

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - APRIL 2, 2001

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on April 2, 2001. Chairman Fazzalore called the meeting to order at 7:30 p.m. noting that the Board had been meeting in Executive Session since 6:00 p.m. to discuss legal and real estate matters.

Those present:

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

Others: Terry Fedorchak, Township Manager
Jeffrey Garton, Township Solicitor (left meeting in progress)
Duke Doherty, Township Engineer
Kenneth Coluzzi, Chief of Police

Absent: Wesley Hackman, Supervisor

PUBLIC COMMENT

Mr. Harold Kupersmit, 612 B Wren Song Drive, stated he spoke before the Board of Supervisors previously about a Senior Center; and since that time he has done some additional research. He would like the Board to have a Referendum for the construction of a functional, bare-bones building for a Senior Center. He stated he has discussed the matter with some contractors who indicated for an 11,000 square foot building it would cost approximately \$60 a square foot plus hook ups. Mr. Kupersmit stated he understands the Township has land available. He feels a building could be constructed for approximately \$500,000. Mr. Fazzalore stated a number of discussions are taking place at the current time regarding a Senior Center, and they are considering a number of options. He stated they did get a drawing from another citizen of the Bristol Senior Center and their cost was approximately \$600,000. He stated the Township does have to pay prevailing wage, and this does increase the costs considerably. He stated the Board will consider Mr. Kupersmit's suggestion in their discussions.

Ms. Karen Freedman, Dolington Estates, asked about the status of the "no left turn" from Newtown Office Commons. Mr. Garton stated Mr. Yeager has not provided his conclusions on this yet. There is pending litigation on this which will have to be resolved.

Mr. John Malenfont, 1123 Gloria Lane, stated a few years ago there were overflow problems from the road above his property. A trench was installed adjacent to his home, and there had been discussions about a dam to be constructed in the woods. He stated he is concerned that the construction of a dam will negatively impact his property value since he feels it may be unsightly. Mr. Fazzalore stated the purpose of the dam is to stop flooding in the area. Mr. Malenfont stated he feels the water problems can be corrected without the dam. Mr. Coyne stated the water problems have been in existence for over thirty years.

Mr. Malenfont stated he is opposed to the proposed placement of the dam since it will take away many of the wetlands. Mr. Coyne stated they have found that the dam can only be located at the proposed location. Mr. Fedorchak stated the DEP will begin the design phase sometime late summer/early fall; and when they get involved in this, he will advise Mr. Malenfont. Mr. Fegley stated he feels it will look similar to other detention basins throughout the Township although it will be much larger. Mr. Fegley stated there are many homes in the Township that back up to detention basins, and it has not negatively impacted their property values. Mr. Malenfont was invited to come to the Township Building to see the preliminary sketches.

Mr. Steve Tamien, Dolington Estates, asked how the Comcast matter was resolved. Mr. Fazzalore stated the transfer was approved. Mr. Garton stated Comcast agreed to completion of build-out within the timeframe in their letter and agreed to provide free hook up for digital within ninety days of its availability. They also agreed to provide a modem to the Library, Township Building, and schools in the Township.

DISCUSSION OF APRIL 5TH MEETING AND MOTION REGARDING STERLING FARM

Mr. Fazzalore stated Newtown Township has indicated they will not be present at the meeting which was scheduled for April 5. Mr. Fazzalore noted Mr. Hackman is also ill, and he was the individual who worked with Mr. Fegley on this matter. Mr. Steil has set up a joint meeting with Lower Makefield and Newtown Township for either April 12 or April 17. Mr. Warren has written a letter indicating approval of the intersection at the By-Pass and Route 332. Mr. Fazzalore stated for all the above reasons, he feels there should not be a meeting held on April 5.

Mr. Fegley moved, Mrs. Godshalk seconded and it was unanimously carried to postpone indefinitely the meeting scheduled for April 5, 2001.

Mr. Fegley moved to terminate any further consideration of drawing a line on a map through the Sterling Farm and note for the record that they have received a letter from Newtown Township signed by Steve Sanderlin which states that they have no intention of running a road from their Office/Research District out to Twining Road and Lower Makefield Township.

Mr. Fegley stated if Mr. Sanderlin had made that comment previously, he would have never brought up the issue which caused so many people consternation.

Mrs. Godshalk seconded the Motion, and the Motion carried unanimously.

Ms. Maureen Freedman stated she feels one of the problems is that everyone is not aware of things taking place in the Township because items are not publicized enough. She feels flyers and posters should be sent out to Township residents. Mr. Fegley stated he does not feel every meeting should be open to the public and that some of the small meetings in the past have been productive. He is concerned when other Officials take one position and after things become public, they then take another position. He stated Mr. Steil has put a tremendous amount of work into these meetings, and he feels they have made some progress with regard to the joint traffic issues. He hopes this will continue and that at the next meeting they will have some finality. He feels the letter they received from Mr. Warren would not have come if those meetings had not been held by Mr. Steil.

Ms. Virginia Torbert stated she recognizes that some things have to be done in private to get things moving, but when a number of years go by, they should have a public meeting so that the public can be advised of what is going on. She commended the Board on removing the line from the Sterling Farm. Mr. Fegley stated it was always his intention to have a public meeting at some point in time.

DISCUSSION OF AFTON CREST/HOUSTON ROAD

Mr. Edward Murphy, attorney, was present with Mr. Vince DeLuca. Mr. Murphy stated for the last year that have been discussing the Afton Crest Development. They have gone through five to six different sketches, some of which have been reviewed with the Board of Supervisors. The Plan they have engineered represents the consensus that was reached with regard to the development itself last fall and shows a total of thirteen lots, two of which have existing dwellings which will remain. They would like direction on the improvements to Houston Road. Last Monday night at the Planning Commission meeting, they were presented with a Sketch Plan prepared by the Township engineer with input from the Board of Supervisors and Public Works. They would like to have the Board of Supervisors ratify this Plan so that they can fully engineer it and incorporate it into their Plans. The Plan prepared by the Township proposes no removal of trees on either side of Houston Road. They are proposing to install some storm drain inlets and re-paving. They will also create a hammerhead at the bottom near the creek crossing of Houston Road to enable emergency vehicles to turn around. The developer and the Planning Commission were in support of these improvements. Mr. Murphy added that the neighbors present at the Planning Commission meeting were in favor of the improvements as well since it involved no removal of trees.

There was discussion on the footbridge, and Mr. Murphy stated the Planning Commission expressed no view on this and deferred the matter to the Board of Supervisors. Mr. Murphy stated a footbridge would have to be 70' to 80' in length and would be a minimum of 10' to 11' high from the bottom of the creek bed. Some concern was expressed about Township liability at the Planning Commission meeting. Mr. Murphy stated if they are going to have to provide the footbridge, it will change how the Houston Road improvements are designed. Mr. Allan asked why the footbridge would have to be this high, and Mr. Doherty stated if it were not that high, it would obstruct the floodway. Mr. Fegley stated he does not feel the footbridge offers a benefit as compared to the risk. Mrs. Godshalk stated she feels they should ask the people in the area how they feel about this. Mr. Murphy stated the neighbors present at the Planning Commission meeting Monday night were not in favor of it. Mrs. Godshalk stated she feels it is most important to provide safe turning for the emergency equipment. Mrs. Godshalk noted there are some trees in the undeveloped portion in the Township setback, and Mr. Murphy agreed to correct this problem with direction from Mr. Coyne.

Mr. Ernie Kelly, 159 Pine Lane, stated he agrees that the residents he has spoken to are not in favor of the footbridge. He stated if they do decide to install it, he feels it will take months of debate on how it could be constructed because it will impact the stream. He does not want the water situation to get any worse and feels it will get worse if they install the footbridge. Mr. Coyne agreed that the water is very volatile in this area. He stated some of the work that was done upstream is starting to help the situation.

It was the consensus of the Board of Supervisors that the footbridge not be installed and that they were in favor of the Houston Road improvements as presented.

Mr. Fazzalore stated he wants to insure that the paving they will do will be equal to the paving at the top portion that was already installed. He stated the road surface should be the same.

Mr. Ken Ross, 1068 S. Houston Road, asked how they will do the portion between Drew Road and Houston Road going out of the development. He stated he does not feel the road can be widened since the developer does not own the land. Mr. Murphy stated they have sufficient right-of-way to do the widening shown on the Plans.

DENY REQUEST FOR DEDICATION FOR CONGREGATION KOL EMET

Mr. Fegley moved, Mrs. Godshalk seconded and it was unanimously carried to deny the request for dedication for Congregation Kol Emet because of outstanding items in the CKS & PCS letters and non-compliance with conditions of the TCO.

Mr. Murphy stated he is now involved in this matter and was unaware that they had made a request for dedication. He agreed to look into this matter.

DISCUSSION AND MOTION ON FIRE SAFETY INSPECTION PROGRAM

Mr. James Yates was present and stated he has been conducting a study to see if Lower Makefield Township should adopt a Fire Code Inspection Program. He stated they met with Township officials and officers of the Yardley-Makefield Fire Company, conducted a community survey, and reviewed the Fire Prevention Code which was adopted in 1993. He stated there are 120 separate commercial buildings in the Township and many have multiple occupancies. He would recommend that the Township proceed to Step 2 which would involve conducting an interior survey of 30% of the commercial buildings in the Township to determine Fire Code violations which may exist. He feels this will take three to four months to complete.

Mr. Allan commended Mr. Yates on the reports he provided. Mr. Fedorchak stated they have the money in the Budget to proceed to the next step, and he would recommend proceeding to that step; although it does go above the initial amount approved by the Board to be paid to Mr. Yates. Mr. Fedorchak stated they are starting to develop a relationship with Mr. Yates, and eventually they will be passing these fees onto the businesses involved.

Mr. Allan moved to proceed to the next step.

Mr. Fegley asked if they need permission to enter private businesses. Mr. Fedorchak stated the Fire Code does give them authorization to enter the buildings. Mr. Yates stated at the current time they do not plan to cite anyone, although they will advise owners of safety violations.

Mrs. Godshalk seconded the Motion with the addition that the costs not exceed \$10,000.

Mr. Steve Tamien asked how they will determine which 30% they will enter. Mr. Yates stated it will be a cross section of the commercial businesses. Mr. Allan stated he feels the newspapers will advise that this is going to be done. Mr. Allan stated he feels they should call or send a letter to the businesses that they will be visiting.

Motion carried unanimously.

BROCK CREEK WATERSHED ASSESSMENT AND STREAM RESTORATION PROJECT UPDATE

Mr. Andy Brookens of Skelly & Loy was present. Mr. Fegley stated approximately one year ago the Township received a \$110,000 Grant from the DEP to survey the entire Brock Creek Watershed. Middletown and Yardley Borough are cooperating in this as well. Skelly & Loy have identified the areas that need stream stabilization. Mr. Fegley stated at 9:00 a.m. tomorrow they will meet with DEP and local groups to provide an overview and status update on the stormwater stabilization.

Mr. Brookens presented a slide presentation on Brock Creek, the work done to date, and the stabilization/restoration work proposed.

Mr. Garton left the meeting at this time.

Mr. Brookens stated they propose to work on an area between Heacock Road and Stony Hill Road which needs stabilization and is jeopardizing residential property and could impact Stony Hill Road. He stated there have been two community outreach opportunities to date.

APPROVAL OF MINUTES

Mr. Allan moved, Mr. Fegley seconded and it was unanimously carried to approve the Minutes of March 19, 2001 as written.

DISCUSSION OF PINE GROVE ROAD AND YARDLEY-MORRISVILLE ROAD LOCAL MATCH PROJECT

Mr. Doherty stated this project was approved and put on the Twelve Year Plan. Mr. Fedorchak was notified one month ago that the project will be proceeding. They have a scoping meeting on April 25. The Township will do the design and acquisition of the right-of-way. Mr. Doherty stated he does not expect a lot of acquisition will be required, but he is not sure of the exact amount at this time. Mrs. Godshalk stated she would have liked to see a rough sketch of this project. Mr. Doherty stated he was only able to find a schematic, and this was shown to Mrs. Godshalk this evening. Mr. Doherty stated he will come back to the Board on this matter after the meeting on April 25.

GRANT EXTENSION OF TIME TO BUCKS CENTRAL CHURCH

Mr. Fegley moved, Mrs. Godshalk seconded and it was unanimously carried to grant an extension of time to Bucks Central Church until 7/5/01.

SIGNING OF REVISED MYLARS FOR DOLINGTON ESTATES I, PHASE II (CORRECTION ON LOT 29)

Mylars were signed following the meeting.

PRESENTATION OF 2000 AUDIT REPORT AND MOTION TO INCREASE CAPITALIZATION

Mr. Edward Furman was present with Mr. William Taylor. Mr. Furman stated they issued the financial statements, and the State report was issued on time. He stated they have provided an unqualified opinion which is the highest report. Mr. Furman reviewed highlights of the report. He stated the Township still has a strong fund balance even though it is went down somewhat from 1999. He stated the assistance they received from the Township was excellent, and the condition of the records was excellent as well.

Mr. Fazzalore noted the Departments did come in under Budget on the expenditure side. Mr. Fegley commended Mr. Fedorchak and Mr. Taylor for the excellent shape the Township is in.

Mr. Furman noted the hand-outs he provided on new accounting standards. He stated the fixed assets will now get depreciated in the General Fund. Mr. Fazzalore questioned why this is being required. Mr. Furman stated a number of Townships are questioning this as well. He stated they feel this is a once a year conversion of the accounting records. He stated a number of Townships are having an appraisal done for fixed assets so there is a starting point. Mr. Fazzalore stated they may decide to go to GIS if they are going to have to value all these items. Mrs. Godshalk stated she does not feel they need a GIS system to do this. Mr. Furman stated the appraisal companies do have the software and can provide the program. Mr. Taylor stated they are getting a proposal from an appraisal firm, and there are monies budgeted for this. He stated some of this will be paid for by the insurance company. Mr. Furman stated he also provided a sample of the Management Discussion and Analysis Form, and the intent is for Townships to mimic public companies.

Mr. Taylor asked that their policy be changed from \$500 to \$1,000 for capitalization. Mr. Allan moved, Mr. Fegley seconded and it was unanimously carried to increase capitalization from \$500 to \$1000.

SUPERVISORS' REPORTS

Mr. Fegley reviewed the Earth Day activities proposed to take place on Saturday, April 21. He stated they have had wonderful cooperation from YMS who have helped tremendously with this event as well as Ms. Liney who has done an excellent job with coordination.

Mrs. Godshalk stated the Township has been notified that the Grant from the Historical Museum Commission for planning of Edgewood Village was approved in the amount of \$10,800. They will now meet with people who can provide this service.

Mr. Allan stated the Community Pool Board is discussing handicap access to the Pool. He stated Mr. Sharp has recommended a temporary ramp which does take up a lot of space. Mr. Allan stated he would prefer that they get an engineer to come in and re-design one portion of one of the pools for permanent handicap access which will allow handicap members to enter the pool with dignity. He stated the project cannot be done until after this Pool season. Mr. Fazzalore stated he feels the Pool balance can handle this easily. Mr. Allan moved, Mrs. Godshalk seconded and it was unanimously carried to proceed with design of a handicap access ramp. Mrs. Godshalk stated she understands that the Pool Board agreed to her suggestion that they extend the time for Senior Citizen members, and Mr. Allan stated it was agreed that the Senior Citizen members would be permitted to enter the pool one hour earlier at 4:00 p.m. Mr. Fazzalore stated he would like Mr. Fedorchak to provide the Pool Membership numbers at the next meeting.

SET DATE FOR SPRING ROAD INSPECTION TOUR


Mr. Allan moved, Mr. Fegley seconded and it was unanimously carried to set the date for the spring road inspection tour for Friday, May 4, 2001.

OTHER BUSINESS

It was noted that an Eagle Court of Honor will be held on April 22, and it was suggested that the Proclamations be presented at the first Board meeting in May. Mr. Fegley stated the Earth Day Art Contest winners will also be acknowledged that evening.

There being no further business, Mr. Allan moved, Mr. Fegley seconded and it was unanimously carried to adjourn the meeting at 9:30 p.m.

Respectfully Submitted,


Grace Godshalk, Secretary

