

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES - SEPTEMBER 17, 2001

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on September 17, 2001. Chairman Fazzalore called the meeting to order at 7:30 p.m. and called for a moment of silence in remembrance of the events which took place in the Country on September 11. He noted that the Board had been meeting in Executive Session since 6:00 p.m. to discuss legal and personnel matters and to conduct interviews.

Those present:

Board of Supervisors: Frank Fazzalore, Chairman  
Scott Fegley, Vice Chairman  
Fred Allan, Supervisor  
Wes Hackman, Supervisor

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

Absent: Grace Godshalk, Supervisor

PUBLIC COMMENT

Mr. Bill Gibney stated he has tried to get the speed limited reduced on Edgewood Road for a number of years and was working with a number of State representatives. Last year he met with Mr. Warren and his staff with Mr. Fazzalore and Mr. Coyne and they asked that the speed limit be reduced to 25 miles per hour. Mr. Warren stated they could not legally reduce the speed limit any lower than 35 miles per hour since the Township had not taken over the road. Mr. Coyne had indicated that the bridge at Sandy Run Road would need to be repaired first, and the State indicated that they would repair it. Mr. Gibney stated the Township Manager and Mr. Coyne need to meet with PennDOT to discuss the Township taking over the road and reducing the speed limit to 25 miles per hour. Mr. Gibney noted the dangerous conditions and asked what the Board of Supervisors will be doing about this situation. Mr. Fedorchak stated a few weeks ago they did receive information from PennDOT regarding the procedures they need to go through in order for the Township to take over Edgewood Road. He stated the Township is still very concerned about getting the bridge repaired or replaced. He was told by PennDOT that the Township can take over the road exclusive of the bridge and PennDOT would continue to maintain the bridge and repair it on their schedule. He did not get any commitment however on how long it would take to fix the bridge. He stated this evening they will discuss what projects should be included on the 12 Year Plan, and some items that pertain to Edgewood Road are included on this list, one of which is the replacement of the bridge. He stated they need to develop a strategy on how to approach this and how to get a commitment from PennDOT that they will replace the bridge in a timely fashion. Mr. Fazzalore advised Mr. Gibney that the Township will continue to work on this project. Mr. Coyne stated the bridge is very important since the temporary bikepath leads to many of the Township recreation areas and whenever there is a rain it is inundated. Their hope is to get a safe walkway/bikepath in addition to the bridge.

Mr. Anthony Affagato, 1529 Derbyshire Road, stated this summer there were two heavy rainfalls and his immediate area experienced severe flooding making it impossible to drive through Derbyshire Road. He stated many of the homes experienced damage. He also feels some landscaping and grading needs to be done to prevent his neighbor's water from coming onto his property. Mr. Fazzalore asked if the proposed Rock Run Dam will help this problem, and Mr. Coyne stated it will help the problems on Derbyshire Road. Mr. Coyne stated he would be willing to look at this specific property with the Township engineer.

Ms. Dana Wyrick, representing RAM, stated RAM would like to request that the Matrix Plan be reviewed by the Planning Commission on any other date than September 24 since that date conflicts with RAM's Golf Outing. Mr. Fazzalore stated this would be up to the Planning Commission. He noted the Board of Supervisors does not set the Agenda for the Planning Commission.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, stated the intersection of Edgewood Road and Oxford Valley Road is very dangerous, and she suggested that they install a light at this location. Mr. Fazzalore stated they will take this matter under advisement. Mr. Doherty stated the intersection does have the proper sight distance for the speed limit, but people are not going the speed limit. Mr. Doherty was asked to do a study on this intersection.

Mr. Alan Becker, Gordon Drive, asked if the Board of Supervisors have ever considered any Ordinances to prevent skateboarding in the public streets. Mr. Fazzalore stated they will ask the Chief of Police to look into this.

Mr. Bill Gibney stated at the present time there are over 10,000 Senior Citizens living in Lower Makefield. He understands the Board is looking into what it would cost to build a building on Township-owned land. Mr. Gibney stated he has provided to the Board this evening cost information from the architect who built the Senior Center in Bristol Township. He stated that architect has indicated that he could construct a building similar to the one built in Bristol Township and make it look similar to the Lower Makefield Township Library. Mr. Fedorchak stated all the cost numbers they have received were between \$130 and \$150 and above per square foot for the construction costs. Mr. Gibney suggested that they speak to Mr. William Majors who is the individual who built the Bristol Senior Center. Mr. Fedorchak agreed to do so. Mr. Gibney stated Mr. Majors has advised him that no matter what the size of the building Lower Makefield Township wants, it will cost \$75 per square foot.

#### APPROVAL OF MINUTES

Mr. Fegley moved, Mr. Allan seconded and it was unanimously carried to approve the Minutes of August 20, 2001.

It was noted that during that meeting a vote was taken on the Agreement with Rick Jacobson to provide Golf Course design services. Mr. Fazzalore was not present during the vote; and he indicated this evening that had he been present at the time of the vote, he would have voted in favor of the Agreement.



DISCUSSION AND APPROVAL OF STREET PROJECTS TO BE INCLUDED IN PENNDOT'S 12 YEAR PLAN

Mr. Fedorchak noted the list of projects (attached to the Minutes) he provided to the Board of Supervisors which he prepared with Mr. Coyne and Mr. Doherty. There was discussion on the projects proposed and the costs associated. It was suggested that the Edgewood Road projects be combined into one project.

Mr. Hackman moved, Mr. Allan seconded and it was unanimously carried to approve the list of street projects to be included in PennDOT's 12 Year Plan as presented.

APPROVAL OF AGREEMENT WITH YARDLEY-MAKEFIELD EMERGENCY UNIT

Mr. Garton noted the Lease has been prepared, and they have received the signed Agreement from the Rescue Squad. Mr. Fazzalore stated new collections are at 63%. He stated they are also preparing new by-laws.

Mr. Allan moved and Mr. Hackman seconded to approve the Agreement with the Yardley-Makefield Emergency Unit.

Mr. Hackman stated he, Mr. Fedorchak, and Mr. Fazzalore discussed the building with members of the Squad and Mr. McCaffrey. He stated there was considerable discussion on how they could split up the building and the renovations required. Mr. Fazzalore stated the Agreement has nothing to do with what they will eventually do with the building. Mr. Garton stated the obligation is that they be provided with four bays for their facility and it does not indicate how this will eventually be decided.

Motion to approve Agreement carried unanimously.

TABLING DISCUSSION OF REVISION TO LOWER MAKEFIELD CORPORATE CENTER SOUTH CAMPUS LAND DEVELOPMENT PLAN

Mr. Garton stated Mr. Murphy requested that this matter be tabled at this time.

Mr. Hackman moved, Mr. Allan seconded and it was unanimously carried to table revision to Lower Makefield Corporate Center South Campus Land Development Plan.

MOTION ON RCN REQUEST TO RELEASE CONSTRUCTION BOND

Mr. Garton stated RCN posted a bond which they intended to use for construction. Since they have not done any construction, they are requesting release of the bond. Mr. Garton stated he did receive information today that it is being canceled. He suggested that it not be released and stated they have four more years to complete construction.

Mr. Allan moved, Mr. Hackman seconded and it was unanimously carried not to release the bond and simply let it be canceled.

APPROVAL OF AGREEMENT WITH INDEPENDENT ASSOCIATION OF LMT  
PUBLIC WORKS EMPLOYEES

Mr. Fedorchak reviewed the changes to wages and the increase in the amount of the deferred comp match that the Township provides to the employees. He stated they were able to negotiate a new wage schedule so that instead of taking two years for new hires to reach the top of the range it will now take three years. The effective date is January, 2001. Mr. Fazzalore stated he felt that they had indicated it would take effect when it was approved. Mr. Fedorchak stated while this is true, the discussion has been going on for two years and they brought it up to the date that the Board of Supervisors asked for.

Mr. Hackman moved and Mr. Allan seconded to approve the Agreement with Independent Association of LMT Public Works Employees.

Mr. Hackman stated as part of this procedure, they re-evaluated each employee's position and several employees were promoted to higher positions which he feels was proper.

Motion to approve Agreement carried unanimously.

DISCUSSION AND MOTION ON SPEED LIMIT STUDY ON LINDENHURST ROAD  
BETWEEN YARDLEY-NEWTOWN ROAD TO WASHINGTON CROSSING ROAD

Mr. Fedorchak stated they discussed this matter a few months ago and requested PennDOT to lower the speed limit on Lindenhurst Road. They received a letter from PennDOT indicating that they have completed their traffic study and they do not believe a reduction is warranted.

Mr. Hackman stated as part of a prior Motion made on the I-95 Loop, there was discussion on taking over Lindenhurst Road and he feels they should now start this process. He feels once the Township does this, the Township could then lower the speed limit. He feels it should be lowered to 35 miles per hour.

Mr. Hackman moved and Mr. Allan seconded that the Township Engineer and Public Works Director evaluate Lindenhurst Road to give an opinion on the condition of the road so that they can begin working on getting it upgraded toward the Township taking over the road.

Mr. Coyne stated he wants to make sure that everyone understands that even if the Township takes over the roads, trucks can still use it. Mr. Hackman stated he feels that if there is an alternate road that the trucks could use, they could have it designated as a truck route and they could take the trucks off Lindenhurst Road. Mr. Coyne stated he feels they should check into the legality of this. Mr. Garton stated he feels that they cannot prevent truck traffic unless there are other alternatives that they can use. Mr. Fazzalore stated when Lindenhurst Road was closed, the trucks used Dolington Road. Mr. Hackman stated he feels most of the trucks went on the By-Pass.

Mr. Fazzalore stated he feels the other two Townships will have to be involved in this process as well. Mr. Fedorchak stated he has been in contact with Representative Steil and it is his intention to hold a meeting within the next thirty days with Lower Makefield, Upper Makefield, Newtown, and Wrightstown.



#### AUTHORIZE PURCHASE OF SPREADER AND TRACTOR FROM MRS. PATTERSON

Mr. Hackman moved and Mr. Fegley seconded to authorize the purchase of a spreader and tractor from Mrs. Patterson in the amount of \$9,568.

Mr. Hackman stated this will give the Public Works Department a second piece of equipment to spread the leaves.

Mr. Fazzalore stated Mr. Garton has indicated they should obtain two additional quotes. Mr. Coyne stated while he has not yet done this, he will do so. Mr. Fazzalore stated they are paying less than the appraised value.

Mr. Hackman moved and Mr. Fegley seconded to amend that the Motion be subject to Mr. Coyne's confirming, through two other quotes, that this is a good price.

Mr. Coyne stated he has applied for a DEP Grant. Mr. Fazzalore asked if they will then buy another spreader and tractor, and Mr. Coyne stated they will not and they could use those DEP Grant funds toward this purchase.

Mr. Harry Torbert asked if there will be a public sale for the equipment at the Patterson Farm, and Mr. Fazzalore stated the Pattersons will be doing this. Mr. Torbert stated if the Township is going to purchase all the good equipment, it will take away from the sale. Mr. Garton stated the auction for everything else will be held in late October.

Motion as amended carried unanimously.

#### APPROVAL OF PATTERSON FARM SIGNS

Mr. Fazzalore noted the pictures of the proposed signs. Mr. Garton stated Mrs. Patterson was pleased that they were considering including their first and last names.

Mr. Hackman moved, Mr. Allan seconded and it was unanimously carried to authorize the Township to contract to have two signs using Sign D; one to be placed on Yardley-Newtown Road and one on Mirror Lake Road, at a cost not to exceed \$6,000 total.

#### APPROVAL OF DALGEWICZ FARMHOUSE ALARM SYSTEM

Mr. Fedorchak stated he has talked to a number of families about the possibility of renting out the farmhouse until spring, but this has not worked out. He would therefore request that they install a fire and burglar alarm system and authorize them pending up to \$1,000.

Mr. Hackman moved to proceed with the installation of an alarm system at the Manor House at the Dalgewicz Farm at a cost not to exceed \$1,000.

Mr. Fedorchak reviewed what is included in the proposed system. Mr. Hackman stated they will have to maintain a telephone system as well.

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

#### AWARD BID FOR CURB RAMP CONSTRUCTION

Mr. Doherty stated they only received two bids. He reviewed work done by the low bidder and noted they have been in business for forty-seven years. He stated they have also done work in Newtown Borough in the past, and they were satisfied with the work done.

Mr. Hackman moved and Mr. Allan seconded to award the bid for curb ramp construction to Giovannone Construction, Inc. at a cost of \$24,264.00.

Mr. Fazzalore asked how many more of these projects they will need to do, and Mr. Doherty anticipated that they will have two more sets of projects to do.

Motion carried unanimously.

#### APPROVE REPAVING THE MAKEFIELD BROOK SIDE OF QUARRY ROAD

Mr. Hackman moved and Mr. Fegley seconded to approve repaving the Makefield Brook side of Quarry Road at a cost of \$9,813.45.

Mr. Hackman stated this is to pay for the other side of the road so that Quarry Road from I-95 up to Gray Nuns will be a new road.

Motion approved unanimously.

Ms. Virginia Torbert asked if they were not discussing lowering the speed limit on Quarry Road to 25 miles per hour. Mr. Garton stated this would go to the Traffic Commission. Chief Coluzzi stated the Traffic Commission did approve this and the signs need to be installed. This will be from Creamery Road to Lindenhurst Road. Ms. Herman stated when you take the curves out of the road, it makes the traffic go faster.

#### TABLING OF TRAFFIC SIGNAL MODIFICATION - YARDLEY-LANGHORNE AND HEACOCK/MIRROR LAKE ROADS

There was a question as to why this matter was to be considered this evening. Mr. Doherty stated Edgewood Pointe is adding a left turn lane, and he feels this may be why this is on the Agenda.

Mr. Hackman moved, Mr. Allan seconded and it was unanimously carried to table.

#### DISCUSSION OF LINDENHURST/WASHINGTON CROSSING ROAD BIKEPATH

Mr. Hackman stated the Master Bike Plan shows a bikepath on Washington Crossing Road from the light at Lindenhurst Road to the end of the development. However, this path goes nowhere; and the Park & Recreation Board recommended that this section not be built.

Mr. Doherty stated from the light back to the first intersection going into the development there is a question about removing that bikepath as well. Mr. Fazzalore asked if Toll Bros.

will pay Fee-In-Lieu, and Mr. Doherty stated they would. There was discussion on the easements needed from the Gas Company.

Ms. Herman asked if it would be a benefit to get bikers up to the Village Market, and Mr. Hackman stated this would not go this far. Ms. Herman stated she would like to know that there is a safe way to get to the Village Market.

Mr. Hackman moved and Mr. Allan seconded to table the matter. No vote to table was taken.

After further consideration Mr. Hackman stated he feels since Toll Bros. is ready to proceed, and they should construct the bikepath as shown on the Master Plan. Mr. Garton stated if no action is taken this evening, Toll Bros. would be required to build the bikepath as shown on the Plan. No action was taken by the Board on this matter.

#### APPROVAL OF HADDAD SUBDIVISION PRELIMINARY/FINAL PLAN

Mr. Osterhaut, attorney, was present representing the applicant. Mr. Garton stated the Plan has been reviewed by the Planning Commission who recommended approval.

Mr. Fegley moved and Mr. Hackman seconded to approve the **Preliminary/Final** Plan dated 10/19/00, last revised 6/25/01 subject to:

- 1) Receipt of all permits and approvals by agencies having jurisdiction;
- 2) Compliance with PCS letter dated 8/8/01 except for the waivers:
- 3) Waivers to be granted are: not to be required to install curb and road improvements along the frontage, not to be required to install sidewalks, and not to be required to show existing improvements as required by Ordinance;
- 4) Payment of Fee-In-Lieu;
- 5) Compliance with CKS letter dated 3/19/01;
- 6) Payment of any Township expenses to the extent not paid.

Mr. Osterhaut agreed to the conditions.

Mr. Fazzalore stated they have indicated that there will be no drainage onto adjoining properties and that it will drain out to Makefield Road. Mr. Hackman asked about the right-of-way and stated he feels this needs to go to the Zoning Hearing Board. Mr. Garton stated in this instance it does not need to go to the Zoning Hearing Board since it is a pre-existing condition. He stated they are getting additional right-of-way. The new lot will be in conformance.

Motion to approve carried unanimously.



APPROVAL OF EXTENSION OF TIME TO FIELDSTONE AT LOWER MAKEFIELD  
(HARRIS FARM)

Mr. Fazzalore moved, Mr. Hackman seconded and it was unanimously carried to grant an extension of time to Fieldstone at Lower Makefield (Harris Farm) to October 31, 2001.

DENIAL OF REQUESTS FOR DEDICATION FOR AFTON CHASE, CLEARVIEW  
ESTATES, AND THE ESTATES AT PEBBLE CREEK

Mr. Hackman moved, Mr. Fegley seconded and it was unanimously carried to deny the request for dedication for Afton Chase because of outstanding issues in the PCS letter dated 8/31/01, deny the request for dedication for Clearview Estates because of outstanding CKS and PCS items and because not all lots have Final C/Os, and deny the request for dedication for The Estates at Pebble Creek because of outstanding CKS and PCS items and because not all lots have Final C/Os.

DISCUSSION OF TRADING OBSOLETE WEAPONS FOR NEW RIFLES

Mr. Fazzalore asked why the old weapons were being sold instead of destroyed. Mr. Fegley stated the weapons do have value. Chief Coluzzi stated that those purchasing the weapons do have to go through a complete background check. He also stated that the purchaser will agree not to sell any of the weapons in Pennsylvania.

Mr. Fegley questioned the need for Lower Makefield Police Officers to have machine guns, and Chief Coluzzi reviewed times when they may need such a weapon such as at a bank or a school where they may face a criminal with certain types of equipment.

Mr. Allan stated he would prefer to see the old weapons destroyed and to give the Police Department the money that they would have received for them.

Mr. Hackman moved and Mr. Fegley seconded to approve trading the obsolete weapons for new rifles.

Mr. Fegley stated the old weapons have value, and he feels they would be throwing money away by destroying them. Mr. Pete Stainthorpe stated he feels the Police Department should have the best equipment available. He stated he does feel the existing weapons represent a Township asset. Chief Coluzzi stated in the past when they purchased firearms, he believes the old firearms were traded in. Mr. Gibney stated he also feels they should not waste a Township asset. Ms. Torbert stated she felt the weapons should be destroyed. Ms. Deborah Gould stated other Townships are doing this across the Nation and she feels Lower Makefield should do the same and destroy the old weapons.

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

Mr. Fazzalore moved and Mr. Allan seconded that the Township purchase new weapons and that the guns to be turned in, be destroyed.



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

No further action was taken this evening.

#### SUPERVISORS' REPORTS

Mr. Fazzalore asked that a Pension Committee meeting be scheduled.

Mr. Hackman stated the Golf Course Committee met with the architect to discuss routings. Test holes to determine when rock will be struck are going to be done shortly and they are also going to get a bid on a test well. Mr. Fazzalore asked when they can expect the financial analysis. Mr. Hackman stated they will get information in October.

Mr. Allan reported that the Community Pool had a good season. They have hired a firm to come out and analyze what they need to do at the Pool to bring it up to Code. That firm indicated that because of the quality of the maintenance done in the past at the Pool, the Pool is in outstanding condition for a pool of its age.

Mr. Fazzalore reviewed various invitations received and asked those interested in attending any of these functions to advise Mr. Fedorchak of their interest.

Mr. Fazzalore stated that the Sewer Authority met regarding Hillside and Spring Lanes but he was unable to attend the meeting. Mr. Fedorchak stated they are going to look into the feasibility of running a sewer line in the rear yards on Quarry Road. Mr. Fazzalore stated the Township must also decide how much they are going to contribute to the project.

#### ACKNOWLEDGMENT OF REQUEST FROM DAVE FLEMING TO HAVE ROSEBANK WINERY INCLUDED IN THE AGRICULTURAL SECURITY DISTRICT

Mr. Garton stated Newtown Township does not have an Agricultural Security District and Lower Makefield Township has in the past permitted Newtown Township property owners to become members of the Lower Makefield Township Agricultural Security District. This request will be advertised and sent to the Agricultural Security Committee and the Planning Commission and will then come back to the Board of Supervisors for final approval.

Mr. Hackman moved and Mr. Fegley seconded to acknowledge the request and direct the staff to proceed to follow the Act.

Ms. Ada Derr asked about the Agricultural Security District and Mr. Fegley provided information.

Motion to approve carried unanimously.

APPOINTMENTS

Mr. Hackman moved, Mr. Fegley seconded and it was unanimously carried to re-appoint Jim Gumbert to the Cable TV Advisory Board.

Mr. Hackman moved, Mr. Allan seconded and it was unanimously carried to appoint Doreen Albahary, Marilyn Ellis, Ann Langtry, and Jo Norum to the Elm Lowne Committee.

ANNOUNCEMENT OF DAY OF HEALING

Mr. Allan announced that that Township is planning a Day of Healing to be held on September 30 at Macclesfield Park to honor the Fire Fighters and Police and to show support for those in Lower Makefield who lost loved ones as a result of the incidents which took place on September 11. He stated they will also be talking to people in neighboring Townships to see if they are interested in being a part of this as well. Mr. Allan stated the Township sports teams have agreed not to hold games at Macclesfield Park that day.

There being no further business, Mr. Hackman moved, Mr. Allan seconded and it was unanimously carried to adjourn the meeting at 9:25 p.m.

Respectfully Submitted,



Frank Fazzalore, Chairman