

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES - MAY 19, 2003

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on May 19, 2003. Chairman Godshalk called the meeting to order at 7:35 p.m. noting that the Board had been meeting in Executive Session since 6:30 p.m. to discuss legal matters.

Those present:

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

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

Absent: Wes Hackman, Vice Chairman Board of Supervisors  
Scott Fegley, Supervisor

PUBLIC COMMENT

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, asked if they have heard anything from PennDOT or the State about the design of the ramp at I-95 and Route 332. Mr. Fedorchak stated he did send a letter to Mr. Warren one week ago asking for an update. He stated the latest version of the sketch which they received approximately two years ago would require a six acre taking from the Township. This is the sketch the Board was in favor of. Ms. Torbert asked if the Township has heard anything from the Board of View regarding the Golf Course, and Mr. Koopman stated they are meeting Wednesday of this week on this matter.

Ms. Diane Mayes thanked the Township for contacting Comcast about her concern voiced at a prior meeting regarding work done at her property. She stated Comcast came out shortly after being contacted by the Township and seeded the property, and grass is now coming up.

PRESENTATION OF LOWER MAKEFIELD TOWNSHIP HISTORICAL  
COMMISSION COMMUNITY PRESERVATION AWARDS

Mrs. Godshalk made the presentations of the Lower Makefield Township Historical Commission Community Preservation Awards to James J. McCaffrey, III, the Roberts Family, and Mr. Jeff Werner. She noted the work done by each to promote historic preservation in the Township.

TABLING OF MINUTES

Due to lack of a quorum able to vote on the Minutes, Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to table the Minutes of May 5, 2003.

ANNOUNCEMENT OF TOWNSHIP AWARDS

Mrs. Godshalk noted the Lower Makefield Township Society for the Performing Arts held their 25th Anniversary Gala where the Township was presented an award for their support of their organization. She also noted members of the 9-11 Memorial Committee and the families from Bucks County of the victims of 9-11 were given the Presidents Award from the Citizens Crime Commission. She stated this Award will hang in the Township until they have a permanent place to display it.

APPROVAL OF MAY 5 AND MAY 19, 2003 WARRANT LISTS AND APRIL, 2003 PAYROLL

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the May 5 and May 19, 2003 Warrant Lists and April, 2003 Payroll as attached to the Minutes.

Mr. Fazzalore stated the transfer taxes came in much higher this year than the same period last year; however, snow removal and some other items were over Budget.

APPROVAL TO INCREASE THE LEVEL FOR CAPITALIZING ASSETS FROM THE CURRENT \$1,000 TO \$5,000

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the increase in the level for capitalizing assets from the current \$1,000 to \$5,000.

APPROVE APPOINTMENT OF ARCHITECTURAL PLANNER RELATING TO THE CONSTRUCTION OF THE GARDEN OF REFLECTION

Mr. Fazzalore stated he felt the architect was part of the Committee's responsibility, and Mrs. Godshalk agreed.

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to appoint Liuba Lashchyk as the architectural planner for the Memorial in the amount of \$47,300 plus some small additional fixed fees which could come up as spelled out in the proposal.

DISCUSSION AND TABLING APPOINTMENT OF ENGINEER RELATING TO THE CONSTRUCTION OF THE GARDEN OF REFLECTION

Mr. Fazzalore stated he will not vote in favor of the appointment of Pennoni Associates, Inc. as the engineer for the construction of the Garden of Reflection and there will not

therefore be three votes tonight in favor of **the appointment**. He stated this portion of the Memorial is a Township expense as it includes, **the road, etc.**, and there was only one engineer given. He stated he feels there should have been more bids, and he will not vote in favor of this tonight.

Mr. Fedorchak stated they hired Pennoni approximately one and a half years ago to be part of this project, and they have been working with the Township. Prior to that time he did solicit proposals from engineers and architectural firms to develop the Park. Ms. Lashchyk and Pennoni were selected at that time to do the preliminary design.

Mr. Fazzalore stated he feels the Committee has the right to choose the architect; but the **Township must be prudent** with what they do with their portion of the project, and he does **not like single bids**. Mr. Fedorchak stated he feels this is a logical extension to the original Contract, and **they have been paid** in accordance with the original contract. Mr. Fazzalore stated he feels **this is different** since any engineer can design sewer lines, utility lines, and a road; and it is their responsibility to get **the lowest responsible bidder**.

Ms. Patricia Martin was presenting representing Pennoni and stated they have worked with both the Committee and the Park Board re-designing a portion of the original Master Plan so this would fit. This will be the main road going up to the Memorial and the extension of the utilities to service the Memorial itself. This will take it from the Master Plan through to the construction documents. She noted they have been compensated for the work they did previously.

Mr. Fazzalore stated he feels since the Committee has not raised all the funds needed for their portion, a two-week delay should not present a problem. Mrs. Godshalk stated they have raised a significant amount of money and did not want to have to wait until all the funds were raised before they proceeded with the project. She stated this is only for engineering services. She stated the Committee and others have been working very hard to raise funds.

Mr. Fedorchak stated he would recommend continuing the relationship with Pennoni Engineers since they have been extensively involved in creating various elements of the design and are largely responsible for bringing them to this point. Mrs. Godshalk stated the total fee is \$39,000.

Mr. Fazzalore stated he will still not vote in favor of this at this time since there is only one bid. Mrs. Godshalk stated she feels **they should accept the proposal of the firm** that has been working on this for one year. Mr. Fedorchak asked that **they put this item on the Agenda again in two weeks**.

Mr. Stainthorpe moved and Mrs. Godshalk seconded to table for two weeks. Mrs. Godshalk and Mr. Stainthorpe were in favor and Mr. Fazzalore was opposed. Mr. Fazzalore noted he does not want the issue tabled - he wants to see other bids. Mr. Koopman stated a Motion to table can carry two out of three.

#### APPROVAL OF 2003 PAVING PROGRAM

Mr. Williams noted the May 12, 2003 PCS letter to Mr. Fedorchak outlining the roads to be included. He stated these were discussed with Mr. Coyne. Mr. Fazzalore asked how

much is budgeted for this work, and Mr. Fedorchak stated approximately \$500,000 is in Liquid Fuels. Mr. Fazzalore asked what was put in for street paving, and Mr. Williams stated he feels Mr. Coyne indicated it was approximately \$300,000.

Mr. Fazzalore moved and Mr. Stainthorpe seconded to approve the 2003 Paving Program as submitted by PCS in their letter dated 5/12/03.

Mr. Stainthorpe asked about the portion for the Golf Course parking lot, and Mr. Williams stated they were asked to look into this and they would get an alternate price on this. If they want to proceed with this portion, they could add it on; but it would ultimately be paid for by the Golf Course.

Mr. Williams reviewed the work his firm would do as it relates to the paving program. The actual construction work does go out to bid.

Motion carried unanimously.

#### DISCUSSION OF HILLSIDE AND SPRING LANE PROPOSED CURBING

Mrs. Godshalk stated this is the area of the Township where sewers were recently installed. Mr. Williams stated public sewer and water were installed around the Holidays. They held off until the weather cleared to install the storm drains, curbs, etc. He noted the letter which was included in the Board's packet from a homeowner in the area who is requesting modifications because of existing conditions on their property including a retaining wall and a parking area. The homeowners indicated they would be present this evening to discuss this with the Board; however, they were not present at this time. Mr. Williams stated they are concerned about losing the feature which was the reason they purchased their property. They asked that they skip the curbing or at least have a depression only so they could preserve their overflow parking area. Mr. Williams stated this would be a change to the Plan which currently calls for curbs.

Mr. Stainthorpe stated there was an extensive discussion on this project and the residents came in asking for a reduced street width. Now they are asking for something different. He stated they had agreed that there would be parking on only one side of the street because of this reduced width. Mr. Williams stated it has not yet been decided which side will be restricted. He stated the residents were also concerned about the impact of the paving on the existing trees. He stated he feels parking on only one side of the street is going to be a problem. Mr. Stainthorpe stated he feels they should continue with their original plan. Mr. Fazzalore agreed.

Mr. Williams stated the Township does own the area involved. He stated he feels the homeowners would like to present their side to the Board upon their arrival this evening. He noted there is another similar situation in the area; and if the policy of the Board is that there will be no changes from that which was originally agreed to, he will advise those individuals as well. The Board was not in favor of making any changes to the plan.

Some time later during the evening, Mr. and Mrs. Sipolini arrived. Mrs. Sipolini stated they are the second owners of the property which is only seven years. They have owned the property for five years and were attracted to the property because of the wall and additional space for parking of cars which was unique to the road. They reconstructed the

wall as it was falling down. When they have visitors, they do park in this area. She stated last year at the Township meetings she attended, she always pointed out her concern with the wall and the fact that she did not want a curb there which would block out the cars. She stated they were assured that when they came to her property, they would put some depressed curbing in. She stated she backed up her proposal with letters to the engineer and the Sewer Department and felt everything was resolved until the workmen were present at her property. She advised them that they could not install a curb at her wall. She feels this will save the Township money. She stated the workmen did skip her house to await a decision this evening. She stated her neighbors do not object to her proposal.

Mrs. Godshalk stated the Board already discussed this matter. When the sewers and storm sewer system were to be installed, everyone was advised that the Township would take some of the right-of-way and install the curbs as this helps to preserve the street and aids in snow removal. She stated she never heard about this exception and it would be hard to run a curb down the street and have one house that does not have a curb. Mr. Stainthorpe stated he is concerned that when they discussed this previously the Board was not aware that there may have been correspondence and commitments made to these residents. Mrs. Godshalk stated there were a number of meetings with the neighbors. According to the Ordinance, the road should have been much wider but the neighbors indicated they wanted a narrower road. Mrs. Sipolini stated she feels they should pave up to her wall as the wall acts as a retainer.

Mr. Fazzalore suggested that the Township look into whether any commitments were made to Mr. and Mrs. Sipolini. Mr. Williams stated he did speak to Mr. Coyne about this, and Mr. Coyne is not in favor of any changes. Mr. Williams stated he feels a decision does need to be made shortly as they did hold off the curb contractor and skipped this property until this matter could be resolved. Mr. Fedorchak asked how much of the curbing has been poured, and Mr. Williams stated approximately 20%. Mr. Williams stated there is another individual who has a smaller paved area but they did pour this area because it did not impact that property as it did the Sipolini's.

Mrs. Godshalk stated there may be a problem if the decision is made not to have parking on the Sipolini side of the road. Mr. Fazzalore asked about the parking situation, and Mr. Williams stated from the face of the wall to the face of the street there is 8 feet. Provided the person who parks does so against the wall, they should not have a problem. Mr. Fazzalore stated he agrees with Mr. Coyne's concerns about people parking against the wall and stated they will be half way out into the road to get out and with a 20' wide street, this is going to be dangerous. Mrs. Sipolini stated this is not normally a parking area and is only a convenience if they have someone come out and gives them a place to pull in. Mr. Sipolini stated it has been this way since they purchased the home.

Mr. Fedorchak was directed to look into what commitments had been made to Mr. and Mrs. Sipolini and report back to the Board.

#### DISCUSSION OF INCLUSION OF LINDENHURST ROAD IN PENNDOT TWELVE YEAR PLAN AND TRAFFIC CALMING MEASURES

Mrs. Godshalk noted the letter to Mr. Fedorchak from Mr. Steil regarding Lindenhurst Road. Mr. Fedorchak stated Mr. Steil is alerting the Board to the fact that if the Board

intends to make any improvements to Lindenhurst Road, there is an opportunity to include the road in the PennDOT 12-Year Plan.

Mr. Stainthorpe stated if the Township is successful in taking back the road, the Township could still do traffic calming measures on the Township's portion of the road. He feels they should also put it on the 12-Year Plan so that the process has been started if they are not successful in taking back the road. He feels they should proceed on both paths at this time. Mr. Williams stated it does help your position on the 12-Year Plan if you are willing to commit some of your own funds or engineering. Mr. Stainthorpe stated he would like a plan from the Township engineer on traffic calming measures that could be installed and have this by July, well before the deadline to have this matter put on the 12-Year Plan. Mr. Williams agreed to have something to the Board by July 7 - the first meeting in July.

Ms. Sue Herman stated she felt they were going to put something together for the Secretary of Transportation. Mr. Stainthorpe stated they are still pursuing this as well but feel they should also consider this option also.

Ms. Herman stated her organization is not in favor of the left turn lane on Quarry Road as suggested by Mr. Steil in his letter and feel any left turns will only encourage higher truck traffic and higher speeds and would ask that this not be considered as an option. Mrs. Godshalk stated she does not feel they have room to do this because of the existing homes.

Mr. Williams stated he will take a plan of Lindenhurst Road and indicate where traffic calming features could be placed as well as give opportunity for input from the residents.

Mrs. Godshalk read into the record the letter she wrote to the Secretary of Transportation about PennDOT's decision to deny the turn back of Lindenhurst Road noting that the Township's objective was to make Lindenhurst Road safe for all who travel on it and their belief that Lower Makefield could more quickly and effectively institute traffic calming measures to insure the safety of the traveling public. She noted that they were disappointed that they were not given the opportunity to meet with the Committee and asked for an opportunity to meet with Secretary Biehler to discuss their concerns and plans. She stated they are now waiting for an answer to this letter that was sent out last Thursday.

One gentleman asked what traffic calming measures would be considered, and Mrs. Godshalk stated the Township engineer provided them with a traffic calming handbook. Mr. Williams stated some of these measures he does not feel are practical for this situation. He stated they must consider the fact that they do not want to push the trucks across to the center so there are not head-on collisions or push them too close to the sides of the road because there is a bikepath.

Ms. Virginia Torbert asked if they could install signs about school bus stops in the area. She stated she feels these signs and flashing lights should also be on Stoopville Road. Mrs. Godshalk stated that portion of the road is not in Lower Makefield Township. It was noted that Mr. Williams and Chief Coluzzi are working with the Roadmaster and the School District on getting such signs ordered and posted. This was acceptable to the Board.

Ms. Herman thanked the Board of Supervisors for sending the letter to the Secretary of Transportation and asked about follow up. Mr. Fedorchak stated he will call him the end of the week since it was just sent out on Thursday.

Ms. Sherry Eselsoy asked that they look into the timing of the lights on Lindenhurst Road. She noted the light at 532 is also of concern although it is not in the Township. Mr. Williams stated he will look into this and report back to the Board at the next meeting.

#### DISCUSSION OF SWAMP ROAD CULVERT AT PENNS WOODS DRIVE

Mr. Fedorchak stated there are two culverts on Swamp Road about which they have concern. The first culvert close to Worthington Mill Road is scheduled for construction in 2004 according to PennDOT. PennDOT has presented a game plan for the culvert at Penns Woods Drive which calls for the reconstruction of that culvert in 2007. The Township is **concerned that they may wind up with a set of circumstances** where the road will be shut down in 2004 and 2005 for the construction on the first culvert and then shut down again when they start work on the second culvert in 2007. He stated he provided letters from Mr. Steil addressed to the DVRPC indicating his position is that they move the construction milestone up to something more reasonable so there is not this protracted construction period. They would like one to follow as closely as possible to the construction of the other which would cut down on the detour time which will have a tremendous impact on Lindenhurst Road. Mr. Fedorchak asked that the Board take the position that they support Mr. Steil's recommendation and draft a letter to the DRVPC asking them to tighten up the construction timeframe of the two culverts.

Ms. Herman stated her organization requested of Mr. Steil, Senator Conti, and the Bucks County Planning Commission that they ask the DVRPC to fast tract the southern culvert and have it done at the same time in 2004. She stated the culvert at Penns Woods Drive was rated "fair to poor" condition by PennDOT almost two years ago. **The current posted culvert was rated "fair" when it was weight restricted.** She asked that **they not go along** with Mr. Steil's request. It was the consensus of the Board of Supervisors that the Township Manager write such a letter.

#### APPROVAL OF VALLEY DAY SCHOOL SUBDIVISION FINAL PLAN

Mr. Phil Kashner, engineer, Mr. Stephen Dahl, legal counsel, and Mr. Rich Buchholz were present.

Mr. Koopman stated this matter was tabled at the last meeting and he has had a chance to review the Minutes and can answer any questions the Board has. He advised the Board of possible conditions for Approval. Mr. Koopman stated with regard to the sanitary sewer line since it will not be placed on Railroad property, the Township Solicitor's concerns related to same are no longer an issue. With regard to the Amberwood cul-de-sac, since there were other sources of funds for landscaping that stub road, they would now request Fee-In-Lieu from the developer. There was also discussion on the fencing, and the recommendation is that the fencing should be installed with the approval of PCS to make sure it does not disturb any more trees than necessary.

There was discussion on the use of super silt fencing which was a request from an existing homeowner. Mr. Fazzalore stated he wants to make sure that the existing residents do not get any water.

Mr. Stainthorpe moved, Mr. Fazzalore seconded and it was unanimously carried to grant Final Plan Approval of the Valley Day School Plan dated 5/12/99, last revised 11/27/02 subject to:

- 1) Compliance with PCS letter dated 1/2/03;
- 2) Compliance with Conditions of Preliminary Plan contained in the Solicitor's letter dated 3/21/02 as modified by the Township Solicitor's letter dated 4/24/02;
- 3) Compliance with the CKS letter dated 12/26/02 as modified by the CKS letter dated 4/28/03 with the notation that the sanitary sewer line will not be placed on Railroad property and thus the Township solicitor's concern related to same is no longer relative as the sanitary sewer line will be placed on Water Company property;
- 4) Notification to potential buyers of certain lots that future Variances may be required to accommodate future improvements by the lot owners. Notification is also required to potential homeowners of the proximity to freight and passenger trains;
- 5) Receipt of all permits and approvals by other agencies including an easement from Pennsylvania American Water Company for placement of the sewer lines to service the project;
- 6) Fence to be installed in accordance with the Applicant's Plan submission of 4/25/03 except that the fence shall not extend into the Township open space and will be placed at locations to be determined by the Township engineer to minimize removal of any trees;
- 7) Fee-In-Lieu of Amberwood Drive landscaping will be paid and developer will not be required to perform landscaping;
- 8) Funding and execution of Development and Financial Security Agreements will be required;
- 9) If the developer decides to use Belgian block curb, they will need to use concrete at the handicap ramps;
- 10) Developer to use super silt fence against Lots #1 and #2 and to work with PCS on moving the roof leaders if possible.

Mr. Buchholz agreed to the conditions of Approval.

SIGN MYLARS FOR THE ESTATES AT PROSPECT MANOR (METZ TRACT)

Mylars were signed following the meeting.

May 19, 2003

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#### SUPERVISORS REPORTS

Mr. Fazzalore stated the outside auditor, Ms. Sheridan, and Mr. Taylor met with the Board of Auditors and the outside auditors made a number of comments. He reported that this was a good meeting. Mr. Fazzalore also noted there was a Pension Committee meeting held which also went well.

#### SET DATE FOR SPRING ROAD INSPECTION

The date for the Spring Road Inspection was tentatively set for May 30.

#### APPOINTMENTS

Mr. Stainthorpe moved, Mr. Fazzalore seconded and it was unanimously carried to re-appoint John Pazdera to the Planning Commission.

Mr. Stainthorpe moved, Mr. Fazzalore seconded and it was unanimously carried to re-appoint Jeffrey Schrader to the Farmland Preservation Corporation.

There being no further business, Mr. Stainthorpe moved, Mr. Fazzalore seconded and it was unanimously carried to adjourn the meeting at 9:15 p.m.

Respectfully Submitted,

  
Grace Godshalk, Chairman





# Township of Lower Makefield

## BOARD OF SUPERVISORS

Grace M. Godshalk, Chairman  
Wesley W. Hackman, Vice-Chairman  
Frank J. Fazzalore, Secretary/Treasurer  
Scott I. Fegley, Supervisor  
Pete Stainthorpe, Supervisor

### **MAY 2003 WARRANT LISTS AND APRIL 2003 PAYROLL COSTS FOR APPROVAL MAY 19, 2003 BOARD OF SUPERVISORS MEETING**

05/05/03 Warrant List	\$ 318,120.12	
05/03 Manual Checks		
05/19/03 Warrant List	483,259.63	
Total Warrants & Prepays		801,379.75
<u>PAYROLL COSTS:</u>		
April 2003 Payroll	437,736.17	
04/03 Payroll Taxes, etc.	33,486.82	
Total Payroll Costs		471,222.99
<b>TOTAL TO BE APPROVED</b>		<b>\$ 1,272,602.74</b>

