

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - FEBRUARY 19, 2001

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on February 19, 2001. Chairman Fazzalore called the meeting to order at 7:30 p.m. noting that the Board had been meeting in Executive Session to discuss legal and personnel 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

Mr. Herbert Kupersmith, 612 B Wren Song Drive, thanked the Township for resolving a snow removal problem they were having in their neighborhood. Mr. Kupersmith stated he was a Charter Member of the Seniors Group, and for the last four years they have been very frustrated since they have not been able to get a Senior Center built. He provided to the Board this evening a list of items he feels should be considered, and stated he would like permission to put together a package to present to the Board on a Senior Center. Mr. Fazzalore noted two Referenda for a Community Center were voted down. The Board has been trying to find a location for the Seniors to meet. Mrs. Godshalk stated six weeks ago it was decided that they would have a special meeting to discuss this matter since there were some alternatives being considered other than building a new building. She stated she feels a special meeting should be set. Mr. Fazzalore stated he does not feel there is sufficient information yet to hold a meeting at this time. Mr. Hackman stated they are trying to come up with some less expensive alternatives. Mrs. Godshalk stated these have not been discussed at a public forum. Mr. Kupersmith asked if there is any money in the Township, and Mr. Fazzalore stated the Township could borrow money. He noted this would involve a cost to the Township taxpayers.

Ms. Sue Herman stated Congressman Greenwood is supporting the I-95 Turnpike link and this will result in millions of pounds of stone going through the Township. She stated she would advocate the movement of the stone by rail. She asked that the Board request to be part of the Environmental Impact Study which is binding as well as the Neighborhood Impact Study, even though this is non-binding. Mr. Fazzalore stated he has heard that there is consideration being given to trash being moved by rail from New York to this area so that movement of stone by rail could be a possibility. Ms. Herman provided to Mr. Fedorchak this evening the pertinent articles.

Mr. Hackman moved, Mrs. Godshalk seconded and it was unanimously carried to approve a Resolution that the Township be part of the Environmental Impact Study and the Neighborhood Impact Study with regard to the I-95 Turnpike link.

DISCUSSION OF NEWTOWN/LOWER MAKEFIELD JOINT TRAFFIC ISSUES

Mr. Fazzalore stated the Township has received a letter of understanding from Newtown Township to which the Township should respond. He stated with regard to the Scudders Falls Bridge, the Bridge Commission has hired a consultant to study all the bridges up and down the River that they control including the Scudders Falls Bridge. He stated this could take two to three years. They have also received a letter indicating that the Newtown Bypass light synchronization should be done by the middle of next year.

Mr. Fegley stated they have had several meetings with the members of the Lower Makefield and Newtown Boards of Supervisors and Mr. Steil, and they have worked out an agreement on several issues regarding regional traffic. Both Boards support a full traffic intersection on the By-Pass down from where Lindenhurst Road currently intersects the By-Pass. This would also be the intersection from which interior traffic from Newtown's O/R traffic would be routed out to the By-Pass. Newtown agreed to access its O/R District using Penns Trail North making improvements to Newtown/Yardley Road so that their O/R District would have an outlet to the west. They agreed there would be no outlet onto Lindenhurst Road which was very important to Lower Makefield. There was agreement on the By-Pass light synchronization, and both Townships are in support of efforts to improve Scudders Falls Bridge. The one area that is still unclear is the northern terminus of the road coming out of Newtown's Office District since Newtown does not yet know how their O/R District will develop. Several options are being considered. Mr. Fegley stated a majority of the Lower Makefield Supervisors are prepared to go along with the interchange at I-95 and 332 upon receipt of written confirmation from PennDOT that they will approve going ahead with the full intersection previously discussed. He noted they have already received verbal approval from PennDOT for this.

Mr. Fegley stated, while it is very speculative, there was a plan circulated, assuming development in Newtown of their O/R District, which would bring a road out to Twining Road. He stated if Newtown would bring a road from its O/R District out to Twining Road, Lower Makefield would be left with the task of deciding how they would route the traffic from that point. There was a proposal to take a road from where the road would come out at Twining Road straight up through the Sterling Farm at Stoopville Road rather than out to Lindenhurst Road up to 532. Originally, the Newtown and Wrightstown Supervisors were opposed to any direct link from Twining Road to Stoopville Road but agreed that if there was a "dogleg" so that it did not appear to be a direct connection, they would approve it. Mr. Fegley stated he hopes no road will ever go through the Sterling Farm; but they need to consider a conceptual proposal, and they are only considering at this point putting a line on a map. He stated they are only planning for what they may be faced with in the future. If Newtown's O/R develops as they say it might with an age-restricted development as opposed to more office buildings, and they cul-de-sac the road, there would be no road going through the Sterling property. Mr. Fegley noted Mr. Sterling did come before the Board of Supervisors last Monday night and presented his concerns. The Board offered at that time that if Mr. Sterling were interested in selling the Conservation Easements on his farm to the Township or any other entity, and they knew the farm would not be developed in the future, there would be no road going through his farm. Mr. Fegley

stated Mr. Sterling has not indicated that he is willing to forego any future development of his Farm, and Newtown Township cannot guarantee that there will be no road going out to Twining Road; therefore, there is a possibility, however remote, that they need to account for. By putting the line on a map it would show even twenty-five years from now that if Mr. Sterling decides to sell his farm to developers, that they can then provide for the traffic that will be generated from that development and not inconvenience the current residents of Heather Ridge, Yardley Run, and the surrounding developments. Mr. Fegley stated he does not feel a line on a map should cause any one concern at this time. He stated Lower Makefield is not looking to build a road through this property in the foreseeable future.

Mr. Hackman stated there are other properties involved in this area as well. He stated there are a number of houses in this area already and there will probably be more built in the future. He stated when the Sterling Farm is sold, it will most likely be sold to developers and no matter what they put in, there will have to be roads to accommodate the traffic. If they do not provide access to Twining Road and Route 532, then all the traffic in that area is going to have to go through the current developments of Dolington and Heather Ridge where there are stub roads. They are therefore considering a road that would allow the traffic to bypass all the current developments to get out to Twining, 532, and through the O/R to Route 332. Mr. Hackman reviewed some roads that were planned for in the past that were then constructed when the development took place and reviewed plans to help correct safety problems existing in the Township. He stated placing these lines on a map shows developers up front what the Township's plans are so that roads are provided for the new residents to access other roads without going through existing developments.

Mr. Fazzalore stated if there is no development, there will be no road. He stated if the farmers sell to the Township rather than to developers, there will be no road.

Mrs. Godshalk stated in 1997 and 1998 a Committee met to discuss the Northern By-Pass. It is now called the "gold route." She stated when she became Chairman in 1998, the people that had been serving on that Committee were relieved of their duties because the other Board members were against this Northern By-Pass. She feels this will be the ruination of this area. She stated once it is put on a map, it will go through. She stated she worked very hard on the Agricultural Security District with the farmers who were assured that no roads could be built through their land if they joined the Agricultural Security District; and now they are putting a road right through Mr. Sterling's property.

Mr. Hackman stated they are not building a road through his property. Mrs. Godshalk stated when the developers come in, they will put the road in. Mrs. Godshalk stated she feels they should work toward improving 313 and 413 and open up all arteries equally to spread the traffic out. Mrs. Godshalk stated 313/Swamp Road is the Northern By-Pass and they already have the required setbacks.

Mr. Fegley stated they have already indicated that if the property is not sold to developers, a road will not be installed. Mrs. Godshalk stated only one or two Supervisors were permitted to go to the meetings with Newtown, and she did not receive any Minutes of those meetings. Mr. Hackman noted they did receive a letter from Newtown Township indicating what happened at the meeting. Mrs. Godshalk noted the letter does not mention the extension from Twining Road north to 532.

Mr. Allan stated no one wants roads in that area but they must prepare for the possibility that the ground may be sold at some time in the future. By providing for the possibility now, they can stop traffic from being dumped on Lindenhurst Road currently. He stated if

it is not developed there will be no road constructed. He stated there are 250 acres and 200 new homes could be built in an area that already has a significant number of homes.

Ms. Claudia Fontain, Heather Ridge, stated she feels Newtown Township is sending all their traffic through Lower Makefield. She stated they should be sending their traffic to the By-Pass. Mr. Fegley stated this is what they hope they will do. Mr. Fazzalore stated they are trying to cooperate with Newtown. He stated the I-95 ramp is as much for Lower Makefield residents as it is for Newtown.

Mr. Tom McGowan stated he works and lives at the Sterling Farm. He stated he feels a bottleneck will be created if Newtown Township brings their traffic out to Twining Road. Mr. Fegley stated the Wrightstown and Newtown Supervisors did not want an intersection at Twining since it would create in their residents' minds a Northern By-Pass, so they wanted a separation. This is why they wanted a "dog leg." Mr. McGowan stated Mr. Sterling does not feel sale of development rights will stop a road from going through since Delaware Valley College sold their development rights and a road is still going through. Mr. Garton stated the 202 By-Pass is a State condemnation and they have to get approval from the State Agricultural Board. Mr. McGowan asked who made up the map since the map does not show his house. Mr. Hackman stated this is only a conceptual plan, and a final location for the potential road has not been finally determined. Mr. Fegley stated the purpose of the road, should the property be developed, is to allow developers to see in advance that the Township will want this kind of ingress and egress out of the development rather than having them come in to the Township and say that they want to go through the existing developments. If they do not develop the property, the road will not be built. Mr. McGowan stated the Board of Supervisors never came to them to discuss this conceptual road and they had to find out about it from Mr. Steil. Mr. Fegley stated he offered to meet with Mr. Sterling. He added he still feels a Conservation Easement is his best bet. Mrs. Godshalk stated Mr. Fegley offered to meet with Mr. Sterling on February 12. Mr. Fegley stated if they do not sell to developers, no road will go in. Mr. Fegley offered this evening to meet with Mr. McGowan as well.

Mr. John Torbert stated when the Township draws these lines going through the farms, the developers look at them and then will not pay the property owners for that portion of the ground. He stated he feels the Township should compensate the farmers for the ground and match the price the developer gives the farmers. Mr. Torbert stated with regard to the off ramp at I-95, there is 400 feet from the end of his driveway to where this will come out and this is a safety concern. He stated he raised this issue previously when Mr. Warren was present, and he has been ignored.

Ms. Karen Freedman, Dolington Estates, stated if a line is put on a map, it appears that it will most likely become a road. She stated she would prefer that the line not be put on since there is no urgency at this time. She stated PennDOT can condemn whatever they want. Mr. Hackman stated PennDOT would not build this road. By putting it on the map, the developer is then put on notice that there will be a road through there somewhere, recognizing that it could move depending on how it is laid out.

Mr. Julian Nether, Heather Ridge, stated if a developer has to get approval from the Board of Supervisors for a development, they could discuss the road at that time. Mr. Hackman stated there are a number of parcels in the area; and they have to make sure that they hook up and they need a Master Plan. Mr. Allan stated they must have some kind of Master Plan in place to plan for the future. Mr. Fazzalore stated the developers come in with the most

advantageous plan for the number of homes they want to construct and it could be disastrous for the area. Mr. Garton stated the Township cannot reject a Plan if it meets Township Ordinances. He added that according to the Municipalities Planning Code, if the Township adopts an Official Map that shows a road, the Township can then require the developer to construct it.

Ms. Joanne Donahue, Heather Ridge, stated she feels a line on the map is an open invitation for Newtown Township not to install a cul-de-sac. Mr. Fegley they are not going to put this line on the map unless Newtown brings their line out to Twining Road. Mr. Fegley stated they have been advised that Newtown Township would prefer a cul-de-sac and have the age-restricted community go in at that location rather than O/R. However, since this has not been finally decided, Lower Makefield has to plan for the possibility of O/R. Mr. Fazzalore stated he does not feel Newtown Township wants the line on the map, and would prefer that the traffic be put on Lindenhurst Road. Mr. Fegley stated a number of the Supervisors have discussed that before they would put this line on the map, they planned to discuss it at a public meeting with residents from Yardley Run, Dolington Estates, and Heather Ridge and ask if they want this line since otherwise, the traffic would go through their developments. Mr. Fegley stated if those residents do not want the line on the map, he would agree not to put it there. Ms. Donahue stated the development may never happen. She stated they could discuss it at the time the developer comes in. Mr. Fegley stated at that point it would be too late.

Ms. Gayle Locklin stated she was a former Supervisor in Newtown Township. She asked how many times they met with Dave Steil and were those meetings in the year 2001. Mr. Fegley stated they have had two meetings this year with Dave Steil but several had been held in the year 2000. Ms. Locklin asked who represented Newtown Township, and Mr. Fegley stated Mr. Sanderlin met with them and at the last meeting Mr. Gerlene met with them since Mr. Sanderlin was ill. Ms. Locklin asked how many times Mr. Hackman met with Mr. Goodnoe, and Mr. Hackman stated last year he met approximately five times from February to May of 2000. He stated they also met with the Bucks County Planning Commission representatives. Mr. Fazzalore stated prior to that Mrs. Godshalk met with them and prior to that Mr. Fazzalore met with them. He stated it has been an on-going process for a number of years. Mrs. Godshalk stated the last meeting she attended was at Holy Family College; and they promised the people at that time that they would have another public meeting, and this never took place. Ms. Locklin asked when the map was first presented. Mr. Hackman stated this came out of the first meeting with Mr. Steil. Ms. Locklin asked who decided where the lines would go. Mr. Hackman stated they all reviewed it. He stated they started from Village Market at Stoopville and brought it straight down. Ms. Locklin noted the full intersection coming out of Newtown Office/Research on 332, and stated she felt they tried to get an additional intersection on the By-Pass and were told that the one that was currently there by Newtown Gate would be too close. She asked how far this proposed intersection would be, and Mr. Fazzalore stated verbally PennDOT has agreed to put the intersection in. PennDOT needs to have their engineer make sure that it is put in at the proper distance between Lindenhurst Road and Yardley/Newtown Road. They have indicated there is enough room. There was no discussion about closing any other intersections. Lower Makefield is waiting for confirmation from Mr. Warren, who has his engineers meeting on site.

Mr. Peter Davis, Heather Ridge Drive, stated he feels they should contact the residents to see what they want. Mr. Fazzalore stated if they sell the farm to the Township at the fair market price, they will not put the line on the map.

Mr. Bob Lang, Dawn Lane, stated Mr. Fegley has indicated that if the residents do not want the line on the map, he will not vote for it. He asked if the other Supervisors would be willing to state this as well. Mr. Fegley stated if the residents want Lindenhurst Road to accept this additional traffic, he will not vote for the line on the map. Mr. Lang stated Lindenhurst Road is a State road, and the State should deal with it. Mr. Lang stated he feels the line on the map will make it easy for developers to do what they want to do.

Mr. Jim Ott, Stoopville Road, stated in February, 2000 a PennDOT study was conducted and the traffic count on Stoopville Road was 7,025 vehicles which was the amount projected by them in 1988. They also suggested in 1988 that for the By-Pass to work they must realign the intersection at Village Market, which has just been down. He stated Newtown Township is now coming to Lower Makefield for money to help them with Stoopville Road improvements. Mr. Fazzalore stated the Township turned them down since Lower Makefield had very little land in that area and what they did have was to be improved by someone else. Mr. Ott stated if the road were to be installed, they project the traffic count on Stoopville Road would increase to 13,000 vehicles per day.

Mr. Mike Lehey, Silverwood Road in Dolington Estates, asked why they are showing this road on the Sterling Farm wider than parts of Lindenhurst Road. Mr. Fazzalore stated it is not a scaled drawing. Mr. Hackman stated this is only a concept. Mr. Lehey stated when they show something that looks like a highway behind his home, he is concerned. Mr. Garton stated the Board would need to pass an Ordinance to approve this. Mr. Lehey stated a few of the Supervisors have indicated that if Mr. Sterling does not develop his property, there will never be a road. He asked if the Board of Supervisors would be willing to make a motion to this effect. Mrs. Godshalk stated she would make this Motion.

Mr. Fegley moved to make a Resolution that the Board of Supervisors approach the Sterling Family with an offer to purchase the Conservation Easements.

Mr. Lehey stated he is looking for a Resolution that the Board will not support a road if they agree not to sell to a developer. Mr. Garton stated a better way to state this would they would agree not to develop. Mr. Allan stated he would agree with this. Mr. Fazzalore stated Mr. Sterling indicated last Monday that he would not agree to this.

Mrs. Godshalk moved that the Township not put a line on the map showing a road through the Sterling property. There was no second.

Mr. Allan stated he would not have a problem with the Motion if it was amended to state "as long as there was no development there." Mrs. Godshalk agreed to amend the Motion.

Mrs. Godshalk moved that they not put the line on the map if there is no development there. Mr. Allan seconded.

Mr. Doherty stated the line has to be on the Map or you cannot make the developer do it. He noted Mr. Garton has already indicated this.

Mr. Fegley stated the Township Supervisors have spent a considerable amount of time and money trying to keep traffic off Lindenhurst Road. Ms. Sue Herman stated they were concerned with truck traffic. Mr. Fegley stated they were discussing not only truck traffic since the residents indicated they were concerned with traffic from CAU and Newtown Office Commons and that was not only truck traffic. He stated if the Sterling property is

developed, the traffic will go onto Lindenhurst Road and this is what they had been trying to stop for years. He stated he was trying to provide an alternative to Lindenhurst Road but will agree not to support the line on the map if the residents are now indicating they do not want it. He added he does not want those residents contacting him in the future, however, complaining about traffic on Lindenhurst Road.

Mr. Allan stated that O/R traffic will come out onto Twining Road; and residents trying to get out of Heather Ridge, are going to have a very difficult time.

Mr. Lehey stated they have also heard rumors that this could be a four lane road. He asked if this is a road or a highway. Mr. Fegley stated it appears that the residents would prefer to have the traffic on Lindenhurst Road as opposed to having a new road, and this is how he will vote.

A vote was called with Mr. Allan and Mrs. Godshalk in favor. No other Supervisors voted at this time.

Ms. Sue Herman asked that the Board accept public comment prior to taking a vote. She agreed the Board has worked very hard on this issue since the residents have brought up a very dangerous situation on Lindenhurst Road. She asked if the Board has to vote on this issue tonight or can they give them some alternatives. Mr. Fegley stated the road on the Sterling Farm is the alternative. Mr. Hackman stated during their discussions with Newtown Township, he raised the question as to when they were going to have a public meeting to advise the residents of their discussions. There was some discussion about how the meeting would be run and whether it was premature to have a meeting. Mr. Hackman stated he is sorry that they did not have a public meeting where everyone would have an opportunity to see these maps in advance. He stated he feels there should be a public meeting to fully air this proposition with both Boards if possible and include the residents. Mr. Fedorchak was asked to poll the Board of Supervisors for dates.

Mr. Allan withdrew his second until there is a meeting with the residents.

Mrs. Godshalk stated the letter she has dated October from Mr. Fedorchak to Mr. Goodnoe indicates that Lower Makefield did contribute to the Stoopville Road improvements. Mrs. Godshalk stated that the letter indicates that the Board voted at a public meeting to contribute the amount requested in cash or in kind toward improvement of Stoopville Road and that the contribution is made contingent on an agreement being reached relative to regional traffic issues. Mr. Fazzalore stated the statement "in kind" means the work that the Baptist Church was to do.

Motion died for lack of a second.

Mr. Lehey asked if the Board could guarantee that if the road were installed at the Sterling Farm, that they would prohibit truck traffic from using it, and Mr. Fegley stated they could prohibit trucks from using the road. Mr. Fazzalore stated such a prohibition would not guarantee that trucks would still not try to use it since trucks are prohibited from using Woodside Road yet continue to use it. Mr. Lehey asked the reason for the urgency to put this line on the map, and Mr. Hackman stated they are not going to put a line on the map until they get direction from Newtown on their plans for the remaining O/R area and whether a road will come out to Twining Road and the Township receives a letter from PennDOT indicating the new entrance/exit can be installed at 332.

Ms. Herman stated she had sent a letter to the Board of Supervisors that she believed Mr. Yeager was requesting an overpass at the intersection with the By-Pass and not a regular intersection. Mr. Garton stated Mr. Yeager had indicated that this was an alternative. Mr. Fazzalore stated PennDOT will make the final decision. Mr. Fazzalore stated the Township engineers will be looking at the Plans, and the public will be advised when they get preliminary drawings from PennDOT. Mr. Fegley stated this could take years. Ms. Herman stated she hopes that the Board will not approve the ramp before that time, and Mr. Fazzalore stated he does feel it will be improved since this is a safety problem. Ms. Herman stated she feels the situation can be improved by changing the timing on the left turn light. Ms. Herman stated she feels the Board of Supervisors will have reneged on its promise to the residents if they agree to go ahead with the ramp.

YARDLEY-MAKEFIELD FIRE COMPANY NORTHERN FIRE STATION STATUS REPORT

Mr. Gene Cadwallader, Mr. Larry Newman, and Mr. Bill Winslade were present. Mr. Fazzalore stated the Board of Supervisors supports the volunteer Fire Company and will continue to do so. He stated he still must insure that what they are doing is right for the taxpayers of Lower Makefield Township.

Mr. Winslade stated they have spent a significant amount of time considering the Northern Fire Station. They feel that a Station at the location proposed will cut current response time to the locations in the north end of the Township. Mr. Fazzalore stated he felt the Board of Supervisors indicated that the Fire Company should move ahead with their plans without the Emergency Squad. Mr. Hackman stated the Township now owns the entire parcel so it is possible they may want to move the station to a more advantageous location. He also noted that since the Rescue Squad will no longer be part of the building at this time, they could scale back the building to a Fire Station only. Mr. Fazzalore stated they should have the ability to expand in the future if needed. Mr. Hackman stated there is no longer a problem with impervious surface since the Township owns the entire site.

Mr. Winslade suggested the possibility of moving the Station closer to the corner, but Mr. Fazzalore stated he would not want them to move to the corner because of concerns expressed by the area residents. Mr. Winslade stated they did canvass the neighbors, and he feels they are currently in favor of the Fire Station. He stated the infrastructure costs at the proposed location are significantly higher than they would be if they were located at the corner. Mr. Winslade stated there is also a line of sight problem looking to the left at the proposed location. Mr. Fazzalore stated the Board of Supervisors must be sure that they will not get negative comments from the residents. Mr. Cadwallader asked if they would agree that the Township engineer and their engineer meet to determine the proper location, and this was acceptable to the Board.

APPROVAL OF REPLACEMENT OF 82 LADDER TRUCK

Mr. Fazzalore stated he read that the new truck will cost between \$700,000 and \$750,000. He asked if this includes all the "bells and whistles." Mr. Cadwallader stated the Fire Company will pay for these additions. Mr. Cadwallader stated the cost being discussed is the cost for the truck coming out of the factory. Mr. Fazzalore stated he would like to see a break down of the truck starting with the chassis. Mr. Cadwallader stated they can estimate this. Mr. Fazzalore asked if Yardley is contributing to this truck, and Mr. Cadwallader

reviewed what Yardley provides as a contribution. Mr. Newman stated the majority of the calls they receive are from Lower Makefield. Mr. Fazzalore asked if the current truck could be refurbished and asked the cost to do so. Mr. Cadwallader stated if the ladder were to be replaced it would cost between \$150,000 and \$200,000. He also noted that the chassis manufacturer is out of business. Mr. Fazzalore asked if they will sell the old truck, and Mr. Cadwallader stated they will. Mr. Fazzalore asked why the truck would be suitable for someone else and not be able to be used by Lower Makefield. Mr. Newman stated other Townships may not have three-story buildings. Mr. Winslade stated they must be able to keep the truck out on the roadway so that it is not only height of the building which must be considered. Mr. Winslade stated the insurance underwriter does not recognize a truck of this type over twenty years old. Mr. Fazzalore asked how many times the truck has been dispatched, and Mr. Newman stated the ladder trucks responded to approximately 200 calls last year. Mr. Fazzalore stated this item is not in the Budget. Mr. Cadwallader stated this is a two year process. Mr. Cadwallader stated since 1985 forward they have made it known that this truck would need to be replaced. Mr. Fazzalore stated he is concerned as to where the Township is going to get the money. He asked if they could not get a smaller truck. Mr. Winslade stated they cannot because they need to stay out on the roadway and it is reach as well as height that they must consider. Mr. Hackman asked the value of the old truck, and Mr. Newman stated he feels it will be \$150,000. Mr. Hackman stated they will therefore have to come up with approximately \$600,000. He stated he would not have a problem borrowing money for this truck for twenty years, and the people who live in the Township will then be paying for it. He stated the Fire Company has done an outstanding job.

Mr. Hackman moved to approve giving the Fire Department the go-ahead to proceed with their specs, and the Township will cover the cost of the ladder truck which will be funded in 2002 or 2003.

Mr. Cadwallader stated the truck they are considering will have the best equipment to insure the safety of their fire fighters.

Mrs. Godshalk seconded.

Mr. Allan commended the Fire Department for the work they do. Mr. Fegley asked about any other purchases they may have in the future. Mr. Cadwallader stated they do not anticipate any more purchases for the next four to five years. He stated the Fire Company will take care of the fire truck they need to replace in 2005. He stated they do not anticipate coming back to the Supervisors for eight years to ask for help with the purchase of another truck.

Mr. Fazzalore stated he is concerned about the funds needed to build a Northern Fire Station as well as this replacement truck. Mr. Fedorchak asked if the Township is paying for the debt service on Woodside Station, and Mr. Winslade stated this was over as of December. The building was built in 1986. Mr. Fedorchak asked how much the Township was spending per year through the Fire Tax to retire this, and Mr. Cadwallader stated it was \$37,000 or \$38,000. Mrs. Godshalk stated she feels this Township should be thankful that they have devoted volunteers since they would be paying much more if it was a paid force. Mr. Winslade stated they would be very happy to meet with Mr. Fazzalore to answer his concerns.

Motion approved unanimously.

APPROVAL OF MINUTES

Mr. Allan moved, Mr. Fegley seconded and it was unanimously carried to approve the Minutes of January 15, 2001 as written.

Mrs. Godshalk moved and Mr. Allan seconded to approve the Minutes of February 12, 2001. Motion carried with Mr. Hackman abstained.

GOLF COURSE DISCUSSION

Mr. Fazzalore stated there was to be a status report by the Golf Course Committee but they asked that this item not be considered this evening.

Mr. Chet Dalgewicz stated he received a call from an adjacent land owner and asked if it is true that the Township is considering acquiring adjacent land to his property through condemnation for a golf course. Mr. Fazzalore stated the Township is interested in acquiring any open space in the Township including the land that adjoins this property, although not necessarily for the golf course. He stated they did not discuss condemnation. Mr. Dalgewicz stated the other landowners are concerned about how the Township treated his family and that they will be offered less than half of the marketable value as he was offered. He stated the only way the Township is going to get the property for what the Township feels is "fair" is through condemnation because the adjacent property owners know what land in that portion of the Township is going for. Mr. Fazzalore stated one of those adjacent landowners sent a letter to the Township indicating he already filed a Conditional Agreement with a developer. Mr. Dalgewicz asked who this was, and Mr. Garton stated this is not public information.

Mrs. Godshalk stated property owners will get what their land is worth at the time of condemnation. She stated some owners ask that their land be condemned since they can then save on taxes. She stated a Jury of View will insure that the Township pays what the land is worth at the time of condemnation. Mr. Fegley stated when the Township acquires any property they get at least two appraisals and this is what they base their offers on. They cannot legally pay more than the appraised value. Mr. Dalgewicz stated condemnation papers were served to his parents prior to the Township obtaining any appraisals since the appraiser did not come onto the property until after the papers had been served.

APPROVAL OF CONSTRUCTION OF TWO NEW ALL-WEATHER BOCCE COURTS AT ROELOFS PARK

Ms. Donna Liney was present. Mr. Fazzalore asked what is meant by all-weather courts, and Ms. Liney stated they will be concrete, covered with Astro-turf. Mr. Fazzalore stated he feels they should include a cover as well. Ms. Liney stated they did have this in their Budget but it did not make it through. Ms. Liney reviewed the reasons they are requesting the new courts. They propose to place the two new courts at a location where the tennis courts were originally proposed to be located and propose to move the tennis courts to another Township facility. She stated the cost can be covered by re-allocating a portion of the \$75,000 that was budgeted for bikepaths. She stated they should still be able to do the

work planned for bikepaths as the Park & Recreation Department should be able to do some of the work.

Mr. Fazzalore stated the Township charges fees to the Leagues and asked if they are going to charge for this use as well. Ms. Liney stated they do not charge the Seniors fees for their activities.

Mr. Allan stated he feels the bocce courts should be located at their current location rather than where the tennis courts were proposed to be as this would make them more accessible to the restrooms and to shade. Mr. Hackman stated his concern with the current location is they are not sure what is going to take place with the adjacent parcel which was recently purchased by the Township, and he would not want to install something permanently which may then have to be torn out. He stated if they could be moved somewhat into the wooded area this would be acceptable. Mr. Hackman stated he has been advised that people are driving into the area to drop off children at the upper field and there is no turn-around. He stated they should consider if a small cul-de-sac should be constructed in this area. Mr. Fedorchak showed a map of the property, and a location for the bocce courts was suggested near the tree line at the rear of the property.

Mr. Hackman moved, Mr. Fegley seconded and it was unanimously carried to approve construction of permanent bocce courts to be located adjacent to the restrooms.

APPROVAL OF PAA REQUEST TO INSTALL SHED AT MACCLESFIELD PARK

Mr. Allan moved, Mrs. Godshalk seconded and it was unanimously carried to approve the installation of an 8' x 12' shed at Macclesfield Park as presented at PAA expense.

APPROVAL OF PAA REQUEST TO INSTALL SHED AT THE LITTLE LEAGUE FIELD

Mr. Allan moved to approve installation of a shed at the Little League field at PAA's expense.

Mr. Fazzalore asked if they could not build storage as part of the restroom facility to be built in this area. Mr. Allan stated he would have liked to do this as well, but there was not the money to do so. Mrs. Godshalk stated at Roelofs they took out the storage at the restroom building because it would have been too expensive. Mr. Hackman stated he feels they should proceed with the shed at this time since it is moveable, and if necessary they could use it at another location at a future time.

Mr. Hackman seconded the Motion, and the Motion carried unanimously.

UPDATE ON ROELOFS FIELD COMPLEX RESTROOM FACILITIES REPLACEMENT

Mr. Doherty stated new toilets have been ordered for the facility and are due to be shipped March 2. They should be installed before Opening Day on March 15. Mr. Fazzalore asked where the cost for these is coming from, and Mr. Doherty stated he will cover the cost.

STATUS REPORT ON BIG OAK ROAD BIKEPATH AT ROCK RUN CREEK

Mr. Fazzalore noted the letter in the packet in this regard. Mr. Doherty presented the Plan to the Board. He has shown where the existing guardrail is and the existing edge of road as well as the location where the children are walking. It was suggested that a gabion wall be built and that the guardrail be moved. He stated if they go to the other side of the road, they will need another crossing guard. Mr. Doherty stated the cost for this project will be \$35,000. Ms. Liney stated this money is in the Budget. Mr. Allan asked that Mr. Doherty discuss this proposal with Chief Coluzzi to insure this proposal meets his approval. Mr. Hackman asked that Ms. Liney contact the woman who brought this matter to the Board's attention and advise her of the proposal.

RESPONSE TO NEWTOWN TOWNSHIP REGARDING THE LETTER OF UNDERSTANDING

Mr. Fazzalore noted that earlier this evening the Board neglected to instruct the Township Manager to respond to the Newtown Township letter. Mr. Hackman stated they should be advised that the Township is waiting for final confirmation from PennDOT and input from Newtown as far as what they feel the internal roadway will look like in the O/R District. Mr. Garton suggested that they have the Township Manager generate a letter to be circulated to the Board to make sure it meets with their approval.

DISCUSSION ON AMENDMENTS TO THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE

Mrs. Godshalk stated she feels this matter should be tabled. Mr. Garton stated they are not going to be able to meet the deadline. He stated the Legislature and Governor adopted Acts 67 and 68 which made some changes to the Municipalities Planning Code. As far as Lower Makefield is concerned, the issues are not as dire as they may be for a community that has not gone through significant development. He stated every ten years they must do an update of the Comprehensive Plan, and the Zoning Ordinance must reflect the assumptions that are in the Comprehensive Plan. He stated they must also provide in the Zoning Ordinance for the industry of forestry and provide something related to mineral extraction. The Planning Commission has recommended that the Solicitor prepare those amendments relating to forestry and mineral extraction and proceed with due diligence on an update of the Master Plan.

Mr. Fazzalore stated the Planning Commission Chairman recommended that they should have someone from the Bucks County Planning Commission do the review, and that Lynn Bush would most likely watch this closely. Mr. Roeper stated they have to appoint a Committee first. He stated the last time they did this, the Committee was appointed in 1990 and it took one year for them to come up with their recommendations and then another eight months to get approval from the Board of Supervisors. Mr. Fazzalore asked how many people were on the last Steering Committee, and Mr. Roeper stated he felt there were twenty since there were representatives from all the Commissions as well as members of the public. He stated they also held public sessions to discuss the various drafts.

Mr. Fazzalore asked if he is suggesting that they authorize tonight the formation of a Steering Committee. Mr. Garton stated he feels they should ask the Planning Commission for a recommendation on what should be the make up of the Steering Committee. Mr. Roeper suggested that they look at the first page of the 1992 Master Plan which will lay out who served on that Committee. Mr. Hackman asked that they wait for two weeks and get a recommendation from the Planning Commission on who should be on the Committee. Mr. Roeper stated they would be glad to suggest the Committee make-up. Mr. Fegley suggested that they keep the Committee to under eleven people.

APPROVAL OF EXTENSIONS

Mr. Hackman moved, Mr. Allan seconded and it was unanimously carried to grant an extension of time to the First Baptist Church of Newtown Preliminary Plan until 5/7/01.

Mr. Hackman moved, Mr. Fegley seconded and it was unanimously carried to grant an extension of time to Fieldstone at Lower Makefield Preliminary Plan until 5/9/01.

Mr. Hackman moved, Mr. Allan seconded and it was unanimously carried to grant an extension of time to Gary & Jeanette Minnes Preliminary/Final Plan until 5/10/01.

Mr. Hackman moved, Mrs. Godshalk seconded and it was unanimously carried to grant an extension of time to Afton Crest Preliminary Plan until 5/8/01.

Mr. Hackman moved, Mrs. Godshalk seconded and it was unanimously carried to grant an extension of time to Haddad Subdivision Preliminary Plan until 5/8/01.

Mr. Hackman moved, Mr. Allan seconded and it was unanimously carried to grant an extension of time to Valley Day School Preliminary Plan until 5/8/01.

Mr. Hackman moved, Mr. Allan seconded and it was unanimously carried to grant an extension of time to Miskiel/Darrah Tract Preliminary Plan until 6/9/01.

APPROVAL OF EDGEWOOD POINTE FINAL PLAN

Mr. Troilo and Mr. Edward Murphy, attorney, were present. Mr. Garton reviewed possible conditions of Approval. Mr. Garton also noted the changes to the Plan since the turn down by the Township and subsequent Court action. Mr. Fazzalore expressed concern with flooding in the area. He asked if they will have more water on the road when it rains, and Mr. Doherty stated they should not since they are putting in a pipe. Mr. Hackman suggested that rather than getting the difference in cash for proceeding with the storm drainage as they are proposing, that they install additional storm drains at locations suggested by the Township engineer thereby improving the drainage on Mirror Lake Road. Mr. Doherty stated this pipe does not get down to the pond where they are having problems at Patterson Farm. He stated the pond will still flood. Mr. Hackman stated whatever is picked up by the pipe will not get there. Mrs. Godshalk stated there is also a beaver problem at the pond.

Mrs. Godshalk noted that while Mr. Troilo was not required to have architectural approved, he did agree to meet with a Committee and they came up with a Plan which she

presented this evening. She noted one roof line which will be raised higher. Mr. Hackman thanked Mr. Troilo for working with the Township.

Mr. David Miller stated he lives across the street from the proposed project. He noted a free-standing sign was noted in the Plans but there was no description provided. Mrs. Godshalk stated they do not have this yet, but it will be submitted for approval, and there are requirements that have to be met. Ms. Langtry stated Mr. Troilo has been very accommodating, and the sign will be different than the normal CVS signs. She stated he is working with them on both the free-standing sign and the sign attached to the building. Mr. Miller questioned the need for a free-standing sign, particularly a sign on poles. He stated he feels a ground-level sign should be sufficient, if it is even necessary at all since the sign on the building will be very close to the road. Mr. Murphy stated they are not prepared to agree to eliminate the free-standing sign at this time. Mr. Troilo stated he does not feel they will eliminate the sign, but does feel they will come up with an appropriate sign. Mrs. Godshalk stated since the Historic District is adjacent to this site, they would like this facility to blend; in and they hope they will continue to work with the Township on this.

Mr. Miller stated this applicant has been able to get public sewer and water on site, and people like himself in this area are not able to get public sewer and water. Mr. Fazzalore stated he advised Mr. Miller at the Planning Commission meeting that they are investigating bringing public sewer and water to Edgewood Village. Mr. Zarko was present this evening and stated they did complete a study in the Village, and the Sewer Authority requested that a Plan for sewer and water at the Village be forwarded to the Board of Supervisors. Mrs. Godshalk stated the Plan they hope to proceed on for development of the Village does include public sewer and water. Mr. Hackman asked if Mr. Miller's home was included in the study, and Mr. Zarko stated he is not sure that property was included in the original study but feels it could be serviced by a grinder pump extension. Mr. Hackman asked where the sewer is coming from for Edgewood Pointe, and Mr. Zarko stated they are putting in a small grinder pump station and pumping to the intersection of Edgewood and Heacock Roads.

Mr. Miller stated people like himself do not have the means that a commercial developer has to generate income to help pay for the sewers. He stated he desperately needs public sewer and water. He would request that the Board of Supervisors fast-track public sewer and water to the Village. He would like to have a Supervisor appointed to oversee this, and have an interim report written up telling what has been done, what needs to be done, and when the project can be done. Mr. Miller was advised to get a copy of the report that has been prepared from Mr. Fedorchak. Mr. Miller asked if this gives a time frame and it was noted that it does not. Mrs. Godshalk stated they must have a Master Plan for the Village since it is not as simple as running a pipe up to an individual home. Mrs. Godshalk noted Mr. Miller was on the Committee previously and will most likely be on the Committee again. Mrs. Godshalk stated they are waiting for the Grant to be approved, and the Township has agreed to match funds; and they will then get a Planner and architect and hope to have a Master Plan to include all these items. Mr. Hackman asked if the Edgewood sewers are gravity, and Mr. Zarko stated it is a gravity plan. Mr. Hackman asked if the Edgewood Pointe property could connect to the system at Edgewood Village, and Mr. Zarko stated he feels they can hook up but they would still need a grinder pump.

Mrs. Godshalk moved and Mr. Allan seconded to approve the Final Plans dated 5/5/99 and 5/26/00, last revised 10/25/00 subject to the following:

- 1) Continued compliance with the conditions of the approval imposed as part of the Preliminary Plan review which occurred on 10/16/00 to the extent not satisfied;
- 2) Compliance with PCS review letter dated 1/18/01 with the understanding that trees to be replaced under Item #2 relating to Storm Sewer Plan be 12 foot to 15 foot tall;
- 3) Compliance with CKS review letter dated 12/14/00;
- 4) Architecturals to be consistent with the drawings presented tonight except the peak to the left needs to be raised in accordance with the Review Committee suggestions;
- 5) Bikepath to be reduced to five feet utilizing block pavers;
- 6) Funding and execution of Development and Financial Security Agreements;
- 7) Storm drainage line to be on the west side of Mirror Lake Road along Patterson Farm with the understanding that when the contribution is calculated, that the cost savings will be used principally for additional storm drains in accordance with the instructions of the Township engineer and to the extent not utilized be paid to the Township;
- 8) Signage shall be reviewed by the Township as well prior to installation.

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

DISCUSSION OF NEWSLETTER

Mr. Hackman noted the Township received an award for a prior Newsletter and he thanked Ms. Langtry for her work on that project. He stated the Board has received a copy of the next Newsletter which will be mailed out shortly. He thanked Ms. Langtry for working on this Newsletter as well.

APPROVAL OF FEBRUARY 5, AND FEBRUARY 19, 2001 WARRANT LISTS AND JANUARY, 2001 PAYROLL

Mrs. Godshalk moved, Mr. Hackman seconded and it was unanimously carried to approve the February 5, and February 19, 2001 Warrant Lists and January, 2001 Payroll as attached to the Minutes.

APPROVE HIRING DGW ELECTRICAL ENGINEERING, INC. IN CONNECTION WITH THE MACCLESFIELD PARK UPGRADE OF EXISTING GROUNDING AND ELECTRICAL SYSTEMS

Mr. Fedorchak stated they are still looking to start the project the first week in March. They received a proposal from DGW to handle all the performance testing. The cost is \$7,400 and \$1,700 for rental of equipment. In addition, they will handle all the inspections

of the project for \$2,500. The \$2,500 will be for their time. Mr. Fedorchak stated they have to remove all the existing wiring, and he will have to oversee this process. This represents the \$2,500 cost. He will then be on site, testing the wiring, and all prep work and the testing itself which will cost \$7,400. Mr. Hackman asked if the individual who installs the work tests it, and Mr. Fedorchak stated they would not test to the extent that DGW will test. Mr. Fazzalore stated he wants to make sure that the project is done right.

Mr. Fegley moved, Mr. Hackman seconded and it was unanimously carried to hire DGW Electrical Engineering, Inc. in connection with the Macclesfield Park upgrade of existing grounding and electrical system in the amount of \$2,500 for construction engineering supervision/inspection, preparation and execution of acceptance testing in the amount of \$7,400, and rental of equipment in the amount of \$1,700.

APPROVE HIRING CKS TO PREPARE SPECIFICATIONS FOR THE SILVER LAKE ELECTRICAL UPGRADE PROJECT

Mr. Hackman moved, Mr. Allan seconded and it was unanimously carried to approve hiring CKS to prepare specifications for the Silver Lake Electrical Upgrade Project at a cost of \$7,000.

APPROVE HIRING HARRISON HAMNET STRUCTURAL ENGINEERS TO PERFORM STRUCTURAL CONDITION SURVEY OF ELM LOWNE BARN

Mr. Fedorchak stated they have been advised that no one should be permitted to go into the barn at Elm Lowne. He stated they discussed this matter during the Budget process, and the Board of Supervisors wanted to know what was wrong with the barn. He stated this proposal will identify what is necessary to stabilize the structure at this point. Mr. Allan asked why this inspection was not done before the Township purchased the property. Mr. Hackman stated they have known from the beginning that the barn was falling down. Mrs. Godshalk stated a report was done on the barn for use as a Community Center. Mr. Fazzalore stated it was approved to purchase this property by a vote of three to two. Mrs. Godshalk stated this barn is not to be used for a community use. Mr. Fazzalore stated Mr. Hackman advised that it could cost more than \$250,000 to restore the barn. Mr. Allan stated that he is concerned that this kind of in-depth study was not done before they purchased the property. Mrs. Godshalk stated there are a number of people who are interested in raising money for the barn. She stated at this point the Township is only committing to \$3,000. She stated she has four groups interested in helping raise funds.

Mrs. Godshalk moved and Mr. Fazzalore seconded to hire Harrison Hamnet Structural Engineers to perform structural condition survey of Elm Lowne Barn at a cost of \$3,000. Motion carried with Mr. Hackman opposed.

UPDATE ON CHANNEL 16 EQUIPMENT

Mr. Fedorchak stated they are experiencing technical difficulties, and are looking into how much it would cost to update the equipment.

ZONING HEARING BOARD MATTERS

There was discussion on the Variance request by Kol Emet, 1360 Oxford Valley Road, and their request to construct a sign within the right-of-way. Mr. Garton stated this was previously discussed, and the Board indicated they would not have a problem with this as long as it did not create a sight distance problem. Assuming the sight distance is fine, no action will be taken by the Board of Supervisors.

The Paradise by Design Variance request for the property at 658 Leslie Lane was discussed. The Township Solicitor was asked to determine the amount of impervious surface and advise the Board of Supervisors of his findings.

There was discussion on the Kehoe, 476 Liberty Drive, Variance request to screen a portion of the existing deck resulting in greater than the permitted impervious surface. The Solicitor was asked to obtain additional information and report back to the Board of Supervisors.

SUPERVISORS' REPORTS

Mr. Fegley stated they are planning a number of activities for Earth Day including an art and photo contest and a stream monitoring activity similar to the one which was held in October. He stated the Five Mile Woods group will have the same activities they have had in the past. Mr. Fegley stated there will also be a fishing derby and information booths set up at Macclesfield Park. Mr. Fegley stated, with the Board's approval, he would like to start sending out Press Releases. He stated the cost to the Township should be a minimal amount of money since they are getting financial help from Grants and the various Township Leagues. Mr. Fegley stated if he needs any additional funds, he will come back to the Board.

Mr. Hackman moved, Mr. Allan seconded and it was unanimously carried to approve the Earth Day Program.

OTHER BUSINESS

Mr. Fazzalore asked that Bond Refinancing be put on the Agenda for the next meeting to be considered in Executive Session.

APPOINTMENTS

Mr. Allan moved, Mr. Hackman seconded and it was unanimously carried to recommend Frank Fazzalore for membership on the Yardley Makefield Emergency Unit Board of Directors.

Mr. Fegley moved, Mr. Hackman seconded and it was unanimously carried to re-appoint Grace Godshalk to the Pension Committee.

February 19, 2001

Board of Supervisors - page 18

There being no further business, Mr. Hackman moved, Mr. Fegley seconded and it was unanimously carried to adjourn the meeting at 11:10 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Grace M. Godshalk".

Grace Godshalk, Secretary

**FEBRUARY, 2001 WARRANT LISTS AND
 JANUARY 2001 PAYROLL COSTS FOR APPROVAL
 @ FEBRUARY 19, 2001 BOARD OF SUPERVISORS MEETING**

02/05/01 Warrant List	\$ 292,055.41	
02/01 Prepaid Expenditures	9,999.41	
02/20/01 Warrant List	356,971.51	
Total Warrants & Prepaids		659,026.33
<u>PAYROLL COSTS:</u>		
January , 2001 Payroll	278,092.30	
01/01 Payroll Taxes, etc.	21,274.06	
Total Payroll Costs		<u>299,366.36</u>
TOTAL TO BE APPROVED		\$ <u><u>958,392.69</u></u>

