

**TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS MINUTES
MONDAY, OCTOBER 21, 2002**

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on Monday, October 21, 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. and Mrs. Marvin Bluestein, 905 Hunt Drive, asked for a status report on the wood-burning stove issue. Mrs. Bluestein stated she hand-delivered a letter to Mr. Fedorchak and the Board of Supervisors and has not received any response. Mr. Fedorchak stated the Zoning and Building staff processed a permit to convert Mr. Jennings to propane more than two weeks ago. Mr. Fedorchak stated Mr. Jennings has not picked up the permit yet. He stated it is the Township's preference to resolve this matter outside of the courtroom, however, a hearing is scheduled for November 6th. Mr. Fedorchak stated the Township has given Mr. Jennings every opportunity to resolve this matter. If this cannot be resolve amicably, the Township will move forward with legal action. Mrs. Bluestein asked if Mr. Jennings would be required to remove the wood-burning stove. Mr. Fedorchak stated yes. Mr. Fazzalore asked if the Township has an ordinance prohibiting wood-burning stoves. Mr. Fedorchak stated yes.

Mr. Charles Schneider, Heather Road, thanked the Board for attending the meeting between the Townships regarding Lindenhurst Road. Mr. Schneider asked the Board for an update on the turn-back of Lindenhurst Road. Mr. Fegley stated there was a meeting with Andy Warren and two of his associates from PennDOT, Sue Hermann and John Cowley. Mr. Warren stated that Lower Makefield could take the road back without the consent of the neighboring Townships. Mr. Fegley stated the Board needs to adopt a resolution. He stated the resolution has been drafted and is currently being reviewed and checked by Mr. Coyne and Mr. Williams. Mr. Fegley stated any comments to the resolution are due back by October 30th. Mr. Hackman stated if the Township takes back the road, it doesn't mean the Township could do whatever it wants to do. Mr. Hackman suggested at the least, the Township should focus on traffic calming measures on Lindenhurst Road. Mr. Hackman asked Mr. Williams to give the Board a tutorial on what could and could not be done on Lindenhurst Road. Mr. Williams stated he would put together a package for the Board at the next meeting.

Mr. Fegley stated the first priority of the Township should be the take back of Lindenhurst Road. He

stated if the road is under the Township's control, the Township could start to implement safety measures.

Mrs. Godshalk asked Mr. Fedorchak to contact Lower Merion Township about what they have done in their similar situation. Mr. Fegley asked if there are speed reduction considerations that could be done on Lindenhurst Road. Mr. Garton stated he would give a report at the next meeting.

Mr. Fedorchak reported on the effect of the increased police presence on Lindenhurst Road. He stated since September 24th Lower Makefield Police wrote 34 speeding violation tickets, 29 truck violations and 64 trucks were stopped.

Ms. Sue Hermann stated the residents would like to pursue a noise ordinance. She stated in the near future, truck traffic would increase from six days a week to seven days a week. Mr. Fegley stated the Township has a noise ordinance, but a meter may have to be installed to measure and enforce the noise on an ongoing basis. He stated if it were up to the Township, it would prohibit trucks on the road and may be able to determine that after receipt of Mr. Garton's report. Mr. Hackman stated traffic is being monitored at the Woodside and Lindenhurst Roads intersection.

Ms. Claudia Fontaine stated she also wanted to thank the Board for attending the Lindenhurst Road meeting.

APPROVAL OF MINUTES

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

Mr. Hackman moved, Mrs. Godshalk seconded and it was unanimously carried to approve the Minutes of September 16, 2002.

Mr. Hackman moved, Mr. Fazzalore seconded and it was unanimously carried to approve the Minutes of October 7, 2002.

APPROVAL OF APPLICATION TO NATIONAL PARK SERVICE FOR NATIONAL NATURAL LANDMARK STATUS

Mr. John Heilferty was present to request the approval of the Board to permit Five-Mile Woods to apply for Natural Landmark Status from the National Park Service. Mr. Heilferty stated Natural Landmark Status allows the National Park Service to identify unique park sites on their register. He stated this designation would be feather in the Township's cap. Mr. Heilferty stated this designation does not come with any money or grant now, but if the Township wants to apply for future grants, grants would be available with this designation. He stated this designation comes with no additional responsibilities or any restrictions from the National Park Service. Mr. Heilferty stated this designation is revocable by the Township. He stated he feels this is important for the Township to do.

Mr. Fazzalore stated he thinks this application for Natural Landmark Status is great. He stated however, the Government does not give anything without taking some control or placing restrictions. Mr. Fazzalore stated he does not want to lose this park to the Government. Mr. Heilferty stated he would provide Mr. Fazzalore with information of what the designation covers.

Mr. Fazzalore moved to approve application to the National Park Service for National Natural Landmark Status.

Mr. Hackman stated the Township should handle the application not the Friends of Five-Mile Woods. Mr. Fegley stated Mr. Heilferty works for the Township. Mr. Heilferty stated Dr. Ann Rhoads has been working with him on the application. Mr. Hackman stated he would like Mr. Fedorchak to make application on behalf of the Township. Mr. Garton stated the Government usually wants the property owner to consent to the application, but Mr. Heilferty could fill out the application and submit it to the Township for signature.

Mr. Fegley stated he would have a letter drafted on behalf of the Board for approval of the application.

Mrs. Godshalk stated since 1989, additional parcels have been added to Five-Mile Woods. She asked Mr. Heilferty to check to make sure those additional parcels have been added.

Mrs. Godshalk seconded Mr. Fazzalore's motion and the motion was unanimously carried.

APPROVAL OF CLUBHOUSE DESIGN FOR LMT GOLF COURSE

Mr. Michael Wiencek of Wiencek & Zavos architects was present to discuss the proposed plans for the clubhouse design. The Board was given a colored rendering of the exterior and a floor plan of the interior. Mr. Wiencek discussed the look of the clubhouse to resemble a faux stone front farmhouse indigenous to Bucks County, with a covered entrance. Mr. Wiencek described when walking in the entrance, the pro shop would be located to the left and the bathrooms off to the right. He stated the interior would house a large common area with a snack counter and small kitchen. Mr. Wiencek stated cart storage would be underneath the clubhouse and would house eighty carts. Mr. Wiencek stated the exterior would look simple, as it would have evolved over time.

Mrs. Godshalk asked what the ceiling would look like and the acoustics. Mr. Wiencek stated the ceiling would be constructed of drywall with exposed beams installed on it. He stated as to the acoustics, the carpet would absorb most of the noise.

Mr. Fazzalore asked if the optional fireplace would be gas. Mr. Wiencek stated yes. Mr. Hackman stated Mr. Wiencek has met with the Golf Committee twice to discuss and revise the plans. Mrs. Godshalk asked what type of wood would be used for the deck in the rear of the clubhouse. Mr. Wiencek stated the plans provide for pressure treated wood, but if she is concerned about arsenic in the wood, his company uses an environmental and people friendly pressure treated wood. Mr. Fazzalore stated a wood deck may be cheaper in the short-term, but in the long term it would be higher maintenance than another material. Mrs. Godshalk asked what material would be used for the siding. Mr. Wiencek stated the siding would be cementitious (cement) board. It looks like wood and could be stained any color, but is less maintenance than wood.

Mr. Hackman asked the Board to approve the clubhouse design plans. Mr. Hackman moved, Mr. Stainthorpe seconded and it was carried four in favor, Mr. Fegley abstained from the vote, to approve the clubhouse design.

Mr. Scott Arterburn of Rainmaker Development was present to give the Board a status report on the construction of the golf course. He stated the Pump House and Maintenance Building design are 95% complete. Mr. Arterburn stated the ground moving equipment is on site and Wadsworth will start

excavation of the ponds and several holes on the left side of the property this week. He stated some homeowners bordering the golf course came out to ask questions about the excavating. Mr. Fazzalore asked when the earth moving would be completed. Mr. Arterburn stated the excavation would be completed by early spring.

Mrs. Godshalk announced the groundbreaking ceremony for the golf course would be on November 8th at 2:00 p.m.

APPROVAL OF REDIRECTING SANITARY SEWER AND WATER LINE AT TOWERING OAKS/FARMLAND PRESERVATION CORPORATION PARCEL

Mr. Garton stated the Court issued an Order requiring the Township to extend sanitary sewer and water lines to the Towering Oaks Subdivision. He stated the Farmland Preservation Corporation feels the configuration of the sanitary sewer and water lines across the property would be disruptive to the preservation of the farmland. Mr. Stainthorpe stated Mr. Williams is working with the engineers to resolve the configuration problem by designing an alternate routing for the sanitary sewer and water lines. Mr. Williams displayed a plan of the site and described to the Board the alternate route to redirect the sanitary sewer and water lines around the perimeter of the site at an extra cost of \$16,000. Mr. Stainthorpe stated the parties were more agreeable to redirect the sanitary sewer and water lines around the property. He stated Farmland Preservation might split the cost with the Township to redirect both lines. Mr. Stainthorpe stated if a resolution can't be reached, the property may have to be condemned.

Mr. Williams stated in 1999, the escrow for improvements to the site was \$105,000. He stated if general wage increases and the additional \$16,000 are added to the figure, that would bring the cost up to approximately \$150,000. Mr. Stainthorpe asked Mr. Wilson if he would pick up part of the \$16,000 cost. Mr. Wilson stated no because he has already lost money on the lots since purchasing the property.

Mr. Garton asked Mr. Wilson if he has a problem with redirecting the sewer and water lines. Mr. Wilson stated no. Mrs. Godshalk asked Mr. Wilson if he is building the houses and at what price would the homes be sold for. Mr. Wilson stated he would be building the houses and would be selling them in the range of \$650,000 to \$800,000. Mr. Fegley asked Mr. Wilson for his cooperation with the redirecting of the sewer and water lines and the Township would consider allowing him to build his model home without all approvals. Mr. Fegley suggested Mr. Wilson raise the cost of each home by \$1,000 to contribute to the redirecting cost.

Mr. Fegley suggested going back to Farmland Preservation for an agreement.

Mr. Stainthorpe moved, Mr. Fazzalore seconded and the motion was carried four in favor, Mrs. Godshalk opposed, to approve redirecting the sanitary sewer and water line, subject to the approval of Farmland Preservation Corporation.

DISCUSSION OF MAPLEWOOD LANE

Mr. John Gervasio was present at the meeting to request that the Board agree to refund his \$6,600 deposit being held in escrow by the Township. Mr. Fedorchak stated that Mr. Gervasio applied for a permit to build a house in an unimproved area of the Township. The Zoning Hearing Board agreed to issue Mr. Gervasio a building permit on the condition that he makes a \$6,600 deposit as his share to

bring a roadway to his property. Mr. Fedorchak stated Mr. Gervasio's situation is the same as the McClintock's and the Bumm's situation, who also posted deposits.

Mr. Williams presented the Board with a plan of the area to show the public roads and private drives in the Maplewood Lane neighborhood. Mr. Fedorchak stated those properties that did not post any deposits and abut the future improvements, should be assessed when the improvements are completed.

Mr. Fegley stated Mr. Gervasio is here to request his money be refunded since the Township has not built the road. He stated if Mr. Gervasio wants to improve the road himself, the Township would refund his money, otherwise the Township has no legal obligation to refund his money.

Mr. Gervasio stated he gave the Township the money because he was required to as a condition to get a permit to build his house. He stated he has seen three lawyers who have all turned him down. He asked how could the Township hold money for a road they don't own. Mr. Gervasio stated this road is a paperback road. Mr. Garton stated it was a Zoning Board condition and Mr. Gervasio did not appeal, therefore, it is binding. Mr. Fegley stated the Township has not decided to take over the road, but a future Board of Supervisors may decide to improve the road and the money must be held by the Township until then.

Mr. Gervasio excused himself from the meeting and therefore withdrew his request by default.

DISCUSSION OF ANIMAL CONTROL ISSUES

Mr. Gary Lipsius was present at the meeting to discuss the lack of a full-time animal control officer and the health issue concern of feral cats in the Township. Chief Coluzzi stated the Township has an agreement to contract services with Middletown Township for animal control, but that agreement is not working out. Mr. Lipsius stated it is not appropriate for the Police to handle animal control issues. He asked if the Board is looking to hire an animal control officer. Chief Coluzzi stated the Township is looking to entering into an agreement with Yardley Borough since the agreement with Middletown is not working out. Mr. Fegley stated with the current Budget constraints, the Board couldn't add an additional person in the Budget. Chief Coluzzi stated the animal control officer has been in the Budget since letting the prior officer go. Mr. Lipsius asked the Board to expedite hiring an animal control officer. He stated he could help by giving names of companies that offer contract services for animal control. Chief Coluzzi stated he would look into this issue and resolve.

Mr. Lipsius stated there is also a health risk in the Township with rabies and toxoplasmosis, especially with cats. He stated there are towns that have leash laws for cats, which is extreme, but there should be some licensure. Licensure would require identification and vaccinations of cats.

Mr. Fegley asked Mr. Fedorchak to research the Township animal control ordinances and how the ordinances could be improved.

APPROVAL OF SETTLEMENT AGREEMENT WITH CHURCH OF LATTER DAY SAINTS

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was carried to unanimously approve the Settlement Agreement with the Church of the Latter Day Saints.

APPROVAL TO GRANT EXTENSION OF TIME TO BUCKS CENTRAL CHURCH

Mr. Stainthorpe moved, Mr. Hackman seconded and it was unanimously carried to grant an extension of time to Bucks Central Church Preliminary Plan, extension requested to 2-5-03.

APPROVAL OF WARRANT LISTS AND SEPTEMBER PAYROLL

Mr. Fazzalore asked why the Township wrote so much money out of manual checks last month. Mr. Taylor stated the biggest portion of that amount was written for the ambulance.

Mr. Hackman moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the October 7 and 21 Warrant Lists and September payroll as attached.

APPROVAL OF ORDINANCE NO. 334

Mr. Garton stated the Board should know the Ordinance was advertised in the paper. He stated the first loan would close in thirty days and the second loan in December. Mr. Garton stated since the taking out of the loans was approved several months ago, the Township would be reimbursed its costs. He stated the financing is currently at 1.76%, with a thirty-year term and the rate changes weekly. Mr. Garton stated the average rate over the last ten years is 3.5%. Mr. Stainthorpe asked what is the current fixed rate. Mr. Taylor replied the fixed rate is currently 4.85%.

Mr. Hackman moved, Mr. Stainthorpe seconded and the motion carried four in favor, Mr. Fegley abstained from the vote, to approve Ordinance No. 334 authorizing incurrence of debt in the amount of \$15,961,000 through the Delaware Valley Regional Finance Authority to construct a golf course.

SUPERVISORS REPORTS

Mr. Fazzalore, Mr. Stainthorpe and Mrs. Godshalk stated they had nothing to report.

Mr. Fegley stated the draft of the Newsletter is complete and the Board should have a draft soon for their review.

Mr. Hackman stated the groundbreaking ceremony would be on November 8th at 2:00 p.m.

DISCUSSION OF CLOSING BUCKS COUNTY VETERANS ADMINISTRATION CLINIC

Mr. Fazzalore suggested that a letter be sent to all appropriate parties notifying of the closure of the Bucks County Veterans Administration Clinic. Mr. Fegley asked Mr. Fedorchak to write a letter of notification of closure of the clinic.

ACCEPTANCE OF AMENDMENT NO. 3 TO DEP GRANT

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried to accept Amendment No. 3 to DEP grant for Brock Creek Watershed Project (additional funding of \$31,797).

APPROVAL OF BID TO UPGRADE ELECTRIC AT MACCLESFIELD PARK FIELD “D”

Mr. Fazzalore made note that one of the bids received was considerable higher than the other bids. He asked if something was missing. Mr. Fedorchak stated the A.C. Scott Electric, Inc. bid was checked and the contractor is comfortable with his bid. Mr. Fazzalore asked if this bid is in the Park and Recreation budget. Mr. Fedorchak stated yes.

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to award bid to upgrade electric at Macclefield Park Field “D” to A.C. Scott Electric, Inc. at a cost of \$28,500.

UPDATE ON SANDY RUN ROAD BRIDGE

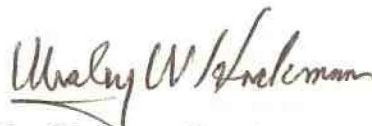
Mr. Fazzalore asked Mr. Williams for an update on the Sandy Run Road Bridge. Mr. Williams stated the bridge is under construction and the pre-cast has been ordered.

BUDGET MEETINGS

Mr. Fazzalore stated the Board should set a date for the next Budget meeting. Mr. Fedorchak stated the meeting could not be this week because of the lack of time to advertise the meeting this late. Mr. Fegley and Mr. Stainthorpe stated they are not available early next week, they will out of town. Mr. Hackman stated the Board should go through the Budget in detail and eliminate some items. Mr. Fegley stated the Board hasn't agreed to cut any capital projects and the Board has not agreed to cut any mills. Mr. Taylor stated the Budget has been re-worked to put off some financing on projects in 2003, therefore reducing the millage.

There being no further business, Mr. Fegley moved, Mr. Hackman seconded and it was unanimously carried to adjourn the meeting 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

OCTOBER, 2002 WARRANT LISTS AND SEPTEMBER 2002 PAYROLL COSTS FOR APPROVAL OCTOBER 21, 2002 BOARD OF SUPERVISORS MEETING

10/07/02 Warrant List	\$ 993,382.80	
10/02 Manual Checks	110,105.00	
10/21/02 Warrant List	133,810.01	
Total Warrants & Prepaids		1,237,297.81
<u>PAYROLL COSTS:</u>		
September, 2002 Payroll	299,964.37	
09/02 Payroll Taxes, etc.	23,297.73	
Total Payroll Costs		<u>323,262.10</u>
TOTAL TO BE APPROVED		\$ <u><u>1,560,559.91</u></u>

