

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - JUNE 18, 2001

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 18, 2001. Chairman Fazzalore called the meeting to order at 7:30 p.m. noting that the Board had been meeting in Executive Session since 6:30 p.m. to discuss personnel, legal, and real estate 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. Andrew Newbon, 4 Berkley Drive, stated he lives in a private neighborhood which is accessible by only one road in and out. He stated the only way out of the neighborhood is onto Pine Grove Road which is very dangerous for bikes. He presented a map showing ground owned by the Township where he would suggest a connection be provided from Berkley Drive to Robin Hood Drive so that they can safely leave the neighborhood on foot or by bike. He also presented signatures from neighbors in the area in favor of this connection. Mrs. Godshalk asked if Mr. Newbon had discussed this with the Park & Recreation Board, and Mr. Newbon stated as he serves on the Park & Recreation Board, he felt this might be a conflict of interest. Mr. Fazzalore asked that the Township engineer look into this matter to see if this is feasible. Mr. Hackman suggested that he bring this matter up to the Park & Recreation Board as well. Mr. Newbon stated he did discuss this matter with the Chairman of the Park & Recreation Board, Mr. Fritchey, who stated he would not put it on the Agenda and suggested that it go before the Board of Supervisors.

Mr. Ralph Thompson, Lehigh Drive, stated a Senior Center has been under discussion for a number of years. He suggested that the Senior Center be built and run similar to how the Community Pool was built and is run so that those interested in having a Senior Center are the ones who pay for it. He stated in this way it could be done at no cost to the taxpayers. Mr. Fazzalore stated there are a number of other recreation activities in the Township and they have not followed that procedure for those facilities. Mr. Thompson stated he does not feel the majority of seniors in the Township want to pay for a facility for this small group of people.

Ms. Sue Herman thanked Mr. Fegley, the rest of the Supervisors, and Mr. Fedorchak for their support at the Public Hearing on the Turnpike Interchange. She stated she feels they made an impact.

APPROVAL OF MINUTES

Mr. Allan moved, Mr. Hackman seconded and it was unanimously carried to approve the Minutes of June 4, 2001 as written.

ANNOUNCEMENT REGARDING THE DALGEWICZ PROPERTY

Mr. Fazzalore stated that as of 6/14/01, the Pennsylvania Supreme Court upheld the prior Court decisions, and denied the Appeal of Mr. Dalgewicz and others versus Lower Makefield Township. Mr. Garton stated the Township will be moving forward to take possession of the property within the next thirty days.

DISCUSSION OF AGREEMENT WITH NEWTOWN TOWNSHIP REGARDING JOINT TRAFFIC CONCERNS

Mr. Fazzalore moved and Mr. Fegley seconded to give conceptual approval of the Agreement with Newtown Township regarding joint traffic concerns subject to execution of an Inter-Governmental Cooperation Agreement and to the extent possible to commit PennDOT to the same consequences.

Mr. Hackman stated he feels PennDOT is a very important part of this and feels they should also sign the Agreement. Mr. Garton stated while PennDOT will not sign the Agreement, they do have a letter from PennDOT indicating what is proposed to be done.

Mrs. Godshalk stated she objects to the Motion since it was not on the original Agenda. She stated at the last meeting they stated that there would be a Public Hearing on this before there was a vote by the Board. She stated they have also not met with Newtown Township as a full Board and only specific Board members have met with Newtown Township representatives and Mr. Steil.

Ms. Sue Herman read a letter from the residents regarding this issue a copy of which she provided to the Board of Supervisors this evening. Ms. Herman stated they are asking that there be only one access for CAU. She also stated they have not had an opportunity to review Roadway D in detail and would like to report back to the Board of Supervisors on this matter. Mr. Fegley stated this refers to the loop ramp which has been designed and was the subject of many past meetings. Mr. Fazzalore stated he has been advised that PennDOT is very close to completing the design phase for this. Ms. Herman stated the residents also feel the Supervisors should press for opening up Swamp Road at this time.

Mr. Hackman stated he did have a discussion with Mr. Steil that he is concerned whether all these items will actually get done. Mr. Steil assured him that what is being discussed in the Agreement is part of the development plans for the construction taking place in Newtown. Mr. Hackman stated he plans on visiting the development sites.

Mrs. Godshalk stated she feels there are many unanswered questions at this time. She feels Mr. Steil should come to a meeting and advise everyone what is taking place. She stated Newtown Township should be included as well in this meeting. She stated she feels voting on this at this time is premature.

Mr. Herbert Wright, Newtown-Yardley Road, stated the Townships keep approving housing developments and all the cars go on the road across his property.

Ms. Herman stated the residents would welcome the opportunity to talk to Mr. Steil. Mr. Fazzalore suggested she contact Mr. Steil about meeting with them.

Motion did not carry as Mr. Fazzalore and Mr. Fegley voted in favor, and Mr. Allan, Mrs. Godshalk, and Mr. Hackman were opposed.

APPOINTMENT OF POLICE CAPTAIN AND LIEUTENANT

Chief Coluzzi stated he was asked by the Board of Supervisors to recommend individuals to fill the positions of Captain and Lieutenant. Chief Coluzzi introduced and reviewed the resumes of Thomas Roche who he is recommending for the position of Captain and John Hansberry for Lieutenant. Mr. Garton asked the effective date of the appointments should the Board be in favor, and Chief Coluzzi stated it would be on or before July 2, 2001.

Mrs. Godshalk moved and Mr. Allan seconded to appoint Thomas Roche as Captain and John Hansberry as Lieutenant with appointment to be effective on or before July 2, 2001 and subject to execution of appropriate Employment Agreements.

Mr. Hackman stated while he does not wish to offend either Officer Roche or Officer Hansberry, the Board of Supervisors has not had a chance to interview any of the candidates. He stated he has never appointed anyone who the Board has not interviewed. He suggested the interviews take place prior to any appointment. He stated they also have not discussed the Employment Agreements or the salaries.

Mr. Fegley stated Joseph Bainbridge was second among over one hundred applicants for the position of Chief and he feels the treatment he has received by the Board of Supervisors and the Police Department is a disgrace. He reviewed Officer Bainbridge's work for the Township and is not in favor of his being passed over at this time.

Motion to approve appointments carried with Mr. Fegley and Mr. Hackman opposed.

All Supervisors congratulated Officer Roche and Officer Hansberry for their appointments.

APPROVAL OF EMPLOYMENT AGREEMENTS WITH THOMAS ROCHE AND JOHN HANSBERRY

Mr. Garton stated he has prepared the Employment Agreements based upon information provided by the Chief.

Mrs. Godshalk moved and Mr. Allan seconded to approve the Employment Agreements for Thomas Roche and John Hansberry.

There was discussion on the effective date, and Mr. Taylor was asked to contact the Solicitor with the proper date for these promotions to take place so they are consistent with Payroll.

Mr. Hackman questioned the purpose of the Employment Agreements. Mr. Garton stated these two individuals will no longer be members of the PBA. He stated under the law they are however entitled to no less than what a Sergeant may get in terms of an increase. The Agreements are also intended to memorialize the terms of the promotions. Mr. Garton stated they are still uniformed officers and will get the same benefits. If they are replaced, those individuals would also have to sign Employment Agreements.

Motion carried with Mr. Fegley opposed.

APPROVE HIRING JERSEY PROFESSIONAL MANAGEMENT TO HANDLE TESTING FOR SERGEANTS AND CORPORALS

Mrs. Godshalk moved and Mr. Allan seconded to approve hiring Jersey Professional Management to handle testing for Sergeants and Corporals.

Mr. Hackman asked why the Police Chief, Captain, and Lieutenant could not do the testing themselves. Chief Coluzzi stated someone must prepare the written exam that meets all requirements. He stated they have also been trying to rid the Police Department of political influence and favoritism and they feel an outside firm can solve this problem and will protect the Township from future lawsuits. He stated funds have already been approved for this testing.

Mr. Garton stated under the PBA Contract, you do have to give a written test. He stated the oral portion has in the past been the subject of discord and this is a way to bring in professionalism.

Mr. Hackman asked the cost, and Mrs. Godshalk stated the cost is outlined in the information which was provided to the Board.

Mr. Allan stated he feels this will help eliminate any form of bias.

Mr. Coluzzi stated they have \$11,000 left in the Budget for Police testing.

Mrs. Godshalk moved and Mr. Allan seconded to amend the Motion that fees not exceed \$5,000 without prior approval by the Board of Supervisors.

Ms. Sally Conlon asked how many Sergeants there will be, and Chief Coluzzi stated they will be back up to five Sergeants.

Motion carried unanimously.

TABLING OF ORDINANCE NO. 326 AUTHORIZING EXTENSION OF SANITARY SEWER SYSTEM TO COVINGTON ROAD

Mr. Garton stated CKS is not yet satisfied with the bids, and he would therefore recommend tabling this matter. Mr. Fazzalore asked that the Solicitor verify that the necessary easements have been secured.

Mrs. Godshalk moved, Mr. Allan seconded and it was unanimously carried to table approval of Ordinance No. 326 until 7/16/01.

APPROVAL OF RESOLUTION NO. 1086 AUTHORIZING ACQUISITION OF MILNOR PROPERTY

Mr. Garton stated this matter is scheduled to go to closing this week.

Mr. Hackman moved and Mr. Fegley seconded to approve Resolution No. 1086 authorizing acquisition of the Milnor property.

Mr. Hackman stated they have reached agreement on the price with the property owner. Mrs. Godshalk stated this property is land-locked. Mr. Allan asked if this will be purchased with Township Open Space Funds, and it was noted it will not. Mr. Hackman stated the State may take this piece of land for the Township for the jughandle if it goes through. The State will have to pay the appraised value to the Township.

Ms. Elly Ferry, 511 Heritage Oak, stated she hopes the Township will negotiate with the State if the State wants this property.

Ms. Virginia Torbert asked about the location of the property being discussed and was shown the property on the map.

Motion to approve carried unanimously.

APPROVE GRANTING AN EXTENSION OF TIME TO BUCKS CENTRAL CHURCH

Mr. Hackman moved, Mr. Allan seconded and it was unanimously carried to approve granting an extension of time to Bucks Central Church Preliminary Land Development Plan until 10/5/01.

APPROVE GRANTING AN EXTENSION OF TIME TO FIELDSTONE AT LOWER MAKEFIELD

Mr. Hackman moved, Mr. Allan seconded and it was unanimously carried to approve granting an extension of time to Fieldstone at Lower Makefield Revised Preliminary Plan until 9/30/01.

APPROVAL OF CERTIFICATE OF APPROPRIATENESS FOR BEAUTY DEPOT 678 STONY HILL ROAD (SIGN PERMIT)

Mr. Hackman moved and Mrs. Godshalk seconded to approve Certificate of Appropriateness for Beauty Depot, 678 Stony Hill Road (sign permit). It was noted this was recommended for approval by HARB. Motion to approve carried unanimously.

DENY REQUEST FOR DEDICATION OF OAK TREE FARMS

Mr. Garton stated the staff has recommended that Dedication not be accepted at this time.

Mr. Hackman moved, Mr. Allan seconded and it was unanimously carried to deny the request for dedication as there are outstanding items as far as Falls Township sewer system, outstanding punch list items in the PCS letter dated 6/14/01, and not all residences have final Certificates of Occupancy.

Mr. Fazzalore noted the length of time this matter has been outstanding. Mr. Garton was asked to advise the developer that the Township is considering using the escrow funds to complete the project.

APPROVE DEDICATION OF THE PALMER FARM SANITARY SEWER SYSTEM AND PUMP STATION

Mr. Hackman moved, Mr. Allan seconded and it was unanimously carried to approve dedication of the Palmer Farm Sanitary Sewer System and Pump Station.

APPROVAL PROFESSIONAL SERVICES AGREEMENT WITH ANN LANGTRY

Mr. Fedorchak stated Ms. Langtry has been working on the Newsletter for the past two years and was paid \$1500 each year. He stated during the time she has done an excellent job and the Township has won awards for the Newsletters. He recommended that the Township pay her \$3,000 a year and to approve the Professional Services Agreement.

Mr. Hackman moved, Mr. Fegley seconded and it was unanimously carried to approve the Professional Services Agreement with Ann Langtry and to pay her \$3,000 a year.

DISCUSSION OF SANDY RUN BRIDGE STRUCTURAL EVALUATION AND MOTION TO IMMEDIATELY CLOSE BRIDGE

Mr. Fazzalore noted the report the Board received regarding the Bridge. He stated it is considered unsafe and since no agreement has been reached on how to handle the bridge, he feels it should be closed.

Mr. Fazzalore moved and Mr. Hackman seconded to notify the Public Works Department to close the Bridge immediately.

Mr. Hackman reviewed work which has been done on the Bridge by the Public Works Department in the past. Mr. Fazzalore stated the Public Works Department should make sure that the proper signs are placed in the surrounding area.

Motion to approve carried unanimously.

SOLICITOR UPDATE ON CONSTRUCTION CONTRACT FOR SANDY RUN BRIDGE

Mr. Garton stated he will notify the contractor that they are not proceeding with the Contract at this time since the Board wants to see the stakes in the field for the rights-of-way needed, to determine costs for acquisition, and to consider other alternatives. The Township engineer was asked to **stake the area properly for this project and advise how much land will be needed. Both easements and rights-of-way should be marked.** Mr. Hackman stated they can then **meet with the effected homeowners to try to reach agreement with them.**

There was discussion on who put out stakes which are existing on the properties, and Mrs. Shore stated the stakes may be related to a new home being built in the area. Mrs. Shore asked if alternate designs are considered if the homeowners could be involved, and Mr. Fazzalore stated any plans would be discussed at a public meeting.

APPROVAL OF JUNE 4, 2001 AND JUNE 18, 2001 WARRANT LISTS, AND MAY, 2001 PAYROLL

Mrs. Godshalk moved, Mr. Allan seconded and it was unanimously carried to approve the June 4, 2001 and June 18, 2001 Warrant Lists, and May, 2001 Payroll as attached to the Minutes.

Mr. Fazzalore noted he is still concerned that some Departments are over Budget.

Mrs. Godshalk noted transfer taxes are up \$86,000 over this same period last year. She stated this is not only for new construction, but for resales as well. Mr. Allan stated this is a result of the value of the homes in the area and not only the number of homes being sold.

SUPERVISORS' REPORTS

Mr. Fazzalore noted the letter addressed to Mr. Roeper about an audit by the Pennsylvania Department of Community and Economic Development. He provided a copy of this to Mr. Taylor this evening.

Mrs. Godshalk stated the next Golf Course meeting will be Monday, June 25 and the Township Management and Finance Director will be discussing people who can provide the new financial analysis for the Golf Course. She stated they will then consider making an appointment of someone to do the new financial analysis. Mr. Hackman stated on Saturday the Golf Course Committee and Board of Supervisors met with two golf course architects, both of whom were excellent. They are now in a position to move quickly to hire the golf course architect.

Mr. Allan stated they are continuing to work on the handicap access at the Pool and this project will be done in the fall.

Mr. Allan noted this weekend they had seventy-two teams in from all over the United States for a Tournament and he commended Chief Coluzzi and his force.

June 18, 2001

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CANCEL JULY 2 BOARD OF SUPERVISORS MEETING

Mr. Hackman moved, and Mr. Fegley seconded to cancel the July 2, 2001 Board of Supervisors meeting. Motion carried with Mr. Allan opposed.

There being no further business, Mr. Hackman moved, Mrs. Godshalk seconded and it was unanimously carried to adjourn the meeting at 8:55 p.m.

Respectfully Submitted,

Grace Godshalk, Secretary



Township of Lower Makefield

BOARD OF SUPERVISORS

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

**JUNE, 2001 WARRANT LISTS AND
MAY 2001 PAYROLL COSTS FOR APPROVAL
@ JUNE 18, 2001 BOARD OF SUPERVISORS MEETING**

06/04/01 Warrant List	\$ 215,927.14	
06/01 Prepaid Expenditures	635.27	
06/18/01 Warrant List	59,427.88	
Total Warrants & Prepays		275,990.29
<u>PAYROLL COSTS:</u>		
May, 2001 Payroll	282,233.20	
05/01 Payroll Taxes, etc.	21,590.84	
Total Payroll Costs		303,824.04
TOTAL TO BE APPROVED		\$ 579,814.33

