

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - JUNE 17, 2002

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 17, 2002. Chairman Fegley 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 legal and personnel matters.

Those present:

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

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

Absent: Grace Godshalk, Supervisor

PUBLIC COMMENT

There was no public comment at this time.

CONFIRMATION OF EAGLE SCOUT PROCLAMATIONS

Mr. Fegley acknowledged the work of three Scouts who recently achieved the rank of Eagle Scout. He reviewed the Eagle Scout projects completed by Christopher Bosley, Matthew Escher, and Stephen McMaster.

APPROVAL OF MINUTES

Mr. Hackman moved, Mr. Fazzalore seconded and it was unanimously carried to approve the Minutes of June 3, 2002 as corrected.

DISCUSSION AND MOTION REGARDING ESTABLISHMENT OF AN
INDIVIDUALS WITH DISABILITIES ADVISORY BOARD

Mr. Robert Shanberg, member of the Board of the Bucks County Council of Individuals with Disabilities, was present to discuss the establishment of an Advisory Board within the Township. He presented this evening an informational packet including two sample Resolutions for the creation of such a Board. He noted there are currently six such Boards in Bucks County. Mr. Shanberg stated such a Board is needed since many disabled persons live asocial lives and they need to get them to live and function with able-bodied individuals. He stated there is a lack of accessibility in the Township which needs to be

addressed. He stated an Advisory Board would be trained in the Law and would use friendly persuasion as to what needs to be done to rectify various situations. The Board will identify needs that exist in the community and will help improve the quality of life for disabled citizens. The Board would also review plans and drawings for any new construction or modifications.

Mr. Stainthorpe asked about specific locations in the Township which are not currently properly accessible. Mr. Shanberg noted Kohl's and the Township Building. He also expressed concern with the curb cuts for the bikepaths. He stated there are also problems with some of the Township apartment complexes. Mr. Stainthorpe asked if the Advisory Councils currently working in other Townships are part of the review process. Mr. Shanberg stated they act as Advisory Boards to the Township for new construction and for modifications. Mr. Fazzalore expressed concern with Mr. Shanberg's comments regarding the Township curb cuts since the Township has been spending money consistently for a number of years to make these curb cuts. Mr. Shanberg stated the Township does not have them at T-intersections and there is also a problem if there is more than a 1/4" lip.

Mr. Fegley moved and Mr. Stainthorpe seconded to consider and explore the creation of a Disabled Persons Advisory Board and draft a Resolution to that effect.

Mr. Hackman stated they presently depend on the professionals to review this, and he is not sure that they need to create a new Board to do the same thing. Mr. Fegley stated he did advise Mr. Shanberg that there would have to be some interest within the Township to see if people would be willing to serve on such a Board. He stated he is not sure that the professionals are necessarily sensitive to the needs of the disabled. Mr. Hackman stated he does feel the professionals are looking at this. Mr. Stainthorpe stated he feels it is worthwhile exploring this matter. Mr. Fazzalore stated he feels they should have the opportunity to review the information which Mr. Shanberg presented this evening. Mr. Shanberg stated the professionals do make mistakes and this would be another Board to help avoid mistakes which could cost the Township money in the future. Mr. Williams stated while they do consider these laws for new sites, they do not typically get involved if it is modification of an older site.

Mr. Hackman asked about the Kohl's Shopping Center and asked if the Township has the right to enforce any deficiencies. Mr. Garton stated he cannot comment on this tonight, but noted that if it is a business open to the public, they do have certain obligations.

Motion carried unanimously.

REJECTION OF BIDS RECEIVED FOR GOLF COURSE CONSTRUCTION

Mr. Garton stated Scott Arterburn has recommended that the Board reject the bids received since they came in higher than anticipated and he feels certain revisions can be made which will result in lower bids.

Mr. Hackman moved and Mr. Stainthorpe seconded to reject all bids received for construction of the Golf Course.

Mr. Stainthorpe expressed concern since all seven bids received were over what was anticipated. Mr. Hackman stated they feel they can clarify certain items which will result in lower bids. Mr. Fazzalore stated it appears that six of the seven bidders were not qualified. Mr. Taylor stated there were many different qualifications that were requested and only two of the bidders completed all the specs correctly. Mr. Fazzalore noted that he still wants to see the Well Protection Agreement before any approvals are given.

Motion carried with Mr. Fegley abstained.

SENIOR CENTER DISCUSSION AND MOTION TO PROCEED

Mr. George Hibbs of Clarke-Canton-Hintz was present. He presented a plan for a 10,000 square foot Senior Center. The plan shows parking and drop-off areas. He noted on the plan the various areas proposed including a large multi-purpose room which can be divided, an outdoor seating area, kitchen, storage areas, small meeting rooms, office space and restrooms. The project would cost approximately \$2 million.

Mr. Hackman noted this would be a Senior only project. He stated the projects they have considered in the past included other uses. Mr. Hackman stated he feels a \$2 million project is affordable.

Mr. Fazzalore asked about the exterior. Mr. Hibbs stated they are considering residential-type construction which could be partially masonry. This would be done at residential rates as opposed to commercial labor rates since it would not involve steel construction. A residential framer could work on this project.

Mr. Bob Asad, Rose Hollow, stated he feels the large room should be large enough so that there could be dinner dances with room for tables to accommodate 150 to 200 people. Mr. Hibbs stated the large room is proposed to be 40' by 60' which would be 2500 square feet and approximately the same size as the Township meeting room. Mr. Asad stated he did not feel this would be large enough.

Mr. Bill Gibney stated they currently have 500 Senior Citizen members. He feels their membership will increase once they have their own building. He stated he does not feel the large room is big enough to accommodate their members and suggested that they eliminate some of the other rooms on the side to make the multi-purpose room larger. Mr. Hackman stated they could have an alternate to the bid which would permit an extension to the large room.

Ms. Roseann Moran, Tanglewood, stated she has read in the paper that a lot of people are against the Senior Center and if they start increasing the size, it will then cost more money. She stated the people she has talked to about having a Senior Center are only interested in a place where Seniors can meet.

Mr. Hackman asked if the Seniors Board of Directors has seen the plans. Ms. Ada Derr, stated the Board of Directors met with Mr. Fedorchak and were very pleased with the proposal as shown.

A gentleman stated he feels this is a very affluent area and he does not understand why Lower Makefield Township does not have its own senior Center. He stated this is only

proposed to be a \$2 million building and the Township is contemplating building a \$15 million Golf Course. He stated he feels the Township owes the Seniors their own Center. Mr. Fazzalore stated the Township has paid two consultants to review the Golf Course plans and they have been advised that the Golf Course will pay for itself after a period of time and will also help pay for other projects in the future. Mr. Hackman stated the Senior Center project has nothing to do with the Golf Course which will be self-sufficient and may even turn a profit. It will be similar to the Pool and will not effect the taxes. The gentleman asked why the Senior Center has been held up for so many years. Mr. Hackman stated the Board of Supervisors decided to go out for a Referendum but did not go out for a Senior Center only. Instead, they went out for a Community Center which the voters did not approve. This will be a Senior Center only.

One woman asked where the facility will be built, and Mr. Fegley stated no site has been decided upon at this time. He stated it has been suggested that it be built across the street on property already owned by the Township near the water tower. Mr. Gibney stated he feels this would be an excellent site.

Mr. Fazzalore moved and Mr. Hackman seconded to proceed with the Senior Center and instruct the Finance Director to advise how they can pay for this \$2 million facility without raising taxes.

Mr. John Note asked if it is feasible to go on with drawings if they do not have the site locked in, and Mr. Gibbs stated it is not. Mr. Note stated he would like to see the building expanded in one direction.

Mr. Fegley moved to amend the Motion that they ask the Finance Director to provide the Board with information on how this can be done without raising takes and leave out moving ahead until they have this information. The Motion died for lack of a second.

Mr. Hackman stated he feels if they have to raise taxes one or two mills to cover the cost of this, it is still worthwhile since they have raised taxes in the past to pay for other items.

Mr. Stainthorpe stated he would also like to look into private/public partnerships to help pay for this facility. He stated he does not want to alienate other Township residents who are not in favor of this project. He would like to look into creative ways of paying for the facility.

Mr. Gibney stated Bristol Township agreed to have a one mill tax increase to pay for their Senior Center; and he feels if Bristol Township can do this, Lower Makefield should as well.

Ms. Phyllis Patterson, Del Rio Drive, stated if the Matrix project goes through possibly they could contribute to the cost of the Senior Center. Mr. Hackman stated Matrix has agreed to give the Township \$1.3 million which can be earmarked for any purpose. Mr. Fazzalore stated this will be given over a period of time.

Ms. Derr asked how much a mill would be, and Mr. Fedorchak stated it is equal to approximately \$10 per household.

Mr. Holm, Drexel Drive, stated he feels the Motion as stated is ambiguous. Mr. Fegley stated he felt they could instruct the Finance director to come back with financial

information without having a Motion. He stated he will not vote in favor of the Motion as stated which seems to infer that they will go ahead with the Senior Center even if it involves a tax increase. Mr. Hackman stated he feels the statement about moving ahead is more of a hope and desire since this project has been considered for a very long time. He stated there will be future votes on the project involving drawing up plans, going out to bid, accepting bids, etc.

Motion carried with Mr. Fegley opposed.

APPROVAL OF LOWER MAKEFIELD TOWNSHIP EMERGENCY MANAGEMENT PLAN

Chief Coluzzi stated this Plan was presented to the Board previously for their review. He stated the Plan was also submitted to the County and was accepted.

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Lower Makefield Township Emergency Management Plan.

Mr. Fazzalore stated he feels consideration should be given to security at the Township Building particularly the permitting area. Chief Coluzzi agreed to discuss this with Mr. Fedorchak.

APPROVAL OF DEVELOPMENT AGREEMENT FOR ST. IGNATIUS CHURCH PHASE I

Mr. Hackman moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Development Agreement for St. Ignatius Church Phase I.

SIGNING OF LINENS FOR HADDAD SUBDIVISION

Linens were signed following the meeting.

APPROVE REQUEST FOR DEDICATION OF CLEARVIEW ESTATES - RESOLUTION NO. 2012

Mr. Garton stated all improvements are ready for dedication and all lots have been issued Final Certificates of Occupancy. PCS is also satisfied that all issues relating to Farmland Preservation have been resolved.

Mr. Fazzalore asked about the bikepath. Mr. Garton stated the Board needs to decide whether they want the bikepath installed or if they want the costs contributed to the Township. Mr. Hackman stated they discussed this matter on the Road Tour and asked that the Township engineer review this. He is concerned that the ultimate costs may be more than the amount the developer will give. Mr. Garton stated under the MPC, they would have to turn down the request for Dedication for a valid reason. At this point the Board has not made a decision on the bikepath or acceptance of the cash.

Mr. Fazzalore asked if the basin is satisfactory, and Mr. Williams stated it is. Mr. Garton stated there is also a maintenance bond for this.

There was further discussion on the bikepath issue. Mr. Garton stated they have to either accept the cash or direct the developer to construct the bikepath according to the Plan. Mr. Garton suggested that they make the Motion contingent that the Township will advise the developer within thirty days whether they will take the cash contribution or have the developer construct the bikepath. Mr. Williams agreed to provide the necessary information so that the Board of Supervisors can make this decision. Mr. Hackman stated he is concerned that this may impact Farmland Preservation land and they would then need their approval.

Mr. Stainthorpe moved, Mr. Fazzalore seconded and it was unanimously carried to accept dedication of Clearview Estates - Resolution No. 2012 - subject to the condition that the Township advise the developer within thirty days if they want the bikepath installed or the fair value of the improvements be offered to the Township in lieu thereof.

APPROVE GRANTING A CERTIFICATE OF APPROPRIATENESS FOR REPLACEMENT OF THREE SIGNS AT EDGEWOOD VILLAGE SHOPPING CENTER

Mr. Stainthorpe moved, Mr. Fazzalore seconded and it was unanimously carried to approve granting a Certificate of Appropriateness for replacement of three signs at Edgewood Village Shopping Center.

TABLING OF ORDINANCE NO. 333

Mr. Hackman moved, Mr. Stainthorpe seconded and it was unanimously carried to table approval of Ordinance No. 333 amending the term of office for Zoning Hearing Board members from three to five years consistent with the Municipalities Planning Code.

DISCUSSION OF FEES FOR MASSETTI PROPERTY

Mr. Garton stated the Massetti property is located on Lindenhurst road. He stated some years ago Mr. Minehart subdivided his property into two lots and there was a Note on that Plan that any further subdivision of either lot would be considered to be a major subdivision and would require improvements along the entire frontage of both roads. He stated the Township had to expend their funds in order to make improvements on these roads and the Township has requested that they be reimbursed when a developer comes in with a subdivision. Mr. Garton stated several months ago the Township engineer did an estimate of the value of the improvements and indicated it was \$82,000 for Lindenhurst Road and \$78,000 for Woodside Road. Therefore the total reimbursement due to the Township under the present set of requirements would be approximately \$160,000 were the Massetti property to be subdivided.

Mr. Hershenson was present representing Mr. Massetti. He stated his client's property fronts on Lindenhurst Road and has no access to Woodside Road. Their tract is only eleven acres while the Minehart tract is twenty acres and fronts on Woodside Road.

His client was not aware of the notation regarding further subdivision until they decided to sell the property. Mr. Garton stated the Note indicates that whoever subdivides first is required to pay for improvements to both Lindenhurst and Woodside Roads.

Mr. Hershenson stated he feels that while this is a reasonable interpretation of the Note, it places a significant imposition on someone who does not front on Woodside Road and does not own the majority of the tract. He noted his client also lost 40' of their land and trees were taken down along their 600' of frontage and they did not receive any compensation. Mr. Garton asked if this involved existing right-of-way, and Mr. Hershenson stated it did. Mr. Garton stated because it was in the existing right-of-way they are not entitled to any compensation. Mr. Hershenson stated the majority of the bikepath that was created was along the right-of-way that effected his client's property but did not effect other properties on that road. He also noted a sewer easement that was created on the property for which his client did not receive compensation.

Mr. Hershenson stated when the original Note was put on the plan, the Zoning was quite different and there were no improvements along the property. This has drastically changed as a result of a nearby Toll development. They would like to get clarification on the Board's position as to what they would do with regard to the matter. He stated his client was not aware when he purchased the property that they would have to pay all the contributions for a vast tract of land and on a roadway upon which they have no access. He stated he feels an allocation of costs should be considered. He noted they did have an Agreement of Sale for the property but because of the length of time it took to get the information regarding the costs of the improvements, he feels this Agreement of Sale is now dead. He stated his client would still like to know the Township's position as to what they would be looking for in terms of a contribution. He stated in 1986 when this project was considered for subdivision this area had a requirement for a minimum of ten acres per lot.

Mr. Hackman stated that he will not vote on this matter because this tract is across the street from his property.

Mr. Fegley stated the Township is entitled to reimbursement. He stated the Township was not a party to the contract between Mr. Massetti and Mr. Minehart. While he understands their concern with an eleven acre tract having to pay all the costs, the Township had nothing to do with the Agreement between these two parties.

Mr. Garton noted Mr. Hershenson's comment regarding the sewer easement and stated this was between Mr. Massetti and Toll Bros. and did not involve the Township.

Mr. Hershenson stated they would be willing to provide any additional information to the Board which they feel they need in order to make a decision on this matter. He noted he has not had any discussions with Mr. Minehart regarding this matter.

Mr. Fegley stated he feels the only choice the Township has is whether they will waive reimbursement of all or a portion of the cost of the improvements which were made. He stated they cannot require Mr. Minehart to pay any of the costs unless he subdivides his property first.

Ms. Gail Caputo stated she is a Realtor representing Mr. Massetti. She stated she does not feel the road improvements he would have been required to pay for in 1993 would have

been as expensive as they are now due to the major developments which have since been built in this area.

Mr. Wayne Massetti, Tanglewood, stated there is now significant truck traffic in the area and he feels these improvements would have had to have been done anyway at taxpayers' expense. Mr. Massetti stated he is only considering three lots, one of which would be five acres. He stated he does not feel he should incur the expense of a major development.

Mr. Garton stated the Township paid for half the culvert and Toll Bros. paid for the other half. He stated the widening that was done across the frontage of the property was standard widening. The costs noted by the engineer did not include the cost of the box culvert. He stated they are only being asked to pay for the improvements across the road frontage.

Mr. Hershenson stated Mr. Hackman was reimbursed for the portion of his property that was taken on his side. Mr. Garton stated Mr. Hackman was paid for right-of-way that was condemned. He stated the Township already owned the right-of-way where the Massetti property is located. Mr. Massetti stated he does not feel he should have to pay for improvements done to a road where he takes no frontage.

Ms. Caputo stated Mr. Massetti's intention is to have only two driveway cuts onto Lindenhurst Road. The third house would go off of Powderhorn.

Mr. Fazzalore stated it would be irresponsible for the Supervisors to ignore something that was done in 1986 and was noted on the Plan.

Mr. Garton stated Mr. Minehart's Subdivision Agreement was approved with the Condition that is shown on the Plan. He stated he feels this matter is between Mr. Minehart and Mr. Massetti.

Mr. Hershenson stated his client was not aware of the notation on the Plan. The first time he was made aware of it was when the property was under Agreement of Sale and the Plans were pulled and were professionally reviewed.

Mr. Fegley asked if there was any feeling on the Board to grant any relief to Mr. Massetti. Mr. Fazzalore stated he would not be prepared to vote on this tonight and would like to study the matter further.

Mr. Massetti asked if it would make any difference if the tract were sold as one piece. Mr. Fegley stated the Note only applies if the property is subdivided. He suggested that if he sold the property in total, he feels Mr. Massetti should advise the new buyer of the restriction.

Mr. Hershenson asked how they should proceed. Mr. Fegley stated he feels it would be helpful to know Mr. Minehart's position. Mr. Hershenson agreed to contact Mr. Minehart to see if they can determine his future intent.

June 17, 2002

Board of Supervisors - page 9 of 9

ZONING HEARING BOARD MATTERS

It was the consensus of the Board that the Solicitor should appear in opposition to the Raymond Pasteris, 430 Trend Road, Variance request to construct a garage/shop resulting in encroachment into the special setback and exceeding the 15' height limit.

The Board decided to take no action on the DeLuca Enterprises Variance request to permit free-standing signs at Floral Vale South Campus.

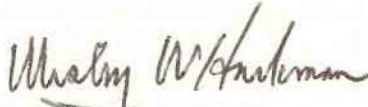
The Board decided to take no action on the Clinton & Deborah Gardner Variance request to construct an addition within the 100' rear yard setback.

APPROVAL OF JUNE 3, 2002 AND JUNE 17, 2002 WARRANT LISTS AND MAY, 2002 PAYROLL

Mr. Hackman moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the June 3, 2002 and June 17, 2002 Warrant Lists and May, 2002 Payroll as attached to the Minutes.

There being no further business, Mr. Stainthorpe moved, Mr. Fazzalore seconded and it was unanimously carried to adjourn the meeting at 9:18 p.m.

Respectfully Submitted,


Wes Hackman, Secretary



Township of Lower Makefield

BOARD OF SUPERVISORS

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

**JUNE, 2002 WARRANT LISTS AND
 MAY 2002 PAYROLL COSTS FOR APPROVAL
 @ JUNE 17, 2002 BOARD OF SUPERVISORS MEETING**

06/03/02 Warrant List	\$ 139,460.89	
06/02 Manual Checks	38,459.23	
06/17/02 Warrant List	380,878.07	
Total Warrants & Prepaids		558,798.19
<u>PAYROLL COSTS:</u>		
May, 2002 Payroll	298,200.75	
05/02 Payroll Taxes, etc.	22,812.36	
Total Payroll Costs		<u>321,013.11</u>
TOTAL TO BE APPROVED		\$ <u>879,811.30</u>

