasquale were present. Mr. Shafkowitz stated the Applicant did not receive either of these letters. Mr. Garton noted both letters were sent by Certified Mail to Mr. John DePasquale. Mr. Fedorchak suggested that the Applicants meet with the Township staff to review the outstanding issues. Mr. Fazzalore stated they must resolve the drainage issues.

Motion to deny carried unanimously.

APPROVE DEDICATION OF CONGREGATION KOL-EMET SANITARY SEWER

Mr. Garton stated the staff recommends that the Township accept Dedication as all Conditions have been met. Mr. Hackman moved, Mr. Stainthorpe seconded and it was unanimously carried to Approve Dedication of Congregation Kol-Emet Sanitary Sewer.

SIGNING OF LINENS FOR TOWERING OAKS OF YARDLEY

Linens were signed following the meeting.

ZONING HEARING BOARD MATTERS

It was agreed that the William and Judith Fellows, 13 Milton Drive, Variance request to permit construction of a patio resulting in greater than the permitted impervious surface would be left to the Zoning Hearing Board.

It was agreed that the Gennaro Sacchetti, 1006 Randolph Drive, Variance request to construct a shed encroaching into the special setback of Yardley-Langhorne Road would be left to the Zoning Hearing Board.

It was agreed that the Glenn Palaia, 1521 Derbyshire Road, Variance request to construct **an addition encroaching** into the front yard setback and also greater than the permitted impervious surface would be left to the Zoning Hearing Board.

BOARD ASSIGNMENTS FOR 2003

Mrs. Godshalk noted the following Board assignments for 2003:

- Mr. Fazzalore: Cable, Sewer, Pension, Auditors, HARB
- Mr. Fegley: EAC, Zoning Hearing Board
- Mrs. Godshalk: Historical Commission, Golf Committee, Elm Lowne, Newsletter
Emergency Management
- Mr. Hackman: Golf Committee, Park & Recreation, Pension
- Mr. Stainthorpe: Planning Commission, Farmland Preservation

SUPERVISORS' REPORTS

Mr. Hackman asked if the Board could schedule a Special Meeting to interview Golf Management Companies sometime after February 11. It was agreed to meet on Tuesday, February 18, 2003 from 6:00 p.m. to 9:00 p.m.

APPROVE HIRING CKS TO PERFORM BID PREPARATION, CONTRACT ADMINISTRATION AND ENGINEERING SERVICES RELATED TO THE BLACK ROCK ROAD SEWAGE PUMPING STATION ELECTRICAL UPGRADE

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to hire CKS to perform bid preparation, contract administration and engineering services related to the Black Rock Road Sewage Pumping Station electrical upgrade at a cost of \$10,000.

APPROVE RENTING COTTAGE ON PATTERSON FARM PROPERTY

Mr. Fedorchak stated Mr. Robert Glass currently resides at the Metz Farm and is proposing to pay \$6,000 a year for a one year lease for the small tenant house on the Patterson Farm next to the large Manor House on the Tract. He and one other individual will reside there.

Mr. Stainthorpe moved, Mr. Fazzalore seconded to rent the cottage on the Patterson Farm Property to Robert Glass in the amount of \$6,000 for one year.

Ms. Virginia Torbert asked the status of the Patterson Farm in terms of the Agreement with the Pattersons. Mr. Garton stated the Township has always had the right to lease the ground. Mrs. Patterson is making arrangements to move her possessions out of the house. Ms. Torbert asked the status of the house on Mirror Lake Road. Mr. Fedorchak stated hopefully they will subdivide this parcel and sell it to a private owner. There is someone living in the property now who has been there for many years and was a close friend to the Pattersons. Mr. Fedorchak stated the house needs to be repaired and conservatively it will take \$250,000 to improve it. There are a number of structural issues that need to be addressed. Mr. Fedorchak stated when they sell the house they are looking at adding a small amount of acreage to make it an attractive piece of property to purchase.

Motion to approve carried unanimously. Mrs. Godshalk asked that they add the second individuals name on the Lease.

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APPOINTMENTS

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to appoint Jeff Shanks to the Sewer Authority.

There being no further business, the meeting was adjourned at 10:45 p.m.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Frank J. Fazzalore". The signature is written in a cursive style with a long horizontal stroke extending from the end of the name.

Frank Fazzalore, Secretary

