

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - JULY 1, 2002

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on July 1, 2002. Chairman Fegley called the meeting to order at 7:30 p.m. noting that the Board had been meeting in Executive Session since 6:00 p.m. discussing legal and zoning matters and conducting interviews.

Those present:

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

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

PUBLIC COMMENT

Mr. Peter Viteles, 17 Orchard Way, stated he questions the way the Board has acted with regard to the Senior Center. He stated he feels a majority of the voters rejected this project twice. He asked why the Board feels they can ignore the wishes of the majority of the voters in the Township. He asked if the Board of Supervisors and Senior Citizens have done an exhaustive search for private funding. He stated if some people feel that the voters rejected something other than a Senior Center, he questions why they do not have a Referendum for a Senior Center only. Mr. Fegley stated he agreed with Mr. Viteles. Mr. Hackman stated the projects that were **Referenda items** were for Community Centers. He stated in the first proposal approximately half of the building was for the Senior Citizens portion and in the second Referendum roughly one third of the proposed building was for the Senior Citizen portion. Mr. Viteles stated he feels the Seniors were the driving force for this project from the beginning. He stated he is not necessarily opposed to a Senior Center but when the voters state they do not want it, the Board should find private funds. Mr. Hackman stated he voted not to have a Referendum on this since he feels the Board of Supervisors has the task of looking out for the Township as a whole. He feels a Senior Center is a normal part of a Township and at least a dozen towns in Bucks County have such a Center. Mr. Viteles asked if they are required to follow the results of a Referendum, and Mr. Hackman stated they were non-binding. Mr. Stainthorpe stated they did not go against the results of those Referenda since they did not build those buildings. Mr. Viteles stated he feels they should have Referendum for a Senior only Center. Mr. Fazzalore stated they did not have a Referendum for other items in the Township such as recreation fields. Mr. Godshalk stated they did go out for two Referenda on two community centers. She stated she was not present for the vote on the Senior Center last meeting, and would not have voted for it. She stated she feels they if they put it out to a Referendum and if it was for a reasonable price, she feels the people would vote for it. She stated the Board is getting ready to vote on this but they do not have any idea how much such a building will cost to run.

APPROVAL OF MINUTES

Mr. Fazzalore moved and Mr. Stainthorpe seconded to approve the Minutes of June 17, 2002 as written. Motion carried with Mrs. Godshalk abstained.

APPROVAL OF YARDLEY-MAKEFIELD FIRE COMPANY CONDITIONAL USE APPLICATION

Mr. Edward Murphy, attorney, Mr. John Bayane, engineer, Mr. Winslade and Mr. Larry Newman, representing the Fire Company were present.

Mr. Koopman stated this is a Public Hearing for the Conditional Use for Tax Parcel #20-16-2 to construct a Fire Station. Notice requirements have been satisfied. Mr. Koopman incorporated into the record the entire Township file.

Mr. Murphy stated this has been a four-year effort to identify and approve a location for the Northern Sub-Station. The property is owned by the Township and is slightly in excess of thirty-six acres on the westerly side of Dolington Road immediately south of I-95. The property is zoned R-1 Residential and an emergency services use is identified as a Conditional Use. Under Ordinance requirements, the property must be a minimum of two acres and the developed portion of the thirty-six acre tract is three acres. The property has not been subdivided. They have satisfied minimum lot width, front, side and rear yard setback requirements including the special setbacks required from Dolington Road. Mr. Murphy stated this portion of Dolington Road is scheduled to be re-located and they have set back all improvements from the future re-location with one exception which will be addressed in the Land Development portion of the presentation.

Mr. Murphy stated Section 291 requires consistency with the Comprehensive Plan and there is a May 1 letter from the Bucks County Planning Commission which indicates that the location has been selected for a Sub-Station in the 1992 Township Master Plan as well as the Bucks County Master Plan. Mr. Murphy stated all reviewing bodies have indicated that this is an appropriate location. They do not feel that they will have any adverse impact on the surrounding properties. The review letter from the Township engineer was noted which indicated that they have satisfied this from an objective standpoint. The Planning Commission also recommended approval of the Conditional Use.

Mr. Fazzalore stated when they first purchased property on which to build the Fire House, they purchased two acres. He stated they are now showing three acres. Mr. Murphy showed on the Plan the parcel of land that was originally purchased for this use. He stated the new site is further south from the original location. Mr. Winslade stated at the new location they do not need any impervious surface relief which they would have had to request for the original location. Mr. Fazzalore stated Mr. Snipes has until this Christmas season to sell trees.

Mr. Hackman moved and Mr. Fazzalore seconded to approve the Conditional Use for the Yardley-Makefield Fire Company subject to:

- 1) Applicant receive Land Development Approval from the Township;
- 2) Applicant execute a satisfactory Lease Agreement with the Township.

Mr. Koopman stated it is contemplated that the Township will enter into a Lease Agreement with the Fire Company for the property. He stated this has not yet been drafted. He stated the Agreement would be for the land and the building.

Mr. Fazzalore noted that Yardley Borough is making no contribution toward the construction of the building.

Mr. Hackman stated Lower Makefield will pay for this through the Fire Tax.

There was no public comment.

Motion carried with Mrs. Godshalk abstained.

APPROVAL OF PRELIMINARY/FINAL PLAN FOR YARDLEY-MAKEFIELD FIRE COMPANY

Mr. Murphy stated it is contemplated that Dolington Road will be re-located at its widest point, 300 feet further to the west. All required setbacks have been measured from the re-located Dolington Road and the Plan contemplates extension of sewer and water up in the bed of re-located Dolington Road. The Planning Commission asked that they take the line further to the north almost to the edge of the development which would be almost directly across the street from the southernmost driveway for Elm Lowne. There was also a request that additional landscaping be provided in the center island between the two driveways. These would be low profile in nature. They must also decide on the building facade. Mr. Murphy stated the Planning Commission also recommended that the Board consider whether Dolington Road should be re-located at the same time as this construction takes place.

Mr. Fazzalore noted the information provided this evening regarding the facade. Mr. Winslade stated at their last presentation they were only considering a brick building and the numbers reflected this. Mrs. Godshalk had asked that they find out the cost for a stone building and this has been provided this evening as well as a stone/stucco combination. Renderings for each option were shown. Mr. Fazzalore stated he feels they should stay within the \$1.5 million that was budgeted for this project. Mr. Taylor was asked where the \$1.5 million is for this project, and Mr. Taylor stated it is in Capital Reserve. He stated currently there are monies loaned to the Golf Course pending the borrowing there. Mr. Taylor stated the actual fund balance for Capital Reserve is over \$4 million. Mr. Fazzalore asked that in the future Mr. Taylor indicate on the financials the amount spent on the Golf Course.

Mr. Winslade stated various Township advisory groups have commented on the facade and have indicated they would prefer that the rear of the building be the same as the front and be all stone with the sides a combination of stone and stucco. Mr. Fazzalore stated if the rear were something other than stone, it would cost less money.

Mr. Hackman noted the location of the detention basin. He stated there will be further development of the site. Mr. Fazzalore and Mr. Fegley stated there will not be any buildings. Mr. Hackman stated since the low point of the site is at the corner of Dolington and Quarry Roads, he feels the detention basin should be at that location so it will pick up water from the entire side regardless of what is put on it. He does not feel this will

cost any more money to construct. Mr. Fegley stated they would have to make sure that they keep it out of the area where it is contemplated Dolington Road will be re-located. Mr. Winslade stated they would have to re-engineer the project. Mr. Bayane stated he only has mapping for this portion of the site and would have to look into this matter further. He stated this could delay the project for several months. Mr. Hackman stated he feels they should put the detention basin at the low point of the property. Mr. Williams stated they do have some of the old topos which were done in the 1970's but he is not sure that these would give enough information to design the basin. Mr. Hackman asked when they feel they would like to start construction of the fire station if they receive approval this evening. Mr. Winslade stated they would advertise for bids in July and open bids within 30 days. They would like to try to break ground and get all the earth moved before winter. If they cannot to this, they will have to wait until spring. Mr. Williams stated they could do a quick analysis but if they have to go through the planning process again, this would take some time. After further discussion, it was the consensus of a majority of the Supervisors that the detention basin should remain at the location shown on the Plan.

There was further discussion on the exterior. Stone and stucco would add \$84,000 to the cost and all stone would add \$113,000. Mr. Hackman stated he did not feel they needed to have stone on the back of the building. Mrs. Godshalk suggested a technique using stucco and some stone. It was the consensus of a majority of the Board that the building facade should be a combination of stone/stucco with all stucco in the rear.

There was discussion on the re-location of Dolington Road. Mr. Fazzalore asked that Mr. Williams provide an estimate on straightening Dolington Road from the intersection of Quarry Road and Creamery Road up to the bridge. Mr. Hackman stated if they declare that this will be a public road, the utilities can be brought up at little or no cost to the Township and Fire Company. Mr. Fazzalore asked if permits will be required since Dolington Road is a State Road, and Mr. Williams stated they will have to obtain State permits. Mr. Fegley stated he is not in favor of straightening out the Road, but if they do straighten it, he would not leave the original road in place and instead would have it attached to the Elm Lowne property. Mrs. Godshalk stated there is a private party that lives on the corner. Mr. Fedorchak stated they can provide a letter confirming that this is an official Road and attach a copy of the Official Map.

The Board agreed that they would like the water and sewer extended as recommended by the Planning Commission.

Mr. Murphy reviewed the Waivers requested as outlined in his letters dated 6/26/02 and 6/27/02. He noted an area on the Plan where three parking stalls are located which will encroach somewhat into the special setback if Dolington Road is re-located. The closest parking stall would be 30' from the re-located right-of-way. There will be buffering in front of this. The closest parking stall is also within 20' of the building which requires a Waiver.

Mr. Williams stated Notes have been put on the Plan that any further development of the thirty-six acre site would require re-visiting the storm water management issue.

Mrs. Godshalk stated that while it is listed on the Plans that there will be no community room or commercial kitchen, this should also be listed in the Agreement as well. She stated she also wants to make sure that the lighting fits in with the surrounding neighborhood.

Mr. Stainthorpe moved and Mr. Hackman seconded to approve the Preliminary/Final Plan for the Yardley-Makefield Fire Company Plans dated 3/15/02, last revised 5/31/02 subject to:

- 1) Compliance with the PCS letter dated 6/17/02;
- 2) Compliance with CKS letter dated 6/12/02;
- 3) Approval of Waivers requested as outlined in Mr. Murphy's letters dated 6/26/02 and 6/27/02;
- 4) Board agrees to a stone/stucco facade with all stucco in the rear;
- 5) Water and sewer be extended as recommended by the Planning Commission.

Ms. Langtry thanked the Fire Company for their cooperation and stated they appreciate the extension of water and sewer for Elm Lowne as well as the increased buffering and cooperation on the facade.

Motion carried unanimously.

APPROVAL OF RESOLUTION NO. 200¹³~~3~~ CONSENTING TO THE MERGER OF COMCAST WITH AT & T BROADBAND

Mr. Elliott Paul was present and stated AT & T and Comcast are scheduled to merge. The FCC requires that they file a Form 394 with the franchise-holding Townships to approve the switch. The Township has 120 days to decide this and they received this information the beginning of March. At the May 9 CATV Board meeting, they discussed this and felt that despite the problems they have had, if they disapproved the merger there would most likely be a freeze in any upgrades as well as the potential that the Township would not have any cable. He stated in reality the 120 days is up and inaction by the Township is a deemed approval. He recommended that they sign the Form, and approve it.

Mr. Hackman moved, Mr. Fazzalore seconded and it was unanimously carried to approve Resolution No. 2013 consenting to the merger of Comcast with AT & T Broadband.

SENIOR CENTER DISCUSSION AND TABLING APPROVAL OF CONTRACT WITH CLARKE*CATON*HINTZ TO DESIGN THE SENIOR CENTER

Mr. Fedorchak stated the Board of Supervisors asked that the staff consider how the Township could construct a \$2 million Senior Center without raising taxes. Mr. Fedorchak stated he and Mr. Taylor have looked into this and feel that it can be done. He stated there are sufficient monies in the Debt Service Fund now and in the future to support retiring this Debt Service.

Mr. Fegley noted the one-page letter the Board received on this matter and stated he feels that the information provided was inadequate.

Mrs. Godshalk asked how much it would cost to run such a facility. She stated she feels they need to see this information as well before they decide to construct a building.

Mr. Fazzalore stated there are a number of Grants available for Senior Centers but you cannot get them unless you have a building. Mrs. Godshalk stated Community Development does not give money to Senior Centers unless they are in a low income area. She stated they give money for Master Plans, historic preservation, and doing away with blight. Mr. Fedorchak stated Lower Makefield could not directly get money from this particular program, but there are other programs that he feels the Township would be eligible for and this could, to some extent, offset the cost of construction. He stated neither he nor Mr. Taylor considered this into the equation however. They assumed that they would be using Township money exclusively to pay for the construction of the building. They were still able to state that they could construct the building without having to raise taxes. He stated he feels in the future they will be able to get some Grants and the \$2 million could become somewhat less.

Mr. Stainthorpe stated he feels they need more detail than simply a letter indicating that it can be done. Mr. Fedorchak stated he could present the actual numbers to support their feeling that this can be done without raising taxes. Mr. Stainthorpe stated he would also like to see information showing that they are looking into private funding as well. Mr. Fedorchak stated at this point he is only speaking about the construction since he was not asked to look into the operating costs. Mr. Stainthorpe stated he feels they also need a pro forma on what it would involve to operate the building.

Mr. Hackman stated the Township spends a substantial amount of money on recreation, open space, and historic preservation. He noted that a majority of the Board recently agreed to spend \$780,000 for a Conservation Easement for a historic house and they are now questioning spending \$2 million for a Senior Citizen Center. Mr. Stainthorpe stated the money was already in the Open Space Fund. Mrs. Godshalk stated this was not only for a historic home, they also received additional open space as well.

The Board asked that Mr. Fedorchak present more detailed financial information to show how they can construct the building without raising taxes as well as to present a pro forma on operating and maintaining such a building. Ms. Derr stated it costs \$14,000 a year for utilities such as heat and light for the Bensalem Senior Center which is a larger building than what is being discussed for Lower Makefield.

Mr. Fred Allan stated he feels they should contact the YMCA who is interested in locating in this area about a partnership which could include a Senior Center. Mr. Fedorchak was asked to contact the YMCA to see if they are interested in coming to Lower Makefield.

Mr. Bill Curran, 1604 Fairfield Road, commended the Township for proceeding with projects that are to the benefit of the community particularly if they can be joined in some way to generate income. He recommended that they investigate what other Townships have done.

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to table approval of the Contract with Clarke*Catton*Hintz to design the Senior Center.

UPDATE ON HILLSIDE AND SPRING LANE RECONSTRUCTION PROJECT AND REJECTION OF ALL BIDS

Mr. Williams stated all bids for the project came in higher than anticipated except for the low bidder. The low bidder then withdrew his bid because of a clerical error.

Mr. Williams stated he would recommend re-advertising the project and he and the Township Solicitor will contact the lower bidder and advise him that he is legally responsible for all re-advertising costs. Mr. Williams stated this will push the project back thirty days.

Mr. Hackman moved, Mr. Fazzalore seconded and it was unanimously carried to reject all bids for the Hillside and Spring Lane reconstruction project.

UPDATE ON EDGEWOOD ROAD TURNBACK

Mr. Williams stated he discussed this matter with the PennDOT turnback coordinator who also provided some additional information the Township had not previously received.

Mr. Williams stated PennDOT is interested in turning back the entire length of Edgewood Road which is 3.83 miles. In exchange, the Township would get a lump sum of \$70,000 per mile and then have two years to use that money toward the project. Every year after that they would get \$2,500 per mile for annual maintenance. Mr. Williams stated PennDOT would maintain ownership of the three structures along the road. If the Township wanted to take over all three structures that are along the road, they would have to go back to PennDOT and re-negotiate. Mr. Fegley stated he would prefer that PennDOT keep the structures and be responsible for them.

Mr. Hackman stated he felt that were only considering taking back Edgewood Road from Makefield Road - not from the River. Mr. Williams stated even though the portion from Makefield Road to the River is known as Black Rock Road in Lower Makefield, PennDot considers this portion as Edgewood Road as well. The Resolution PennDOT has prepared would exclude the three structures and the Railroad tracks. Mr. Williams stated before the Township would proceed this with, he would like PennDOT to put the numbers they discussed in writing.

Mr. Fazzalore stated he does not feel PennDOT will do any work on the structures if the Township owns the rest of the Road. Mr. Williams stated they would do work if there were liability concerns. The Board expressed concern with the culvert near the Township Building which dips down.

Mr. Coyne stated he feels they should get a commitment from PennDOT that they will improve the 1930 bridge. He stated the culvert at the Canal also needs work and Mr. Steil was looking into this.

Mrs. Godshalk stated if the Township takes over the Road, they can lower the speed limit.

Mr. Hackman stated he feels at minimum they need a commitment on the bridge. He stated the Township may have to put some of the funds they receive from PennDOT back into this project. He stated he would also like to know what Mr. Steil is doing about the Canal. Mr. Hackman asked that the Township staff also look into the condition of Edgewood Road to insure that it is in fairly good condition. He stated he understands that

PennDOT will upgrade the Road if it requires upgrading before turning it over to the Township.

SIGNING OF LINENS FOR ST. IGNATIUS PRELIMINARY/FINAL PLAN

Linens were signed following the meeting.

APPROVAL OF CERTIFICATE OF APPROPRIATENESS FOR YARDLEY PLASTIC SURGERY

Mr. Stainthorpe moved and Mr. Fazzalore seconded to grant a Certificate of Appropriateness for Yardley Plastic Surgery.

It was noted that HARB has recommended approval. Mrs. Godshalk asked if this is a permitted use under the Township's Zoning. Mr. Fedorchak stated the Zoning Department reviewed this and he felt that it complied with the Township's Zoning.

Motion carried with Mrs. Godshalk abstained.

DISCUSSION OF MASTER PLAN UPDATE AND AUTHORIZATION TO SEND OUT CITIZENS' QUESTIONNAIRE

Mr. Roeper stated on March 6 the Planning Commission sent a memo to the Board of Supervisors recommending a Citizen's Questionnaire in connection with the Master Plan Update. Mr. Hackman had suggested that the Board review this and get back to Mr. Roeper with comments before it was sent out. Mr. Roeper stated the only comment he received was that they should wait until after the Referendum before sending out the questionnaire. Mr. Roeper stated the Planning Commission discussed the matter further and at their last meeting recommended that the Township move ahead with the questionnaire. He stated the Board received a memo dated June 25, 2002 containing the proposed questionnaire which would be sent out to every fourth house on the Township list. This would be approximately 3,200 pieces of mail. Based on responses normally received, they anticipate getting back 750 replies for which they intend to pay the postage. The cost of the mailing should be approximately \$2,400 or slightly higher due to the increase in the cost of postage which took effect today.

Mr. Fazzalore asked who recommended that it be sent out to one in four. Mr. Roeper stated they felt it would not be economically feasible to send it out to every homeowner and a normal sample is considered to be one in four or one in five. Mrs. Godshalk stated she feels some of the questions relate to the community as a whole. Mr. Hackman stated statistically this should work out. He stated the people who do polling also use a random sampling.

Mr. Stainthorpe stated it was also suggested that they hold some open meetings besides sending out the questionnaires, and he feels they should do this. Mr. Hackman stated they always do this with a Master Plan Update. Mr. Hackman stated he is not sure what they

will do with the answers to some of the questions. Mr. Roeper stated they were hoping that they would get information back from people who do not normally attend the Township meetings. He stated there were some other questions which were on a previous draft which were taken out. Mr. Roeper stated the Master Plan may have a section that recommends Ordinance changes, although this is only a small section of the Master Plan. The Master Plan is a broad look at what they would like the Township to look like ten years from now. Mr. Hackman stated since they are mostly built out, the Township will probably look very similar in ten years to what it looks like today. Mr. Roeper stated this will give more of a general insight. He stated they also intend to have a meeting open to the general public at which any individual would have the opportunity to speak for five minutes. They will also have a meeting for the members of the Township Boards and Commissions.

Mrs. Godshalk asked if they would make copies of the questionnaire available at the Township Offices for anyone who does not receive one who may wish to complete a questionnaire. It was noted that this is not recommended as it would skew the information provided from a random sampling.

Mr. Fazzalore asked about the cost of tabulating the results. Mr. Roeper stated this would be done by the Bucks County Planning Commission who is already under contract to assist with the Master Plan update.

Mr. Fazzalore moved and Mr. Stainthorpe seconded to authorize the Planning Commission to send out the questionnaire as indicated in the 6/25/02 letter.

Mr. Bill Curran stated he feels the people who will send back the questionnaire are those who have a specific issue. He stated he feels they should publish the results since then people who disagree with those results may be more inclined to come out to a public meeting to make their own feelings known.

Motion to approve carried unanimously.

SUPERVISORS REPORTS

Mr. Stainthorpe reported that at the last Planing Commission Mr. Sam Willard was present with two of his sons and made a presentation for a private recreation use for land they own in the Township. Attached with this was a request to expand their nursery business. He stated this was only a preliminary discussion. Mr. Stainthorpe made available this evening his copy of the information provided by Mr. Willard that evening. Mr. Stainthorpe noted the Willards did not request that any action be taken by the Planning Commission at this time.

APPROVAL OF 2002 CONSORTIUM PIPE BID

Mr. Hackman moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the 2002 Consortium Pipe Bid.

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APPROVAL OF CONTRACT WITH SCHOOR DEPALMA, INC. FOR THE INDUSTRIAL SITES REUSE PROGRAM


Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Contract with Schoor DePalma, Inc. for the Industrial Sites Reuse Program.

APPOINTMENTS

Mr. Fazzalore moved and Mr. Hackman seconded the appointment of Darwin J. Dobson to the Zoning Hearing Board. Motion carried with Mr. Fegley opposed and Mrs. Godshalk abstained.

There being no further business, Mr. Hackman moved, Mr. Fazzalore seconded and it was unanimously carried to adjourn the meeting at 9:30 p.m.

Respectfully Submitted,



Wes Hackman, Secretary