

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES - OCTOBER 1, 2001

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on October 1, 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 matters.

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. Fenton Brown, 1107 Evergreen, stated he has been before the Board two times before regarding an elementary school proposed for Taylorsville Road at McKinley. He stated if the Township determines that this project would be objectionable for this site, he feels it would be a shame to deny the project based on misinformation or ignorance. He stated they are doing whatever they can not to create problems and instead feel they can help eliminate some of the existing problems. He stated they would like to see a traffic light in the area to help reduce the speed and make it safer. Mr. Fazzalore stated they would have to make a proposal for a traffic light to Yardley Borough since Yardley Borough received funds in lieu of a traffic light at this location when Orchard Hill was developed.

Mr. Brown stated many of the parents from the school are from the community since most of the students at the existing school in Falls are from Lower Makefield Township. He stated they have a thirty-two year history of being a good neighbor and are looking for a new home for their children. Mr. Garton stated he recalls that this matter is still in the planning process. Mr. Brown stated they have gone through two sketch plans and have now gone back to revise their plans. Mr. Garton stated he would also recommend getting in touch with the surrounding neighbors who have voiced concern with a school at that location. Mr. Garton stated the Board of Supervisors has nothing before it to act upon at this time.

Ms. Linda Brown, 224 Meadow Drive, stated many of the neighbors were not advised about the possibility of a school at this location. She stated in 1989 an individual residing at 15 Maple Avenue operated a baby-sitting service in her home and she was forced to close down because of traffic and noise. She asked what has changed since that time that would now permit a school. Mr. Garton stated no approvals have been given for a school at this time. Ms. Brown stated many people living in this area are opposed to a school.

Ms. Sue Herman thanked Mr. Allan, the rest of the Supervisors, and the Township staff for the Day of Healing held yesterday.

Mr. Tom Sheridan, 551 River Road, stated his daughter attends the Montessori School under discussion. He is also on their School Board. He stated the teachers, administration, parents, and volunteers at the school do an excellent job. He stated a Montessori School will be a valuable asset for the community. He stated approximately two thirds of the students at the School are from Lower Makefield. He stated the proposed site has ten acres which is of sufficient size. He noted there are problems with some of the acres because of environmental concerns. He agreed that they can work within the four acres that they have to work with. He feels a lot of misinformation is going around about the site.

Ms. Karen Kerns, 1156 Dickinson Drive, stated the school does an excellent job and she feels it would be good to have this school in Lower Makefield Township. She invited the Board of Supervisors to visit the existing school. She stated she does not feel the neighbors will regret having them as neighbors.

Mr. Joe Kerns, 1156 Dickinson Drive, stated he feels the children at the school are very respectful and feels the neighbors will find these children a pleasure.

Ms. Rebecca Bocker, Morrisville, stated the Montessori School provides an excellent education and offers support to their families.

Ms. Tiffany Cooper, 1114 Jack Road, stated the Montessori program is an asset for a community. She stated she also went to a Montessori School as a child and gained a tremendous amount from the program. She stated it teaches children to be good citizens and since many of the students are from Lower Makefield Township, this will help Lower Makefield Township as well.

Ms. Elizabeth Dalglish, 1021 N. Elbow Lane, stated she would be happy to have this school come into her community. She stated the children raised today will be managing the future.

Mr. Jeffrey Dalglish, 1021 N. Elbow Lane, stated he feels they should approve this for the children. Mr. Fazzalore stated any decision will have to be made on the conditions of the land and the way the school will be placed on the property. He stated the decision will be based on Township Ordinances. Mr. Dalglish stated he understands that the Ordinance requirements can be waived.

Ms. Denise Fericlo, 204 Arborlea, stated this school has an excellent reputation and will be an excellent use for the land. She asked that the Board of Supervisors encourage the Zoning Hearing Board to support any variances.

Ms. Maryann Jackson, 131 Longshore Avenue, Yardley Borough, stated she is a teacher at the School and on the Board. She stated she understands the chief obstacle is the net lot size has been reduced to approximately four acres even though the Agreement of Sale shows they are purchasing more than nine acres. She asked that the Board consider that this is a small school with only 200 to 220 children and they will not need as much land as a larger school. She stated they feel they have complied with the spirit of the Ordinance. She stated they do have a petition to present asking the Board to endorse the granting of a

Variance by the Zoning Hearing Board. This was presented to Mr. Fedorchak this evening. Ms. Jackson stated they want to be a good neighbor. They are non-profit and do not have a lot of extra funds. They would like to do what they can to cooperate with the Township.

Ms. Judy Curley, 551 River Road, asked that the Township be open to the spirit of the law. She asked that the **surrounding neighbors** open their minds since this School will be an enhancement to the **adjoining neighbors** and increase their property values. She stated the parents of the children who attend the school would like to have a home for their school in Lower Makefield Township where they live.

Mr. Mike Kane, 1552 Brock Creek Drive, expressed concern with retail blight in the Township particularly the former Shop'n Save located at Big Oak Road and Oxford Valley Road. He asked what will be put in this location. Mr. Fazzalore stated they have no information about this property at this time. He stated they are still getting ratables from the land owner who owns the Center. He added that if the property would deteriorate, the Township would have to become involved but other than that, this is private property. Mr. Allan stated the other stores in the area are doing very well.

Ms. Susan Dengler, 494 Gayle Drive, questioned the accuracy of the Minutes for August July 16, 2001 and August 6 2001. It was noted the tapes were reviewed and the Minutes were accurate as written. Mr. Hackman noted the Minutes are a documentation of action taken by the Board. They are not verbatim and are more generalizations. After **further** discussion it was noted by the Board that the Minutes will stand as approved.

Mr. Craig Jeffrey, 178 N. Main Street, Yardley Borough, stated he has reviewed the engineer's report for the proposed Montessori School. He stated there have always been drainage issues in the area and the developers of Orchard Hill did spend a lot of money to help in that area. Mr. Jeffrey stated the traffic has been a problem in this area and will only get worse if a school is built in this area. He stated they also have a petition from the residents in the area and over 90% of the residents are opposed to a school at that location. Mr. Fazzalore stated at the time that this plan comes before the Township for review, the Zoning Office will notify adjoining residents.

Mr. John McNeil, 2 Maplevale Drive, stated at the current time the traffic is backed up from I-95 to Aspen Avenue. The increase of school traffic and the noise generated by a school will create problems for the adjoining residents. He also expressed concern with existing water problems.

Mr. Paul Zich, 110 Arborlea, stated his child attends the Montessori School and it is an excellent program. He stated when the issue finally comes to the Board of Supervisors and they need to make a decision, they should consider that this school will be an asset to the community. He stated those who reside adjacent to the proposed school who will be unhappy if it is built at that location will probably move away and other people will be happy to move into those homes.

Mr. Jim Kern, 177 Lincoln Avenue, stated he does not want to **have to put his home up for sale** and wants to be able to remain in the area without having to **worry about extra traffic** from a school.

Mr. Ren Scott, 109 Arborlea, thanked the Township for the Day of Healing. He stated his child also attends the Montessori School. He stated the parents would be willing to work with the Township in any way possible to try to make this proposal work. He stated they do not want anyone to have to sell their home.

Mr. Robert Zelli, Yardley, stated his home is in the neighborhood of the proposed school. He stated when they purchased their homes, they purchased in a residential area. He feels homes should be built on the site if something must be built. He stated he does not feel variances to the Ordinance should be granted. He stated he is not opposed to schools or children, but he is opposed to a school at this location because of traffic concerns which are already existing at this location. He stated he does not feel a traffic light will help that situation.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, thanked Supervisor Allan and the rest of the Township for the Day of Healing held yesterday. Mr. Allan stated this was a community effort including the Police, Fire fighters, press, volunteers and the rest of the Board of Supervisors.

Ms. Maureen Friedman also thanked the Township for the service yesterday. She stated she would like to see some type of Memorial put up for those who were lost from this area. Mr. Fazzalore stated this is under discussion at the current time. Mr. Fegley stated they have decided to have the Park & Recreation Board consider the matter first to determine the best location and eventually they will invite proposals from consultants as to what a suitable Memorial would look like. Ms. Friedman stated she feels this will help in healing.

#### TABLING OF SEPTEMBER 17, 2001 MINUTES

Mr. Hackman moved, Mr. Allan seconded and it was unanimously carried to table the Minutes of September 17, 2001 as the Board had not received the last page in their packet.

#### DISCUSSION AND MOTION ON EMERGENCY PRE-EMPTION EQUIPMENT ON OXFORD VALLEY ROAD BETWEEN LINCOLN HIGHWAY AND BIG OAK ROAD

Mr. Mark Roth of McMahan Associates was present and stated his firm was hired this year as the Falls Township Traffic Engineer. He was contacted by the Falls Township Fire Marshall to discuss pre-emption equipment along the Oxford Valley Road corridor. This would detect an on-coming emergency vehicle. He was under the impression that Falls Township had contacted adjoining Townships about this equipment and they were in favor of it. Mr. Hackman stated this is the first time the Board of Supervisors has heard about it. Mr. Roth stated he was advised that the emergency providers in the Townships were in favor of this equipment. Mr. Hackman asked when the entire project will be done. Mr. Roth stated because the original contract did not include the pre-emption equipment, it had to be reviewed by PennDOT and this review is taking place at the current time. As soon as there is approval by PennDOT, the project can proceed. He added that PennDOT will pick up some of the costs so the cost to Lower Makefield Township will be less than originally indicated. Mr. Hackman asked when they anticipate the entire project will be complete, and Mr. Roth stated his firm is only responsible for the pre-emption equipment. He stated all the equipment will be in place by December, 2001 but he does not feel the closed loop system will be operational by the end of the year.

Mr. Hackman moved, Mr. Fegley seconded and it was unanimously carried to approve the project at a cost to Lower Makefield Township of \$4,267.00.

DISCUSSION AND TABLING OF RESOLUTION #1092 TRANSFERRING  
EDGEWOOD ROAD FROM PENNDOT TO LOWER MAKEFIELD TOWNSHIP

Mr. Garton stated he did not see the Agreement that was to be attached to the Resolution since it was not in his packet. Mr. Fazzalore stated it does exclude a number of structures. Mr. Fedorchak stated PennDOT advised them that Lower Makefield could accept all of Edgewood Road not including the bridge if they so desired. He stated there was discussion whether they should wait until they had a commitment from PennDOT to fix the sight distance issue that exists at Sandy Run Road and Edgewood Road and fix the bridge before they approve the Resolution.

Mr. Hackman stated he does not know what the structures are which are referred to in the Resolution. He stated the Township engineer and the Public Works Director should review this road to determine what upgrades need to be done. Mr. Hackman stated they have also not been advised of the lump sum payment to be made. He stated he also feels they should get a commitment on the structures from PennDOT.

Mr. Hackman moved and Mr. Allan seconded to table.

Ms. Torbert noted a sight distance problem at Oxford Valley and Edgewood Roads as well. Mr. Doherty stated they are working on this. Ms. Torbert stated if this will create a delay for an extended period of time, she feels warning signs should be installed to try to slow the traffic down in this area. Mr. Allan asked if the speed machine has been put up in this area, and Chief Coluzzi stated they have put it on this road in the past and will do so again. Mr. Hackman asked about the stealth recorder, and Chief Coluzzi stated they do have one and have used it in the Township. He stated he does have results for a number of areas in the Township. Mr. Hackman asked that it be put on the corner of Edgewood and Oxford Valley Roads again. Mr. Fazzalore asked that this information be provided from the Police Department to the Board of Supervisors in their weekly packet.

Mr. Allan stated since the counts are being taken now at Edgewood and Oxford Valley Road, they should include the fact that in the summer there is additional traffic from the Pool and other recreation sites in the area.

Motion to table carried unanimously.

DISCUSSION OF TRAFFIC SIGNAL MODIFICATION AT YARDLEY-LANGHORNE  
AND HEACOCK/MIRROR LAKE ROADS

Mr. Doherty stated this matter relates to the Edgewood Pointe development and revisions that need to be made to the light. He stated the developer's engineer has already gone to the State so no action is needed from the Board. He stated he did review the proposal. He added that all costs will be paid by the developer.

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

Mr. Edward Murphy, attorney, was present with Mr. Vince DeLuca. Mr. Murphy stated the revisions were reviewed by PCS and the applicant has no issues with the items in the PCS letter. He stated they did supply the additional information requested by the Township engineer.

Mr. Hackman stated he did not see the Plans. Mr. Murphy stated they were submitted 7/31/01. Mr. Doherty provided a copy of the Plans for review this evening. Mr. Hackman stated he feels the Plan as proposed is going to create a congestion problem, and he feels they should include a rear entrance to the parking lot. He stated he also feels there should have been a road along the property line. Mr. DeLuca stated he does not control Floral Vale so he cannot control that area as it exists. He stated providing the additional entrance they have shown will help with congestion. He stated there is an interconnect to Floral Vale out to Yardley-Langhorne Road. Mr. Fegley stated the PCS letter indicated that there is supplemental information still outstanding, and Mr. Doherty stated this was provided.

Mr. Hackman noted Item #1 of the PCS letter, and he asked that the light be held in abeyance until they see if it is necessary. Mr. DeLuca stated they have agreed to escrow for a light.

Mr. Hackman moved, and Mr. Allan seconded to approve the Lower Makefield Corporate Center South Campus Plans dated 5/8/00, last reviewed 7/2/01 subject to:

- 1) Continued compliance with all prior conditions of approval;
- 2) Compliance with the PCS letter dated 9/27/01 with the exception that installation of a light will be deferred until a later time;
- 3) Payment of all Township expenses associated with the Application.

Mr. Murphy agreed to the conditions of approval, and the Motion carried unanimously.

Mr. Hackman noted the letter regarding the ring road and the storm sewer sent by Mr. DeLuca. Mr. DeLuca stated the approval takes care of these items.

Mr. DeLuca was asked and agreed to make a donation to the Township in the amount of \$25,000.

APPROVE AUTHORIZING ADVERTISEMENT OF PROPOSED ZONING  
ORDINANCE AMENDMENT REGARDING FORESTRY AND TIMBER  
HARVESTING

Mr. Fegley moved and Mr. Allan seconded to approve authorizing advertisement of proposed Zoning Ordinance Amendment regarding forestry and timber harvesting.

Ms. Maureen Friedman, 1230 Quarry Hill Court, stated since there appears to be timbering going on related to the CVS, she would like to have a copy of this proposed Ordinance. Mr. Garton stated this would be available through the Township Office.

Ms. Sue Dengler, 494 Gayle Drive, asked the procedure for public comment regarding this matter. Mr. Garton stated at the current time they are only authorizing advertisement. A summary of the Ordinance will be published. The Bucks County Planning Commission and the Lower Makefield Planning Commission will be asked to comment. The Board of Supervisors cannot take action until at least thirty days after advertisement. Copies of the proposed Ordinance are available for review at the Township Building and there will be a Public Hearing held.

Motion to approve carried unanimously.

APPROVE AUTHORIZING ADVERTISEMENT OF PROPOSED SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AMENDMENTS REGARDING DETENTION BASINS

Mr. Fegley moved, Mr. Hackman seconded and it was unanimously carried to approve authorizing advertisement of proposed Subdivision and Land Development Ordinance Amendments regarding detention basins.

APPROVE AUTHORIZING ADVERTISEMENT OF PROPOSED SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AMENDMENTS REGARDING WOODLAND PROTECTION

Mr. Fegley moved, Mr. Hackman seconded and it was unanimously carried to approve authorizing advertisement of proposed Subdivision and Land Development Ordinance Amendments regarding woodland protection.

APPROVAL OF EXTENSION FOR OCTAGON CENTER

Mr. Hackman moved and Mr. Fegley seconded to approve the Extension for the Octagon Center until December 4, 2001.

Ms. Sue Dengler asked why they are asking for an additional extension. Mr. Garton stated the matter was to be discussed last month at the Planning Commission and one of the Matrix representatives had a personal matter come up and requested that the matter be deferred. The date to which it was deferred conflicted with the RAM Golf Outing and RAM asked that the matter be deferred. Therefore it will not be discussed until October 22, 2001 since that is the next scheduled Planning Commission meeting. Ms. Dengler asked the status of the reviews by the reviewing agencies. Mr. Doherty stated his report has been submitted to the Township. Mr. Fazzalore stated he feels the Bucks County Planning Commission report is in as well. Ms. Dengler stated she reviewed the file today and did not see that review. Ms. Dengler stated Act 14 Modifications require them to submit all the permits they need and she stated their original submission was very vague in this respect. She asked that the Board of Supervisors ask them for a specific list of the permits they are submitting, and Mr. Garton stated this would be an appropriate question to ask at the Planning Commission meeting.

Motion to approve Extension carried unanimously.

APPROVE EXTENSION FOR BUCKS CENTRAL CHURCH

Mr. Hackman moved, Mr. Fegley seconded and it was unanimously carried to approve the Extension for the Bucks Central Church until February 5, 2002.

SIGNING OF LINENS/MYLARS FOR EDGEWOOD POINTE AND AFTON CREST

Linens/mylars for Edgewood Pointe and Afton Crest were signed following the meeting.

ZONING HEARING BOARD MATTERS

The Board decided to take no action on the Dougherty, 1201 Ward Drive, Variance request to permit construction of a roof over existing deck resulting in encroachment into the rear yard setback.

The Board decided to oppose the Wise, 208 Elm Avenue, Variance request to construct an addition resulting in greater than the permitted impervious surface.

The Board decided to take no action on the Rosenberg, 1449 Dolington Road, Variance request to construct a patio resulting in greater than the permitted impervious surface.

The Board decided to seek additional information on the Freed Variance request to permit renovation resulting in a non-conforming structure.

APPROVAL OF SEPTEMBER 4, 2001 AND SEPTEMBER 17, 2001 WARRANT LISTS, AND AUGUST, 2001 PAYROLL

Mr. Hackman moved, Mr. Fegley seconded and it was unanimously carried to approve the September 4, 2001 and September 17, 2001 Warrant Lists, and August, 2001 Payroll as attached to the Minutes.

DISCUSSION OF TRADING OBSOLETE WEAPONS FOR NEW RIFLES AND APPROVAL OF PURCHASE OF NEW RIFLES

Mr. Hackman moved and Mr. Fegley seconded to table approval of trading obsolete weapons for new rifles.

Mr. Fedorchak stated at the last meeting there was a two to two tie with regard to trading in the weapons; however, he believes all four Supervisors were in agreement with regard to purchasing the new weapons. At the conclusion of the last meeting, he asked the Chief to look at this year's Budget to see if he could come up with the funds to purchase the rifles requested this year, and they could then set aside a decision on the disposition of the old weapons to some later date. Chief Coluzzi stated in this year's Budget was \$11,000 for an infra-red thermal imaging device which they acquired for free so there is \$11,000 additional available in the Budget. He would like to re-distribute some of these funds for the purchase of the rifles.



Mr. Hackman asked if they proceed in this way, would this impact the chance to sell the used equipment. Chief Coluzzi stated he feels the gun shop will be willing to purchase them. Mr. Hackman asked if they would still be worth the same amount if they proceed in this way. Mr. Fegley stated he feels they would have the same worth. Mr. Hackman stated he is concerned that they will not be able to get these funds in the future if they do not trade them for the new weapons. Mr. Fegley asked about the current need, and asked if they could wait to resolve this matter when Mrs. Godshalk returns. Chief Coluzzi stated while they could do this, these weapons may not be available at some point for law enforcement because of the impending problems in the Country. Mr. Allan asked if he could speak to the gun dealer to see if they could pay for them now and then possibly adjust the bill in the future if they trade the weapons in. Chief Coluzzi stated he could look into this. He was asked to find out how much the gun dealer would be willing to pay at a future time if the Board agreed to sell them.

Mr. Garton stated they would not be able to sell these in the future without going through a public bidding process.

Mr. Fegley withdrew his second to table.

Mr. Fegley moved and Mr. Allan seconded to approve the purchase of the weapons requested by Chief Coluzzi. Motion carried with Mr. Hackman opposed.

#### SUPERVISORS' REPORTS

Mr. Fazzalore asked the status of the lights at Macclesfield Park, and Mr. Garton stated this matter is in litigation.

Mr. Hackman stated at the last meeting there was discussion on the bikepath associated with Dolington Estates, and the Board had recommended that the developer proceed with the bikepath as shown on the Plan. Mr. Hackman stated since that time he has looked into this matter further and asked if they should cross the road with a bikepath before the light and come up so that they are on the north side and not cross at the light since it is a very busy and dangerous intersection. He stated it may be safer to cross at Amber Drive. Mr. Doherty stated he anticipates that they are going to begin construction this week. No action was taken by the Board.

#### ESTABLISH DATES TO HOLD BUDGET MEETINGS

No action was taken by the Board this evening.

#### ROADTOUR

Mr. Fazzalore noted the letter received from Mr. Coyne regarding the Fall Road Tour. No action was taken by the Board this evening.

SANDY RUN BRIDGE DISCUSSION

Mr. Hackman asked for an update on the Sandy Run Bridge. Mr. Fedorchak stated Parsons Brinckerhoff has been working on this matter. Mr. Doherty stated they met with his office last week. Mr. Fazzalore asked that this matter be put on the Agenda for the next meeting. Mr. Hackman stated there is an approved design and they have signed a Contract with a contractor. Mr. Fazzalore stated that design was going to take a significant amount of property from the surrounding property owners. Mr. Doherty stated he does not feel this part of the design will change. Mr. Hackman stated if they feel it is going to be re-designed and the bridge built in a different way, they must determine what they will do with the Contract that was approved which may involve paying damages.

Mr. Fazzalore stated he has never heard to his satisfaction why they cannot repair the bridge. He stated he does not want the "country" appearance to change. Mr. Doherty stated he feels Parsons Brinckerhoff is going to agree that the bridge has to come out. Mr. Fazzalore asked why they then have to construct a mammoth bridge when only a two-lane bridge has been in this area.

There being no further business, Mr. Hackman moved, Mr. Allan seconded and it was unanimously carried to adjourn the meeting at 9:40 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Frank Fazzalore".

Frank Fazzalore, Chairman