

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES - JUNE 2, 2003

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 2, 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 personnel and legal matters.

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

Absent: Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Ms. Sue Herman read a letter (copy attached to the Minutes) to the Board regarding the Inter-Governmental Agreement. She asked that the Board not agree to proceed with the loop ramp at the Newtown By-Pass and I-95 since Mr. Steil and the Newtown Board of Supervisors will not agree to include the "no connector road clause" in the Inter-Governmental Agreement. Mrs. Godshalk stated she did send a letter on March 10 asking that they put the "no connector road clause" back in the Agreement. Mr. Garton stated he also contacted the Newtown Township Solicitor asking about the development plans for the Newtown Corporate Center, but has not heard anything further. Mr. Fazzalore stated he is not willing to agree to holding up the loop ramp since he must concern himself with all the Township residents and the loop ramp is a safety issue. Mrs. Godshalk stated the Board has been working on this matter for many years and are still trying to come to a resolution.

Mr. Jerome Gucchi, 2020 Silverwood, stated he does not feel any response that has been made by Lower Makefield has been effective. Mrs. Godshalk stated they have written numerous letters, have tried to take back Lindenhurst Road, and are trying to schedule a meeting with the Secretary of Transportation. Mr. Gucchi stated he feels they should hold up the loop ramp for leverage. Mr. Fegley stated he does not feel this would change the situation. He stated not proceeding with the loop ramp would put a lot of people at risk. Mr. Gucchi stated there is significant risk on Lindenhurst Road. He stated if the truck traffic were spread out among all the roads, it would be better. Mr. Fegley stated there is nothing the Lower Makefield Township Board of Supervisors can do to force the State to do something or force another Township to do something in their Township.

Mr. Stainthorpe stated Lower Makefield wanted to take back the road, and the State has refused to do this. The Board is going to proceed with trying to take back the road along with trying to get the road on PennDOT's 12 Year Plan to get traffic calming and safety improvements made to Lindenhurst Road. Mr. Stainthorpe stated Lower Makefield cannot

force the Newtown Township Board of Supervisors to sign the Inter-Governmental Agreement if they do not want to. Mr. Stainthorpe stated he does not want to continue to permit an unsafe situation to exist at I-95 when they can correct it.

Ms. Herman stated if the connector road goes through it will encourage more people to use Stoopeville Road rather than using the alternate routes. Mrs. Godshalk stated she would like to continue to work toward getting a meeting set with PennDOT to try to get the traffic calming measures in place.

Mr. Hackman stated when he made his Motion approximately one year ago to agree with the loop at I-95 he specifically mentioned several items that he thought went together as far as a regional approach to improving the traffic situation and these included cooperation on taking back Lindenhurst Road, making additional land available for ramps if it made sense, including a new entrance on the By-Pass for the Newtown industrial area, and not connecting what was originally described as Concept Way. Since that time no one has agreed to help Lower Makefield with Lindenhurst Road, Concept Way seems like it may include a deed restriction but Lower Makefield will not be able to enforce this, and they have approved a new entrance on the By-Pass for the office park. Mr. Hackman stated they will pursue the traffic calming measures, but he does not feel they can depend on PennDOT's 12 Year Plan. He feels the Board should ask the Township engineer to give them an idea on the traffic calming measures they could consider and if they make sense and the State will not do them, then the Township should try to do those that are affordable to try and make Lindenhurst Road safer.

Ms. Herman stated she does not feel the Board of Supervisors has kept their agreement with the residents.

A woman from 2000 Trailbridge stated there are a number of school buses traveling on Lindenhurst Road and she feels the speed limits should be reduced. Mrs. Godshalk stated the Township does not own this road and they have to ask PennDOT to lower the speed. Mr. Fedorchak stated they did go through this process, and PennDOT would not agree to lower the speed. Mr. Williams stated they also turned down the Township's request to install a light a Woodside Road.

Ms. Virginia Tobert stated at the last meeting Mr. Fedorchak indicated that they had sent a letter about the status of the ramp and she asked where they are in this process. Mr. Fedorchak stated on May 21 he received a response from Andy Warren who indicated they are in the final construction plan stage; and the plans should be completed in August, 2003. Construction is proposed to start in the fall of 2004. Mrs. Godshalk asked Ms. Torbert if she had been contacted about acquisition of her property, and Ms. Torbert stated her family has not. Mrs. Godshalk stated the Township has not been contacted either. Ms. Torbert stated she agrees with Mr. Fegley and feels threatening to stop the ramp would not effect Newtown Township at all. She stated the Inter-Governmental Agreement has nothing to do with the trucks on Lindenhurst Road. She stated the deed restriction, while not perfect, would at least stop a cut through for the time being. She stated she feels the real problem on Lindenhurst Road is the trucks speeding down the road and she feels they must install school bus signs and install traffic calming measures.

Ms. Marcy Conti, Wrightstown, commended the Board for pursuing the turn back of Lindenhurst Road. She stated she did meet with PennDOT representatives prior to the politicians becoming involved but once Representative Steil became involved, everything

changed. She feels if he was not involved the whole scenario would have been different. She stated she would prefer that Lower Makefield leave him out of the process.

Ms. Beth Cawley, 1355 James Court, read a letter to the Board including a request to the Board to freeze the Park & Recreation taxes until the Golf Course is self-sustaining. She stated the Board has represented that the Course will be self-sustaining and asked about the potential of a lawsuit by the residents if the Course is not self-sustaining. She also asked why the Board did not have a Referendum to see if there was public support for a Golf Course. The Solicitor was asked to reply and Mr. Garton stated he would need to have a copy of the letter and then respond since she has made reference to lawsuits. Ms. Cawley agreed to provide a copy of her letter. She asked the rationale for not having a Referendum. Mrs. Godshalk stated a Second Class Township is not required to have a Referendum for anything. She stated a recreation survey was done some years ago through Rider University and at that point it was the thinking that there was an opportunity to construct a golf course which would also preserve open space at the same time. Ms. Cawley stated in light of the present economy she questions how they can go forward noting there are openings at other golf courses. Mrs. Godshalk stated golf courses can still make money even if all the tee times are not taken. They have been advised by the management company that it can sustain itself. Mrs. Godshalk stated there could have been close to 1200 homes constructed on this property and this would have caused an increase in the school taxes. She noted the Township taxes are the lowest of the taxes on the tax bill. Ms. Cawley asked if there is a contingency plan if the Golf Course is not viable. Mrs. Godshalk stated they have a twenty-five year pay back and possibly they could extend the loan.

Mr. Hackman stated the Golf Committee and the Board of Supervisors have spoken with fifty to sixty architects, management companies, etc. and have had two feasibility studies done and everyone has indicated that in this market a golf course will be able to be self-sustaining.

Mr. Gary Cruzan, 1597 Clark Drive noted Page 104 of the Master Plan which implies there will be an income tax if the Golf Course does not pay for itself. Mr. Fazzalore asked if it states "income" tax, and Mr. Cruzan stated it states that if the Golf Course is not self-sustaining there will be new taxes. Mrs. Godshalk stated this is only a draft of the Master Plan update, and the Board of Supervisors has not seen it yet. Mr. Cruzan noted he did not feel they would have been able to construct 1200 homes on the Golf Course property. Mrs. Godshalk a plan was submitted showing this, although it was contingent on a Zoning change.

Ms. Cawley stated people who do not golf will not be able to enjoy this open space.

Mr. Cruzan stated the Golf Course costs have gone up dramatically since the first feasibility study. He stated it costs \$1.3 million to operate the Golf Course and floating a \$6 million bond at 1% is only temporary. He stated over twenty-five years, they will have to pay about 3.5%. He stated the break even point will be \$2.2 million and the cost per round will be very high and there will not be any break for residents.

Ms. Sally Colon asked if a final decision was made on the cost of the Golf Course property. Mr. Hackman stated the Township has paid them \$3.3 million which was the original appraisal price. Mr. Garton stated they did have the second full day of Hearings but the attorney for the property owners is in the hospital so the next Hearing date has not

been set. Ms. Conlon asked if they intend to get a liquor license, and Mr. Hackman stated they are going to look into this.

Mr. Steve Santarsiero asked the status of the contract with Kemper, and Mrs. Godshalk stated it is still being reviewed by the attorney. Mr. Garton stated he did send a letter to their attorney, and they are waiting for a response.

Ms. Cowley asked if the Board would be willing to freeze all taxes for Park & Recreation until they see if the Golf Course is successful. Mr. Hackman stated the Park & Recreation program is a large program and includes maintenance of fields. Ms. Cawley stated she understands this, but wants to know if they would stop work on all other new projects such as the one on Woodside Road. She stated she wants to hear that there will be no taxes as a result of the Golf Course. The Board stated that this is their intent.

#### APPROVAL OF MINUTES

Mr. Fazzalore moved and Mr. Stainthorpe seconded to approve the Minutes of May 5, 2003 as corrected. Motion carried with Mrs. Godshalk abstained.

Mr. Stainthorpe moved and Mr. Fazzalore seconded to approve the Minutes of May 19, 2003 as written. Motion carried with Mr. Fegley and Mr. Hackman abstained.

#### APPROVE EXTENSION OF TIME FOR CHANTICLEER SUBDIVISION

Mr. Stainthorpe moved, Mr. Fegley seconded and it was unanimously carried to approve an extension of time to Chanticleer Subdivision to 9/6/03.

#### APPROVE EXTENSION OF TIME FOR FLOWERS/MADNAY TRACT

Mr. Stainthorpe moved, Mr. Fegley seconded and it was unanimously carried to approve an extension of time to the Flowers/Madnay Tract to 9/20/03.

#### GRANT CERTIFICATE OF APPROPRIATENESS FOR FIRST UNION/WACHOVIA BANK

Mr. Fazzalore moved, Mr. Fegley seconded and it was unanimously carried to grant a Certificate of Appropriateness for First Union/Wachovia Bank to repaint exterior of building.

#### DISCUSSION AND MOTION TO OBTAIN ENGINEERING PROPOSALS FOR THE CONSTRUCTION OF THE GARDEN OF REFLECTION/NORTH PARK

Mr. Fazzalore moved to direct the Township Manager to seek three engineering proposals to prepare a Land Development Plan to include the Garden of Reflection. This should include Phase I to include an entrance drive to the Garden of Reflection.

Mr. Hackman stated the Park & Recreation Board is continuing to lay out the Snipes and Samost properties to see what sort of facilities could be placed on those parcels. He stated Memorial Park is proposed to have a number of recreation facilities, and he is not sure that these types of activities are proposed for the other tracts or not. He feels the Park & Recreation Board should review the facilities at Memorial Park in conjunction with Samost and Snipes to see how it will lay out.

Mr. Fegley stated they spent three years designing Memorial Park; and as a result of 9-11, modified that Plan somewhat to include the Memorial. He feels that as the Park & Recreation Board goes forward with the other tracts, they can consider what is already proposed for Memorial Park. He stated they have an approved Plan for Memorial Park and the neighbors are satisfied with what has been proposed. He does not feel they should alter this. Mr. Stainthorpe agreed. Mrs. Godshalk stated they had agreed after Macclesfield Park, that Memorial Park would be the next park to be developed. Mr. Fegley stated he does not have a problem with Park & Recreation working on the Samost and Snipes Tracts, but does not feel they should go back and re-do Memorial Park as the Board of Supervisors has already approved the Memorial Park plan.

Mr. Hackman stated in looking at the document they received for engineering services, it appears they are only going to focus on the incoming driveway and utilities which he would feel would be Phase I. He stated he feels this is the wrong way to proceed and they should send this through the development process which means engineering the entire area even if they only plan to start on Phase I. He stated he feels they should go through the planning process for the entire Park and does not feel the proposal they received covers this. Mr. Hackman stated Variances may be **needed because of the possibility of a road crossing a stream and the buffer**. He noted it also appears that parking is proposed in a wetlands buffer area.

Mr. Hackman seconded the Motion with the modification that they get the Plan approved for the entire Park. Mr. Fazzalore accepted the amendment.

Mr. Garton stated that while the Township must get Land Development Approval for the whole Park, they do not have to construct it all at once.

Motion as amended carried with Mrs. Godshalk opposed.

#### ZONING HEARING BOARD

With regard to the Conrad and Linda Pringle, 1363 Violetwood Court, Variance request to construct a deck and patio encroaching in the side yard setback, the Board asked that the Solicitor appear to obtain additional information and report back to the Board.

With regard to the John William Kelbaugh, 1903 Sylvan Terrace, Variance request to construct an above-ground pool within the front yard setback, the Solicitor was asked to appear in opposition.

With regard to the Gregory and Theresa Bergman, 590 Rosalind Run, Variance request to construct a fence within the easement, it was agreed to leave this to the Zoning Hearing Board assuming normal conditions with regard to fences in easements are attached.

June 2, 2003

Board of Supervisors - page 6 of 6

#### SUPERVISORS' REPORTS

Mr. Fazzalore noted that the Cable TV Advisory Council is listed as meeting in June and they do not meet in June, July, or August.

Mr. Hackman stated the Golf Course construction is on schedule despite the weather and the seed will go in hopefully in September.

#### APPOINTMENTS

Mr. Stainthorpe moved, Mr. Hackman seconded and it was unanimously carried to re-appoint Marilyn Huret to the Emergency Management Committee.

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

Respectfully Submitted,

Frank Fazzalore, Secretary