

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - MAY 21, 2001

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on May 21, 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 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

CONFIRMATION OF EAGLE SCOUT PROCLAMATIONS

Mr. Fazzalore read into the record and Proclamations were presented to the following Eagle Scouts:

Craig T. Murray

Ryan J. Murray

PUBLIC COMMENT

Mr. Larry Jeristati, Brookstone, asked about the status of the proposed Golf Course. Mr. Fegley stated this matter is now in the Supreme Court of Pennsylvania which must decide if they will accept the appeal from the property owner. Mr. Jeristati asked about the expenses involved to date with the Appeal, and Mr. Garton stated he feels that the Township has spent approximately \$20,000 over the last five years. Mr. Jeristati asked when they feel this matter will be resolved. Mr. Fazzalore stated if the Court decides not to hear the case, the matter will be closed. Mr. Garton stated they hope to have an answer in the next thirty to sixty days. Mr. Fazzalore stated if they agree to take the Appeal, it could take a year to have the matter resolved. Mr. Hackman stated it will take approximately two years after the legal issues are resolved before anyone will be able to play golf. Mr. Jeristati asked why they feel it is necessary to build another Golf Course in the area when the Yardley County Club is nearby. Mr. Hackman stated the Yardley County Club is a private club. He stated the new Course will be a public course which will be part of the recreation program of the Township and will also generate income for the Township. Mr. Fazzalore stated they would not be moving ahead with the project if the financial analysis had indicated that it would not be financially profitable for the Township.

Ms. Maureen Friedman, 1230 Quarry Hill Court, asked if the landowner involved with the Golf Course asked that his land be condemned, and Mr. Fazzalore stated he did not.

Ms. Friedman asked how much the Township paid for the land, and Mr. Fazzalore stated they have not paid anything yet. Ms. Friedman stated she did not feel it was fair to take his land.

Mr. Paul Krupp, University Drive, stated there will be a meeting on Thursday night on the re-structuring of air space in this area. Mr. Fazzalore stated he understands the FAA is interested in putting more airplanes in the regional airports to help relieve congestion at the major airports, and Mr. Krupp stated this is correct. Mr. Krupp stated it is very important for people to attend this meeting and make their concerns heard.

Ms. Sue Herman of Lower Makefield and Ms. Marcy Conti of Wrightstown were present. Ms. Herman provided maps to the Board members. She stated the Draft Environmental Impact Statement for the I-95 project has been prepared, and Lower Makefield Township was not included. She asked what they can now do to insure that they are included and that their concerns are addressed before it is approved. Mr. Fegley asked if the Township was moving ahead to meet the deadline to be included in the Neighborhood Impact Study. Mr. Fedorchak stated three weeks ago he spoke to Garney Morris, and they were reluctant to include Lower Makefield Township. Mr. Fegley stated there was a subsequent letter which indicated that Lower Makefield could be included provided they presented their concerns and their solutions. Ms. Herman stated they previously indicated to Mr. Greenwood that there is an existing unsafe condition and bringing trucks full of stone through the area will make the situation even worse. She stated they indicated that railroad transport of the stone should be considered and also felt that Swamp Road needed to be opened up as it would provide the shortest distance from the quarries to a four-lane divided highway which is the safest route to get to I-95. Ms. Herman showed this route on the map provided. She also showed the route that would most likely be used if Swamp Road were not opened up which she feels involves very unsafe turns and takes the traffic past residences. Mrs. Godshalk asked if there is any movement with the group to get Swamp Road open. Ms. Herman stated a study is being done now and sometime this year they will have a budget prepared for the cost to make the improvements and get it on the TIP. She stated if this is a fifteen year project, it will not help getting the stone trucks off the local roads. Mr. Fedorchak stated he feels PennDOT would defer to local government officials whether to proceed with this project or not. Mr. Garton stated if the two Townships involved do not provide any of the money it will just go on the list of PennDOT projects. Ms. Herman asked if the Federal Government could not be asked to contribute to this project since the I-95 project is a Federal project. She stated Mr. Steil has indicated transportation by railroad is not an option.

Ms. Herman asked Mr. Garton what he would suggest they do as a Township in order to stop the project from going through at the expense of Lower Makefield Township residents' welfare. Mr. Garton stated he feels someone needs to meet with Congressman Greenwood. Mr. Garton stated they could also make comments at the Public Hearing to be held on June 12 at Truman High School. Ms. Herman stated they also accept written comments.

Mr. Fegley asked if Skelly & Loy should look at the Draft Study which was received to see if there are issues they should be concerned with and comment on. Mr. Fazzalore asked what kind of impact the Township can have, and Mr. Garton stated this would depend on the level of comments made and how meritorious they were. Mr. Fazzalore stated he has talked to the Wrightstown Supervisors, and they are not even sure that the stone will be coming out of the quarries in this area.

Mr. Fazzalore stated he would ask that the Township Solicitor and Township Manager determine what the Township can do to get the Township concerns in front of this group.

Ms. Karen Freedman, Silverwood Drive, stated she would like to have the Board of Supervisors show that they support the residents.

Mr. Krupp stated the Public Hearing allows you to make an Appeal if they have left something out of the Study.

Mr. Fazzalore stated the Township Manager should be instructed to be at the meeting. Mr. Fegley stated they should also address the letter they received about being included in the Neighborhood Impact Study. Mr. Fegley stated he would like Skelly & Loy to review the Study from the standpoint of Lower Makefield Township to see if there is any impact. Mr. Fedorchak stated he felt it would be more advisable to get Mr. Yeager involved since this is a traffic project.

Ms. Maureen Friedman asked if the Environmental Impact Study is available for the residents to review. Mr. Fegley provided her a copy of the Notice which indicates where this report is available for review.

Mr. Fedorchak stated if they can leverage this I-95 project such that it would fast forward the Swamp Road reconstruction project, he feels this would be a good idea. Mr. Allan suggested they use the figures Ms. Herman has provided to demonstrate this.

APPROVAL OF MINUTES

Mr. Fegley moved, Mr. Allan seconded and it was unanimously carried to approve the Minutes of May 7, 2001 Public Meeting as corrected.

Mr. Allan moved and Mr. Hackman seconded to approve the May 4, 2001 Road Tour Minutes as corrected. Motion carried with Mr. Fegley abstained.

DISCUSSION AND APPROVAL TO BORROW MONEY TO FINANCE CAPITAL PROJECTS

Mr. William Taylor and Mr. Chris Monaghan, Penn Capital, were present. Mr. Fazzalore stated the Board of Supervisors is considering borrowing money to finance some capital projects and to re-finance 1993 bonds as interest rates are now lower. The capital projects involved were noted. There was discussion specifically on the Sandy Run Road Bridge project, and Mr. Garton stated there may be some additional costs as land acquisition costs need to be considered.

Mr. Monaghan stated the procedure they are suggesting will result in a 1/4% reduction in interest. Mr. Monaghan also reviewed costs which are being saved by following this procedure. He anticipates the Township will save approximately \$200,000 in gross dollars by approving the refinancing.

Mrs. Godshalk questioned why they should not continue to borrow from the Township as they have done in the past. Mr. Garton stated they were borrowing from a fund that is not

appropriate for this use and this was only a temporary measure. Mr. Taylor stated within the next several years they will be at a point where they will need the money back in the Sewer Fund. Mr. Fazzalore stated they need to do the projects and borrow the money now. Mrs. Godshalk noted the \$1.250 million for the Northern Fire Station for which there is not a specific plan. Mr. Fazzalore stated he feels they need to have this Fire Station constructed as soon as possible because of safety concerns. Mr. Allan stated he does not feel interest rates will get any better than they are now.

Mr. Hackman moved and Mr. Allan seconded to approve going out to borrow \$9.28 million; \$4,589,609 is to refinance outstanding 1993 bond and the rest to be used for Township purposes to be determined.

Ms. Debbie Parsons stated she is concerned with these huge numbers, some of which she feels are for "toys." She is also concerned that costs for certain projects were underestimated and actual costs are coming in much higher. Ms. Parsons stated she also understands that there are concerns with how the Northern Fire Station will be manned since most of the volunteers are from the Southern end of the Township. Mr. Hackman stated the Fire Company has provided a report on how the Station will be manned and it was noted that there are people from the Northern area who are involved in the Fire Company.

Motion carried with Mrs. Godshalk opposed.

APPROVAL OF RESOLUTION NO. 1084 - PENNDOT WINTER TRAFFIC SERVICES AGREEMENT

Mr. Hackman moved and Mr. Fegley seconded to approve Resolution No. 1084 - PennDOT Winter Traffic Services Agreement. Mrs. Godshalk asked if any studies have been done to see if the Township has been given sufficient funds to cover the cost of servicing these State roads. Mr. Garton stated this is a State program based on the number of miles and there is no negotiation. He stated you can either opt in or opt out. Mr. Fazzalore stated he did discuss this with Mr. Coyne, and he indicated that he needs to plow these roads anyway in order to get out to the other Township roads. Mr. Allan asked if the State ever provides additional funds for years when there were numerous storms. Mr. Fedorchak stated they have done this in the past if there has been a particularly bad winter. He stated you can request additional funds from PennDOT.

Motion to approve carried unanimously.

APPROVAL OF 2001/2002 BUCKS COUNTY CONSORTIUM FUEL BIDS

Mr. Allan moved and Mr. Hackman seconded approval of 2001/2002 Bucks County Consortium Fuel Bids. Mr. Fedorchak advised the Board of some corrections to be made with respect to some of the figures. Motion to approve carried unanimously.

REPORT ON ELM LOWNE BARN INSPECTION

Mr. Fedorchak stated the architects are looking at the barn, and their first impressions were favorable. A report should be received in two weeks.

DISCUSSION AND TABLING OF INSTALLATION OF A PARKING LOT AT ELM LOWNE

Mr. Fedorchak stated they are considering installation of a gravel parking lot at Elm Lowne. He asked that the Board of Supervisors direct the staff to proceed with this project if they so desire.

Mr. Hackman stated he did vote in favor of the purchase of Elm Lowne and has been a supporter of the project. Mr. Hackman stated he is also very much interested in getting a Senior Citizen Center in the Township, and the biggest problem has been money. He would therefore be interested in selling Elm Lowne with restrictions and use that money for a Senior Center. He therefore does not feel any other improvements should be made to Elm Lowne at this time.

Mr. Hackman moved and Mr. Fazzalore seconded to table installation of a parking lot at Elm Lowne.

Ms. Judy Curly, River Road, stated she feels it is premature to consider selling Elm Lowne. Mr. Fazzalore stated they are not entertaining this at this time.

Mr. Hackman stated he does not feel Elm Lowne is used nearly as much as a Senior Center would be used. He stated the maintenance at Elm Lowne is also very high. He stated they also are going to find out the expense involved in restoring the barn. He stated they have done an excellent job of saving the parcel and could put on restrictions with the sale of the property so that it would be saved in the future. He stated he feels they could sell this property and put the proceeds toward constructing a Senior Center with those funds.

Mrs. Godshalk stated Elm Lowne was bought with funds as a result of a Referendum approved by the voters for the preservation of open space.

Motion to table carried with Mr. Fazzalore, Mr. Fegley and Mr. Hackman in favor, Mrs. Godshalk opposed, and Mr. Allan abstaining.

Mr. Allan stated he finds it hard to believe that the Township purchased this property and did not do an inspection. Mr. Fedorchak stated they did do inspections on the property and all the facilities. Mr. Allan asked why they are now in such a dilemma on the work needed to be done on the barn. Mr. Fedorchak stated they were aware of what they were purchasing.

Mrs. Godshalk stated they have an estimate on turning the barn into a Community Center and it was slightly over \$1 million.

APPROVAL OF RESOLUTION NO. 1080 - NEWTOWN BYPASS TRAFFIC SIGNAL INTERCONNECT AGREEMENT

Mr. Hackman moved and Mr. Allan seconded to approve Resolution No. 1080 - Approval of the Newtown Bypass Traffic Signal Interconnect Agreement.

Mr. Doherty stated this is only for the maintenance portion.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, asked for a review of the project, and Mr. Hackman stated all lights on the By-Pass are going to be synchronized.

Ms. Sue Herman asked if they are on schedule for the bid opening. Mr. Doherty stated he heard it was to be April 16 but it appears this has been pushed back. Mr. Doherty was asked to find out when bids will be opened and when the project will be completed.

Motion to approve carried unanimously.

PUBLIC HEARING AND APPROVAL OF CONDITIONAL USE APPLICATION FOR NEXTEL COMMUNICATIONS OF THE MIDATLANTIC, INC.

Mr. Ed Wild, attorney, and Ms. Joanne Miller were present.

Mr. Garton stated the Plan is dated 2/2/01, last revised 3/5/01. Notice was sent to the applicant through their attorney on 3/30/01 and legal notices appeared in the newspaper. The property was also posted by the Township staff. Incorporated into the record is the entire contents of the Township's file.

Mr. Hackman moved and Mr. Fegley seconded to approve Conditional Use for the Plan dated 2/2/01, last revised 3/5/01 subject to:

- 1) Receipt of all permits and approvals by agencies having jurisdiction;
- 2) Compliance with PCS letter dated 5/9/01;
- 3) Applicant to provide financial guarantees for removal of facility in accordance with the Township Ordinances;
- 4) Appearance of any equipment to be coordinated with other structures to the satisfaction of the Township Manager;
- 5) Land Development is waived;
- 6) Payment of all Township expenses;
- 7) Applicant to be in compliance with Ordinance #200-50.1 of the Zoning Ordinance.

Mr. Wild agreed to the conditions of Approval.

Mr. Doherty stated this is the last user for this tower. The equipment will be inside the existing fenced-in area.

Mr. Hackman asked if there is emergency power available. Mr. John Bosco, engineer, was present and stated they have battery backup for three hours in the event of a power failure. Mr. Allan asked if there is some way they can get the five users to help get auxiliary power for Police and Fire. Mr. Garton stated they could request this from the five users.

Mr. Wild stated they are only a tenant through SBA, and this may be a question to ask SBA. He stated he could also discuss this matter with Nextel.

Motion to approve Conditional Use carried unanimously.

APPROVAL OF DEVELOPMENT AGREEMENT FOR TIRES PLUS

Mr. Edward Murphy, attorney, was present.

Mr. Allan moved, Mr. Fegley seconded and it was unanimously carried to approve the Development Agreement for Tires Plus.

DISCUSSION OF CHILDREN'S HOUSE OF BUCKS COUNTY INFORMAL SKETCH PLAN

Mr. Anthony Belfield, Mr. Fenton Brown, and Mr. Kurt Rittler were present. Mr. Belfield stated they are currently operating out of leased space in Falls Township. They would like to construct and operate a School of their own. He stated the tract they are considering is ten acres. They have met twice with the Planning Commission, and they would like to get feedback from the Township and then incorporate this into their Plans and move the process forward.

Mr. Fazzalore stated he feels Skelly & Loy must go out and review the site. Mr. Fegley asked if they did a wetlands delineation, and Mr. Brown stated a Wetlands Study was done and submitted to the Township. It was determined that there are no wetlands on the site. Mr. Belfield stated one portion of the tract does border the Canal. Mr. Brown stated there is a low point at the corner of the property, and the existing residents did do some grading which may have created a wet spot.

Mr. Fazzalore asked what they will do with the existing house. Mr. Brown stated they would like to make some use of it.

Mr. Fegley stated he would be opposed to a driveway opening onto Taylorsville Road. Mr. Fazzalore stated there were discussions about the installation of a traffic light and the possibility of making the driveway one way in only. Mr. Fegley stated McKinley is very lightly used and Taylorsville Road is very much the opposite. Mr. Allan stated he is concerned with running school buses in and out of McKinley. Mr. Brown stated the student population is only 200 children. Mr. Allan stated this could still involve a number of buses since this is a private School and they could be sending buses from a number of different School Districts. Mr. Allan stated he does not feel this is the proper location for a School. Mr. Fegley asked if the Zoning Ordinance permits a School at this location, and Mr. Brown stated it is permitted by Special Exception. Mr. Allan stated they are also one acre short of the required usable ground at this site.

Mrs. Godshalk asked the width of McKinley, and Mr. Doherty estimated it to be 18'. Mrs. Godshalk stated they are not showing any improvements. Mr. Hackman stated they would have to improve the roadway if they are planning on bringing in School buses.

Mr. Fegley stated he also feels they will have to align the roads and install a traffic light. Mr. Fazzalore stated he felt Orchard Hill reimbursed Yardley Borough for a traffic light, and he asked that Mr. Fedorchak look into this. Mr. Doherty stated he did discuss this matter with Mr. Wesley Wolf, the Yardley Borough engineer, who indicated a \$40,000 contribution was made.

Mr. Allan stated he is also concerned about the quality of life for the people living in this area if a School is constructed at this location. Mr. Brown stated this will be a small school, and they do not want to go beyond 200 students. He stated there will most likely be only six School buses coming to this site. Mr. Allan stated there will also be additional car traffic. Mr. Brown stated a School is only allowed to be located in a residential area. Mr. Allan expressed concern with lighting of the building and the impact this will have on the surrounding residents.

Mr. Hackman stated the Township engineer has advised that he just received direction to review the Plan, and he would suggest that they allow him time to review their Plans and have the applicant return after that time.

Mr. David Kellerer, Aspen Woods, asked how many teachers will be at this location, and Mr. Brown stated they will have ten classrooms with two teachers for each class. Mr. Kellerer asked if a traffic study will be done, and Mr. Hackman stated this would be required.

Ms. Judy Curly, River Road, stated she is a parent at the Montessori School and stated this School will have a very minor impact on the surrounding area. She stated it will also result in a savings since these children are not in the Public School. Mr. Belfield stated they are not a Charter School.

Mr. John Kellerer, McKinley Avenue, stated not much has been forthcoming about this project. He stated he understands they are required to have five acres of buildable land, and they do not have this amount. He stated they also need to build a water retention basin, and they do not have the land to do so in the proper location and must obtain a Variance in order to permit them to construct it closer to the Canal than permitted. He stated he is also concerned with additional traffic this use will bring to the area. Mr. Fazzalore stated these are the reasons that the Township engineer is going to review the Sketch Plan and write up a review letter. Mr. Hackman suggested that once the comments from the Township engineer are received that they forward a copy of them to Yardley Borough as well since this property borders Yardley Borough.

Mr. Paul Krupp stated this location is also under the flight path of a significant amount of air traffic.

Mr. Virginia Torbert stated the traffic at peak hours backs up in this area.

Ms. Maureen Friedman stated this intersection is poorly designed and is a poor location for a School.

Mr. Belfield asked if they will get a copy of the Township engineer's report, and Mr. Fazzalore stated they will.

Mrs. Godshalk stated they have not shown the outdoor recreation area, and Mr. Belfield stated they have come in at a very preliminary stage. Mrs. Godshalk stated the playground would have to be included since it is impervious surface.

APPROVE EXTENSION OF TIME FOR MISKIEL/DARRAH TRACT

Mr. Fazzalore moved, Mr. Hackman seconded and it was unanimously carried to approve an extension of time for the Miskiel/Darraha Tract Preliminary Plan until 9/7/01.

APPROVAL OF MAY 7, 2001 AND MAY 21, 2001 WARRANT LISTS & APRIL, 2001 PAYROLL

Mrs. Godshalk moved, Mr. Fegley seconded and it was unanimously carried to approve the May 7, 2001 and May 21, 2001 Warrant Lists, and April, 2001 Payroll as attached to the Minutes.

Mr. Fedorchak stated he sent a memo to all Department Heads about expenses as he was directed.

ZONING HEARING BOARD MATTERS

The Krautheim/Leavitt, Stafford Place, Variance request to construct a house was noted, and the Solicitor was asked to attend and report back to the Board of Supervisors.

The Duffner, Joy Circle, Variance request to construct a patio resulting in greater than permitted impervious surface was noted. No action will be taken.

The Hammond, Big Oak Road, Variance request to reduce the front yard setback from 65' to 57' was noted. No action will be taken.

The Rabiger, Cinnabar Lane, Variance request to reduce the rear yard setback for Big Oak Road was noted. No action will be taken.

SUPERVISORS' REPORTS

Mr. Fazzalore stated he would request the Township Manager and Public Works Manager to meet with PennDOT with the idea of taking over Edgewood Road as a Township road.

Mr. Fazzalore stated Comcast has announced that they have finalized their deal with AT & T.

Mrs. Godshalk stated there is a group that would like to raise money to help restore the barn at Elm Lowne. She stated there will be a meeting in June, and they could raise up to \$100,000. Mr. Fazzalore asked that something be presented in writing to the Board of Supervisors in this regard.

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Mrs. Godshalk asked if they will be having the Employees/Volunteers Picnic this year. She suggested the date of July 1. Mr. Fazzalore stated this could impact the July 4 Holiday. It was suggested that something be done in the fall.

Mr. Allan stated the Pool will open on time. He stated the roof work has been completed. Two of the pools have been filled and the large pool will be filled shortly. The heaters are working. Mr. Hackman asked if they did any painting in the Olympic pool, and Mr. Fedorchak stated some spot painting has been done. Mr. Allan stated they will have to address the new pool with regard to the plaster.

Mr. Fazzalore moved and Mr. Fegley seconded to authorize the Community Pool Board to allow fifty memberships only from Yardley Borough and to enter into a cooperative agreement with Yardley Borough to allow Lower Makefield Township residents to use the Yardley Borough Community Room. Mrs. Godshalk asked if the residents will be charged to use the Community Room, but it was noted these details have not yet been decided. Motion to approve carried unanimously.

There being no further business, the meeting was adjourned at 10:00 p.m.

Respectfully Submitted,


Grace Godshalk, Secretary



Township of Lower Makefield

BOARD OF SUPERVISORS

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

**MAY, 2001 WARRANT LISTS AND
APRIL 2001 PAYROLL COSTS FOR APPROVAL
@ MAY 21, 2001 BOARD OF SUPERVISORS MEETING**

05/07/01 Warrant List	\$ 177,925.83	
05/01 Prepaid Expenditures	59,858.96	
05/21/01 Warrant List	452,781.59	
Total Warrants & Prepays		690,566.38
<u>PAYROLL COSTS:</u>		
April, 2001 Payroll	291,037.60	
04/01 Payroll Taxes, etc.	22,264.37	
Total Payroll Costs		313,301.97
TOTAL TO BE APPROVED		\$ 1,003,868.35

