

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - JANUARY 15, 2001

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on January 15, 2001. Chairman Fazzalore called the meeting to order at 7:35 noting that the Board had been meeting in Executive session since 6:00 p.m. to discuss personnel and legal matters.

Those present:

Board of Supervisors: Frank Fazzalore, Chairman
 Scott Fegley, Vice Chairman
 Grace Godshalk, Secretary/Treasurer
 Fred Allan, Supervisor
 Wesley Hackman, Supervisor

Others: Terry Fedorchak, Township Manager
 Jeffrey Garton, Township Solicitor
 Duke Doherty, Township Engineer
 Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Ms. Sue Herman stated at the last Board meeting it was agreed that a letter was to be sent out regarding the status of synchronization of lights on the By-Pass, and she asked if the letter was written. Mr. Fedorchak stated he will look into this matter and provide information to Ms. Herman.

GOLF COURSE DISCUSSION

Mr. Garton stated the Commonwealth Court sustained the Township's position and agreed with the lower Court that the Township had the right to condemn the subject property. The attorney for the property owner does plan to file an Appeal to the Supreme Court.

Mr. Henry Llanos asked if the opinion of the Commonwealth Court was unanimous, and Mr. Garton stated it was unanimous. Mr. Garton stated they anticipate that the Supreme Court will make a decision within a five to six month period whether to take the Appeal.

Mr. Hackman stated an initial feasibility study was put together approximately four years ago to look at the entire golf course proposal. The conclusion at that time was that a golf course would be used to the point that it would be self-sufficient. Mr. Hackman stated the reason they are looking at this again is because four years have passed, and the Board felt it was the responsible thing to do to update the study and in fact get a new feasibility study. The Board felt they should have a different firm do the new feasibility study. Mr. Fazzalore noted three new golf courses have been built in the area since the first study was done, although they are private courses and this is proposed to be a public course.

Mr. James McLoughlin was present and stated this is a standard assignment for his firm to address the needs of a Township relative to a golf course. He noted a golf course can be financially rewarding although this is not always the case. He stated he has gone onto the property and feels it is an attractive piece of land. He stated that while this is a good region

for a golf course, they must consider the marketability of a new golf course. He stated the feasibility study which was done previously is now out-dated. He does feel the trends are good for a golf course. He stated there should be practice facilities included as well. They are also considering adding a few additional small parcels of land which will improve the quality of the golf course. He submitted a proposal to the Township in the amount of \$12,500. He stressed the importance of having a preliminary Master Site Plan done as part of the study. This could be done for a nominal fee. He stated this will show the true quality of the golf course and show if practice facilities can be provided.

Mr. Hackman stated the Golf Course Committee has interviewed, and are considering, three to four golf course architects and asked if the Master Site Plan should be done by an architect. Mr. McLoughlin stated an architect could charge from \$15,000 to \$25,000. He stated he has established a relationship with a golf-based land planner who does original routings with architects. He noted the design would then be provided to the architect and they usually do retain a portion of the routing. Mr. Fazzalore asked the approximate cost of the routing plan, and Mr. McLoughlin showed a sample plan noting it would cost \$2,000 and be paid directly to the land planner.

Mr. Fazzalore asked if the Board should turn this matter over to the Golf Course Committee to determine who they want to do the feasibility study since they have now been advised by Mr. Garton that they have approximately six months because of the legal issues. Mr. Hackman noted while it appears they now have additional time, it could take three months to get other groups together to make a decision. He stated Mr. McLoughlin has an excellent reputation, and he feels they should proceed with his proposal at this time.

Mrs. Godshalk stated the Golf Course Committee has not interviewed anyone to do a feasibility study. She stated she feels it is premature at this time to proceed because legal issues are outstanding. She also feels it is important to have the correct numbers for the Bond Issue, and it would be better to determine the final costs for the land and make a decision on additional parcels to be acquired. She stated she does not feel they should spend any more money until they are sure that the Court case is going to go their way.

Mr. Fegley stated, while he will abstain on all golf course votes because of the proximity of the proposed golf course property to his home, he does feel it is premature to discuss numbers until they are sure that the property will be theirs. He stated practice facilities often include driving ranges and these often involve lights. He stated he hopes the Board will be as strongly opposed to lights at this facility as they have at other locations throughout the Township.

Mr. Allan stated he agrees that there is no reason to proceed with spending funds until they are totally sure that this will become Township property. He stated he hopes the decision comes down as quickly as possible.

Mr. Hackman stated if they are successful in the Court, a Jury of View will decide the fair market value of the property. He noted this will take some time, and the property owner will then have the right to appeal that as well. He stated if it is the Board's opinion that they are not going to move ahead until they know exactly how much this will cost, he feels they are three years away before they can begin. Mr. Garton stated he does not feel this matter will end with the Board of View, and the applicants will most likely appeal that decision as well. Mr. Hackman stated he feels they can go forward with the price they feel will have to be paid for the property along with some contingency. Mr. Fegley stated he is

concerned that if they proceed with another feasibility study now, it will be out of date again when they are ready to proceed.

Mr. McLoughlin stated they have worked on facilities that did not have lights and they can still generate a profit. He stated he does recognize the concerns with timing, but he does feel they want the feasibility study to be done during the golf season so that whoever does the study will be able to see the competition during the golf season. He stated pro forma studies can be done on a computer and they can update these if necessary if some time has passed. With regard to the value of land, he stated they will run three parallel tracks with a range of figures. Mr. Fazzalore asked if they include working capital for the first year in the pro forma. Mr. McLoughlin stated the developer makes a decision on the cushion they want built in.

Mr. Chip Kern stated he has served as Chairman of the Golf Course Committee and strongly suggests that the Board table the proposal since there is only one proposal in front of the Board at this time. He stated he also feels it would be a disservice to the Golf Course Committee not to have them involved in the process.

Mr. Henry Llanos stated he is also on the Golf Course Committee and feels they should allow Mr. McLoughlin to provide information on his background to the public and the Township.

Mr. Greg Lorenz asked how much money the Township has to spend on a golf course. Mr. Fazzalore stated they will have to borrow the money, and they do not yet know how much this will cost. Mr. Hackman stated the original proposal was that the Township would borrow \$12 million and spend \$10 million on the course which would include the cost of land, and there would then be a \$2 contingency to carry them through for the first few years. He stated Mr. McLoughlin was going to update this figure since four years have passed. Mr. Lorenz stated he feels the fair market value of the Dalgewicz property is \$7.2 million. Mr. Fegley stated the fair market value is determined as of the condemnation date. Mr. Lorenz stated there was an offer for this property of \$6.6 million in 1986. Mrs. Godshalk stated they have seen that offer but it was not based on the zoning of the land. Mr. Lorenz stated he feels a golf course will cost the Township \$17 to \$20 million.

Mr. Bob Strempeck asked what practice facilities would include beyond putting and driving ranges. Mr. McLoughlin stated they would not propose much more than this, but they will need to determine the location of the facilities. He stated the cost to build a practice facility is quite nominal and can generate a significant amount of income. Mr. Strempeck asked if they can predict income, and Mr. McLoughlin stated they can and would do so in the study. He stated practice facility income can range from \$40,000 to \$200,000 depending on the facility and the instruction offered. Mr. Strempeck asked if they can guarantee that this project will not cost the taxpayers any money to run, and Mr. Hackman stated this is the reason for the feasibility study.

Mr. Hackman asked Mr. Lorenz if he owns property which adjoins the proposed golf course property, and Mr. Lorenz stated he does.

Mr. McLoughlin stated he has been involved in fifty to sixty projects of this kind in twenty years and does have a reputation for telling developers that they should not proceed, if this is his opinion. He added that none of the golf courses he has ever endorsed has failed. He stated he feels a golf course, if successful, should net \$500,000 a year by the third year.

Mr. Barry Wood, 20 Glen Drive, stated he has been a strong opponent of the golf course from the beginning. He stated he feels there is now an opportunity to do a real feasibility study since they have the time to do it right. He stated he questions the validity of the first study.

Mr. Richard Storm, 428 Ramsy Road, asked if Mr. McLoughlin is able to give an idea as to the cost and how long it will take to get the course into good condition. Mr. McLoughlin stated he would estimate the cost of a quality golf course on a piece of property which holds no surprises would be approximately \$7.5 million. He stated this includes a 4,000 square foot clubhouse and road infrastructure. He noted that once a decision is made to proceed with construction it takes eighteen months of construction which would be interrupted twice by winters. They would hopefully open in August of the third year, although, he does sometimes recommend that they wait depending on the quality of the grass.

Mr. Fegley moved and Mrs. Godshalk seconded to turn the matter back to the Golf Course Committee for a recommendation with regard to a feasibility study. Motion carried with Mr. Allan, Mr. Fazzalore, and Mrs. Godshalk in favor; Mr. Fegley abstained, and Mr. Hackman opposed.

Mr. Fazzalore stated he feels that they should pay Mr. McLoughlin's expenses for coming this evening. Mrs. Godshalk noted they have had a number of golf architects come and have not paid their expenses since it is the cost of doing business.

Mr. Fazzalore moved and Mr. Fegley seconded to reimburse Mr. McLoughlin for his expenses for coming to the Township tonight. Mr. Allan questioned if they should put a limit on this amount, and Mr. Garton stated these would be reasonable expenses. Mr. McLoughlin stated he bases his expenses on coming from West Chester County not where he happens to be on business. Motion carried with Mrs. Godshalk opposed.

Mr. Hackman thanked Mr. McLoughlin for coming this evening. He added that when he contacted Mr. McLoughlin he did not have any idea that the property owners had planned to appeal the Court's decision.

DISCUSSION AND MOTION ON AT&T CABLEVISION FORM 394 APPLICATION

Mr. Elliott Paul and Mr. Denis Shiels of the Cable TV Advisory Board were present. Mr. Garton stated he did have an opportunity to read the information, and there was a comment made that the Township Ordinance did not require Township consent. Mr. Garton stated he has reviewed the Ordinance, and it is clear that consent is required by the Township. Mr. Paul stated this is also the opinion of the Cable TV Advisory Board. He added that they are also concerned that AT & T promised two years ago certain service which were not delivered including digital bands of service and broadband. They now have the same concerns regarding Comcast. He noted the only thing Comcast sent was the Stockholders' Annual Report. The Cable TV Advisory Board agreed to invite representatives from Comcast and AT & T to attend a special meeting in January to discuss all of these items and did provide them with a number of possible dates. Mr. Paul stated he has not yet received a response. Mr. Shiels stated a decision does have to be made by the Board of Supervisors by March 9.

Mr. Fegley moved, Mr. Allan seconded and it was unanimously carried to authorize the Township Manager and Township Solicitor to write to the applicant that they are to work with the Cable TV Advisory Board; and if they do not work with them, the application will be denied.

APPROVAL OF MINUTES

Mr. Fegley moved, Mrs. Godshalk seconded and it was unanimously carried to approve the Minutes of December 18, 2000 as corrected.

Mr. Fegley moved, Mr. Allan seconded and it was unanimously carried to approve the Minutes of January 2, 2001 as written.

APPROVAL TO INCREASE USER FEES

Ms. Donna Liney, Park & Recreation Director, was present and stated the Park & Recreation Board recommended an increase to the user fees of \$3 for residents and \$5 for non-residents. She noted the fee has not been increased in six years. This would be effective July 1 and could generate an additional \$10,000 in revenues for maintenance.

Mr. Fegley moved and Mr. Hackman seconded to increase the user fees \$3 for residents and \$5 for non-residents.

Mr. Barry Wood stated he felt the change in fees had already been incorporated by the organizations. Mr. Hackman stated the Board is just now discussing this, and it would not take effect until July 1.

Motion carried with Mr. Allan opposed.

DISCUSSION AND TABLING OF PERMITTING PAA TO PLACE ONE SHED AT MACCLESFIELD PARK AND ONE SHED AT STODDART FIELD

Ms. Liney stated the Park & Recreation is recommending that PAA be permitted to install an 8' x 12' shed at Macclesfield Park at a location between Fields A and B to replace an existing shed. This will not interfere with underground utilities. They are also requesting that PAA be permitted to install a new shed at Stoddart Field which will be used to store field maintenance equipment. She added that PAA will meet all Township requirements and will locate the sheds to minimize visual impact.

Mr. Fazzalore stated he is not prepared to vote on this tonight without seeing some kind of drawing of what it will look like. Mrs. Godshalk stated they discussed at the last meeting that there should be some kind of uniformity on the type of sheds to be installed on Township facilities. Mr. Hackman stated he feels it will be the type of pre-fab barn type shed that is seen all over. Ms. Liney stated she would be willing to contact the PAA Commissioner to see if he can provide a picture.

Mr. Hackman moved and Mr. Allan seconded to approve the installation of the two sheds. Mr. Hackman amended the Motion that Donna Liney obtain a copy of a picture of the shed to be distributed among the Board of Supervisors.

Mr. Allan moved and Mr. Fegley seconded to table until the drawing is obtained. Motion carried with Mr. Hackman opposed.

DISCUSSION OF COLLAPSED RETAINING WALL AT YARDLEY-MAKEFIELD EMERGENCY UNIT BUILDING

Mr. Doherty stated the wall had collapsed and was repaired by the manufacturer with tie backs at no cost to the Township. The manufacturer has agreed to send a letter to the Township guaranteeing the wall.

APPROVAL OF FINAL MAJOR SUBDIVISION PLAN FOR AUSTIN MEEHAN

Mr. Austin Meehan was present with Mr. Edward Murphy, attorney. Mr. Garton stated a new Plan was filed to deal with the technical issues. He also noted that at the last meeting the issue of monumenting the sewer easement was resolved so that the developer of Lot #3 will pay for monumenting if that tract is ever developed. Mr. Garton stated three unresolved issues remain - the applicant to consider a restriction on no further subdivision of the tract, contribution toward improvements along Edgewood Road, and access on Edgewood Road.

Mr. Murphy noted the revised Plans which were submitted and the subsequent review letters. He stated Mrs. Godshalk had asked them to check past plans from 1981 to see if Mr. Meehan should be responsible for improvements beyond his property frontage heading west, and they have determined from the 1981 Plan and 1984 and 1985 Plans for Yardley Estates that the developer of Yardley Estates did what the note in 1981 required and was responsible for frontage improvements east and west of the entrance to Yardley Estates which extended to the Harris Farm east. The funds to pay for those frontage improvements were posted by the developer of Yardley Estates, and those monies were received by the Township when they called the Letter of Credit. Therefore, the Township has already received the money. Mr. Garton noted that developer went bankrupt, and they called the Letter of Credit. Those funds were used for internal items. He does not know if there is any money left. Mr. Taylor stated he feels there is \$110,000 still in escrow. Mr. Garton stated they did secure the rights-of-way but the Heinz property septic field was in the revised right-of-way, and they did pay the Heinz family compensation. It was agreed that they would not proceed until public sewers were available.

Mr. Murphy stated Mr. Meehan is not willing to deed restrict his property from further development. He noted he currently has two access points. Mrs. Godshalk stated she is still concerned about access onto Edgewood Road and does not feel access to Edgewood Road should be permitted. Mr. Garton stated there is no provision in the Ordinance that can preclude access to Edgewood Road. Mr. Hackman asked if they could not require that they show a plan how the property could be developed in the future, even if they have no intention of lotting it out at this time. Mr. Garton stated he did not feel this could be required. Mr. Murphy stated a significant portion of the retained land of Mr. Meehan is either floodplain, wetlands, or is occupied by various utilities. Mr. Murphy stated the only

part that might have any value is along Edgewood Road where they could possibly put in one lot. Mrs. Godshalk asked that they donate the lot on Edgewood Road.

Mr. Allan stated he is concerned with the amount of standing water on Edgewood Road after storms. Mr. Murphy stated the Township does have the right-of-way and the funds in escrow to make improvements. Mr. Doherty stated they cannot do the widening until the sanitary sewers are installed.

Mrs. Godshalk stated she feels they should enact an Ordinance to preclude any further access on Edgewood Road. Mr. Garton noted this is a State road. Mrs. Godshalk stated she would not want a road or even a driveway coming out in this area since the Township will have to be paying funds to improve this road. She stated they could take access from the interior if they are going to develop it.

Mrs. Godshalk moved to amend the Ordinance to reflect that there be no road coming out on Edgewood Road from this area.

Mr. Fegley stated an amendment to the Ordinance would not apply to this Plan. He stated it does not appear that there is a legal right to deny this Plan based on the three outstanding issues.

Motion died for lack of a second.

Mr. Garton asked if Mr. Meehan was willing to restrict future development to a cap of two lots within the nine acres. Mr. Fegley stated he would not be concerned with one driveway coming out but he would not want to see a road going back through the tract.

Mr. Hackman noted the two adjacent lots which are very long and very narrow and noted those property owners could sell off the back of their lots and join them to this tract which could then result in a number of houses being built. He is concerned where a road to such a development would come out. He is also concerned that they are coming in with a parcel of land and developing only two lots with no plan being shown for the rest of the property. He stated they are not being shown the totality of what is going to be done with the parcel. Mr. Murphy stated they are showing what they plan today. Mr. Hackman stated he feels they are putting the Township in a position where they are going to have to bring a road out to Edgewood Road. He stated the Plan now being presented is showing homes to be built where a road could have come out in the future. Mr. Murphy stated the Township solicitor has indicated that the Board cannot turn down the Plan based on the existing Ordinances. Mr. Hackman stated he feels they should see a Sketch Plan at a minimum of what they propose for the balance of the tract. Mr. Allan asked if they would be willing to provide something that would show what the tract would look like if it were developed in the future. Mr. Meehan stated he has no plans to show. Mr. Meehan stated he did not consider this since there were no sewers on Edgewood Road. Mrs. Godshalk stated there will be sewers in the future.

Mr. Fegley stated from the stone driveway up to Edgewood Road it appears this would be able to be developed and they could construct close to ten homes which would then involve a road. He stated if they would be willing to limit this to two lots with a driveway, he would not have a problem. Mr. Meehan stated the reason he purchased this property was because he has young children and they play in the area where the Board is discussing future development. He noted he is not a developer.

Mr. Allan suggested a restriction that if the back area were ever developed, the entrance would be from the interior of Yardley Estates rather than coming out onto Edgewood Road. Mr. Fegley stated if he were to develop Lot #3, he could have one house fronting on Edgewood Road and a house in the rear on a flag lot. This would be one common access; but anything over two lots, would have to come out to the Yardley Estates access.

Mr. Fegley moved and Mr. Allan seconded to approve the Austin Meehan Final Major Subdivision Plan dated 6/19/00, last revised 12/21/00 subject to:

- 1) Compliance with PCS letter dated 1/12/01;
- 2) Applicant to pay Fee-In-Lieu of Recreation for the two new lots;
- 3) Applicant to pay Traffic Impact Fee for two new lots;
- 4) Fees to be paid as building permits are issued;
- 5) Compliance with CKS letter dated 1/8/01;
- 6) Developer to secure any and all approvals by agencies having jurisdiction over such matters;
- 7) Applicant to monument sewer easements if and when Lot #3 is developed at his sole expense;
- 8) If Lot #3 is ever subdivided so as to create more than two additional residential lots, they must take access off Fox Hill road as opposed to Edgewood Road.

Mr. Murphy agreed to the conditions of approval, and the Motion carried unanimously.

APPROVAL OF PRELIMINARY/FINAL PLAN FOR ST. IGNATIUS CHURCH

Mr. Edward Murphy, attorney, Mr. John Genovesi, engineer, and Monsignor Shoemaker were present. Mr. Murphy stated the Board saw this at the Sketch Plan stage and the Preliminary/Final Plan being shown is the same Plan they saw in the spring. In the Fall of 1999, the Parish acquired seventeen acres, so the total acreage is now 34.5 acres. The Plan proposes conversion of the existing Rectory to an all-purpose meeting facility. They will then construct a new 5,000 square foot Rectory and Pastoral Administration Center to the rear of the existing Church and will construct thirty new parking spaces to the rear of the existing parking lot. In addition, there would be proposed five new modular classrooms and associated with that would be thirty-two additional parking spaces adjacent to the converted Rectory. They also propose expansion of the existing detention basin and the construction of two new basins, one behind the School and the other near Sandy Run Road. They also propose an access driveway from the Pastoral Center to Sandy Run Road. Mr. Murphy stated one of the Historic Commission letters commented on a historic tree on Sandy Run Road which they would like to see preserved. He stated they have no plans to impact this tree.

Mr. Fazzalore asked why they are adding two new storm water basins, and Mr. Genovesi stated they must add these in order to meet the requirements of the new Ordinance which requires that post-development run off be half of the pre-development run off. Mr. Allan expressed concern with the fact that construction of the basins will result in cutting down trees. Mr. Fegley stated he would like to see other best management practices considered as opposed to the construction of new basins. There was discussion on the existing storm pipes on the tract, and Monsignor Shoemaker stated before the new storm system was put in place, there was flooding on the adjacent property but the basin is now dry. Mr. Murphy stated he feels direction must be given to the Township engineer since he is working with the current Ordinance.

There was discussion on the modular classrooms proposed. Monsignor Shoemaker stated he was advised to come before the Board of Supervisors with the entire picture for the tract. They plan to start with the first modular for PreK/Kindergarten and will add the others as the need warrants. They are requesting approval for all five at one time rather than coming in piecemeal. Mr. Hackman asked if they are planning to replace the modulars with a permanent building, and Monsignor Shoemaker stated they are not since the Diocese is not in favor of permanent buildings since they may not be needed in the future. He stated he feels the modulars will be good for twenty years. Mr. Hackman stated if they were going to build permanent space, they may want to build down from the current building rather than where the modulars are located. Monsignor Shoemaker stated they cannot go that way because there is a fire road installed at that location.

Mr. Fazzalore noted at the Planning Commission meeting one of the members requested that they move the parking closer to the building, and Mr. Genovesi stated they have a revised Plan showing this. Mr. Murphy stated it was also suggested that if they need to build the parking adjacent to the road, they should include a low hedge. Mr. Murphy stated they have provided more than the required parking.

Mr. Murphy stated the Monsignor needs to have the financial parameters approved by the Cardinal on March 2 since they only meet four times a year. He will have to have bid Plans by that time. Mr. Murphy stated they would like to secure Preliminary/Final Plan approval with the understanding that they will not record the Plans until they review the possibility of revising the storm water basins.

Mr. Hackman noted the 1/5/01 letter from Nancy Frick which includes thirty-four items and asked if these have been addressed. Mr. Garton stated these will be taken care of by the conditions of approval. Mr. Hackman noted Item #6 regarding impervious surface. Mr. Garton stated the applicant received certain Zoning Hearing Board relief for the old parcel which was 28.15%. What has been concluded is that this will be viewed as if that portion is 28.15% and the balance is in accordance with the Ordinance. The lots will be consolidated into one lot so to the extent that additional impervious is added to the top, which it will be because of the new Rectory and new parking, that will reduce the amount that would be allocated to the new lot at 17%. Mr. Murphy stated he has provided to the Township solicitor and engineer calculations in this regard.

Mr. Fazzalore asked when they would review the revisions for the storm water management, and Mr. Murphy stated they will not record the plans until the Board of Supervisors sees plans that have been worked out between the Township engineer and the applicant's engineer. Mr. Fegley stated he would be willing to consider a waiver from the Ordinance if they have an existing basin which is dry now. He stated he does feel they

need to install some kind of stormwater management. Mr. Murphy stated the tree clearing and site work for basins is a huge cost. Mr. Garton stated it appears the Board is willing to consider waivers, but they are not willing to create storm drainage problems. Mr. Allan stated he would like to see them save as many of the trees as they possibly can. Mr. Fegley stated he is not talking about only reducing the size of the basins and feels they should consider best management practices such as swales, porous pavers, etc.

Mr. Fegley moved and Mrs. Godshalk seconded to grant approval of Preliminary/Final Plans for St. Ignatius Church, Plans dated 10/25/00 subject to:

- 1) Compliance with PCS letter dated 1/15/01 to the extent not modified hereafter;
- 2) Compliance with CKS letter dated 11/27/00;
- 3) Granting of the following waivers:
 - a) Section #178-20B1 of the Subdivision Land Development Ordinance to permit Plan scale not one inch to 50 feet.
 - b) Section #178-93D6 to permit the slope of the detention basin not to be 4.1 so as to avoid tree removal.
 - c) Section #178-93D9 to permit a minimum grade at the bottom of the Basin not to be 2%.
 - d) Section #178-93F3H to permit a minimum cover of 2 feet over the storm drainage pipes under the new parking area.
 - e) Section #178-57D street trees not less than 2 for every ten parking spaces which is within the parking lots.
 - f) Section #178-57E the internal lots not be curbed for separation islands.
 - g) Section 178-57R reduction in the lighting intensity so as not to meet the Ordinance but to be tolerable with respect to all the parties that have expressed an opinion.
- 4) Board will not require street trees on the westerly side of Basin #3 along Sandy Run Road and will not require street trees along the northerly side of the parking area adjacent to Reading Avenue. Landscaped, raised, buffer will be installed along Reading Avenue as noted on the Plan this evening;
- 5) Receipt of all permits and approvals;
- 6) Impervious surface shall be in accordance with discussions this evening and in accordance with the schedule prepared by J.G. Parks subject to the Township engineer's review;

- 7) All the lots comprising the St. Ignatius holdings to be consolidated into one lot;
- 8) Funding and execution of Development and Financial Security Agreements;
- 9) No agreements will be executed by the Township nor will any liens or mylars be recorded until such time as the Applicant returns to discuss with the Board of Supervisors possible alterations to the storm drainage system so as to accomplish the preservation of additional trees with the Board looking forward to more creative means in dealing with storm drainage.

Mr. Murphy agreed to the conditions, and the Motion carried unanimously.

TABLING DISCUSSION OF MILL ROAD ESTATES

Mr. Hackman moved, Mr. Fegley seconded and it was unanimously carried to table discussion of Mill Road Estates.

DISCUSSION OF OXFORD VALLEY ROAD CLOSED LOOP SIGNAL PROJECT

Mr. Fedorchak stated PennDOT and Falls Township awarded the construction contract and anticipate a notice to proceed in about one month. The project should be completed by late May, early June of this year. Mr. Fazzalore stated he would suggest that the Plans for Matrix and their entrances be included in these Plans. Mr. Garton stated this would require an amendment and would slow the process down. Mr. Fedorchak stated he feels Matrix can coordinate their Plans with the project. Mr. Hackman stated he feels they should make sure that it can be extended to the next light.

APPROVAL OF JANUARY 1, 2001 AND JANUARY 15, 2001 WARRANT LISTS, AND DECEMBER, 2000 PAYROLL

Mrs. Godshalk moved, Mr. Fegley seconded and it was unanimously carried to approve the January 1, 2001 and January 15, 2001 Warrant lists and December, 2000 Payroll as attached to the Minutes.

Mr. Taylor was questioned about the reduction in sewer revenues despite an increase in development. Mr. Taylor noted they are looking into this matter.

Mr. Allan noted that transfer taxes were above the amount anticipated. He noted he saw a large number of transfers recorded this week in the newspaper and asked if the figure being shown in the financial information includes those transfers. Mr. Taylor stated it does. He stated they are still getting transfers from December but these will be counted in January.

APPROVAL OF REVISED APPLICATION FOR VENDOR PERMIT

Chief Coluzzi stated he has had a number of discussions with the Park & Recreation Department and the athletic organizations who are concerned with safety of the children when the vendors are coming into the Parks during certain events. He reviewed the

Ordinance dealing with solicitation and vending and feels the only way to rectify the problem is to amend the permit and restrict access during certain events. He is requesting approval to amend the application and restrict access during five specific events; and when the vendors apply for a permit, they will be notified of the restrictions. Mr. Garton stated he is satisfied with what has been proposed. Mr. Allan stated he is very concerned about this and asked if they have to allow them access at all to the Parks. Mr. Garton stated they do have permits to operate in the Township. Chief Coluzzi noted it is a violation of the Ordinance for them to stay in any one location for an extended period of time. Mr. Hackman stated he feels the exact dates of the events should be shown on the amendment and these can be obtained from Donna Liney. Chief Coluzzi stated in the past the permit was issued for ninety days, and he feels it should be a one-year permit.

Mr. Hackman moved, Mr. Fegley seconded and it was unanimously carried to approve the revised form.

DISCUSSION OF NEW PENNDOT ACCIDENT FORM (AA-45)

Chief Coluzzi stated on January 5 he wrote a letter asking Mr. Fedorchak for his support and is now requesting the same support from the Board of Supervisors. He stated he feels the new PennDOT Accident form takes too long to complete and will result in lost hours for patrol time and additional expense. He has contacted the Pennsylvania Chiefs of Police Association, and the Police Chief from Upper Makefield will head a committee to meet with Senator Conti to discuss this to try to postpone, change, or do away with this new form. Mr. Fazzalore stated he is a member of the Bucks County Association of Township Officials, and they asked their Executive Director to investigate this. He responded by letter a portion of which was read by Mr. Fazzalore indicating the form should not take more time to complete than the current form, and that much of the information on the form was suggested by Police Officers themselves. Mr. Garton stated a group of Chiefs and Law Enforcement Officers are in agreement with Chief Coluzzi and are going to discuss this matter further with PennDOT. Mr. Fegley stated as an attorney, who has to deal with accident reports, he does like the full page allotted for the diagram. He stated eight pages does seem lengthy, however, for the form. Mr. Fazzalore stated he is concerned with the increase in costs that may result with this new form since it appears it will result in more Police down time. Chief Coluzzi was asked to keep the Board advised on this matter.

SUPERVISORS' REPORTS

Mr. Fazzalore stated the Board received a copy of the draft newsletter. He stated Ms. Langtry has indicated she will no longer do the newsletter, and he would like to have authority from the Board of Supervisors to look for someone else. Mr. Fazzalore stated he did talk to an individual who does this for a living, and he indicated he could do a newsletter including lay out for \$2300 an issue not including mailing. Mr. Fazzalore agreed to bring a proposal to the Board of Supervisors.

Mr. Fegley stated the Grant that was submitted for Earth Day was approved and they have received \$1500 which he is passing on to Mr. Fedorchak. He stated at the second meeting in February, the Environmental Advisory Council will come to the Board of Supervisors with the outline of their schedule of events. Mr. Fegley stated the Park & Recreation

Board expressed concern that there is no planning project at the current time, and they are reluctant to consider anything further without direction from the Board of Supervisors. Mr. Fazzalore stated he has heard members of the Board of Supervisors state that the Park & Recreation Board should wait until the Board of Supervisors makes a decision on a Senior Citizen Center. Mr. Fegley stated this is why the Park & Recreation Board was concerned about proceeding with anything. Mr. Fegley stated he advised them that he felt the Snipes Tract would be the least controversial since that was clearly not going to be the site for a Senior Citizen Center, and they might want to start discussing ideas for that tract even though they may not do anything with it for at least three years. Mrs. Godshalk stated she does feel there are problems with the Snipes Tract because of the road and the fire house. Mr. Fegley stated he feels they can plan around this. Mr. Allan stated he feels the Board of Supervisors should review the feasibility of using the Emergency Facility. Mr. Fegley stated if the President of the Senior Citizen organization has indicated they are not interested in this site, he would question why they would proceed with this site. Mr. Fegley stated he is concerned that they will not use the facility if the Township spends money on it. Mr. Allan stated he feels they will use it if it is made available. Mrs. Godshalk stated she feels this matter should be put on an Agenda. Mr. Hackman stated he feels the Park & Recreation Board should look at the Samost Tract and consider parking and the installation of a restroom in this area. Mrs. Godshalk stated there was also a plan to move the mulch pile out of this area.

Mr. Fazzalore stated he has commented a number of times that the basketball court lights are remaining on all hours of the night. He stated funds were budgeted for correction of the timers, and this should be done as soon as possible. Mr. Fedorchak stated he has passed on these comments in the past and was advised that the problem had been corrected. He agreed to look into this matter.

Mrs. Godshalk stated she feels Lynn Bush should be advised that they want to proceed with the historic overlay.

Mr. Hackman stated the Golf Course Committee will be meeting Wednesday and will want to appear before the Board of Supervisors sometime in the next month.

Mr. Allan stated they had a meeting today with Donna Liney, Terry Fedorchak, himself, and Brad Sharp; and they are working on some items at the Pool.

TABLE DISCUSSION OF NEW AERIAL LADDER TRUCK FOR FIRE COMPANY/ MATRIX

Mr. Hackman moved and Mrs. Godshalk seconded to table discussion of the new aerial ladder truck for the Fire Company/Matrix.

Mr. Allan asked that this matter be put on the Agenda for next month. Mr. Fedorchak stated he felt they were going to invite the volunteers.

Motion to table carried unanimously.

MOTION REGARDING SIMONS ZONING HEARING BOARD MATTER

Mrs. Godshalk moved, Mr. Allan seconded and it was carried that the Township appeal the Simons Zoning Hearing Board matter and join the neighbors.

DISCUSSION OF BUCKS COUNTY TOWNSHIP OFFICIALS MEETING

It was noted that all Supervisors will attend the Bucks County Township Officials Meeting to be held on February 10. Mr. Fedorchak was advised of meal selections for the meeting.

MOTION REGARDING HESS ZONING HEARING BOARD MATTER

Mr. Hackman moved, Mr. Fegley seconded and it was unanimously carried to direct the Township Engineer to have Skelly & Loy look at the Hess property Zoning Hearing Board matter.


APPOINTMENTS

Mr. Hackman moved, Mrs. Godshalk seconded and it was unanimously carried to re-appoint Chip Kern to the Golf Course Committee.

Mrs. Godshalk moved, Mr. Allan seconded and it was unanimously carried to re-appoint Allen Houpt to the Farmland Preservation Corporation.

There being no further business, Mr. Hackman moved, Mr. Fegley seconded and it was unanimously carried to adjourn the meeting at 10:35 p.m.

Respectfully Submitted,


Grace Godshalk, Secretary



Township of Lower Makefield

BOARD OF SUPERVISORS

Wesley W. Hackman, Chairman
Frank J. Fazzalore, Jr., Vice-Chairman
Scott I. Fegley, Secretary/Treasurer
Frederick M. Allan, Supervisor
Grace M. Godshalk, Supervisor

**JANUARY, 2001 WARRANT LISTS AND
DECEMBER 2000 PAYROLL COSTS FOR APPROVAL
@ JANUARY 15, 2001 BOARD OF SUPERVISORS MEETING**

01/02/01 Warrant List	\$ 98,277.69	
01/01 Prepaid Expenditures	35,677.30	
01/15/01 Warrant List	459,234.76	
Total Warrants & Prepays		593,189.75
<u>PAYROLL COSTS:</u>		
December, 2000 Payroll	286,669.50	
12/00 Payroll Taxes, etc.	21,551.20	
Total Payroll Costs		<u>308,220.70</u>
TOTAL TO BE APPROVED		<u>\$ 901,410.45</u>

