

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES - JULY 15, 2002

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on July 15, 2002. Chairman Fegley called the meeting to order at 7:30 p.m. noting that the Board had been meeting in Executive Session since 7:00 p.m. discussing a real estate matter.

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  
   Captain Roche, Police Department

Absent:                            Pete Stainthorpe, Supervisor

PUBLIC COMMENT

Mr. Zachary Rubin, 1661 Covington Road, asked the Board's opinion of the Bucks County Courier Times Editorial regarding what can legally be discussed in Executive Session according to the Sunshine Law. He asked why the Matrix proposal was discussed at an Executive Session and not at an open public meeting. Mr. Garton stated he agrees with the list of items noted by the Courier Times which can be discussed at an Executive Session. Mr. Fegley stated the Matrix matter is a legal issue so it is covered under the Sunshine Law. Mrs. Godshalk stated the paper was incorrect about the Matrix meeting since this was not an official meeting since three of the Supervisors were not even aware that the meeting was taking place. She stated she has indicated that if Matrix wants to discuss their Plan, they should come to a public meeting.

Ms. Sally Conlon asked about the status of the Township taking over Edgewood Road. Mr. Williams stated he provided an update on this at the last meeting, and he was asked by the Board to contact PennDOT again about the structures on the Road. He stated PennDOT has indicated that they do not intend to turn over the structures to the Township and would probably leave them at the status quo. He is still working on this matter. Ms. Conlon asked that the Board not lower the speed to 25 miles per hour if they take over the Road.

Ms. Maureen Pelahaty stated she supports the Matrix project as it will help with ratables. She stated she also worked on behalf of the existing form of Government. She hopes that if Matrix entertains any proposals for housing, that the Board will indicate that this would not be permitted. She stated with increased school students, come increased taxes.

Mr. Peter Vitella asked how he could get a copy of the financial projections which indicated how the golf Course will pay for itself. Mr. Vitella was asked to contact Mr. Fedorchak on this.

Mr. Anthony Bush, 515 S. Ridge Circle, noted Mr. Stainthorpe's recent letter to the Bucks County Courier Times wherein he noted that new issues are frequently discussed in Executive Session. He asked what steps are made to insure that only those issues that are permitted to be discussed in Executive Session are actually discussed. Mr. Fegley stated he reviews every Executive Session Agenda and he will continue to review these to insure that they comply with the Sunshine Law.

Ms. Sue Herman asked if the Board has met with the Newtown Township Board of Supervisors to review the original three stipulations which were attached to the loop ramp. Mr. Fegley stated they sent another letter to Newtown Township asking that they take some action on this. Mr. Steil was also trying to set up a meeting. Ms. Herman stated they are concerned that the loop ramp is proceeding and there is not an Inter-Governmental Agreement. She asked that Mr. Fedorchak contact her if such a meeting is scheduled. Mr. Fazzalore stated he feels the loop ramp is needed because of the very dangerous situation which currently exists.

#### APPROVAL OF MINUTES

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

#### APPROVAL OF HIRING PROBATIONARY POLICE OFFICERS

Captain Roche provided information on Adrian Poux and Denise Siano. Mr. Hackman moved, Mrs. Godshalk seconded and it was unanimously carried to approve hiring Adrian Poux and Denise Siano as Probationary Police Officers.

#### APPROVE RESOLUTION NO. 2014 AUTHORIZING DENISE SIANO TO ATTEND POLICE OFFICER BASIC TRAINING PROGRAM

Mr. Hackman moved, Mrs. Godshalk seconded and it was unanimously carried to approve Resolution No. 2014 authorizing Denise Siano to attend Police Office Basic Training Program.

#### APPROVE PURCHASE OF NEW AMBULANCE FOR YARDLEY-MAKEFIELD EMERGENCY UNIT

Mr. James McCaffrey and Mr. Hank Lawrence were present. Mr. McCaffrey provided information this evening to the Board on the current fleet. He stated they are proposing to sell the 1995 and 1996 vehicles. They intend to take the van which they currently use as a BLS Unit and upgrade it to a ALS unit. They are requesting help from the Township to purchase a new ambulance and have provided a bid to Mr. Fedorchak for a stock ambulance. They would then have the 1998 vehicle, the upgraded Van, and the new vehicle, all of which would be capable of ALS response.



Mr. Fazzalore asked if they could get another PEMA loan for the new vehicle. He stated he is concerned that this is a non-budgeted item. Mr. Fegley asked if they could budget this for next year, and Mr. McCaffrey stated he feels they need it immediately. There was discussion on the Emergency Unit's Budget, and Mr. McCaffrey stated the rate of pay will increase for paramedics since there are in short supply in Bucks County.

Mr. Fedorchak stated he asked Mr. Taylor to look into how they could finance this purchase. Mr. Taylor stated when they made the borrowing from DeVal last year, there were several items that were tentatively identified and some of these have changed in the interim. The net result is \$101,000 which has not been allocated. Mr. Fazzalore stated they are still not certain how much the Northern Fire Station will cost. Mr. Hackman stated he is not certain that the Budget can handle paying off the debt.

Mrs. Godshalk asked how much they need to put down as a down payment. She stated they should consider getting another PEMA loan to finance the purchase at a 2% interest rate. Mr. McCaffrey and Mr. Lawrence agreed to look into this and come back with the information to the Board as to how much they will be able to get financed through PEMA. Mr. Lawrence stated they cannot apply for another PEMA loan until they pay off one of the existing loans. Mr. Garton asked if they can use PEMA money to pay off the debt to the Township if the Township fronts the money and Mr. Lawrence agreed to look into this.

Mr. McCaffrey stated they will attempt to sell the one vehicle immediately. He stated they do have an order in for the stock ambulance and are not sure how long they will hold that vehicle. It could take another three to six months to get another vehicle and the price would most likely increase. They will have to discuss this with the manufacturer. Mr. Garton stated he would assume they would be willing to hold the vehicle if there was a \$10,000 deposit.

Mr. Fazzalore stated he would like to have more detail on their Budgets so that they will have the information necessary if they need to go out to the constituents with an increase for the Rescue Squad.

Mr. Hackman asked about their fundraising. Mr. McCaffrey stated this is part of their operating budget. They had budgeted this at \$100,000 and they are below this at the current time and will be sending out another mailing. Mr. McCaffrey stated the Township currently gives them \$125,000 which covers 25% of their expenses.

Mr. Hackman moved, Mrs. Godshalk seconded and it was unanimously carried to authorize the Yardley-Makefield Emergency Unit to pursue acquisition of the unit with the understanding that the Township will up front the cost on the basis that they will get a PEMA loan to reimburse the Township.

#### ACCEPT GRANT FROM DEP FOR NEW TUB GRINDER

Mr. Fazzalore asked what they will do with the old tub grinder, and Mr. Coyne stated they can sell it to someone who has a smaller operation.

Mr. Hackman moved and Mr. Fazzalore seconded to accept the Grant from DEP in the amount of \$372,478 for a new tub grinder.

Ms. Virginia Torbert stated many people including outside contractors are dumping materials off to be ground and this sometimes includes items other than branches, stumps, etc. which is causing the equipment to break down. She stated she feels they should have someone police this to make sure that what is being dropped off is permitted. Mr. Coyne stated they have had some abuses and they are policing this. He stated they do ask for ID. He stated DEP also comes in and looks at their information. He stated there was also some concern about excess mulch since the Township generates more than people take, and he has been able to sell the excess in the past.

Motion to approve carried unanimously.

#### APPROVAL OF CONSORTIUM TRAFFIC PAINT BIDS

Mr. Hackman moved, Mr. Fazzalore seconded and it was unanimously carried to approve the Consortium Traffic Paint Bids.

#### DISCUSSION AND MOTION ON BIKEPATH RELATIVE TO DEDICATION OF CLEARVIEWESTATES

Mr. Garton stated when the Board authorized acceptance of Dedication, they deferred whether they wanted the money in lieu of the installation of the bikepath or they wanted the developer to install the bikepath. The engineer has indicated that the Fee-In-Lieu value is \$30,000. Mr. Williams reviewed the other alternative being considered so that the bikepath does not go straight down the road, but this would most likely cost more than \$30,000.

Mrs. Godshalk stated while the bikepath is shown on that side of the Road, the Ordinance indicates that if it is determined that it would be unsafe to have it go straight down the road, that any change should have to be borne by the developer. Mr. Garton stated the Board of Supervisors approved the Plan showing where it was to go; and if they make a change to the location, they would have to negotiate with the developer.

Mr. Fazzalore stated he would agree that it should not go straight down the road. He asked if the alternative would involve Farmland Preservation Land, and Mr. Williams stated it would and they would have to negotiate with them as well.

Mr. Williams stated he feels the alternative would cost \$33,000. He stated the Township would be subject to prevailing wages. Mr. Garton stated this would not be the case if the developer did the work rather than the Township.

Mrs. Godshalk moved to approach the developer about installing the bikepath based on the alternative discussed by Mr. Williams.

Mr. Hackman stated he is concerned that the alternative will cost more than \$33,000 because of the work involved.

Mrs. Godshalk withdrew her motion.

Mr. Hackman moved, Mr. Fazzalore seconded and it was unanimously carried to get two bids from the developer - one per the Plan and one per the Plan prepared by the engineer and provide information on the difference to the Board of Supervisors.



#### APPROVAL OF JULY 1 AND JULY 15 WARRANT LISTS AND JUNE, PAYROLL

Mr. Hackman moved, Mrs. Godshalk seconded and it was unanimously carried to approve the July 1, 2002 and July 15, 2002 Warrant Lists and June, 2002 Payroll.

Mr. Fazzalore asked that they continue to watch those Departments which are over budget and determine what can be done about this. Mr. Hackman stated Real Estate Transfer Taxes through June are over \$577,000, and this is the highest amount of Transfer Taxes the Township has received since they have been keeping records.

#### DISCUSSION AND TABLING OF D'AMATO TRACT FINAL PLAN

Mr. Edward Murphy, attorney, and Ms. Beverly Curtain were present. Mr. Garton stated the Planning Commission has recommended approval. He outlined conditions for approval of the Plans dated 5/6/02, last revised 5/24/02 as follows:

- 1) Continued compliance with Conditions of Preliminary Plan Approval which was granted on 5/6/02;
- 2) Compliance with the PCS letter dated 6/18/02 including Fee-In-Lieu;
- 3) Compliance with the CKS letter dated 6/12/02;
- 4) Compliance with Jim Yates' letter dated 6/25/02;
- 5) Funding and execution of Development and Financial Security Agreements.

Mr. Murphy stated the Board must make a decision on ownership of the open space including the basin.

Mr. Hackman stated the Board had a discussion about this tract on the Road Tour and both the Public Works Director and the Chief of Police indicated that they should cut the road through. Mr. Hackman stated he previously voted no on the Preliminary Plan because no road was cut through. Mr. Murphy stated Mrs. Godshalk suggested a compromise at the time the Preliminary Plan was approved which was acceptable to the neighbors and this is what is shown on the Final Plans. Mr. Fazzalore stated there was **concern** this road could be used as a cut through but when the Board looked at it on the Road Tour, they felt that this would probably not be done. Captain Roche stated he was concerned that under the latest configuration they are showing with the cul-de-sac at each end that the larger vehicles will have to do a series of K-turns to get back out. Mr. Murphy stated the Township engineer has indicated that the radius they provided is adequate. Mr. Murphy stated the Board decided in May after input from the neighbors that the compromise suggested by Mrs. Godshalk was what they wanted to see on the Plan. He stated the neighbors are relying on this decision as well.

There was further discussion on the ownership of the open space and the detention basin and Mr. Garton noted that a further condition of Approval would be: 6) The Township will not take ownership of the open space but will take ownership of the basin with normal compensation.

Mrs. Godshalk moved and Mr. Hackman seconded to table the matter until the Chief is present to provide further information. Motion carried with Mr. Fegley opposed.

Mr. Murphy stated he does not feel the Board can unilaterally decide to change the Plan at this point and he does not see what can be gained by tabling the matter at this time.

#### APPROVAL OF FIRST BAPTIST CHURCH OF NEWTOWN FINAL PLAN

Mr. Keith Brown, attorney, was present.

Mr. Fazzalore moved and Mrs. Godshalk seconded to approve the Final Plans for the First Baptist Church of Newtown, Plans dated 9/17/99, last revised 5/20/02 subject to:

- 1) Compliance with Conditions of Preliminary Plan;
- 2) Compliance with the PCS letter dated 6/18/02
- 3) Funding and execution of Financial and Security Agreements.

Mr. Brown agreed to the Conditions, and the Motion carried unanimously.

#### GRANT EXTENSION OF TIME TO BUCKS CENTRAL CHURCH PRELIMINARY PLAN

Mr. Fazzalore moved, Mr. Hackman seconded and it was unanimously carried to grant an extension of time to Bucks Central Church Preliminary Plan to 11/5/02.

#### DENY REQUEST FOR DEDICATION OF MAKEFIELD CROSSING (FOLEY TRACT)

Mr. Fazzalore moved, Mr. Hackman seconded and it was unanimously carried to deny the request for Dedication of Makefield Crossing (Foley Tract) due to outstanding issues in the PCS and CKS letters.

#### ZONING HEARING BOARD MATTERS

It was decided to leave to the Zoning Hearing Board the Clinton and Deborah Gardner, 8 Wendover Road, Variance request to construct an addition within the 100' rear setback.

Mr. Garton noted with regard to the Cynthia Fusco and Catherine Shoenfelt, 561 Nancy Road, Variance request, that they are replacing an existing fence within the flood plain with a 4' high fence. The Board decided to leave this decision to the Zoning Hearing Board.

It was decided to leave to the Zoning Hearing Board, the James Morris, 1149 Woodside Road, Variance request to remove old buildings and construct a new garage within the flood plain, encroaching on the special setback and height in excess of 15'.

#### SUPERVISORS' REPORTS

Mr. Fegley noted the Park & Recreation Board Road Tour will be held tomorrow evening; however, he will be unable to attend. Mrs. Godshalk, Mr. Fazzalore and possibly Mr. Hackman will attend.



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**APPROVAL OF RESOLUTION NO. 2015 DESIGNATING YARDLEY-MAKEFIELD FIRE COMPANY AS THE PRIMARY PROVIDER OF FIRE PROTECTION SERVICES FOR THE TOWNSHIP**

Mr. Garton stated this is in order for the Fire Department to qualify for Federal surplus property.

Mr. Fazzalore moved, Mr. Hackman seconded and it was unanimously carried to approve Resolution No. 2015 designating Yardley-Makefield Fire Company as the primary provider of fire protection services for the Township.

**APPROVAL OF ELM LOWNE FEE SCHEDULE**

Mr. Fazzalore noted the letter the Board received about the last wedding held at Elm Lowne and the loud noise after 10:00 p.m. Mrs. Godshalk noted the event did end at 10:30. Mr. Fazzalore stated they must insure that the Contract indicates that events must end at 10:00 p.m.

Mrs. Godshalk noted the Fee Schedule which was provided to the Board. She stated if they do get public sewers at the property, they can charge more. Mr. Fedorchak stated there is a 10% discount for Lower Makefield Township residents.

Mrs. Godshalk moved, Mr. Fazzalore seconded and it was unanimously carried to approve the Fee Schedule and pass the matter on to the Solicitor.


Ms. Pelahaty asked about the capacity and Mrs. Godshalk stated this depends on whether it is a stand-up or sit-down event. She stated they recently had a sit-down Wedding for sixty people in the house. She stated the largest outdoor event they have had at Elm Lowne was for 200 people. Ms. Pelahaty asked the cost to provide public sewers. Mrs. Godshalk stated the Fire House will be bringing the sewer line to the area. Mr. Williams estimated that it will cost \$10,000 to bring in sewers to Elm Lowne.

Ms. Virginia Torbert asked the amount of the fees being approved, and these were reviewed by Mr. Fegley. Mr. Fegley stated they also require that someone representing the Township be present at the event and those renting the facility pay this individual as well. Ms. Torbert asked if the Seniors could utilize the facility as a Senior Center, and Mrs. Godshalk stated the Seniors indicated they did not feel it was appropriate. Ms. Derr stated the property is not conducive for use by Seniors.

Ms. Pelahaty asked how often Elm Lowne is used, and Mrs. Godshalk reviewed the number of groups which have used the facility so far this year. Ms. Pelahaty asked if it is paying for itself, and it was noted that it is not at this time.

There being no further business, Mr. Fazzalore moved, Mr. Hackman seconded and it was unanimously carried to adjourn the meeting at 8:45 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

### **JULY, 2002 WARRANT LISTS AND JUNE 2002 PAYROLL COSTS FOR APPROVAL @ JULY 15, 2002 BOARD OF SUPERVISORS MEETING**

07/01/02 Warrant List	\$ 199,556.72	
07/02 Manual Checks	3,570.00	
07/15/02 Warrant List	916,560.81	
Total Warrants & Prepays		1,119,687.53
<u>PAYROLL COSTS:</u>		
June, 2002 Payroll	310,992.24	
06/02 Payroll Taxes, etc.	23,790.90	
Total Payroll Costs		<u>334,783.14</u>
<b>TOTAL TO BE APPROVED</b>		<b>\$ <u><u>1,454,470.67</u></u></b>

