

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - MAY 6, 2002

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on May 6, 2002. Chairman Fegley called the meeting to order at 7:40 p.m. noting that the Board had been meeting in Executive Session since 6:30 p.m. to discuss legal, personnel, and real estates matters. Mr. Fegley recognized the Fourth Grade Class from Afton Elementary School present this evening.

Those present:

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

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

Absent: Pete Stainthorpe, Supervisor

AWARD RECOGNITION OF SERVICE PLAQUE TO WILLIAM STRAHLE

Mr. Fegley presented the Service Plaque to Mrs. William Strahle recognizing the years of service to the Township by Dr. William Strahle. The Supervisors commented on the contributions Dr. Strahle made to the Township who served as Supervisor from 1996 to 1999.

9-1-1 MEMORIAL DISCUSSION AND MOTIONS

Mrs. Tara Bane, Mrs. Fiona Havlish, Mrs. Ellen Saracini, and Miss Brielle Saracini were present. Mr. Fedorchak stated the Sub-Committee has been working for the last three months on a 9-1-1 Memorial and have a number of recommendations to make to the Board this evening. The Sub-Committee would like to have the Memorial site at North Park which they feel will provide a contemplative site and is the proper place for this type of Memorial. The approved Master Plan for North Park was shown, and Mr. Fedorchak showed on the Plan the location where they would propose the Memorial be located.

Mr. Fazzalore asked how much of the Park would need to be developed to get to this site. Mr. Fedorchak stated at the conclusion of the design phase, they will have a better answer on this. They are recommending that the Board of Supervisors hire Liuba Lashchyk as the Memorial design consultant. They are also recommending that they hire Pennoni Associates who would provide Ms. Lashchyk with assistance in terms of locating the Memorial within the Park. Pennoni would also develop a Revised Master Construction Plan for what will be called Phase I of North Park. Mr. Fedorchak stated they will have to bring in infrastructure to get to this point in the Park and provide parking. They also feel they should include the tennis courts and ballfields in this Phase for a number of reasons.

Mr. Fazzalore stated he is in favor of the Memorial being built, but not the rest of the proposal mentioned by Mr. Fedorchak.

Mr. Hackman stated when they first discussed a Memorial nothing particular was in mind but they still felt this would be good for the community as a whole in addition to honoring the loved ones lost. Mr. Hackman stated they did discuss the visibility of this Memorial, and he is concerned that the location they are recommending is really out of the way and not visible to the community on an everyday basis. Mr. Hackman stated he would like to make sure that the community as a whole does not forget that this event occurred. He stated he feels this event was on par with Pearl Harbor. He does not feel the location at North Park is appropriate since no one will be there to see it. He is also concerned that they are choosing a Park that is not yet developed.

Mrs. Godshalk stated she was not involved in the original discussions since she was not attending meetings at that time. She stated a number of the loved ones met with Mr. Fedorchak and looked at maps of some of the areas suggested. She stated North Park is a public park even though it has not yet been developed. She stated some of the other areas they looked at were too busy. She stated they did want a place where people could come and reflect. She stated North Park is a planned park and the location they have chosen is a planned passive area. She stated North Park can be developed in sections. She stated the Plan for North Park has been approved for five years.

Mrs. Bane stated North Park at some point in the future will be developed and there will be a number of people coming to the Park who will then be able to see the Memorial. Because so many people in the community have been effected by this event, she does feel people will be going to the Park. She would not want the Memorial to be at a busy intersection or a spot that would not fit what they might need.

Mr. Fegley stated he feels this is the proper place for the Memorial. He stated this will also be more than a Lower Makefield Memorial and will become the Bucks County Memorial and include other residents of Bucks County who lost their lives on 9-1-1. He stated this will not involve any change in use other than the County will be making a financial contribution. The planning will all be done by Lower Makefield. Mr. Fegley stated he feels that the location is a good location since it is a place that provides for contemplation rather than on a busy intersection where people are passing by. With regard to further development around the Memorial, he agrees this should be an area where "life goes on."

Mrs. Saracini stated there is also a large part of the community that is interested in the Memorial and a number of people would like to be involved in fund-raising and making a contribution to the Memorial.

Mr. Fazzalore asked why they could not be closer to Woodside Road so that they would not have to develop so far in. Mrs. Saracini stated the area they are considering does have a large open area.

Mrs. Godshalk stated the original intention was to save the hedgerows, and the location of the tennis courts was approved by the neighbors.

Mr. Fegley stated there is also an existing pond or stream in this area, and they felt that water would add to the setting that has been selected. Mrs. Godshalk stated there is a

stream and with full development of the Park, there will be a pond/retention basin in the area. Mrs. Saracini stated all of their loved ones did have some connection with water so they were drawn to this area.

Mr. Fegley moved and Mrs. Godshalk seconded to select North Park as the location for the Memorial. Motion carried with Mr. Hackman opposed.

Mr. Fazzalore stated he would like to state that when the Memorial is developed he does not feel any other part of the Park activities should be developed at the same time. He stated he would be in favor of the first Phase being a Memorial but not the activities. Mrs. Godshalk stated they do have to get back to the Memorial. Mr. Fazzalore stated he does not have a problem with the parking lot or the road to get to the Memorial. Mrs. Godshalk stated it may be practical to put in the tennis courts at the same time because of the engineering needed. Mr. Fedorchak stated there may be economies of scale by doing certain work at this time. Mrs. Godshalk stated they plan on raising a substantial amount of money and they may find that the complete cost of the Memorial may be raised.

Mr. Hackman stated currently they are in the process of trying to get a Golf Course approved, and they are having tremendous problems with this. He assumes that the Memorial project will also have to go through Land Development and one of the problems will be that the Land Development process and the engineering involved takes time. Mrs. Bane noted this problem would exist with any location. Mr. Hackman stated this would not be the case if they selected a site in an established Park where the infrastructure would already be in place. Ms. Brielle Saracini stated Macclesfield Park is already built and she would like the Park to be devoted to the 9-1-1 Memorial. Mr. Fegley stated he does not feel they need to decide this evening what facilities need to be developed and this can wait until the consultant comes back with Plans.

Mr. Fazzalore moved and Mrs. Godshalk seconded to hire Liuba Lashchyk, RA, as Design Consultant not to exceed \$6,100.

Mr. Hackman stated he does not feel the Township has a problem spending this money to hire a consultant, but he stated they do not know how expensive the Memorial will be. He stated he understands that the Sub-Committee has some ideas what they would like to see, and he asked if they have any idea how much this could cost. Mr. Fedorchak stated they feel \$200,000 is the most realistic amount for a project of this nature. Mr. Fazzalore stated he does not feel this would include roadway and parking lots, and Mr. Fedorchak agreed that the \$200,000 would be for the Memorial alone. Mr. Hackman stated the Board of Supervisors must consider how much they are willing to commit to the project. Mr. Fegley stated he feels it is premature to try to decide how much the Township will put toward it. Mr. Fedorchak stated he feels they can consider this in next year's Budget cycle. He feels they should wait until they get plans back from the design consultant and then provide for funds in next year's Budget.

Mr. Fedorchak stated the Sub-Committee has indicated that there are people willing to make contributions and to do fundraising. Mr. Hackman stated he feels the design consultant should have an idea what type of Memorial they are looking for. Mr. Fegley stated there have already been some concept designs, and he showed a picture on the overhead of a conceptual design. Mrs. Bane stated they should also recognize that the County will also be making a contribution. Mr. Fegley stated he would like to discuss with the Bucks County Commissioners how much they are going to contribute as well. He feels the

discussion is premature to discuss how much the Township will commit to the project. Mr. Hackman stated he does not know how the design consultant can do her job unless they give her a range. Mr. Fegley stated they have indicated it could cost \$200,000 for a Memorial similar to what has been shown on the concept plan. He understands they are planning to raise a good portion of this amount, and he does not feel they should indicate tonight how much the Board of Supervisors is going to contribute to the project. Mr. Fegley stated he feels it will not be that much of a challenge for them to raise these funds for the Memorial, and the Township and the County could then make a contribution toward helping them meet their goal.

Mrs. Bane stated if they have a cut off date when the Board does their Budget, they will use that date for the end of their fundraising so that they will have an idea how much they can contribute. She stated if there are financial problems and there is not enough money to pay for the Memorial, she feels they could scale back on certain things. Mrs. Godshalk stated many groups in the community have called volunteering to raise money. She stated once they have a concept plan, they are also going to go on a TV program.

Mr. Fegley stated he feels there are people who live outside of Lower Makefield who were also impacted by 9-11 and some of the members of the Sub-Committee felt that because their communities were not doing anything of this nature, they would like to include those families in this Memorial as well. The Bucks County Commissioners indicated that they would be willing to make a financial contribution, although they would not be involved in the development of the project.

Motion carried unanimously.

There was discussion on hiring Pennoni Associates, Inc. as the design services engineer. Mr. Fazzalore asked if Pennoni is going to re-design North Park. Mr. Fedorchak stated they will be working with Ms. Lashchuk in terms of development costs for the actual Memorial itself and assist her in locating it in the right spot within North Park. He stated they will also be providing a Revised Master Plan for what will be referred to as Phase I development of North Park. In addition to the Revised Master Plan and the sketches, they will provide preliminary costs for the development of Phase I.

Mr. Fazzalore stated he feels that they should re-name the Park Memorial Park.

Mr. Hackman stated they will have to put together a Land Development Plan similar to what they have been doing with the Golf Course. He asked if they will take the new Park through the development process, and Mr. Fedorchak stated that would be the next round and is not part of this proposal.

Mr. Fazzalore asked why they chose Pennoni, and Mr. Fedorchak stated they looked at four firms and felt that Pennoni would do the best job. Mr. Fedorchak noted Pennoni provided the least expensive proposal. Mr. Fedorchak stated Pennoni will do a certain amount of engineering in order to establish Phase I. It will not be a full-fledged Land Development Plan, but will provide enough engineering so they know that they can develop this Phase I area.

Mrs. Godshalk moved, Mr. Fegley seconded and it was unanimously carried to hire Pennoni Associates, Inc. as the design services engineer not to exceed \$11,255.

Mr. Fazzalore moved to approve Resolution No. 2011 establishing a special account for the 9-11 Memorial Construction Fund and that the monies just voted on be transferred immediately to that fund. All monies that are raised in excess will be repaid to the Township for the two items voted on tonight. There was no second to the Motion.

Mrs. Godshalk moved and Mr. Fegley seconded to approve Resolution No. 2011 establishing a special account for the 9-11 Memorial Construction Fund.

There was discussion on the group working on the project, and Mr. Hackman stated the group is a Sub-Committee of the Township; and the Township will be providing the banking. Mr. Garton stated this will be a Township fund. Mr. Hackman asked if the contributions would be tax deductible if people make a donation, and it was noted that they would be tax deductible. Mr. Garton stated he felt they should segregate the funds since people are making donations for a specific purpose. The expenditures out of this fund are the same as any other Township fund.

Motion carried with Mr. Fazzalore opposed.

Mrs. Godshalk asked that from this day forward the name of North Park be changed to Memorial Park. Mr. Hackman asked that they send this recommendation to the Park & Recreation Board for them to consider and it will then come back to the Board of Supervisors for approval. Mrs. Godshalk moved, Mr. Fazzalore seconded and it was **unanimously carried** to send to the Park & Recreation Board the **recommendation** that the name of North Park be changed to Memorial Park.

PUBLIC COMMENT

Mr. George Schrader, 44 Black Rock Road, asked if the Lower Makefield Seniors are a separate entity from the Township. Mr. Fegley stated they are not an official Township body. Mr. Schrader provided information to Mr. Garton for his comments. Mr. Schrader stated he took offense to this information.

Mr. John Cowley, 2000 Silverwood, stated Newtown Township has voted unanimously to show no interest in the Intergovernmental Traffic Agreement that was sent to them by Lower Makefield. Mr. Fegley stated the Township has not seen anything in writing from Newtown Township. Mr. Cowley stated last month he and several other residents spent time with Mr. Warren who indicated that if the opening of Swamp Road gets on the TIP, it will be three years before they get to the planning stage. In the meantime, they are going to downgrade the culvert so that returning trucks which are empty will not be able to go on the road. Mr. Fegley stated he was not aware of this, and he will discuss this with Representative Steil. Mr. Cowley stated they are also now running trucks on Sunday.

Ms. Virginia Torbert asked the status of the Informational Newsletter to be sent to the Township residents on the Referendum question. Mr. Fedorchak stated it is currently at the printers, and they anticipate it will be in the mail within a week. He does have a printer's copy available at the Township office which can be reviewed during office hours. Ms. Torbert stated she read the Minutes of the Newtown Township work session, and Mr. Mendicino indicated that PennDOT has not officially given its go ahead on the ramp as far as they are concerned. Mr. Fegley stated he felt there was an Agreement in principal with Newtown Township, but he does not want to comment until he sees a written

response from Newtown Township. Mr. Fegley stated he will be contacting Mr. Steil this week. Mr. Hackman suggested that the Township Manager speak to the Township Manager in Newtown Township and see if they are sending a letter. Mr. Fedorchak was asked to put this item on the Agenda for the next meeting.

Ms. Sue Herman asked the status of Newtown Office Commons. Mr. Garton stated he feels that the two engineers have agreed that the number they will agree on is seventy-five cars in the p.m. peak hour. Ms. Herman questioned what would happen if the building is not 90% occupied for a number of years. Mr. Garton stated they did not want to do it too early since the numbers could be less than in reality. If they see that the traffic is backing up before they are 90% occupied, they can measure it earlier. He stated if they do it too early, they may not achieve their objective.

Mr. Tony Bush stated he understands that the purpose of the Informational Newsletter is to educate the public on the Referendum. He also understands that the Newsletter will not include the Bucks County Board of Elections plain language description of the Referendum question, and he questioned why this was the case. Mr. Fedorchak stated they are stating the question as the petitioners presented it, and this will be on the front page of the Newsletter.

Mr. Rich Schaffer, 38 Delaware Rim Drive, stated there was discussion about protecting the wells of existing residents in relation to the Golf Course. Mr. Fegley stated letters have been sent to the resident asking if they want to have their wells monitored. Mr. Garton stated he has also provided draft language dealing with the well issue that would be part of the Plan if approved. Mr. Schaffer stated he did get the letter from Del Val.

Mr. George Schrader referred back to his earlier comment regarding the information he provided and asked if Mr. Garton had any comment. Mr. Garton stated that the information provided appears to be an opinion on the Referendum. Mr. Schrader stated he would like to make a formal objection to this. Mr. Hackman suggested that he speak to the Seniors on this matter. Mr. Garton stated the Township had nothing to do with this.

Mr. Pat Miller, 1664 Delaware Rim Drive, expressed concern with properties which are adjacent to his property which were sold and asked if they will be developed. He also asked if they will open up the end of Delaware Rim. Mr. Garton stated a developer has this under Agreement of Sale, but no Plans have been submitted to the Township. Once Plans are submitted, adjacent property owners will be notified. Mr. Miller stated he is also concerned about his well, and he did send back his letter.

APPROVAL OF MINUTES

Mr. Hackman moved, Mr. Fazzalore seconded and it was unanimously carried to approve the Minutes of April 1, 2002 as written.

DISCUSSION AND APPROVAL OF HIRING A CONSULTANT TO EVALUATE THE TRENTON-MERCER AIRPORT TERMINAL ENHANCEMENT PROJECT

Mr. Paul Krupp, University Drive, President of BRRAM, Mr. Bill Lynch, Treasurer of BRRAM, and Mr. Bill Potter were present. Mr. Krupp stated Mr. Potter is an attorney

with experience in environmental matters. Mr. Krupp stated previously he discussed with the Board of Supervisors the fact that the Environmental Assessment was about to be released and he recommended that the Township hire an expert to review it. Mr. Krupp stated ten days ago it was made public and now is the time to make a decision. They would like to see the Board of Supervisors retain the services of Mr. Potter to review this document with the objective of advancing this project to an Environmental Impact Statement which is the full blown study which they feel they need for the community. He stated the information that was provided essentially leaves out all of Bucks County. Mr. Potter's resume was provided to the Board of Supervisors prior to the meeting.

Mr. Fazzalore stated they did have a consultant two to three years ago and asked what happened to that individual. Mr. Fedorchak stated they put him on hold; and in the meantime, BRRAM is now recommending that Mr. Potter take the lead on this.

Mr. Fazzalore stated this appears to be an open-ended contract, and he is concerned about this. He stated he would like to see a not to exceed figure rather than a cost per hour. Mr. Potter stated he has been working with BRRAM since 1999 as well as people in New Jersey on airport noise. He stated they have put together a document that was part of the Scoping Hearing in 1999. Mr. Fegley stated he would be willing to commit up to \$5,000. He stated Lower Makefield Township is not the only community effected, and he wants to know what the financial commitment is they are looking for from Lower Makefield and other communities who are participating in this. Mr. Fegley stated beyond \$5,000, they would have to know how many hours they feel would be involved above this. Mr. Potter stated it is difficult to set an amount when you are in an adversarial proceeding since what you are doing is based on what the other side does as well. He stated he would develop a plan to maximize the value of the initial investment. Mrs. Godshalk asked if any contributions are coming from Upper Makefield and Wrightstown. Mr. Lynch stated Upper Makefield/Washing Crossing residents have participated, but they have not had the opportunity to bring the Government in yet. They have not yet gone before the other Boards.

Mr. Krupp stated they did incorporate as a non-profit organization some years ago. Mr. Krupp stated he is very concerned that what is being developed will result in commercial transports and night flights. Mr. Lynch stated he developed the BRRAM Website and they are getting many "hits." They do have an e-complaint form that is sent to the FAA on their site, and approximately 2,000 have been sent out. He stated the largest concentration of aircraft are coming over Lower Makefield and Yardley Borough. He is most concerned with night time flights and also concerned about flights being diverted over Lower Makefield and Yardley Borough rather than over Hopewell and Princeton.

Mr. Hackman asked who paid Mr. Potter for the preparation of the response to the Scoping Study; and Mr. Krupp stated BRRAM did, although they did do approximately 80% of the work. Mr. Hackman stated he is concerned that \$5,000 is only going to provide approximately thirty hours of work.

Mr. Krupp stated on June 12 there will be a Public Hearing in Trenton and they would like to prepare Public Comment. Mr. Hackman asked if it will take more than thirty hours work to get to that point, and Mr. Potter stated he felt it would. Mr. Potter stated he first wants to try to push back the Public Hearing so they have additional time to prepare. He stated he also needs to do a detailed scoping of what he would do depending on how much is available. Mr. Hackman stated he would like to have them come back after the first step to

see how they are progressing. Mr. Hackman stated he would recommend approving hiring Mr. Potter at a cost not to exceed \$10,000 so that they can move ahead.

Mr. Fazzalore cautioned the Board that this is another non-Budgeted expense.

Mr. Potter stated they want to not only stop the expansion, but also to work on existing conditions as well.

Mr. Fazzalore asked how successful they feel they will be since the Federal Government has not really helped them. Mr. Lynch stated Congressman Greenwood's office did help them since his office helped them obtain the Terminal Enhancement Program. He stated the Freeholders at that time were not really aware that these were the Plans. He stated Mr. Greenwood's office also pressured the FAA to get this Assessment. Congressman Greenwood has gone on record in support of the Environmental Impact Statement.

Mr. Fegley asked how many hours they feel it will take to accomplish the first goal of getting the meeting extended. Mr. Potter stated he will try to convince the various political officials to work with them and extend the time for public comment. He does feel his time between now and June 12 will exceed thirty hours. He stated it is also possible that he could make a few phone calls, and they would agree to extend the time for public comment, but he cannot be sure.

Mr. Hackman asked if they included Bucks County in the study area, and it was noted that they did not. Mr. Potter stated Lower Makefield is the noise dumping ground for the Trenton/Mercer Airport. Mr. Hackman stated he feels the first step should be that they be recognized.

Mrs. Godshalk stated in their presentation at the Quarry Hill School, they stated that they would set up sound detectors on the Pennsylvania side before the Environmental Impact Study was issued. It was noted that an Environmental Assessment was what was done and not an Environmental Impact Study. Only models were used.

Mr. Fazzalore stated he read that the FAA is pushing for use of regional airports.

Mr. Potter stated in the Environmental Assessment dated 4/15/ they stated on 4-8 and 4-9 other than continuing the current noise abatement procedures, mitigation is not warranted so they plan to take no action to deal with current noise levels.

Mr. Hackman moved and Mr. Fazzalore seconded to hire the consultant to evaluate the Trenton -Mercer Airport Terminal Enhancement Project at a cost not to exceed \$10,000.

Mr. Bernie Goldberg, University Drive, stated Yardley Borough and Lower Makefield Township are the Townships that are bearing the brunt of this Airport. He stated they have no representation and they must get meters put on this side of the River.

Motion to approve carried unanimously.

APPROVE PURCHASE OF NEW AERIAL LADDER TRUCK

Mr. Gene Cadwallader, Mr. Larry Newman, and Mr. John Poiron from the Fire Company were present. Mr. Cadwallader stated they met with the Board in February to get approval to start the process of writing specs for the replacement of the ladder truck.

Mr. Cadwallader reviewed the background work done. They were able to see a comparable vehicle to that which they are proposing to purchase. As of October 1, 2002, all diesel engines must meet certain regulations and this will increase the operating temperature of the truck by 30% and reduce the horsepower. They are hoping to get in their order early this year in order to avoid this. Mr. Cadwallader stated they had a deadline of May 1, but since the Board did not meet the second meeting in April, they were not able to meet the deadline. The deadline has been extended to May 6. He stated they did put the specs out to bid, and the bid came in at \$952,435. Mr. Cadwallader reviewed what the truck will include. Mr. Hackman stated the Board did receive the letter which itemizes the features of the new truck.

Mr. Hackman moved and Mrs. Godshalk seconded to approve the bid for the new aerial ladder truck in the amount of \$952,435.

Mr. Fazzalore asked about the trade-in. Mr. Cadwallader stated after they get this approved, they will get the trade-in approved. Mr. Fazzalore stated the cost should then be \$952,435 less what they get for the trade-in.

Mr. Fazzalore asked how the Township will pay for this. Mr. Garton stated they will have to borrow the money. Mr. Hackman stated they will then have to raise the fire tax to the maximum allowed. Mr. Garton stated the bulk of this money is not due until next year. Mr. Cadwallader stated they can make the chassis payment due in January. Mr. Fazzalore stated he has been told there is a significant amount of money in the Fire Company Safety Fund, and he asked if the Township could borrow the money from that Fund and then pay them rather than borrowing it from a bank. Mr. Poiron stated he feels this is permissible. It was recommend that they look into this possibility.

Mr. Hackman stated the Fire Company does an excellent job, and the volunteers are very dedicated and need the most up-to-date equipment to protect the Township.

Mr. Fazzalore asked the status of the Northern Fire Station, and Mr. Cadwallader stated they are proceeding with this and should be appearing before the Planning Commission at their next meeting.

Mr. Cadwallader stated they did put together the list of equipment that is required for the truck which is in excess of \$88,000 and the Fire Company will be putting money into this truck.

Motion to approve carried unanimously.

TABLING COPS GRANT

Mr. Fazzalore moved, Mr. Hackman seconded and it was unanimously carried to table discussion of the COPS Grant.

AWARD BID FOR 2002 CURB RAMP PROGRAM AND APPROVE ADDITIONAL CURB RAMP WORK UP TO BUDGETED AMOUNT OF \$23,000

Mr. Williams stated the low bid was in the amount of \$18,080 and references have come back favorable. Mr. Fazzalore asked how many more of these need to be done, and Mr. Coyne stated he anticipates that they will be done next year.

Mrs. Godshalk moved, Mr. Hackman seconded and it was unanimously carried to award the bid for the 2002 Curb Ramp Program to Passerini Construction, Inc. at a cost of \$18,080 and to increase the number of locations to be done up to a total of \$23,000.

Mr. Williams stated he feels they should see how they do with the initial work.

REPORT ON SANDY RUN BRIDGE PROJECT

Mr. Fedorchak stated they have secured all necessary easements from the four property owners who are well satisfied with the situation as presented to them in the revised plans. Mr. Fedorchak stated the Contract was awarded and they agreed to make certain changes to the Contract which he reviewed. A Change Order will now be necessary. Mr. Garton stated they had not yet signed the Contract. They do not have to go out and re-bid. Mr. Fedorchak stated he feels the contractor is willing to do the job and Mr. Williams stated he would like to get notice to proceed. Mr. Williams noted the box culvert is a two to three month lead item. He stated he feels the construction will be done by September. The not to exceed number would be \$465,000. The contractor will come back out and review the changes. The original number was \$442,000.

Mr. Fazzalore stated he is concerned that they are cutting the road back from the original proposal but are paying more. Mr. Williams stated they have extended the gabions and there are stream stabilization issues. He noted there is also the time issue since over a year has passed. He feels the cost will be less than \$465,000 but he did not want to have to come back to the Board again. Mr. Fazzalore stated he felt there would be a \$40,000 reduction in the cost when these changes were made. Mr. Fazzalore stated they could re-bid. Mr. Williams stated he will meet with the contractor next week and ask that he be permitted to ask if the contractor would be agreeable to the original bid number. Mr. Fazzalore stated less work is being done and he felt they would get a lower number.

Mr. Hackman stated he feels they need something definitive and to see the new and old plans so they can make a comparison.

Mrs. Godshalk asked about the legality of re-bidding. Mr. Garton stated this would depend on the magnitude of the changes. He suggested tabling this matter and seeing what number they come back with. If they are not satisfied with the figure, they can re-bid.

No action was taken this evening.

**AWARD BID FOR REPLACEMENT AND CONVERSION OF THE POOL
SANITATION SYSTEM**

Mr. Fedorchak stated this is the conversion of the chlorine system that was previously discussed by the Board.

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried to award the bid for replacement and conversion of the pool sanitation system to If It's Water in the amount of \$18,950.

**VERIZON WIRELESS CONDITIONAL USE APPLICATION APPROVAL OF
EXTENSION**

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried to approve the Extension for the Verizon Wireless Conditional Use Application to May 20, 2002.

**MOTIVATIONAL EDUCATION TRAINING CENTER, INC. AND NEW HOPE
ACADEMY CONDITIONAL USE APPLICATION APPROVAL OF EXTENSION**

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried to approve the Extension for Motivational Education Training Center, Inc. and New Hope Academy Conditional Use Application to May 31, 2002.

D'AMATO TRACT PRELIMINARY PLAN APPROVAL

Mr. Edward Murphy, attorney, Mr. Hako, engineer, and Ms. Beverly Curtain from Heritage, the equitable owner of the tract, were present. Mr. Garton reviewed possible conditions of Approval noting the open items involve the issue of the interconnect between this tract and the adjoining property and whether the Township wishes to accept dedication of the open space shown on the Plan.

Mrs. Godshalk noted a great deal of earth was taken from this tract. She stated there is a difference in the levels of the ground in this area. Ms. Curtain stated they purchased the property approximately one and a half years ago and the way it is currently is the way they purchased the tract.

Mr. Mitch Goldberg stated that where they are showing the basin on the Plan is where dirt bike riders currently ride. Mrs. Godshalk stated she feels the Board needs to visit this site. Mr. Murphy suggested they could defer a decision on ownership of the open space until Final Plan. He stated they could decide to have a Homeowners' Association and they could take ownership of the open space. Mrs. Godshalk noted the problems they have at the Peake Farm and the Township has not taken dedication because the developer has not taken care of the trees in the open space areas to be dedicated. She stated if the Township takes dedication, they should consider fencing so that there is not encroachment into this area.

There was discussion on the open issue relating to the interconnection to adjacent Long Meadow Lane. Mr. Murphy stated they are prepared to provide an emergency-only access or a full interconnect. He stated the neighbors have indicated they do not want it to be connected. He added that the Planning Commission recommended an emergency access as opposed to a full interconnect.

Mr. Goldberg showed an aerial photograph of the area involved. He stated they are concerned about a cut through on Long Meadow which is a straight street and currently has speeding problems. He noted there are a number of children who play in the area at the end of the cul-de-sac. He stated the Police Chief did discuss this with the neighbors, and he has indicated he would not want an emergency-only access since it could be cluttered. Mr. Goldberg stated Mr. Mike Spielberger, who lives adjacent to this area, has agreed to take responsibility for this area to make sure that it is always clear and there is no debris. They would also recommend that they put this into the deeds for the two new homeowners who will also be adjacent to this area. Mr. Goldberg stated they are aware of other areas in the Township where emergency-only accesses have been provided.

There was discussion as to why they cannot go all the way through to Oxford Valley Road, and Mr. Murphy stated there were multiple Plans presented and everyone had indicated they were opposed to an entrance out to Oxford Valley Road since they felt this would cause more trees to be removed than necessary and would provide greater opportunity for cut through traffic. He stated the Plan being presented has received the support of everyone who has looked at it.

Mr. Fazzalore stated he felt the Board should look at this on the Road Tour. He stated he is concerned that while Mr. Spielberger may agree now to take care of this area, he may sell his home in the future and the new person may not be so willing to do so.

Mr. Murphy stated they did prepare a Plan showing the emergency-only access, and this was shown to the Board this evening.

Mr. Fegley stated he does not feel people will use this as a cut through since it does not really save anyone any time and they could move faster going through Oxford Valley Road. Mr. Hackman stated he is in favor of cutting the road through completely since he does not feel an emergency-only access road will work. He stated if they wanted to eliminate the cut through problem, instead of bringing the cul-de-sac out on Stony Hill Road, they could bring it out on Oxford Valley Road and the only people going out would be the people who live in the neighborhood. Mr. Goldberg stated the Police Chief stated he felt this would create a worse problem because of a sight distance problem. Mr. Murphy stated they would also have to take down a number of additional trees. He noted the Township staff and the Planning Commission recommended against coming out to Oxford Valley Road. Mr. Hackman stated he would be willing to give up trees in order to improve circulation. Ms. Curtain stated they would violate the Zoning Ordinance with regard to steep slopes and tree disturbance.

Mr. Higgins asked why they are opposed to an emergency-only access. Mr. Coyne stated the trucks have difficulty getting through these emergency access roads. He also noted the number of buses involved which need to be able to make certain movements.

Mr. Marr stated they were told that there would be no cut through to Stony Hill Road by their builder. Mr. Marr stated cutting through will make this a straight shot. He stated they would not be opposed to paving the emergency access but do not want it to be available for traffic.

Mrs. Godshalk asked if they had a cul-de-sac at Stony Road could it be made wide enough to allow school buses and trash trucks to turn around without having to back up. She stated the full access could then be through Long Meadow only, and they would not have to use either Stony Hill or Oxford Valley. Mr. Murphy stated they would agree to revise the Plan if this is the decision of the Township. This solution was also acceptable to the neighbors.

Mrs. Godshalk moved and Mr. Fazzalore seconded to grant Preliminary Plan Approval for the Plans dated 12/6/01, last revised 2/28/02 subject to:

- 1) Receipt of all permits and approvals by agencies having jurisdiction;
- 2) Compliance with PCS letter dated 4/2/02;
- 3) Approval of following Waivers:
 - a) Section 178.93c2f permitting discharge through the woodlands;
 - b) Section 178.93b3 to permit the bottom of the basin to be planted with wet seed mix;
 - c) Section 178.93c2b to permit calculations to allow discharge to avoid removing of additional trees;
- 4) Compliance with CKS letter dated 3/25/02;
- 5) Compliance with Fire Reviewer's letter dated 1/8/02;
- 6) Applicant to pay Fee-In-Lieu of Recreation;
- 7) Compliance with LMT Traffic Impact Fee Ordinance;
- 8) Defer until Final decision on open space ownership;
- 9) Revise Plans between now and Final to show construction of a cul-de-sac at Stony Hill Road with an emergency-only access out to Stony Hill and the through street be effectuated out to Long Meadow as shown on the Plan.

The Applicant agreed to the conditions of Approval with the caveat that during construction and sales, all traffic would be from Stony Hill Road; and when done, it will be closed off.

Motion carried with Mr. Hackman opposed.

BUCKS CENTRAL CHURCH PRELIMINARY PLAN APPROVAL OF EXTENSION

Mr. Fazzalore moved, Mr. Hackman seconded and it was unanimously carried to approve an extension for the Bucks Central Church Preliminary Plan until August 5, 2002.

CLEARVIEW ESTATES PHASES I AND II APPROVE EXTENSION FOR DEDICATION

Mr. Fazzalore asked if the retention basin on Woodside Road is working, and Mr. Williams stated this is one of the reasons why they are requesting an extension. He stated they are waiting to see the As-Builts to see what remedial work needs to be done.

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried to approve an extension for sixty days for Dedication of Clearview Estates Phases I and II.

ZONING HEARING BOARD MATTERS

It was agreed to have the Zoning Hearing Board decide the Victor Scharko, 351 Pondview Court, Variance request to construct an addition encroaching on Stony Hill Road special setback.

There was discussion on the Scott McElroy, 1020 Farmal Court, Variance request to place a fence within the buffer easement. Mr. Hackman stated he is concerned with all of the fences on the reverse frontage lots and does not feel they should be encroaching on the buffers. The Solicitor was asked to attend the Hearing to obtain additional information and report back to the Board of Supervisors.

APPROVAL OF APRIL 1 AND APRIL 15, 2002 WARRANT LISTS AND MARCH, 2002 PAYROLL

Mr. Hackman moved and Mr. Fazzalore seconded to approve the April 1 and April 15, 2002 Warrant Lists and the March, 2002 Payroll as attached to the Minutes. Motion carried unanimously. Mrs. Godshalk was not present for the vote.

SUPERVISORS' REPORTS

Mr. Hackman stated they went out to bid for the Golf Course recognizing that they can reject all bids. He noted thirty people attended the pre-bid meeting.

Mr. Fazzalore asked that Mr. Fedorchak advise Mr. Taylor that they should schedule a Pension Committee meeting.

APPROVAL OF 2002-2003 BUCKS COUNTY CONSORTIUM FUEL BIDS

Mr. Hackman moved, Mr. Fazzalore seconded and it was unanimously carried to approve the 2002-2003 Bucks County Consortium Fuel Bids.

DISCUSSION ON HIRING RBA TO PERFORM ENVIRONMENTAL IMPACT ASSESSMENT OF GOLF COURSE SITE

Mr. Hackman stated there is a question as far as whether or not the Golf Course project requires an Environmental Impact Assessment. The engineer has indicated that it does not; however, some people have questioned this. Mr. Taylor has asked several people how much this would cost. Mr. Hackman stated he does not feel they should spend the money if this is not required. He noted that Skelly & Loy has reviewed the Plans and commented on the environmental impact and submitted a number of letters. He stated it is estimated that the Assessment could cost \$30,000.

Mrs. Godshalk stated she feels they should have this done so that they are not criticized for not doing the same study that they would require of a developer.

Mrs. Godshalk moved to hire RBA to perform the Environmental Impact Assessment of the Golf Course site.

Mr. Fegley stated three votes are needed to pass this tonight and he will not vote on anything to do with the Golf Course. He stated he feels the Township should go forward with an Environmental Assessment since they ask that this be done by other developers. He stated he feels if they are going to do this, they need to have someone do the study who is not already involved in the Golf Course project. He has provided to Mr. Fedorchak the names of some people who are not associated with the Golf Course project who could do this Assessment. Mrs. Godshalk stated she feels the engineers have their reputation to protect, and RBA would provide an honest report. Mr. Fegley stated he feels it would be better to get someone who is not associated with the project so there is no question about self interest.

Mr. Hackman stated the delays they are experiencing will set the project back a full year. He stated the Assessment is not required and he questions why they are doing this.

Mrs. Bulger, Townsend Road, asked if a developer would be required to have an Environmental Impact Study done, and Mr. Garton stated they would have to comply with the Ordinances for a residential development. Mr. Fegley stated an Environmental Assessment is triggered by certain factors.

One gentleman asked about the wells and the impact on adjoining wells in the area. He asked if they will know this impact if they do not do an Environmental Impact Study. Mr. Hackman stated they will test the wells and do monitoring. They will also set up a base line. An Environmental Impact Assessment would not deal with this issue. The gentleman stated he knows people in Upper Makefield who are drilling twice the depth and are getting poor water once the golf course went in. The gentleman asked what else will be waived. Mr. Hackman stated they have requested several waivers and these have been waived in the past for other developments. The gentleman stated he feels the Township should comply with all requirements that a developer would be asked to comply with. Mr. Hackman stated the problem with the Golf Course is many of the items in the Ordinances were designed to control housing developments and when you go through the process of building a Golf Course, they do not make sense. He stated golf courses are normally well maintained grass areas. The gentleman stated he feels someone will suffer if they take all the water out of the ground for the Golf Course. Mr. Hackman stated when they do the test, they will run it for forty-eight hours and determine the impact through the monitoring program.

Ms. Virginia Torbert stated she feels they should do the Environmental Impact Study and do a Traffic Study. She stated she does not feel RBA should do the Study and they should have an independent company do it. Mr. Hackman stated they did have a review by Skelly & Loy who first pointed out in detail every exception from the Ordinance. They then provided a second report which was a subjective evaluation of a Golf Course when compared to a housing development.

Ms. Gladys Constantine, 1110 Sunnyside Lane, asked if they will be monitoring their wells as well. Mr. Fazzalore stated he has asked that this be done. Mr. Hackman stated he does not feel they meet the radius. He stated if Delaware Rim is effected, they know Sunnyside will be as well. Mr. Fazzalore stated if they do not include Sunnyside Lane in the Agreements, he will not vote for the Golf Course. Mr. Taylor stated they are only talking about monitoring at this point.

There was no second to the Motion and no action was taken by the Board on this matter.

MEMORIAL DAY PARADE DISCUSSION

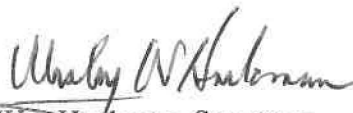
Mr. Fazzalore and Mr. Fegley indicated they would be in the Memorial Day Parade.

APPOINTMENTS

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried to appoint Carol Cowley to the Cable TV Council.

There being no further business, the meeting was adjourned at 11:15 p.m.

Respectfully Submitted,


Wesley W. Hackman, Secretary