

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES - NOVEMBER 19, 2001

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on November 19, 2001. Chairman Fazzalore called the meeting to order at 7:35 p.m. noting that the Board had been meeting in Executive Session to discuss personnel and legal matters.

Those present:

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

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

PUBLIC COMMENT

Ms. Sue Herman asked for an update on the status of the Inter-Governmental Agreement for regional traffic. Mr. Garton stated he and Mr. Steil are working on a draft of this, and hopefully it will be before the Board at their next meeting. Ms. Herman asked about the joint meeting with Upper Makefield to discuss Lindenhurst Road. Mr. Fedorchak stated this is tentatively set for November 28 or 29.

Mr. Bob Martin stated he is present representing the residents surrounding the proposed Golf Course. He stated they were present at the November 12 Golf Course Committee Meeting, and the residents are in support of the Golf Course being constructed at that location. They are thankful for the hard work the Township has done to get this project to go forward. He stated the proposal shown had a driving range behind the houses on Clearview Estates. Mr. Fazzalore stated this is not the final routing and the Township is looking at the whole design of the Course to decide where the driving range should be located. Mr. Martin presented a petition regarding this matter to the Township Manager requesting that a driving range be moved away from all residential properties. He stated the residents of Delaware Rim were also concerned about the impact of pesticides on their wells. Mr. Hackman stated they have received two additional routings and both of these include the practice area in the center of the property. These will be reviewed by the Golf Committee shortly. Mrs. Godshalk stated they have also indicated that there will be no lighting on the driving range.

Ms. Diane Mays stated she was speaking on behalf of a neighbor regarding a new sign installed by the Evangelical Church on Oxford Valley Road. She stated she is concerned with the sign being placed on a property where a home is located. Mr. Fedorchak was asked to look into this matter.

#### APPROVAL OF MINUTES

Mr. Fegley moved, Mr. Allan seconded and it was unanimously carried to approve the Minutes of November 5, 2001 as written.

Mr. Fazzalore asked the status of Mr. Miller's concerns regarding the Patterson Farm as noted in the 11/5/01 Minutes. Mr. Fedorchak stated he and Mr. Miller did look at the area and Mr. Fedorchak advised Mr. Coyne to stop work in this area and after Thanksgiving they will go out to the property and re-assess the situation and report back to the Board of Supervisors.

Mr. Fegley moved, Mrs. Godshalk seconded and it was unanimously carried to approve the Minutes of November 8, 2001 as corrected.

#### DISCUSSION OF PAA DUGOUT PROPOSAL

Mr. Jack Morrison, representing PAA, was present. Mr. Fazzalore asked why PAA is not paying for the entire dugout project. Mr. Morrison stated the slabs were part of the Park & Recreation Budget for this year. Mr. Morrison thanked the Board for the restroom/concession stand at Stoddart Field. He stated he understands that the Township paid for the construction of this facility. Mr. Morrison stated they would like enclosed dugouts at Macclesfield Fields B and H, the Girls Pool Field, and Stoddart Fields 1 and 2. Mr. Morrison stated he does not feel there is sufficient room at Stoddart 3. Mr. Fedorchak stated they would have to keep the dugout at Stoddart 3 inside the line, and he did not feel PAA would want to cement block this although it would be fenced.

Mr. Fazzalore asked if PAA is the only organization that uses these fields for organized activities, and Mr. Morrison stated they are.

Mr. Morrison stated they feel this is a safety issue. They are considering two alternatives - one all cinderblock and the other would be a combination of cinderblock two feet high with the remaining T-111 wood with a shingled roof. Mr. Hackman asked why they need these. He stated he does not feel cinderblock is attractive. Mr. Hackman stated at the current time it is only fencing. Mr. Hackman stated before they would approve anything, they should be provided with designs.

Mr. Morrison stated this is a safety issue since the players are getting stronger and with bigger bats, the balls are going over the fences. Mrs. Godshalk asked why they do not just put a fence across the top. Mr. Morrison stated he feels they could do this, but he does not feel this would look attractive.

Mr. Allan asked if they would be willing to use the same brick that they have at the Concession Stand, and Mr. Morrison stated they are looking into this.

Mr. Hackman stated he is primarily concerned with Stoddart. He stated if they proceed, he would pick one or two of the other fields first to see how it looks. Mr. Morrison stated Macclesfield Field B is probably the most problematic. Mr. Fazzalore suggested the Pool field first since it is in the back. He stated he feels they should come in with a drawing for the Pool Field which the Board could consider at their next meeting. Mr. Fazzalore also asked that they bring a sample of the brick proposed.



Mr. Hackman stated the nicest dugout he has seen was in Northampton. Mr. Morrison was aware of these fields but did not care for them. Mr. Allan stated he is also not in favor of them because of the stadium seating. Mr. Morrison stated he feels it would be difficult to control the players in stadium seating.

It was the consensus of the Board of Supervisors that PAA look at the **Pool Field only** and bring back a design to show the Board of Supervisors at their meeting on **December 3**.

#### APPOINT ENGINEERING FIRM FOR TOWNSHIP GOLF COURSE

Mr. Hackman stated three proposals were received for the position. Mr. Hackman moved and Mrs. Godshalk seconded to appoint R.B.A. Engineers and Architects subject to execution of a satisfactory Professional Services Agreement to include an out provision. Motion carried with Mr. Fegley abstained.

#### DENIAL OF PRELIMINARY/FINAL PLAN FOR DONALD MC FADDEN

Mr. Henry VanBlunk, attorney, Mr. Nick Rose, engineer, and Mr. Gregg Sipa, representing Fox Chase Bank, were present.

Mr. Garton stated this Plan is for the lot at the intersection of Stony Hill and Heacock Roads. The Plan was dated 1/31/01, last revised 7/12/01. He stated a subsequent Plan was filed that was not reviewed by the Planning Commission; although the Plan was given a cursory review by the Township engineer, and his comments are included in a letter dated 9/12/01. Mr. Garton incorporated into the record all the reports generated by all reviewing agencies. He noted particularly the memo dated 11/14/01 which includes the PCS comments.

Mr. Garton stated based on the PCS review letter it appears Items #1 and #2 have been resolved. With regard to Item #3, they have asked to pay Fee-In-Lieu of recreation. With regard to Item #4, Mr. Garton stated it appears they have shown certain improvements but not others. Item #5 has been resolved. With regard to Item #6, they are not showing street trees and are requesting a waiver. With regard to Item #7, there are still comments remaining from CKS. Letters have been received that public sewer and water are available as noted in Item #8. Item #9 has to do with sidewalks and curbing, and they are requesting a waiver. Mr. Garton stated they have also not provided any boundary road improvements as required under the Subdivision Ordinance. Mr. Garton noted all improvements on Heacock Road have been made up to this property. There were also plans to make improvements on Stony Hill Road in the future. Mr. Garton stated Item #10 has been resolved. Item #11 relates to the wetlands delineation, and this has not been verified by Skelly & Loy. Item #12 relates to metes and bounds descriptions which have not been provided. Mr. Doherty stated they are showing it only on the wetlands, but not any other resources. Item #13 was noted, and Mr. Garton stated a seal has not been shown for the registered surveyor. He stated there is also a question with regard to the Grading Plan. Mr. Garton noted the issues in the CKS letter dated 11/1/01 that indicates there are two items remaining.

Mr. VanBlunk stated Mr. Sipa is present this evening representing Fox Chase Bank which has an Agreement of Sale for the property. Mr. Fegley noted the Board already turned

down one bank for this location. Mr. Garton stated at this time there is no request for a Zoning change. Mr. VanBlunk stated they are only present for a Subdivision. He added Fox Chase Bank is aware of the Zoning and are aware that the Township already turned down an application for a bank at this location.

Mrs. Godshalk asked if the neighbors had been advised of the meeting this evening, and Mr. Fedorchak stated he was not sure that they were.

Mr. Fegley asked if the Agreement of Sale is contingent upon development, and Mr. VanBlunk stated it is only contingent upon obtaining the Subdivision and not contingent upon change in Zoning. Mr. Allan asked what Fox Chase would do with this if they are not permitted to put a bank on the property. Mr. VanBlunk stated they will build houses on it.

Mr. Sipa stated he understands Commerce Bank was turned down but Fox Chase Bank has been a member of the community for many years and are involved in mortgaging homes in the Township. He stated they have received requests from a number of residents in the area to have a Fox Chase Bank in the Township. He stated they are a community-friendly bank and they help the Township maintain a level of "upscaleness."

Mr. Fazzalore stated he is concerned that if they approve the Subdivision and then turn down a Zoning change, they could be sued. Mr. Garton stated as a matter of law, they need to review this as a Subdivision not what might happen in the future. Mr. Fazzalore stated the Planning Commission recommended denial of the Plan.

Mrs. Godshalk stated this is a residential area, and she feels a bank belongs in a commercial area.

Mr. Sipa stated typically their banks cost \$250 a square foot to construct.

Mr. Allan asked which parcel they will buy, and Mr. VanBlunk stated Mr. McFadden will keep the parcel where the home is located. Mr. Allan stated he feels the surrounding residents should have been invited to this evening's meeting.

Mr. Hackman stated he would welcome Fox Chase Bank to Lower Makefield and feels there are a number of other locations which are suitable.

Mr. Hackman moved, Mr. Fegley seconded and it was unanimously carried to deny the Preliminary/Final Plan for Donald McFadden based on not fulfilling all required items in the review letters and since they have not shown frontage improvements or curbs and sidewalks as required by Ordinance.

#### APPROVE EXTENSIONS FOR FIELDSTONE AT HARRIS, MISKIEL/DARRAH TRACT, AND VALLEY DAY SCHOOL

Mr. Allan moved, Mr. Hackman seconded and it was unanimously carried to grant an extension for Fieldstone at Harris to 2/28/02.

Mr. Allan moved, Mr. Hackman seconded and it was unanimously carried to grant an extension for Miskiel/Darrah Tract to 2/21/02.



Mr. Allan moved, Mr. Hackman seconded and it was unanimously carried to grant an extension for Valley Day School to 2/28/02.

#### APPROVE 2002 PRELIMINARY BUDGET

Mr. Fazzalore stated the Budget calls for a one mill increase which is basically debt service. He stated that in order to balance the Budget, they are taking \$769,652 out of the beginning balance for the General Fund. He stated the General Fund is getting dangerously low. Mr. Hackman stated Leaf Pick-Up will also be increased to \$25 per lot, and this will help pay for the recycling costs. Mr. Hackman thanked Mr. Taylor and others who worked on the Budget including all the Department Managers.

Mr. George Shrader, 44 Black Rock Road, stated he did hear discussion previously about an earned income tax. Mr. Fazzalore stated since they are at 19 mills and reserves are down, he feels they need to look for other income. He stated there are only two alternatives - they could go to an earned income tax or they could change the form of Government to Home Rule which permits them to tax higher. He stated he feels there is a problem with the General Fund, and it will run out of money in the near future. Mr. Shrader asked if they have considered other taxes without Home Rule. Mr. Garton stated they cannot impose an Amusement Tax or a Mercantile Tax. Mr. Fedorchak stated they have examined all the taxes available to them under Act 511 and the Second Class Township Code. He stated a number of surrounding communities already levy an earned income tax although he noted Pennsbury School District does not have this. He stated that changing to Home rule would take some years to accomplish, but if they did have this change, they could levy a property tax in excess of the Second Class Township Code restrictions. Mr. Fazzalore stated they have also discussed that if there was an earned income tax that they would probably lower the property taxes somewhat as was done in Newtown. Mr. Shrader stated the State of Pennsylvania is also considering lowering property taxes, but Mr. Fazzalore stated this is only for the Schools; and because of the diversity in the State, he feels it will be very difficult to get an agreement on this. Mr. Shrader stated Lower Makefield Township is unique in that they have people living in Lower Makefield who work in New York and other states where there are not reciprocals. He asked about a public use and occupancy tax. Mr. Garton stated he feels he would need more information on these. Mr. Shrader stated this would be a percentage of the real estate taxes for a business that uses Township facilities. Mr. Garton stated they are not permitted to impose that tax as a Second Class Township. Mr. Fedorchak stated they can make available to Mr. Shrader information on those taxes which they are legally empowered to levy and this could be obtained from Mr. Taylor.

Ms. Virginia Torbert asked about the financial arrangements pertaining to the leaf collection. She asked if the Tanners are involved in the leaf collection, and Mr. Fedorchak stated while this is mostly a Township operation, the Tanners will be spreading some of the leaves without compensation. He stated the Tanners are paying the Township \$20,000 a year to lease the property for growing corn. Mr. Garton stated they are under Contract to accept the leaves. Mr. Fazzalore stated the Township previously paid Mr. Patterson to spread the leaves on his property.

Mrs. Godshalk moved, Mr. Fegley seconded, and it was unanimously carried to approve the 2002 Preliminary Budget.

#### AUTHORIZE FILING OF MILLAGE RATE REQUEST

Mr. Fegley moved, Mr. Allan seconded and it was unanimously carried to authorize filing of millage rate request.

#### APPROVAL OF NOVEMBER 5, 2001 AND NOVEMBER 19, 2001 WARRANT LISTS AND OCTOBER, 2001 PAYROLL

Mrs. Godshalk moved, Mr. Allan seconded and it was unanimously carried to approve the November 5, 2001 and November 19, 2001 Warrant Lists, and October, 2001 Payroll as attached to the Minutes.

#### SUPERVISORS' REPORTS

Mr. Fegley stated the Environmental Advisory Council has been working on Plans for Earth Day, 2002. Merrill Lynch will be a corporate sponsor and will be handling the 5K Run. He noted YMS has been very helpful, and Ms. Liney is doing a phenomenal job. Mr. Fegley noted the Park & Recreation Board has also been discussing the proposed Memorial.

Mr. Allan stated the engineer is moving ahead with their study of the Pool.

Mr. Fazzalore stated RCN has decided not to service this area.

#### APPROVE INTERGOVERNMENTAL AGREEMENT PERTAINING TO TOWNS AGAINST GRAFFITI - NEW INITIATIVE, COMMUNITY CLEAN-UP

Mr. Garton stated this will be at no cost to the Township.

Mr. Allan moved, Mr. Fegley seconded and it was unanimously carried to approve the Intergovernmental Agreement.

#### APPROVE INCREASING FRANCHISE FEE FOR THE POOL CONCESSION STAND

Mr. Allan stated they are asking for an increase in the Pool concession stand fee of \$500 per year.

Mr. Allan moved, Mr. Fegley seconded and it was unanimously carried to increase the franchise fee for the Pool concession stand agreement with Marsha Lee Enterprises from \$2,500 to \$3000 for the years 2002 and 2003.

#### DISCUSSION OF INCREASING THE SENIOR CITIZEN GUEST FEE

Mr. Allan stated a study was done of fees charged at area pools, and the Pool Board has recommended an increase in the Senior Citizen Guest fee after 4 p.m. to \$1. Currently there is no charge for seniors after 4:00 p.m.

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After discussion, Mr. Hackman moved, Mr. Fegley seconded and it was unanimously carried to table the matter and ask for further clarification.

#### APPOINTMENTS

Mr. Hackman moved, Mrs. Godshalk seconded and it was unanimously carried to appoint Tony Islan to the Historic Architectural Review Board.

Mr. Hackman moved, Mr. Fegley seconded and it was unanimously carried to appoint Jack Chirichella to the Sewer Authority.

There being no further business, Mr. Fegley moved, Mr. Allan seconded and it was unanimously carried to adjourn the meeting at 8:40 p.m.

Respectfully Submitted,

Grace Godshalk, Secretary





**NOVEMBER, 2001 WARRANT LISTS AND  
OCTOBER 2001 PAYROLL COSTS FOR APPROVAL  
@ NOVEMBER 19, 2001 BOARD OF SUPERVISORS MEETING**

11/05/01 Warrant List	\$ 705,674.98	
12/01 Prepaid Expenditures	24,334.55	
11/19/01 Warrant List	296,209.54	
Total Warrants & Prepaids		1,026,219.07
<u>PAYROLL COSTS:</u>		
October, 2001 Payroll	289,213.78	
10/01 Payroll Taxes, etc.	21,729.99	
Total Payroll Costs		<u>310,943.77</u>
TOTAL TO BE APPROVED		\$ <u><u>1,337,162.84</u></u>

