

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - NOVEMBER 4, 2002

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on November 4, 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. to discuss legal matters.

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

PUBLIC COMMENT

There was no public comment at this time.

APPROVAL OF MINUTES

Mr. Hackman moved, Mr. Fazzalore seconded and it was unanimously carried to approve the Minutes of October 21, 2002 as written.

PRESENTATION OF PROPOSED ADAPTIVE REUSE PLAN FOR THE U S MAGNET SITE AND APPROVAL TO SEND LETTER IN SUPPORT OF CONCEPT

Ms. Jennifer Stark was present as a member of the Task Force involved with preparation of a plan for the former U S Magnet and Alloy site in Yardley, a portion of which is located in Lower Makefield. She introduced Greg Brisco, Janelle Jones, Robert White, and Ray Milora who are also members of the Task Force. Ms. Stark stated they would like two people from Lower Makefield to consider joining their Task Force and asked the Board to endorse the concept they have proposed. They also plan to request endorsement from Yardley Borough Council. Dave Steil will then take these endorsements as proof that the communities are in favor of the plan and he will then hopefully obtain funding for the project. Ms. Stark stated they propose to construct a building that will include a Senior Center, Nature Center, and YMCA as well as to preserve the surrounding environment. She stated they will not need to rezone the site to accomplish their proposal. This proposal also fits in with Yardley Borough's Comprehensive Plan.

Mr. Robert White reviewed the history of the site. He showed pictures of the existing conditions. He noted they have met with Congressman Greenwood, Representative Steil, and Commissioner Fitzpatrick about this project. Proposed improvements to the site were

shown including the building which will have a smaller footprint than the existing building and will therefore preserve additional open space. The proposed uses will stagger the traffic throughout the day. There was discussion on the need for remediation of the site due to prior uses. Mr. White stated the owners have ridded the building of the toxic chemical barrels. The owners feel they have the property remedied to an industrial usage but an upgrade would be required for uses such as the Task Force is proposing and these will be costly.

Mr. Fazzalore asked about road access, and Mr. White stated this is still under discussion. Mr. Fazzalore asked how long they feel the remediation portion of the project will take since it has been his experience that this can be very time consuming. Mr. Milora stated a field assessment was done on the site. This is a brownfield site so it can qualify as an Act 2 under the DEP. He reviewed the sampling that has already been done and the three main chemicals which were found. Since it was only tested to an industrial use, they would have to have a complete re-assessment if the property were to be used as they are proposing. They want to save 65% of the site as open space. They are also looking at groundwater run off and ways to put in parking areas which will be pervious to water.

Mr. Stainthorpe asked who would pay the remaining portion of the clean up, and Mr. White stated they hope to be able to secure sufficient funds not only to purchase the property but to do the remediation as well up to residential levels.

It was noted that the property is currently owned by the Cold Spring Investment Group and is currently for sale. Mrs. Godshalk asked about the purchase price, and Mr. Milora stated they have seen various prices from \$3 million to \$7 million. It was noted Representative Steil has put in for \$3.1 million for the site.

Mr. Fazzalore stated he will not vote in favor of Lower Makefield making any contribution toward the project.

Mr. White stated they are coming before Lower Makefield since a portion of the site is in Lower Makefield Township. He added that possibly there could be a joint usage of the property. The first thing they need to do is get the paperwork to Mr. Steil so that he can go to Harrisburg to obtain funds. Mr. Fazzalore stated he is also involved in an institution which is looking for funds as well and there are a large number of projects on the list of those requesting funds.

Mr. Hackman asked about the construction of the building, and Mr. Milora stated they will use a portion of the existing building and it will be rebuilt into something usable. This is where the YMCA comes in. Mr. Milora stated they are concerned that if this becomes an industrial use, the owners will simply pave over, and he does not want to see this happen with this site.

Mr. Fazzalore asked about the possibility of condemnation, and Mr. White stated if they condemn the property, they would not be able to get Government funds. Mr. White noted a significant portion of the site is wetlands.

Mr. Milora stated other plans being discussed for the site include a large office complex with a significant amount of parking. While this would involve re-zoning, some of the other uses they have heard discussed would not, such as a truck depot and warehousing.

Mr. Hackman asked about the involvement by the YMCA. Mr. Brisco, CEO of the YMCA, stated they are not proposing any particular building at this point. The YMCA is run by the community by a volunteer Board of Directors who determines the facility's programs and what would be at the facility. Their money comes from Grants, donations, etc. If a community has no **needs, they do not put a YMCA** in that community.

Mr. Fazzalore asked if this is **the YMCA that has been rejected by Newtown**, and Mr. Brisco stated it is the same organization, but they were not rejected by Newtown. They have done a study, and there are study results which show interest by Newtown. Mr. Fazzalore asked if they would put a YMCA in Yardley if they put one in Newtown, and Mr. Brisco stated they would not duplicate services. He stated most members come from a three to five mile radius. He stated they are interested in meeting with any community group that contacts them. They have done a survey that includes Yardley and Lower Makefield. Mr. Hackman asked if these survey results are available for the Board's review, and Mr. Brisco stated they are not. He noted that the Senior Center concept was included since there has been discussion about a Senior Center in this area. Mr. Fegley stated that three members of the Board of Supervisors have voted to include \$200,000 for engineering for a Lower Makefield Township Senior Center, and he feels that the Lower Makefield Center could occur much more rapidly than construction on the Magnet Site because of the funding and remediation needed for that site.

Mr. Fegley stated at this point the Task Force is only asking for an endorsement of their proposal. He stated if the Board sees fit to support the concept, he would be willing to serve on the Task Force.

Mr. Paul Krupp, University Drive, stated the Sandy Run II Development owns ten acres of private property which is their recreation area and is adjacent to the site under discussion. He also noted the problems in the area with air traffic and stated planes are currently flying over the area under discussion.

Ms. Virginia Torbert asked if the land in Lower Makefield is protected wetlands, and Mr. Milora stated it is wetlands. Mr. Torbert stated regardless of how they vote, the land in Lower Makefield will still be protected but by supporting this project, they will help to keep these wetlands from being contaminated.

Mrs. Godshalk stated she does not want to commit Lower Makefield to being involved in construction of the project. Mr. Fegley stated they are only looking for **conceptual support** of the project. Mr. Fazzalore stated he does not want to commit Lower **Makefield to any** contribution to the project. Mr. Milora stated they are not looking for any contribution. Mr. Fegley stated he feels Lower Makefield Township should be concerned about this property as it adjoins its borders. He stated he feels what they have proposed is an excellent plan.

Mr. Stainthorpe stated they are not agreeing to make a financial contribution and he feels this is an act of cooperation with their neighbors. He stated the quality of life in Yardley Borough affects the quality of life in Lower Makefield.

Ms. Stark stated they did provide a draft of a letter which they are asking the Board to endorse.

Mr. Stainthorpe moved, Mrs. Godshalk seconded and it was unanimously carried to send the letter to Representative Steil in support of the concept based on the letter supplied by the Task Force.

DISCUSSION OF FORMING AN ADA ADVISORY COMMITTEE AND MOTION TO ADVERTISE FOR INTERESTED VOLUNTEERS

Mr. Lou Tullio and Ms. Mirka Liberti were present. Mr. Fegley noted the letter from Mr. Garton regarding this matter which was provided to the Board in their packet. Ms. Liberti stated Bensalem, Falls, Bristol, and Middletown Townships all have ADA Boards. She stated the Board she serves on looks at Plans for new construction and makes suggestions on parking and building access. They also present educational programs to educate the community as to the needs of the disabled. Ms. Liberti stated they would also like to raise awareness and improve the quality of life for the disabled. She stated there are certain areas in the Lower Makefield Township Building which are not in compliance with ADA requirements.

Mr. Hackman asked how many people serve on the Board on which Ms. Liberti serves, and she stated there are seven, four of whom are disabled on the Middletown Township ADA Board. The Board was formed in 2000. Mr. Hackman stated if they wanted to proceed with this, he feels they should first advertise to see how many people in Lower Makefield would be interested in serving on such a Board. Mr. Fegley stated he would agree that if there is no one interested in serving, there is no point in forming this Board. Mr. Hackman noted the Building Department does review plans to insure that they meet ADA requirements. Mr. Fegley stated he would like the Yardley News to write an article on this matter so that they can get a wider distribution for volunteers than simply advertising on Channel 16.

Mrs. Godshalk moved and Mr. Stainthorpe seconded to advertise for volunteers who would be interested on serving on an ADA Advisory Committee.

Ms. Liz Harbison, Sandy Run Road, stated she is interested in this because she has elderly parents who she may be bringing into her home. She would be interested in serving on such a committee.

Motion carried unanimously.

DISCUSSION OF LINDENHURST ROAD TURNBACK ISSUE AND MOTION TO ADOPT RESOLUTION TO TAKE BACK LINDENHURST ROAD

Mr. Williams stated he and Mr. Coyne did look at the portion of Lindenhurst Road which is located in Lower Makefield Township. He stated there are some obvious pavement failures as well as areas which are starting to show failure. He reviewed the information submitted to the Board in their packet on the specific portions of the road where there are failures. He stated much of this failure is due to the weight and volume of the traffic on the road. He reviewed the amount of work needed to restore the road including a complete overlay of the entire roadway. He stated it is questionable how much work PennDOT would agree to do.

Mr. Stainthorpe stated the road is falling apart because of the truck traffic on the road that should not be there. Mr. Fazzalore asked for an estimate to put the road back in proper condition, and Mr. Williams stated it would cost at least \$1 million. Mr. Fedorchak asked if the condition of the base and the roadway could be used as a basis to restrict truck traffic from Lindenhurst Road at the current time. Mr. Williams stated they would have to go

through PennDOT's Manual. This could involve core samples and having the pavement analyzed. He stated in some locations, the failure is very obvious. Mr. Fedorchak noted the PennDOT study done in 2000 which was included in the Board's packet. At that time PennDOT did not include evaluation of the condition of the road and the condition of the base. He noted the conclusion in that PennDOT report indicated the criteria for a truck restriction was not met on Lindenhurst Road. He stated he feels that study was flawed since it did not address the condition of the road base or the road. Mr. Williams stated PennDOT only analyzed half of the criteria they have listed in their own Manual.

Mr. Fegley stated he would be in favor of taking back the road but not asking PennDOT to repair it up to the standards. The Township could then put it on their own road program and legally restrict truck traffic. Mrs. Godshalk stated she feels PennDOT **should be asked** to bring it up to standards first. Mr. Fegley stated if they ask PennDOT to bring it up to standards and they then do the repairs, it would then be available for truck traffic.

Mr. Stainthorpe moved and Mrs. Godshalk seconded to adopt the Resolution provided by the Department of Transportation to take back Lindenhurst Road.

Mr. Hackman stated in the information he received he found that they are working off a traffic study that was done in 1999 so he feels that this study is out of date. He feels the mix of traffic has changed. He stated up until this point they have heard that you cannot restrict truck traffic, but now they have received a document that shows how this can be done.

Mr. Fazzalore noted the Resolution excludes the structures.

Mr. Dave Katz, Lindenhurst Road, stated he is concerned about this matter as he has had discussions with Mr. Steil that even if they restrict the trucks from the Lower Makefield portion of Lindenhurst Road, they cannot restrict them from those portions not in Lower Makefield. Mr. Fegley stated they had been advised that unless all three Townships agreed to restrict the truck traffic, they could not do so in Lower Makefield; but they now have an opinion from their Solicitor that they can restrict trucks from the Lower Makefield portion because of the condition of the road.

Ms. Janet Snider, Dawn Lane, asked by what percentage would the road degradation stop if the trucks stopped using it. Mr. Hackman stated the lanes **being used by the loaded** trucks are in much worse condition than those used by the unloaded trucks.

Mr. John Cowley, 2000 Silverwood Drive, stated he met with PennDOT representatives who indicated that you can take back a portion of a road. He stated currently there are 800 trucks a day on Lindenhurst Road, and he thanked the Board of Supervisors for taking this stand.

Ms. Sue Herman thanked the Board for taking this step. She feels the other Townships will now have to take a closer look at what they are doing to their own residents and will then take steps to make the By-Pass the route to be used by the trucks.

Ms. Virginia Torbert, Yardley-Newtown Road, stated she does not want them to create any problems on other roads by taking this action. She does not want to see trucks speeding on Dolington, Woodside or Creamery Roads. Mrs. Godshalk stated they cannot go anywhere if they go down Dolington Road and stated Creamery Road is a Township Road and is

already restricted. Ms. Torbert stated they will have to have enforcement so that the trucks do not use the roads.

Dr. Bruce Johnson, Timber Lakes and Principal of the Quarry Hill Elementary School, encouraged the Board to take this action for the safety of the children in the area. He also encouraged them to install an additional traffic light at Woodside Road which will help slow down the traffic. He stated he understands this process will take money and as a taxpayer, he would be willing to pay this expense.

Mr. John Shot, Yardley Run and a student at Medill Bair, stated he has traveled in a car on Lindenhurst Road with a truck behind him traveling 60 miles per hour. He stated the road surface would have lasted two to three times longer if the trucks were not on the road.

Mr. Coyne stated PennDOT would like to give all the roads back to the Township. He stated it will take three to four years with available funds to do the repairs needed to Lindenhurst Road without doing any other road repairs in the Township. He stated when they restrict the trucks from Lindenhurst Road, the trucks will just move to some other road. He stated he does not feel the Board's proposal makes any sense. He agreed that there is speeding on the road which should be addressed. He stated the Township already takes care of 120 miles of roads.

Mr. Bob Annot, Lindenhurst and Quarry Roads, stated he feels the real issue is the bridge on Swamp Road. He feels they should write to someone to get the bridge fixed and this will take at least half of the traffic off Lindenhurst Road and will provide another option for the trucks. Mr. Fegley stated the Board of Supervisors has long supported fixing that culvert, but officials in Wrightstown and Newtown are not interested in pursuing this. Mr. Stainthorpe stated Congressman Greenwood has put funds in next year's appropriation to fix this culvert. He would suggest writing to him as well as Representative Steil to push for State and Federal money for this project. Ms. Herman stated there are two TIP projects for Swamp Road, one to replace the weight restricted culvert and the other for improvements of the full corridor which is a \$9 million project. Newtown and Wrightstown Supervisors are pushing to combine the two projects and do not want the culvert repaired and opened since they feel the rest of the road is not safe. She stated a meeting will be held this Wednesday with the Bucks County Planning Commission at 2:00 p.m. where they expect Newtown and Wrightstown will lobby to put the projects together which would then mean it would be ten to fifteen years before Swamp Road is opened up. She stated there is also a meeting scheduled for December 5 with State and Federal officials being hosted by Newtown and Wrightstown who will again discuss combining the two projects.

Mr. Craig Roth, Powderhorn Drive, stated while he appreciates the steps being taken, he is still very concerned about the safety of people on the roads with the trucks.

Mr. Hackman asked if Mr. Williams is qualified to do the study as outlined in the PennDOT information provided. Mr. Williams stated he personally is not qualified, but he will check to see if someone is at his firm. Mr. Hackman stated if they are not certified, they will have to go back to PennDOT to have them do it. Mr. Fegley stated possibly they could hire someone else.

Mrs. Godshalk stated when this goes through, she feels the other Townships will look at this in a different way and will possibly work together to get this traffic where it truly belongs.

Motion to approve carried unanimously.

The meeting was turned over to Mrs. Godshalk at this time.

GOLF COURSE DISCUSSION AND APPROVAL OF NAME FOR THE GOLF COURSE

Mr. Frank Draper, Mr. Jamie McWilliams, Mr. Craig Jones, Mr. Richard Eisner, and Mr. Mark Adami all members of the Golf Course Committee were present. Mr. Draper stated the Golf Committee is ready to assist and support the Township in the construction of the Golf Course. He stated the Groundbreaking will be held on Friday, and they have received commitments from a number of people as well as the media.

The list of possible names for the Golf Course was provided to the Board of Supervisors in their packet. Mr. McWilliams stated he feels it is important to have a name that will market the Course to outside play. Mr. Fazzalore stated he will not vote in favor of anything that does not have "Makefield" in the name. Mr. Draper stated if you go across the River into New Jersey, the name Lower Makefield does not mean anything. They have tried to look at what would be appealing in a general sense. There was discussion whether Pleasant Valley was considered, and Mr. Draper stated there are hundreds of Pleasant Valley Golf Courses already in existence.

There was discussion whether they should include the word "Club" in the name; and Mr. Eisner stated since they wanted to be sanctioned by the USGA, they need to be a Club. It does not mean that it is a private country club.

Mr. Hackman moved and Mr. Fazzalore seconded to name the Course Makefield Highlands Golf Club. Motion carried with Mr. Fegley abstained.

DISCUSSION AND APPROVAL OF HAVING THE GOLF COMMITTEE RESEARCH THE PROS AND CONS OF A GOLF COURSE MANAGEMENT COMPANY VERSUS THE TOWNSHIP DIRECTLY MANAGING THE FACILITY

Mr. Draper stated the Golf Committee would like the Township to explore the pros and cons of a Golf Course Management Company versus the Township directly managing the facility. Mr. Draper stated they would like to get this down to a few management companies and then have them make their presentation to the Board of Supervisors. He stated they would consider the pros and cons of having a management company versus the Township managing the Course and the Board of Supervisors would then make the final decision.

Mr. Stainthorpe moved and Mr. Fazzalore seconded to have the Golf Committee research the pros and cons of a Golf Course Management company versus the Township directly managing the facility. Motion carried with Mr. Fegley abstained.

Mrs. Godshalk stated she does not feel they should indicate to the companies that they are only looking to have a management company for the first few years, since then people may not apply. Mr. Draper stated this would be a contractual arrangement.

DISCUSSION ON THE EXTENT OF THE GOLF COMMITTEE'S ROLE IN DIRECTING THE ACTUAL CONSTRUCTION OF THE GOLF COURSE

Mr. Draper stated the Golf Committee has not requested directing the actual construction of the Golf Course. He stated what they are proposing is to have at least one of their members meet with Rick Jacobsen and Scott Arterburn when they come out to the site. They would like to visit with them to obtain insights and information and then give this information back to the Golf Committee and the Board of Supervisors so there is an open line of communication regarding changes or directions that may impact the Golf Course. Mr. Fazzalore stated he feels they should meet at least every thirty days to get an update. Mr. Stainthorpe stated he feels as many members as want to have an update should attend. Mr. McWilliams stated he is working on a Golf Course project, and they welcome this input from the people they are working with. Mr. Draper stated they want one point of contact so there is concise feedback and updates to everyone in the Township. Mr. Hackman stated Mr. Arterburn plans to give updates every two weeks.

Mr. Pat Frame, 16 Delaware Rim, asked if anyone on the Golf Committee lives adjacent to the property; and it was stated they do not. Mr. Frame stated he lives adjacent to the Golf Course and would suggest that there should be an adjacent homeowner involved since they are adjacent to the site. Mr. Hackman stated Mr. Frame should contact Mr. Taylor at the Township if he has any concerns. Mr. Frame stated he has already had problems since things have been done which he was advised would not be done. He stated he was told foliage in his rear yard would not come down and it was mowed down. Mr. Hackman stated whatever was taken down was on the Golf Course property. He stated over the course of time homeowners in Delaware Rim have encroached onto the Golf Course property. Mr. Hackman stated the public is welcome to attend the Golf Committee meetings. Mrs. Godshalk noted that over the years, they have had a significant amount of input from the adjoining residents. She suggested Mr. Frame contact Mr. Taylor with his future concerns.

Ms. Virginia Torbert asked about the Board of View. Mr. Garton stated they had the first Hearing two weeks ago and the next will be the first week in December.

The meeting was turned back over to Mr. Fegley.

APPROVAL OF TRANSFER OF BANKING RELATIONSHIP TO SOVEREIGN BANK

Mr. Taylor stated he would like the Board to approve moving their funds from First Union to Sovereign Bank. He stated they contacted every bank which has a branch in Lower Makefield Township as well as Commerce Bank and the information on the various banks was provided to the Board in their packet. Sovereign would be the most advantageous.

Mr. Fazzalore noted there is a significant amount of work involved in making these transfers.

Mr. Taylor stated he is interested in getting this resolved this evening since the money from the borrowings needs to be put into an account.

Mr. Hackman moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the transfer of banking relationships to Sovereign Bank.

APPROVE DIRECTING TOWNSHIP SOLICITOR TO ENTER AN EQUITY ACTION AGAINST SCOTT & CHERYL GALLAGHER

Mr. Garton stated there is a failing system and the homeowners have refused to connect to the sanitary system.

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried to direct the Township Solicitor to enter an equity action against Scott & Cheryl Gallagher, 1379 River Road, for failure to connect to the sanitary system.

APPROVAL OF AFTON CREST LOT LINE CHANGE, PRELIMINARY/FINAL PLAN

Mr. Edward Murphy, attorney, and Mr. Bill Briegel, engineer, were present. Mr. Garton stated the Planning Commission has recommended approval.

Mr. Stainthorpe moved and Mr. Fazzalore seconded to approve the Afton Crest Lot Line Change, Preliminary/Final Plan subject to:

- 1) Compliance with prior conditions;
- 2) Compliance with the PCS letter dated 10/22/02;
- 3) Deeds and consolidations to be recorded;
- 4) All expenses to be paid to the extend not paid.

Mr. Murphy agreed to the Conditions of Approval, and the Motion carried unanimously.

APPROVE EXTENSION OF TIME FOR FIELDSTONE AT YARDLEY

Mr. Stainthorpe moved, Mr. Fazzalore seconded and it was unanimously carried to approve an extension of time for Fieldstone at Yardley to 12/31/02.

DENY REQUESTS FOR DEDICATION FOR ESTATES AT PEBBLE CREEK, VALLEY GREEN, ROLLING GREEN, AND PEAKE FARM

Mr. Stainthorpe moved, Mr. Hackman seconded and it was unanimously carried to deny request for Dedication for Estates at Pebble Creek due to outstanding items in the PCS letter dated 10/24/02, for Valley Green based on outstanding items in the CKS letter dated 10/30/02 and the PCS letter dated 10/31/02 and because not all lots have a Final Certificate of Occupancy, for Rolling Green based on outstanding issues in the PCS letter dated 10/31/02, and for Peake Farm based on outstanding issues in the PCS letter dated 10/31/02.

SIGN MYLARS FOR D'AMATO

Mylars were signed following the meeting.

APPROVE RANKING OF CANDIDATES FOR THE POSITION OF POLICE
DETECTIVE

Chief Coluzzi stated they are planning for the future when some retirements will occur. Testing has been done and they are requesting approval of the ranking of candidates for the position of Police Detective according to the list provided to the Supervisors.

Mr. Fazzalore asked if someone will be promoted to Detective prior to any retirements. Chief Coluzzi stated if there is the retirement of a Sergeant, a Detective is on top of the list for Sergeant and they will then go to this list for the replacement Detective. No new position is being created. At this time the Board is only being asked to approve the list.

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the list as outlined by the Chief:

1. Officer Brian Omlor
2. Officer Steven Melchioro
3. Officer Brian Golder
4. Officer Jason Braim.

The list will remain active until October 16, 2004.

APPROVAL OF STREET SWEEPING CONTRACT WITH PENNDOT

Mr. Fazzalore moved, Mr. Hackman seconded and it was unanimously carried to approve the Street Sweeping Contract with PennDOT.

APPOINTMENTS

Mr. Stainthorpe moved, Mr. Hackman seconded and it was unanimously carried to re-appoint Florence White to the Historic Committee and Grace Godshalk to the Elm Lowne Committee.

There being no further business, Mr. Fazzalore moved, Mr. Hackman seconded and it was unanimously carried to adjourn the meeting at 10:15 p.m.

Respectfully Submitted,



Wes Hackman, Secretary