

**TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS MINUTES  
MONDAY, SEPTEMBER 16, 2002**

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on Monday, September 16, 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. about legal matters.

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  
Jeffrey Garton, Township Solicitor  
Robert Williams, Township Engineer  
Kenneth Coluzzi, Chief of Police

**PUBLIC COMMENT**

Mr. David Di Fiore, Silverwood Drive, stated he lives off of Lindenhurst Road and is afraid to drive on the roads near his home as he fears for his family's safety. Mr. Di Fiore stated his family has been involved in three separate accidents, mostly involving quarry trucks. He stated he has tried to contact the truck companies to complain about their speeding drivers on Lindenhurst Road but has been unsuccessful. Mr. Di Fiore asked the Board to help make the roads safer. Mr. Fegley stated the Township has been having discussions about improving the safety of Lindenhurst Road, but Lindenhurst being a state road, the Township cannot prohibit trucks but could step up police presence. Mr. Hackman replied Lindenhurst Road is a very dangerous road and something needs to be done to make that road safer in the immediate future. Mr. Stainthorpe suggested increasing law enforcement on Lindenhurst Road to deter trucks from driving on the road and decrease the unsafe conditions.

Mr. Frank Ricci, Sandy Run Road, asked for an update on completion of the Sandy Run Road bridge. Mr. Williams stated he has been calling and putting pressure on the contractor to finish the job, but it seems the contractor has put this job on the back burner. Mr. Garton asked what the completion date in the contract is. Mr. Williams replied the contract specified eight weeks for ground clearing, therefore a finish date sometime by mid-November. Mr. Ricci asked why the yard waste dump is not open on Saturday. Mr. Fedorchak stated there are no employees at the yard that day. Mr. Fegley asked Mr. Fedorchak to look into having the yard waste dump open on Saturday.

Mr. Norm Shore, 937 Sandy Run Road, asked if the Township knows if the pre-cast structure for the bridge has been received and if it is ready to be installed. Mr. Williams stated the contractor has a delivery date for the pre-cast and will start his work to prepare for the pre-cast delivery three to four weeks before it is delivered.

Ms. Carol Cowley, 2000 Silverwood Road, asked the Board to be more specific about what they can do to make Lindenhurst safer. Chief Coluzzi stated the police have been out on Lindenhurst Road during the morning and evening rush hours and wrote a number of tickets to residential drivers. Ms. Cowley asked if

the police could hide better so that trucks won't see the police cars and slow down before getting caught speeding.

Ms. Virginia Torbert, Newtown-Yardley Road, asked the Board if a weigh station could be set up on Lindenhurst Road. Chief Coluzzi stated from time to time, the state sets up a temporary weight stops. He stated and a permanent station would cost millions of dollars and the residents would likely complain about the aesthetics of a weigh station in a residential area. Ms. Torbert asked if the Township has looked into the fencing at CVS on the corner of Heacock and Edgewood Roads, which she feels, is unsafe. Mr. Williams stated the fence is consistent with the plans approved by the Township, which comply with BOCA, only being four foot high. Mr. Fegley stated Mr. Williams will follow-up.

Ms. Dawn Cosmarski, stated she lives off of Lindenhurst Road and owns a business in Lower Makefield Township with her husband. She asked what could the Board do to make Lindenhurst Road safer.

Ms. Nancy Louis, mother of Danielle, lives near Lindenhurst Road, stated her daughter was almost killed by an eighteen-wheel truck last year waiting for the school bus. She asked how could the school district have a school bus stop on Lindenhurst Road. Mr. Fegley stated he would have the Township Engineer look into installing school bus stop signs on Lindenhurst Road.

Mr. Richard Storm, 428 Ramsey Road, stated people are still speeding through his neighborhood. He asked if the Township could do anything to slow people down in his neighborhood.

Ms. Sue Hermann, stated there is a meeting scheduled in October between Wrightstown and Upper Makefield Townships and state representative Steil to prohibit trucks from traveling on Swamp Road. She asked the Board to write a letter to both Townships requesting the prompt replacement of the culverts so that Swamp Road may be re-opened. Mr. Fegley stated if the Board knows the date of the meeting between Wrightstown and Upper Makefield Townships, a supervisor would be present at the meeting. Mr. Fedorchak stated the second culvert in Newtown Township has no restrictions and the Township should be concerned if nothing is done in the next six months, but it could be weight restricted. He stated the second culvert in Wrightstown Township is in the design phase and construction is scheduled for 2004. Mr. Fedorchak recommended that the Board push to get the Newtown Township culvert into the design phase. Mr. Hackman stated the answer to the problem is getting the trucks off these ancillary roads and onto major roads.

#### **TABLED APPROVAL OF MINUTES**

Mr. Hackman moved, Mr. Fazzalore seconded and the motion was unanimously carried to table the Minutes of August 19, 2002.

#### **APPROVAL OF GOLF COURSE PUMP HOUSE DESIGN AND MAINTENANCE BUILDING DESIGN AND TABLING OF THE CLUBHOUSE DESIGN**

Mr. Fegley turned the meeting over to Mrs. Godshalk and excused himself as Chairman for this portion of the meeting. Mr. Hackman stated the Board received design plans for the maintenance building, pump house and clubhouse in their package tonight and would like the Board's approval of the plans. Mr. Fazzalore and Mr. Stainthorpe asked why the plans needed to be approved tonight. Mr. Garton replied Mr. Hackman is asking the Board for conceptual approval of the plans. Mrs. Godshalk asked what the roofing material would be made of on the pump house and Mr. Taylor replied fiberglass shingles.

Mr. Hackman moved and Mr. Stainthorpe seconded to approve the pump house design. The motion was carried four in favor with Mrs. Godshalk, Mr. Hackman, Mr. Stainthorpe and Mr. Fazzalore voting yes and Mr. Fegley abstained from the vote.

Mr. Hackman moved and Mr. Stainthorpe seconded to approve the maintenance building design. The motion was carried four in favor with Mrs. Godshalk, Mr. Hackman, Mr. Stainthorpe and Mr. Fazzalore voting yes, and Mr. Fegley abstained from the vote.

Mr. Fazzalore stated he would like more specifics, such as color artist rendering, type of materials to be used and elevations for the clubhouse before he will vote on the clubhouse design. Mr. Hackman asked Mr. Fazzalore if he would like the architect to speak before the Board about the clubhouse design and Mr. Fazzalore replied yes.

Mr. Fazzalore moved and Mr. Stainthorpe seconded to table approval of the clubhouse design until a future meeting. The motion was carried four in favor with Mrs. Godshalk, Mr. Fazzalore, Mr. Stainthorpe and Mr. Hackman voting yes, and Mr. Fegley abstained from the vote.

#### **APPROVAL OF EASEMENT AGREEMENT WITH TRANSCONTINENTAL PIPELINE**

Mr. Garton stated he reviewed the Easement Agreement with Transcontinental Pipeline, found the Agreement acceptable and recommended that the Board approve the Agreement. Mr. Hackman moved and Mr. Fazzalore seconded to approve the Easement Agreement with Transcontinental Pipeline.

Mr. Fazzalore stated he is concerned about the liability the golf course may have being built on a gas pipeline and a possible gas explosion. Mr. Garton stated there are a number of properties in Lower Makefield Township that have this pipeline running through their properties and it is unlikely the gas line would explode.

The motion was carried four in favor with Mrs. Godshalk, Mr. Fazzalore, Mr. Stainthorpe and Mr. Hackman voting yes, and Mr. Fegley abstained from the vote.

#### **DISCUSSION OF PROPOSED INTERGOVERNMENTAL AGREEMENT WITH NEWTOWN TOWNSHIP**

Mr. Fegley stated there is an agreement in principal with Newtown Township with the help of Representative Steil to reconfigure the roadways to address traffic issues and reduce traffic. Lower Makefield Township has asked Newtown for the take back of Lindenhurst Road and Newtown will not agree to the take back or to signing the Agreement. Mr. Fegley stated Newtown has gone ahead with implementing roadway configurations as specified in the Agreement. Mr. Fegley stated the Board should move forward with signing the Agreement with Newtown with the take back provision removed.

Mrs. Godshalk stated she feels the take back provision should not be taken out of the Agreement. She stated she wants a meeting between Lower Makefield Township Board of Supervisors and Newtown Board of Supervisors to get this issue in to the public eye. Mr. Stainthorpe stated the Lindenhurst Road take back will never happen and points in the Agreement are getting done without a signed Agreement. He stated it is important to move forward with the Agreement without the take back provision because it is good for public relations. Mr. Hackman stated Newtown negated the most important thing to Lower Makefield Township, therefore Lower Makefield Township should negate the I-95 loops.

Ms. Sue Hermann stated the Board voted for four provisos as contingencies of the Agreement and now the Board is going back on their promises to the residents of Lower Makefield Township who they represent.

Mr. Fegley stated the Lindenhurst Road take back was never discussed in the original discussions with Newtown and was added to the Agreement at the last minute. Mr. Fegley stated Newtown is still moving forward with road improvements without a signed Agreement. Ms. Hermann stated the residents are terrified and the Township needs to do more about these problems before someone gets killed.

Mr. Fedorchak stated that when the Lower Makefield Board started negotiating with Newtown, the concern was about the acres of land around and near Lindenhurst Road and direct access onto Twining and Lindenhurst Roads. Mr. Fedorchak stated Newtown has chosen not to access Lindenhurst or Twining Roads. He stated Newtown would require access to Brandywine Corporate Center directly but in a way as to avoid additional traffic on Lindenhurst Road with alternate roadway configurations. Mr. Fedorchak stated everyone thinks the take back of Lindenhurst Road will be the answer to all of the problems. He stated that is wrong and recommends that the Board look into if the Township could prohibit trucks on Lindenhurst Road if the take back were to happen.

Mr. Fegley stated if the Township revokes the I-95 loop, which he will not vote to do, it would not influence Newtown to give back Lindenhurst Road. He stated the residents will suffer in the I-95 loop is revoked. Mr. Fegley stated that Newtown and Lower Makefield have an Agreement in principal because Newtown is carrying out the terms of the Agreement. Mrs. Godshalk stated the Agreement Mr. Fegley keeps referring to is a de facto Agreement and that no money has changed hands. Mr. Hackman stated that no one person is going to be able to solve the problem and this road is a very, very dangerous road. He stated the Lower Makefield Township may not be able to restrict trucks on the roadway, but he is asking the Board to come up with reasonable solutions to alleviate the problems.

Mr. Stainthorpe stated there are two problems that need to be addressed, first look at the take back of the Lindenhurst Road with traffic calming measures, stop signs, etc. and second, the I-95 loop.

Ms. Hermann stated the Board should go to the table with Newtown and negotiate the take back of the Lindenhurst Road. Mr. Fazzalore stated he wants the Board to vote on the Agreement.

Mr. Fegley moved and Mr. Fazzalore seconded to approve the Intergovernmental Agreement with Newtown Township. The motion was carried three in favor to two opposed. Mr. Fegley, Mr. Fazzalore and Mr. Stainthorpe voting yes and Mrs. Godshalk and Mr. Hackman voting no.

#### **UPDATE ON FUNDRAISING EFFORTS FOR THE 9-11 MEMORIAL**

Mr. Fedorchak stated he made application on behalf of the Township through Representative Conti and Steil's office for \$20,000 each. He stated he also made application through Representative Greenwood's office that informed him that the Township's request would be looked at in the summer of 2003. Mr. Fedorchak stated he was hopeful for \$40,000 and more money from others.

Mrs. Godshalk stated the 9-11 Memorial received approximately \$72,000 so far. She stated a resident from Upper Makefield Township has volunteered to raise money for the memorial in other neighboring communities. Mr. Williams presented a check on behalf of his firm to Mrs. Godshalk for the 9-11 Memorial. Mrs. Godshalk thanked all those who have given donations.

### **APPROVAL OF BID FOR BIG OAK ROAD BICYCLE PATH**

Mr. Williams stated the bid from Tulio Landscaping should be corrected to add alternates 2 through 5 in spring 2003. He stated \$54,000 is in the Park & Recreation budget already. Mr. Hackman asked if the path gives children access to the middle schools from homes in that area. Mr. Williams replied yes.

Mr. Fazzalore moved, Mrs. Godshalk seconded and the motion was unanimously carried to approve the bid for Big Oak Road bicycle path to Tulio Landscaping at a cost of \$54,248.75.

### **APPROVAL OF DEVELOPMENT AND FINANCIAL SECURITY AGREEMENTS FOR THE WOODS AT MAKEFIELD a/k/a D'AMATO**

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Development and Financial Security Agreements for the Woods at Makefield a/k/a D'Amato.

### **AUTHORIZE ADVERTISING PROPOSED AMENDMENT TO THE ZONING ORDINANCE TO CREATE AN AGE-QUALIFIED COMMUNITY IN THE TOWNSHIP'S R-1 LOW-DENSITY DISTRICT**

Mr. Fazzalore asked Mr. Garton if approved, would this type of apply to all properties within the Township. Mr. Garton replied this discussion is only for advertising, but it does include two or three properties. Mr. Hackman asked Mr. Garton if age-qualified is a defined age. Mr. Garton replied he would specify age 55 on the advertising.

Mr. Al Roeper from the Planning Commission stated when the change is made to add the age specification, the Zoning Board then the Planning Commission should review any plans for a development. Mr. Garton stated both entities will have a chance to review the plans when and if the Township gets to that point stating again this is only for advertising a change to the Zoning Ordinance.

Ms. Virginia Torbert asked what prompted this and Mr. Fegley replied a developer approached the Township about a proposed age-qualified development.

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to authorize advertising a proposed amendment to the Zoning Ordinance to create an age-qualified community, with specific age definition, in the Township's R-1 residential low-density zoning district.

### **CERTIFICATE OF APPROPRIATENESS GRANTED TO DEMOLISH EXISTING SHED AND ERECT NEW SHED AND FENCE AT 1679-85 EDGEWOOD ROAD**

Mr. Garton stated the removal of the shed at 1679-85 Edgewood Road was reviewed and approved by HARB. Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to grant a Certificate of Appropriateness to demolish existing shed and erect new shed and fence at 1679-85 Edgewood Road.

### **TABLED MOTION TO ENACT ALARM COMPANY LICENSING FEE**

Chief Coluzzi stated the Township currently has an ordinance to register residents and businesses with security alarms with a one-time fee. He stated the ordinance also allows the police and fire departments to enforce a violation fee of \$25.00 if a resident has two or more false alarms in one calendar year. He stated

the alarm companies must also register with the Township, but there is no fee for registering, therefore the Township has no way of monitoring the alarm companies that do business in the Township. Chief Coluzzi recommended that the Board enact a change to the ordinance instituting a one-time fee of \$125 and a \$100 fee every year thereafter to license alarm companies as well as allowing the Chief of Police to increase the fee if necessary. Mrs. Godshalk asked if there are a lot of companies that go out of business in the Township and Chief Coluzzi replied yes.

Mr. Stainthorpe stated this is a very large project and asked how the police could get caught up with obtaining all of the names and addresses of the alarm companies. Chief Coluzzi stated this is a very large project, but it is necessary to have this information and it is good place to start. Mr. Stainthorpe asked if other Townships have a similar ordinance with fees to license alarm companies. Chief Coluzzi stated yes, this is very common among other Townships. Mr. Fazzalore stated alarm systems are a very good deterrent to crime in this Township but he is concerned a \$125 fee to a good company that only services one customer will turn them away.

Mr. Fegley moved, Mr. Hackman seconded and it was unanimously carried to table the motion to enact a change to the Ordinance to add an alarm company licensing fee to companies who do business in the Township until the next meeting.

#### **UPDATE ON TRENTON MERCER AIRPORT EXPANSION PROJECT ISSUES**

Mr. Fedorchak stated Upper Makefield donated \$2,000 towards the legal fund to fight the airport expansion and stated he is soliciting further contributions from other sources. Mr. Fedorchak recommended that the Board meet with BRAMM, Hopewell and Upper Makefield Townships to agree to what legal action should be taken next. Mr. Fedorchak stated all of the money in the legal fund has been exhausted and he told Bill Potter, Esquire to hold all work on the validity challenge. Mr. Fedorchak stated PLANE and Hopewell Township are not willing to contribute any money to the legal efforts but are interested in the case.

Mr. Paul Krupp, stated there is a political problem going on right now with the Freeholders. He stated several of the Freeholders are up for re-election and don't want to stir things up. He stated they are in a holding pattern until after re-election to see how this will work out.

Mr. Fegley stated he would attend a meeting between BRAMM, Hopewell and Upper Makefield Townships.

#### **APPROVED PRACTICE SOCCER FIELD ON THE SNIPES TRACT**

Mr. Fedorchak stated with the recent weather we've had, certain Township soccer fields are out of commission for the season and the Park & Recreation Board needs an additional soccer field. Mr. Fedorchak and Mr. Williams stated the field is flat, no parking facility is needed, nor is any digging required only the placement of two goals and lines to be painted. Mrs. Godshalk stated she has a problem with a soccer field at this location for safety reasons and will not vote for it. She stated why couldn't soccer fields be put in Memorial Park. Mr. Hackman stated the soccer fields are needed now.

Mr. Hackman moved and Mr. Stainthorpe seconded to approve placing one soccer field on the Snipes tract. The motion was carried three in favor to two opposed with Mr. Fazzalore, Mr. Stainthorpe and Mr. Fegley voting yes and Mr. Hackman and Mrs. Godshalk voting no.

## **TABLED AUTHORIZATION TO BID LMT POOL PROJECTS**

Mr. Fedorchak stated the Park & Recreation Board prepared a schedule for capital construction projects at the LMT pool. The schedule includes handicap access ramp to the olympic sized pool, replacement of the tot pool fountain (both included in the 2002 budget), bathhouse and lap pool projects (both included in the 2003 budget). Mr. Hackman stated the Township should do all of the work at once in 2003 to save money.

Ms. Diane Mays, Lanyard Road, asked if it is necessary to have a handicap accessible ramp at the pool because she has never seen anyone in a wheelchair at the pool. Mr. Fegley stated it is not necessary but it is a good thing to have access for everyone. Mr. Hackman asked if the stairs to the pool would need to be reconfigured to allow access for a handicap person. Mr. Williams stated he did not know but would into that.

Mr. Stainthorpe moved, Mrs. Godshalk seconded and it was unanimously carried to table authorization to bid LMT pool projects for 2002

## **APPROVED SECOND ADDENDUM TO THE LEASE AGREEMENT**

Mrs. Godshalk stated the lease should be changed to require either party provide at least sixty days prior notice to terminate.

Mr. Godshalk moved, Mr. Hackman seconded and it was unanimously carried to approve the Second Addendum to the Lease Agreement with Robert Hilson relating to the Elm Lowne Carriage House with sixty days notice by either party to terminate.

## **APPROVED CONSORTIUM PIPE BID**

Mr. Hackman moved, Mr. Fazzalore seconded and it was unanimously carried to approve the 2002 Consortium Pipe bid to Modern Concrete in the amount of \$54,524 for pick-up of materials or \$57,994 for delivery of materials to job site.

## **ZONING HEARING BOARD MATTERS**

The Carolyn Sundstrom, 171 Mt. Eyre Road, special exception request to use a portion of her dwelling for a home occupation was noted and the Board decided to leave this to the Zoning Hearing Board.

## **APPROVED WARRANT LISTS**

Mr. Hackman moved, Mr. Fazzalore seconded and it was unanimously carried to approve the September 2 and 16 Warrant Lists and August payroll as attached.

## **APPROVED APPOINTMENT OF MAILLIE FALCONEIRO & CO.**

Mr. Taylor stated the contract for Auditing Services has expired and the Township received a proposal from Maillie Falconeiro & Co. to perform auditing services for three years. Mr. Fazzalore asked Mr. Garton what the Township must do to change Township auditors. Mr. Garton stated the Township would need to petition the Court with twenty signatures from Township residents to appoint a new auditor or the Township could advertise in the newspaper of its intention to do away with the present auditor. Mr. Fazzalore stated the

Township should only stay with present company for 2002 through 2003, during the mandated Government Accounting Standards Board transition.

Mr. Hackman moved, Mr. Fazzalore seconded and the motion was unanimously carried to approve the appointment of Maillie Falconeiro to conduct the 2002 and 2003 audit.

### **SUPERVISORS REPORTS**

Mr. Fazzalore and Mr. Stainthorpe stated they had nothing to report.

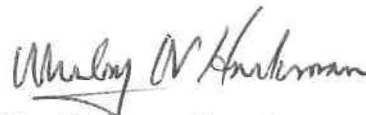
Mrs. Godshalk stated Elm Lowne would be holding its annual fund-raiser on October 4<sup>th</sup> and tickets will be \$35 this year.

Mr. Fegley stated the Environmental Advisory Committee would be receiving an additional \$31,000 for the Brock Creek study which would take place in 2003. Mr. Fegley stated the Township newsletter is underway.

Mr. Hackman stated the contract with Wadsworth Construction to construct the golf course would be signed within the next day. He asked the Board if they could agree to a date for the groundbreaking of the golf course. The Board members agreed if they were available, to a groundbreaking the second week in October. Mr. Hackman stated the Golf Committee is struggling to come up with a name for the course. The Golf Committee will choose a few names and the Board will pick a name from that list.

There being no further business, the meeting was adjourned at 9:50 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

**SEPTEMBER, 2002 WARRANT LISTS AND  
AUGUST 2002 PAYROLL COSTS FOR APPROVAL  
SEPTEMBER 16, 2002 BOARD OF SUPERVISORS MEETING**

|                           |               |                      |
|---------------------------|---------------|----------------------|
| 09/03/02 Warrant List     | \$ 199,651.18 |                      |
| 09/02 Manual Checks       | 34,600.05     |                      |
| 09/16/02 Warrant List     | 236,646.62    |                      |
| Total Warrants & Prepays  |               | 470,897.85           |
| <u>PAYROLL COSTS:</u>     |               |                      |
| August, 2002 Payroll      | 477,962.49    |                      |
| 08/02 Payroll Taxes, etc. | 36,564.14     |                      |
| Total Payroll Costs       |               | <u>514,526.63</u>    |
| TOTAL TO BE APPROVED      |               | <u>\$ 985,424.48</u> |

