

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - DECEMBER 16, 2002

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on December 16, 2002. Mr. Hackman 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 and personnel matters. He announced that Mr. Fegley is not present this evening due to the birth of his baby daughter.

Those present:

Board of Supervisors: Wes Hackman, Secretary/Treasurer
 Frank Fazzalore, Supervisor
 Pete Stainthorpe, Supervisor

Others: William Taylor, Finance Director
 Jeffrey Garton, Township Solicitor
 Robert Williams, Township Engineer
 Kenneth Coluzzi, Chief of Police

Absent: Scott Fegley, Supervisor Chairman
 Grace Godshalk, Supervisor Vice Chairman
 Terry Fedorchak, Township Manager

PUBLIC COMMENT

Mr. Peter Vitella, 17 Orchard Way, asked if the cost of the land for the Golf Course has been determined. Mr. Garton stated they had the first day of the Board of View Hearing in November and the second day is scheduled for sometime in January. Mr. Vitella asked if the cost of greens fees has been determined; and Mr. Hackman stated while a final decision has not been made, they do have a general idea based on the feasibility studies.

Mr. Vitella asked how they can state that the Golf Course will pay for itself if they do not have final figures. Mr. Hackman stated they do have contingencies and if needed, they can raise the greens fees. Mr. Vitella stated the press has indicated that golf course demand is diminishing in the Country, and he feels that the proposed Golf Course has a good chance of being a "white elephant." Mr. Hackman stated they are aware of the articles in the press, and while there are some areas where golf courses are over-built, he does not feel this is the case in Lower Makefield according to the consultants who did the feasibility studies.

Mr. Vitella stated the numbers in the feasibility study are already two years old.

Mr. Hackman stated they are updating the numbers as they get better numbers. He stated the Course is currently under construction and they can now update the bid numbers with actual numbers.

Mr. Garton announced that they were to discuss Ordinance No. 334 amending the Zoning Ordinance to permit an age-qualified community and discuss the Preliminary Plan for the Metz Tract; but due to the absence of Mr. Fegley and Mrs. Godshalk, this matter will be tabled until January 20, 2003.

APPROVAL OF MINUTES

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Minutes of December 2, 2002 as written.

APPROVAL OF RESOLUTION NO. 2026 ESTABLISHING REIMBURSEMENT FOR BOND-ELIGIBLE EXPENDITURES INCURRED PRIOR TO CLOSING

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to approve Resolution No. 2026.

APPOINT BOND COUNSEL

Mr. Garton stated he wrote letters to five firms about their interest in serving as Bond Counsel in connection with the proposed bond issue. He received responses from all five firms; and based on review of their proposals, he would recommend appointment of the low bidder, Mette, Evans and Woodside.

Mr. Stainthorpe moved and Mr. Fazzalore seconded to appoint Mette, Evans & Woodside as Bond Counsel.

Mr. Vitella asked if this item goes out to bid, and Mr. Garton stated he wrote to five different bond firms. It is not a public bid since it is for professional services.

Motion carried unanimously.

APPOINT BOND UNDERWRITER

Mr. Monahan was present and stated he prepared a request for proposals which was sent to five bond underwriting firms, and they received proposals from three. He noted Janney, Montgomery, Scott was the low bidder at \$4.60 per thousand.

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to appoint Janney, Montgomery, Scott as the Bond Underwriter at \$4.60 per thousand.

Mr. Monahan stated the Bond Counsel and Underwriter fees were lower than his previous estimate.

TABLING OF ORDINANCE NO. 334⁶ AMENDING THE ZONING ORDINANCE TO PERMIT AN AGE-QUALIFIED COMMUNITY

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to table Ordinance No. 334 to January 20, 2003.

TABLE PRELIMINARY PLAN FOR METZ TRACT UNTIL 1/20/03 AND APPROVE EXTENSION UNTIL 3/1/03

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to table Preliminary Plan for Metz Tract until 1/20/03 and approve Extension to March 1, 2003.

**APPROVE REQUEST FOR EXTENSION FOR SUPER FRESH SUPERMARKET
PRELIMINARY/FINAL PLAN**

Mr. Stainthorpe moved, Mr. Fazzalore seconded and it was unanimously carried to approve the Extension for the Super Fresh Supermarket Preliminary/Final Plan to 4/10/03.

Mr. Garton stated this is for a modification to an existing building including inside and outside renovations. Mr. Fazzalore noted this was the location of the Super G on Big Oak Road.

APPROVE REQUEST FOR EXTENSION FOR VALLEY DAY SCHOOL FINAL PLAN

Mr. Stainthorpe moved, Mr. Fazzalore seconded and it was unanimously carried to approve the Extension for Valley Day School Final Plan to 4/7/03.

**APPROVE REQUEST FOR EXTENSION FOR FIELDSTONE AT LOWER
MAKEFIELD PRELIMINARY PLAN**

Mr. Stainthorpe moved, Mr. Fazzalore seconded and it was unanimously carried to approve the Extension for Fieldstone at Lower Makefield Preliminary Plan to 6/30/03.

**REQUESTS FOR DEDICATION FOR PEAKE FARM, STEWARTS FIELD, LOBERG
ESTATE, ROLLING GREEN, VALLEY GREENE, ESTATES AT PEBBLE CREEK,
AND PEAKE FARM**

Mr. Stainthorpe moved, Mr. Fazzalore seconded and it was unanimously carried to reject Dedication of Peake Farm, Loberg Estate, Rolling Green, Valley Green, Estates at Pebble Creek and Peake Farm based on outstanding issues in the various professional letters.

Mr. Stainthorpe moved, Mr. Fazzalore seconded and it was unanimously carried to accept Dedication of Stewarts Field as all homes have Final Certificates of Occupancy and the Township Engineer and Sewer Engineer have indicated the improvements are complete.

**GRANT CERTIFICATE OF APPROPRIATENESS FOR YARDLEY PLASTIC
SURGERY**

Mr. Fazzalore moved and Mr. Stainthorpe seconded to grant a Certificate of Appropriateness for Yardley Plastic Surgery (outside renovations). Mr. Fazzalore stated this was recommended for approval by HARB. Motion to approve carried unanimously.

**DISCUSSION OF BUCKS CENTRAL CHURCH SPECIAL EXCEPTION REQUEST
TO PERMIT A PLACE OF WORSHIP**

Mr. Garton stated some years ago the Bucks Central Church filed a request for a Special Exception and Variances. They withdrew their request for Variances but were granted the

Special Exception. Due to financial issues, the Special Exception lapsed. The Planning Commission reviewed the Application and recommended granting the Special Exception. The Board of Supervisors agreed to send this matter to the Zoning Hearing Board without opposition.

APPROVAL OF DECEMBER 2, 2002 AND DECEMBER 16, 2002 WARRANT LISTS AND NOVEMBER, 2002 PAYROLL

Mr. Hackman moved, Mr. Fazzalore seconded and it was unanimously carried to approve the December 2, 2002 and December 16, 2002 Warrant Lists and November, 2002 Payroll as attached to the Minutes.

Mr. Fazzalore stated the Transfer Taxes will exceed \$1.2 million this year. Mr. Fazzalore stated he is concerned that there are a number of items that are 28% over Budget with one month remaining. He asked how these items were handled in the 2003 Budget. Mr. Taylor stated they did predict this.

APPROVAL OF RESOLUTION NO. 2019 ADOPTING THE 2003 BUDGET AND NO. 2020 FIXING THE TAX RATES AND SPECIAL LEVIES

Mr. Fazzalore moved and Mr. Stainthorpe seconded to approve Resolution No. 2019 Adopting the 2003 Budget and Resolution No. 2020 Fixing the Tax Rates and Special Levies.

Mr. Hackman noted the rates are the same as were presented at the second meeting in November.

Mr. Vitella asked when copies of the Budget will be made available to the public, and Mr. Hackman stated they have been available at the Township Building for the last month.

Motion to approve carried unanimously.

APPROVAL OF RESOLUTION NO. 2021 PROVIDING THAT NO CONTRIBUTION BE REQUIRED FROM POLICE OFFICERS TO FUND THE 2003 POLICE PENSION PLAN

Mr. Fazzalore moved and Mr. Stainthorpe seconded to approve Resolution No. 2021.

Mr. Taylor stated every two years the actuary has to do a calculation, and they anticipate that next year they will require a contribution because of the drop in the stock market. Up until now the State contribution has covered their expenses.

Motion to approve carried unanimously.

APPROVAL OF RESOLUTION NO. 2022 PROVIDING THAT NO CONTRIBUTION BE REQUIRED FROM ANY NON-UNIFORMED EMPLOYEE TO FUND THE 2003 NON-UNIFORM PENSION PLAN

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to approve Resolution No. 2022.

APPROVAL OF RESOLUTION NO. 2023 ESTABLISHING THE 2003 PARK AND RECREATION FEE-IN-LIEU OF FEE

Mr. Fazzalore moved and Mr. Stainthorpe seconded approval of Resolution No. 2023.

Mr. Garton stated this updates the value based on the cost of construction. The increase is 1.2%.

Motion carried unanimously.

APPROVAL OF RESOLUTION NO. 2024 ESTABLISHING THE 2003 TRAFFIC IMPACT FEE

Mr. Fazzalore moved and Mr. Stainthorpe seconded approval of Resolution No. 2024.

Mr. Garton stated the same applies to this Fee, and the rate is updated based on current costs. The increase is 2.6%.

Ms. Virginia Torbert asked how they arrived at the increase. Mr. Williams stated they look at the cost index for the Philadelphia region.

Motion carried unanimously.

APPROVAL OF RESOLUTION NO. 2025 DESIGNATING 2003 DEPOSITORIES FOR TOWNSHIP FUNDS

Mr. Fazzalore moved and Mr. Stainthorpe seconded to approve Resolution No. 2025.

Mr. Taylor stated they will keep one account in Evergreen Investments until the bond matures. Everything else is with Sovereign.

Motion carried unanimously.

AWARD OF MUNICIPAL OFFICIALS BOND

Mr. Hackman stated they would like to add to the Agenda the award of the Municipal Officials Bond. Mr. Taylor stated the current suppliers have been increasing their premiums to what he feels is an outrageous level. Last year they did not have time to react to this. They have received a bid to provide the same service for \$5,838.

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to award the Municipal Officials Bond to Fidelity & Deposit Insurance Company in the amount of \$5,838.

TABLING APPROVAL OF ARCHITECT'S AGREEMENT WITH CLARKE*CATON*HINTZ

Mr. Stainthorpe moved and Mr. Fazzalore seconded to table the approval of the Architect's Agreement with Clarke*Caton*Hintz until 1/20/03.

Ms. Ada Derr asked why they are tabling this matter. Mr. Hackman stated since two of the Supervisors are not present, they felt it would be best to table the matter at this time. Mr. Fazzalore noted that if one of the members present this evening were to vote against the Agreement, the matter would die.

Mr. Vitella stated he saw a figure in the press that the study is estimated to cost \$200,000. Mr. Hackman stated the Budget includes an expenditure of \$200,000 for design/architect fees/going out to bid, etc.

Mr. Bob Slamen, S. Bedford Place, stated the Board of Supervisors has ignored the two Referenda where a Senior Center was voted down. Mr. Hackman stated the proposals in the Referenda were not for a Senior Center. The first one was for a Community Center which included a Performing Arts Center and a Senior Center at an estimated cost of \$4.5 million and the second proposal was for a larger Community Center which included a Senior Center, Performing Arts Center, and a Gym for \$8.5 million. Both of these were voted down. They are now considering a Senior Center only at an estimated cost of \$2 million. Mr. Slamen stated he feels this should be put out to a Referendum where he feels it will get voted down. It was noted a majority of the Supervisors have decided to move forward with the Senior Center. Mr. Hackman stated he was not in favor of having the Referenda since he feels the Board of Supervisors is charged with making these types of decisions.

Mr. Vitella stated he read in the newspaper that the leaders of the Seniors group stated that if the matter was put out to a Referendum, it would be overwhelmingly approved; and he feels they should do this. Mr. Hackman stated he is not in favor of this since they do not have a Referenda-type Government. Mr. Vitella stated he feels they only put out for a Referendum what the Board of Supervisors are in favor of. Mr. Hackman disagreed noting to his knowledge, the only other items considered by Referenda were the Open Space Referendum and the Five Mile Woods. He stated all other decisions were made by the Board of Supervisors without the benefit of a Referendum.

Mr. Stainthorpe stated any citizen can have a Referendum put on the Ballot; and if people feel that strongly about the matter, they should take the steps necessary to have the matter put on the Ballot. He noted that the Board did follow the decisions of the voters on the past two Referenda in that they did not proceed with the \$4.5 million or the \$8.5 million Centers.

Mr. Fazzalore stated the Township spends a significant amount of money on playing fields and these do not go out to a Referendum. He does not feel 18% of the population which is the number of Seniors in the Township should be ignored.

Mr. Hank Miiller asked if the Township has a financial plan as to how much it will cost to operate the Senior Center. Mr. Hackman stated they had estimates when they were considering a Community Center. They also know how much it costs to run the Township Building. He agreed that they do not have an update on the Senior Center only because they do not have the exact size of the building, etc.

Motion to approve tabling carried unanimously.

APPROVAL TO REJECT ALL BIDS RECEIVED FOR BATHHOUSE RENOVATIONS, PLASTERING, AND RAMP ADDITION TO THE COMMUNITY SWIMMING POOL

Mr. Hackman stated they went out to bid for Pool renovations. The letter from Wallover Architects indicates that the bids came back considerably more than anticipated, and they would recommend rejection of the bids.

Mr. Stainthorpe moved and Mr. Fazzalore seconded to reject the bids.

Mr. Fazzalore stated this is only the beginning of what they are considering for improvements to the Pool Complex over the years. He stated all of these improvements will be paid for by the people who use the Pool. Mr. Hackman stated their current balance is approximately \$250,000. Their last principal and interest payment on the lap pool will be coming up this year, and after this year the Pool will be debt free.

Motion to reject all bids carried unanimously.

SUPERVISORS' REPORTS

Mr. Hackman stated he attended the Park & Recreation Board meeting and they have set up two Sub-Committees - one to look at the Samost Tract, and one to look at the Snipes property.

DISCUSS ASSESSMENT APPEAL OF WHARTON REALTY LTD./KOHL'S

Mr. Garton stated the record owner of the property has filed an Assessment Appeal seeking to have their Assessment reduced. He stated normally the Township takes a back seat to these proceedings because the Township millage is 1/10th of the School District and usually the School District takes the lead and pays for the expense of the Appeal.

No action was taken by the Board at this time.

DISCUSSION AND MOTION ON OPEN RECORDS POLICY

Mr. Garton stated the Legislature adopted Act 100 of 2002 which amended the Open Records Law. He has prepared a Policy reflecting the state of the Law. Mr. Hackman had indicated he felt the cost of \$.10 per page for copying was too low given the time and

December 16, 2002

Board of Supervisors - page 8 of 8

expense required, and this has been increased to \$.25 per page. He also changed the term "day" to "business day."

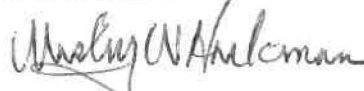
Mr. Stainthorpe moved and Mr. Fazzalore seconded to adopt the Open Records Policy with the revisions provided by Mr. Garton.

Ms. Torbert asked about the changes which were reviewed for her by Mr. Garton.

Motion to approve carried unanimously.

There being no further business, Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to adjourn the meeting at 8:20 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Wes Hackman".

Wes Hackman, Secretary

**DECEMBER, 2002 WARRANT LISTS AND
NOVEMBER 2002 PAYROLL COSTS FOR APPROVAL
DECEMBER 16, 2002 BOARD OF SUPERVISORS MEETING**

12/02/02 Warrant List	\$ 339,291.14	
12/02 Manual Checks	70,056.39	
12/16/02 Warrant List	398,501.17	
Total Warrants & Prepaids		807,848.70
<u>PAYROLL COSTS:</u>		
November, 2002 Payroll	386,561.27	
11/02 Payroll Taxes, etc.	29,135.80	
Total Payroll Costs		<u>415,697.07</u>
TOTAL TO BE APPROVED		\$ <u><u>1,223,545.77</u></u>

