

**TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS MINUTES
MONDAY, AUGUST 19, 2002**

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on Monday, August 19, 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.

Those present:

Board of Supervisors: Scott Fegley, Chairman
Grace Godshalk, Vice Chairman
Wesley 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. Marvin Bluestone, 905 Hunt Drive and Mr. Joe Ramirez, 909 Hunt Drive approached the Board with a video camera to show a recent video taken of the wood-burning stove owned by neighbor Jennings that is the subject of a recent lawsuit filed on their behalf against Mr. Jennings. Mr. Bluestone and Mr. Ramirez asked for a status on the lawsuit. Mr. Fedorchak stated there is a hearing on the Complaint on September 11, 2002. He stated the Township filed a Complaint against Mr. Jennings with allegations of violations of the BOCA code. Mr. Fazzalore asked Mr. Fedorchak if this type of device (a wood burning stove) could be banned in residences in the Township. Mr. Fedorchak stated he is making a recommendation to the Board to restrict wood-burning stoves of this type in the future by amending the code. Mr. Fedorchak also stated he spoke with Mr. Jennings about converting the wood burning stove to fuel oil and discarding the old stove to avoid litigation. Mr. Bluestone stated there was a lawsuit in Montgomery County similar to this lawsuit where a neighbor brought suit against the owner for harmful environmental affects of his wood burning stove and the neighbor won the case. Mr. Bluestone asked Mr. Fedorchak why the Township did not address this problem earlier.

Mr. Mark Constantini, 10 Sunnyside Lane, stated recently utility lines came down in a storm outside his house and after many calls to the utility company to repair and rehang, the lines were repaired. However, Mr. Constantini stated the lines were hung very low which could lead to the lines coming down again as well as a safety hazard in the future. Mr. Constantini asked if the Township could put pressure on the utility company to address his concerns. Mr. Williams stated he would contact the utility company and then contact the homeowner with his results.

Mr. Chris Desmond, 1515 Bramble Court, asked the Board for a status on the dedication of Clearview Road. Mr. Williams stated he would look into the matter.

APPROVAL OF MINUTES

Mr. Hackman moved, Mrs. Godshalk seconded and the motion was unanimously carried to approve the Minutes of August 5, 2002 as written.

DISCUSSION OF THE 9-11 MEMORIAL

Mr. Fedorchak gave the Board a report of the progress the Memorial Committee has made to plan a memorial site at the former North Park. The park will now be called Memorial Park. Mr. Fedorchak stated Ms. Luiba Laschyk, an architect, was hired to draw plans and sketches for the memorial, which were given to the Board to view during the presentation.

Ms. Laschyk was present and discussed her rendering of the memorial park entitled “Garden of Reflection”. She stated the Garden of Reflection would honor both those who died on 9-11 and others who have died in our community, as well as being a place to celebrate life. Ms. Laschyk described the Garden of Reflection as having two fountains encircled by a cap railing with names of 9-11 victims engraved in the railing and a beam from the World Trade Center set in the concrete pathway. The Garden would also have plantings of flowers to bloom in red, white and blue as well as other details to be seen on the rendering.

Mr. Fedorchak stated to the Board, the total project cost estimate for the memorial construction is \$580,141. He stated the Memorial Committee looked at a variety of designs for the memorial and came up with a design costing the least possible while still maintaining the integrity of the memorial. Mr. Fedorchak stated it is necessary for the Township to construct a roadway into the park and bring utilities to the site. Mr. Fedorchak stated the plan for park development is divided into phases and the cost to improve the site for the memorial (site preparation, access roads, stormwater pipes and landscaping) is \$762,612 exclusive of any recreational facilities.

Mr. Fedorchak stated to the Board that he has been working on fundraising money for the “Garden of Reflection”. He contacted two state senators who advised him that the Township is eligible for two grants, each in the amount of \$20,000 for a total of \$40,000. Fedorchak stated he also contacted the state about securing grant money but has not yet received a response. Mr. Fedorchak stated he spoke with county commissioner Mike Fitzpatrick and he stated he would consider donating to the project. Mr. Fegley asked Mr. Fedorchak how much he thought the Township could raise from the public sector to fund this project. Mr. Fedorchak replied he thought the Township could raise approximately \$150,000. Mr. Hackman asked who put the figures together for the bid package for Memorial Park. Mr. Fedorchak replied Pennoni Engineers. Mr. Hackman also stated he would like to see an overlay of the plan for Memorial Park over the existing plan of the property.

Mr. Eric Stark, president and CEO of the Bucks County United Way was present to speak about his private fund raising efforts on behalf of the Memorial Committee and Township. Mr. Stark stated the Township could expect to receive money from the public, corporate and private donations all with the help of the media. Mrs. Godshalk stated the Makefield Women’s Association has offered to donate all of the proceeds from the Harvest Day raffle to the memorial. Mr. Stark stated the Michner Museum in Doylestown will kickoff fundraising efforts for the memorial on September 5, 2002 by hosting an event. Mr. Hackman asked who is responsible for fundraising for the memorial and how should the Township proceed with the project. The Memorial Committee members stated they are responsible for fundraising and replied the Township should start site preparation at the park as soon as possible. Mr. Stark stated the bulk of the fundraising money should be collected in the next two to three months.

Mr. Fazzalore stated the Township does not have \$700,000 lying around to spend and the Township may have to borrow the money. Mr. Fazzalore stated he would not vote for Memorial Park if the Senior Center is not approved.

Mr. Stark asked the Board for some reassurance that they would approve this project, whether it is now or in the near future, before the Memorial Committee moves ahead and commits people to fundraising. Mr. Stainthorpe and Mr. Fegley stated they would both support the project.

Mrs. Godshalk asked the Board on behalf of the Memorial Committee to agree to a groundbreaking ceremony on September 4, 2002 at 10:00 a.m. at Memorial Park, the day before the Michner Museum fundraiser. Mr. Fazzalore stated the Memorial Committee shouldn't do anything until the Board can agree or not agree to support this project. He stated the Memorial Committee is committing the Board to this project without a budget for 2003 yet.

Mr. Hackman discussed his concerns about wetland issues and the proposed roadway and asked the engineers about possible permitting problems. The engineers stated they would look into the matter and get back to Mr. Hackman.

Mrs. Gladys Constantini, 10 Sunnyside Lane asked prior to the idea of this memorial, when had the Board planned to move ahead with site preparation at North Park. Mr. Fegley stated the Board had no plan to move forward before this concept. Mrs. Godshalk stated Mr. Fegley's statement was inaccurate. The Board had committed \$2,000,000 in the preliminary budget last year for site preparation at the park and then removed that number because the budget was over. The Board had to allocate that money to something else. Mrs. Constantini stated she would like to see something less grand for the Memorial Park because she did not think a memorial would cost this much money.

Mrs. Godshalk stated the Memorial Committee plans to raise the entire \$580,000 through fundraising to pay for the memorial. Mr. Fegley stated the Township is not committing to paying for building the memorial itself, only paying for the infrastructure, the roads, utilities, etc.

Ms. Virginia Torbert, Newtown-Yardley Road, stated she feels all of the Township's departments such as fire, police and first aid should be independently audited each year to find money for this project. Mr. Fegley stated all Township departments are independently audited each year.

Mr. Desmond asked what is the harm in committing \$700,000 to the park on a referendum. Mr. Stainthorpe stated he is not in favor of a referendum inasmuch as referendums are a way for politicians to avoid doing their jobs.

Mr. Stainthorpe moved and Mr. Fegley seconded to give the Memorial Committee the Board's assurance to commit to the site preparation in the amount of \$762,612 in the 2003 budget. Mr. Fazzalore moved to amend Mr. Stainthorpe's motion by adding that the cost of Phase I (\$762,612) not be taken from other Township departments. Mr. Hackman seconded Mr. Fazzalore's motion with the proviso that the amount be increased to \$1,000,000. Mr. Albert Roeper of the Planning Commission stated he supports Mr. Hackman's estimate of \$1,000,000 for site preparation. Mr. Fazzalore's motion carried three yes to two no, with Mr. Fazzalore, Mr. Hackman and Mrs. Godshalk voting yes and Mr. Fegley and Mr. Stainthorpe voting no.

Mr. Stainthorpe moved and Mr. Fegley seconded to approve a groundbreaking ceremony at Memorial Park, September 4, 2002 at 10:00 a.m. The motion was carried four in favor to one no, Mr. Fazzalore opposed.

CONSIDERATION OF LOWER MAKEFIELD TOWNSHIP GOLF COURSE

Mr. Fegley turned the meeting over to Mrs. Godshalk and excused himself as Chairman for this portion of

the meeting. Mrs. Godshalk called Mr. Scott Arterburn, of Rainmaker Golf Development, Inc. and Mr. Jeff Clark, Del Val Soil Consultants to make their presentations to the Board.

Mr. Clark presented the Board with a status report about wells tested in the area of the proposed golf course site on July 23, 2002. The pumps were run at a rate of 232 gallons per minute during the final stage of the test after beginning at a higher rate. The reduction was due to inefficiency of the pumps or material clogging the inlet. He stated water levels were tested in 19 wells. He stated some other wells were inaccessible for testing due to homeowners not being home or wells that could not be located. Mr. Clark stated he did not see a drawdown in excess of 6.5 feet on any of the 19 wells tested. Mr. Clark stated his recommendation is for long term monitoring of the wells in the surrounding areas.

Mr. Fazzalore proposed to make a change to the Unilateral Declaration of Restrictions and Covenants concerning the distance of wells to the proposed golf course as drafted by the Township, page 1, subparagraph 4, second line, changing the distance from one-half (1/2) mile to three-quarter (3/4) mile. Mr. Fazzalore also recommended that each homeowner that was tested be given a copy of the Declaration.

Mr. Constantini asked what protects the homeowner from the well going dry. Mr. Koopman stated the Declaration states if the golf course causes impairment of use of a well by the homeowner, the homeowner would make a claim to the Township, the Township would investigate and one alternative would be to dig the well deeper at the Township's reasonable cost and expense. Mr. Fazzalore stated the Declaration has a term of five years.

Mr. Minx, Taylorsville Road, asked about the possibility of pesticides and fertilizers from the golf course seeping into nearby wells. Mr. Koopman stated the Declaration covers the quality of water. Mr. Minx stated he is concerned because he owns a large piece of undeveloped property that he may build houses on and the wells that those houses may have would not be covered under this agreement. Mr. Fazzalore stated to Mr. Minx that he would need to bring public water to the site.

Ms. Diane Russo, 1512 Woodside Road, asked when the homeowners would get a copy of the Declaration and what would happen if a well went dry after five years. Mr. Clark stated the DRBC has the same warranty as the Township's Declaration, which is renewable every ten years. Mrs. Godshalk stated the Declaration would be available as soon as it is approved at tonight's meeting and sent to the homeowners as well as it will be recorded with the County shortly hereafter.

Mr. Richard Quake, 2 Delaware Rim, asked why the Township's Declaration would not be renewable like the DRBC's agreement. Mr. Clark stated the DRBC's agreement will apply the same conditions as the Township and the Township's Declaration is redundant of the DRBC's agreement. Mr. Koopman stated the Township's Declaration streamlines the process for a claim. Mr. Quake asked the Board to give a ten year assurance. The Board unanimously agreed to a ten year term for the Declaration.

Mr. Bill Taylor, Finance Director, was present and updated the Board on the projected golf course income and expenses. He stated income and expenses stayed steady from the feasibility study. Mr. Taylor stated the finance department determined that the most practical scenario to choose is a variable rate of interest at 1.44% for the Debt Service. Mr. Taylor stated the average variable rate is 3.5% over the last ten years borrowing from the Delaware Valley Regional Finance Authority. During construction, there would be no payments, then interest only payments for two years, then thereafter principal and interest for the term. Mr. Fazzalore asked what the term of the loan would be and if there is a cap on the rate. Mr. Taylor stated the term would be for thirty years, there is no cap, however, the Township could convert to a fixed rate loan at anytime. Mr. Taylor stated the cost of development of the golf course is \$13,495,857 plus a contingency of

\$1,400,000. Mr. Fazzalore stated \$4,000,000 has been spent, will the Township be paid back? Mr. Taylor stated yes, the Township is being paid back interest now on a monthly basis, and will be repaid previous amounts expended, when the money is received from DVRFA.

Ms. Torbert asked Mr. Koopman if the Board of View has met and set a price for the land. Mr. Koopman stated the Board of View would meet in October.

Mr. Scott Arterburn, Rainmaker Development, was present and gave the Board a summary of the status of the golf course final plan. He stated the Zoning Hearing Board approval has been given and the Planning Commission gave their recommendation to the Board. Mr. Arterburn stated Bucks County Soil Conservation submitted two sets of comments to which RBA has responded and are awaiting a response. He stated Bucks County Planning Commission also submitted comments and RBA responded. He stated we had obtained approval letters from the Pennsylvania American Water Co., Lower Makefield Sewer Authority, and the Municipal Authority of the Borough of Morrisville. We are waiting for the approval from the Yardley Borough Sewer Authority. Upon receipt of the approval from Yardley, RBA will submit the for the Planning Module.

Mr. Arterburn asked the Board to refer to the Pickering, Corts & Summerson, Inc. letter dated August 8, 2002 for the waivers recommended by the Planning Commission and variances approved by the Zoning Hearing Board.

Mr. Fazzalore asked about the pond located at the rear of the properties on Delaware Rim Road. He stated one waiver calls for no pond liners and stated if there is no liner in this pond, the residents of Delaware Rim Road need to be protected by the pond leeching. Mr. Arterburn replied that if the soil has the correct composition, no liner would be needed. However, the pond Mr. Fazzalore is talking about will be lined. Mrs. Godshalk recommended that pond liners be waived if conditions exist for no liner.

Mr. Hackman stated as to buffers on the golf course, if no natural vegetation exists, the Township would meet with the homeowner to agree on a buffer. If the homeowner will not work with the Township, a type 1 buffer will go in. Mr. Hackman stated the Planning Commission recommended the driveway be 24' wide, the Township thinks a 20' wide driveway is acceptable and Mr. Hackman is asking the Board to agree to a 20' wide driveway. Mrs. Godshalk suggested the entrance drive should be 24' wide and a small island be installed that narrows down to 20' wide.

Mr. Hackman stated the Planning Commission recommended acceleration and deceleration lanes into and out of the golf course. Mr. Williams stated he looked at Clearview Estates, which does not have acceleration/deceleration lanes, and Longshore Estates, which has small acceleration/deceleration lanes approximately 85' long for acceleration and 140' long for deceleration. Mr. Williams recommended to the Board the golf course have acceleration/deceleration lanes the same size as Longshore Estates.

Mr. Fazzalore asked if there would be a fence along Woodside Road. Mr. Hackman replied yes, the Planning Commission recommended a fence around the entire property and stated some homeowners do not want fences.

Mr. Sam Conti, 96 Sutphin Road, gave the Board a presentation of his comments about the feasibility study and his analysis of the profits and losses the golf course will see. He stated the feasibility study has many inaccuracies such as the comparisons to other golf course greens fees, food and liquor sales that are not in the

same category as this proposed course, citing Middletown Golf Course as an example. He further stated that the internal rates of return and gross revenue statements are inaccurate. Mr. Conti stated he is concerned with the proposed water usage at the golf course and the waivers and exemptions as recommended by the Planning Commission. He stated the feasibility study is flawed, greens fees are too high and the cost to build is too high. He stated the golf course would be a high-risk venture, therefore the need to raise taxes would arise to fund this project. Mr. Conti asked the Board to oppose the golf course.

Mrs. Godshalk stated the Township is not trying to compare the LMT golf course to Middletown, noting that Mr. Conti's effort is admirable and thanked him for coming.

Mr. Barry Wood, 20 Glen Drive, commented on November 5, 2001, he reported on the feasibility study and the marketing portion. He stated the success of the golf course depends of the golfers who come and asked if the Township has any information that indicates the community supports the golf course.

Mrs. Russo asked Mr. Williams if the acceleration/deceleration lanes would mirror Longshore Estates. Mr. Williams replied yes, 8' wide back to 6' wide. Mrs. Russo stated she was at a Board meeting in April regarding lighting at the clubhouse and asked if lighting would be on twenty-four hours a day. Mr. Hackman replied a minimum amount of lighting would be on through the night for security purposes.

Ms. Torbert asked if any waivers have been given regarding the traffic study. Mr. Hackman stated Parsons, Brinkerhoff did a study stating traffic would be less than a residential house development and improvements are not needed.

Mr. Fazzalore stated he would not vote for the golf course of the projected cost is more than \$14,000,00. Mr. Mr. Hackman stated if the \$1,400,000 contingency fee were removed the project, would cost \$14,000,000.

Mr. Rick Jacobson, principal of Jacobson Golf Course Design, Inc. gave his recommendation to award the contract for construction of the golf course to Wadsworth. He stated Wadsworth is an industry leader in golf course construction and he has built several projects with them in the past few years.

Mr. Chip Kern, Chairman of the Golf Course Committee stated he highly recommends Wadsworth also to construct the golf course. Mrs. Godshalk also thanked Mr. Kern for all of his dedication and time invested in this project.

Mr. Hackman moved and Mr. Stainthorpe seconded to approve the preliminary/final plans consisting of 39 pages prepared by The RBA Group dated February 14, 2002 and last revised August 5, 2002, with waivers and considerations recommended by the Planning Commission and approved by the Zoning Hearing Board subject to:

- 1) 24' wide driveway at the entrance to the golf course with a center island to narrow to 20' wide driveway;
- 2) Conditioned on CKS letter dated August 12, 2002;
- 3) Recording of Unilateral Declaration of Restrictions and Covenants with changes recommended on page 1, sub-paragraph 4 and page 2, sub-paragraph 5;
- 4) Acceleration/deceleration lanes to be constructed in accordance with the acceleration/deceleration lanes at Longshore Estates;
- 5) Pond liners only be waived if conditions exist for no liner.

The motion was carried four in favor with Mr. Fegley abstaining from the vote.

Mr. Hackman moved and Mr. Stainthorpe seconded to make application to the Delaware Valley Regional Financing Authority to borrow the capital to construct the golf course. The motion was carried four in favor, Mr. Fegley abstained from the vote.

Mr. Hackman moved and Mr. Stainthorpe seconded to award Wadsworth Golf Construction the contract for construction of the golf course in the amount of \$5,708,456. The motion was carried four in favor, Mr. Fegley abstained from the vote.

Mr. Fazzalore moved and Mr. Hackman seconded to award BEI Environmental, Inc. the contract for removal of asbestos in buildings on the golf course site in the amount of \$4,000. The motion was carried four in favor, Mr. Fegley abstained from the vote.

ZONING, INSPECTIONS & PLANNING

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Development and Escrow Agreements for First Baptist Church.

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the request of Heather and Don Waters regarding impervious coverage surface at 1579 Partridge Road.

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to approve granting an extension of time to 11/30/02 to Fieldstone at Yardley (Harris Farm).

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried to deny approval of dedication of Devonshire.

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried to deny approval of dedication of Bridle Estates.

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried to deny approval of dedication of Mill Road Estates.

Mrs. Godshalk moved, Mr. Fegley seconded and it was unanimously carried to grant a Certificate of Appropriateness for the TCBY sign at 669 Heacock Road, Edgewood Village Shopping Center.

Mr. Stainthorpe moved, Mrs. Godshalk seconded and it was unanimously carried to grant a Certificate of Appropriateness for the Cellular Solution sign at 686 Stony Hill Road Road, Lower Makefield Center.

Mr. Stainthorpe moved, Mrs. Godshalk seconded and it was unanimously carried to sign mylars for Jeffrey Manto.

FINANCE DIRECTOR – WILLIAM TAYLOR

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the August 4 and August 19 Warrant Lists and July payroll as attached.

Mrs. Godshalk noted stated the Township is \$95,000 ahead in 2002 over last year figures for the same month in transfer taxes.

SUPERVISORS REPORTS

Mr. Fegley, Mr. Hackman, Mr. Fazzalore and Mr. Stainthorpe stated they had nothing to report. Mrs. Godshalk stated the Historical Commission completed the Edgewood Village Design Guidelines and a copy of it is in each member's packet. Mrs. Godshalk stated the Pension Committee met last month and there were no changes to the Pension Plan and the Township has fortunately not seen any decline in its plan in the past quarter.

OTHER BUSINESS

Mr. Hackman moved, Mr. Fazzalore seconded and it was unanimously carried to approve Resolution No. 2016 establishing fees for renting Elm Lowne per the attached letter with attachment.

Mr. Fazzalore moved, Mr. Hackman seconded and it was unanimously carried to award the bid for sanitary manhole repairs for the 2002 Paving Program to W. L. Cadwallader, Inc. in the amount of \$47,850.

APPOINTMENTS

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to reappoint Ann Langtry to the Historical Committee and Sharon Fang to the Environmental Advisory Council.

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was carried to schedule the next meeting for Monday, September 16th at 7:30 p.m.

There being no further business, the meeting was adjourned at 11:30 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

AUGUST, 2002 WARRANT LISTS AND JULY 2002 PAYROLL COSTS FOR APPROVAL AUGUST 19, 2002 BOARD OF SUPERVISORS MEETING

08/05/02 Warrant List	\$ 448,461.88	
08/02 Manual Checks	80,733.79	
08/19/02 Warrant List	350,233.36	
Total Warrants & Prepaids		879,429.03
<u>PAYROLL COSTS:</u>		
July, 2002 Payroll	333,465.65	
07/02 Payroll Taxes, etc.	25,510.12	
Total Payroll Costs		<u>358,975.77</u>
TOTAL TO BE APPROVED		\$ <u><u>1,238,404.80</u></u>

