

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - JANUARY 17, 2000

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on January 17, 2000. Chairman Hackman called the meeting to order at 7:35 p.m. noting that the Board had been meeting in Executive Session since 6:30 p.m. to discuss legal and personnel matters.

Those present:

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

Others: Terry Fedorchak, Township Manager
Jeffrey Garton, Township Solicitor
Jan Gouza, Township Engineer
Joseph Bainbridge, Acting Chief of Police

PUBLIC COMMENT

Ms. Sue Herman stated there was an article in the Bucks County Courier Times which discussed improvements on Dolington Road from I-95 to Quarry Road that were on a "Wish List." Mr. Fedorchak stated this is the re-alignment of Dolington Road into Creamery Road which would require approximately a 1,000 foot section of roadway to be constructed from the I-95 bridge going west that will line up to Creamery Road. He stated this project has been discussed for approximately ten years.

Ms. Herman asked about the Swamp Road Bridge. Mr. Garton stated Senator Conti has been unable to obtain the report, and the Board of Supervisors must decide if they wish to file suit in Commonwealth Court. He stated the other option is to authorize the Township engineer to inspect the bridge which would seem to be more cost effective. Mr. Len Franckowiak stated he is concerned with the legitimacy of PennDOT closing the bridge for reasons other than engineering problems. He stated if PennDOT is guilty of closing the bridge for political reasons, he feels they would then have to question other projects PennDOT works on. Mr. Hackman stated if the Township engineer inspects the bridge and finds it to be in poor condition, this could answer the concerns. Mr. Fegley stated according to Senator Conti, PennDOT has a Statewide policy of not issuing these reports.

Mr. Art Flynn of 11 Wilbur Road asked if the Board was going to discuss the Raab property this evening. Mr. Hackman stated the developer did not get the information into the Township in time to have the matter on the Agenda this evening.

COMMUNITY CENTER PRESENTATION

Mr. Hackman stated over a month ago the Board of Supervisors asked the architects who were involved in the Community Center project to update the proposal. Mr. George Hibbs

was present from Clark, Caton, Hintz and presented the proposed plan. He stated the Community Center is now being shown as three connected pieces - Performing Arts, a Gymnasium, and a Senior Center. He stated each section can be locked off from the other sections. The Senior Center area would be the main entrance and would have an office and receptionist. There will be entrances off a landscaped courtyard to the Performing Arts Center and the Gymnasium. The Gymnasium can accommodate two full-size basketball courts. It will have a multi-purpose flooring which could be used for a number of sports or to accommodate large groups. Each section has its own mechanical space and storage. Men's and women's locker rooms and a concession area are also proposed in the gymnasium section as well as a meeting room which could accommodate approximately fifty people and could be used by the Boy Scouts and Girl Scouts. There is a kitchen with connecting doors between the Gymnasium area and the Senior Center area. This Senior Center area has a large multi-purpose room and a meeting room which is being called a games/crafts room. A classroom is also provided in this area. Men's and women's restrooms are located between the Performing Arts section and the Senior Center area which can be used for both of those areas. The Performing Arts area has 292 permanent seats and a sloped floor. There is a 1200 square foot stage. Storage and dock loading are provided. There is a meeting room in this area which could be considered a "green room" Dressing rooms and additional restrooms are provided.

Elevations were discussed, and Mr. Hibbs noted they have taken into consideration the historic nature of Lower Makefield Township. The Senior Center/Main Entrance area is of a different type of construction than the pieces on either side which are more "barnlike." Mr. Hibbs noted these are just first attempts at what the structure may eventually look like.

Mr. Hackman stated this would be the largest building of this type in the Township and would be used by people of all ages for a variety of activities. He added they will go out for a Referendum.

Mr. Fedorchak was asked to discuss costs, and he stated they anticipate they will have to float a Bond Issue to pay for the facility. Debt service and operating costs should equal approximately five additional mills per year for the taxpayers. The County has advised that the average Lower Makefield home is assessed at \$10,000 which means the average taxpayer would pay an additional \$50 per year for this facility. Mr. Hackman stated the overall costs of construction and site development are estimated to be approximately \$7.5 million which is approximately what was spent on purchasing the Patterson Farm.

Mr. Fazzalore stated while he is in favor of the project, he is also concerned about the costs to the taxpayers. He stated the Board must also consider a number of road projects and water problems which need to be addressed throughout the Township.

Mrs. Godshalk stated she feels on the local level the taxpayers will be able to see that their tax money has been well spent. She stated all age groups will be able to use the facility. She stated it is also possible to rent out the facility to various groups.

Mr. Fegley stated he is sure that if the building is built it will get a great deal of use. Setting the cost aside, he feels there would be very few people opposed to it. He stated a few weeks ago he was of the opinion that they should start out with the Senior Center portion only and build the Youth wing and Performing Arts wing in future years. The consensus of the Board of Supervisors was that this may incur additional costs since it will

not get any cheaper to build in the future and there is a need for the other pieces of the project now. Mr. Fegley stated he does have some reservations whether there is sufficient community support to approve this, but he believes in the Referendum process and this is the only way he would agree to proceed with the project.

Mr. Allan stated he also feels the decision should be made by the residents. He does feel there is a need for a place where young people can go since there are between 5,000 and 6,000 children in the Township who participate in some kind of organized program. He stated the community also needs a place for young people to go to other than the Mall. He also feels there is a need for the Seniors to have a place to go as well.

Mr. Hackman stated when the Referendum came up previously they were not able to say where the facility would be located. He stated they are now in the process of acquiring property across the street from the Township Building which is between the boys' baseball fields and the girls' softball fields on Oxford Valley/Roelofs Roads. He stated they will hopefully build the facility in this area. A decision has not been made on how the facility will be sited. He stated this area is in the center of the Township and would be within walking distance for a number of residents. He stated he feels this facility will be a huge asset to the community. He stated he feels the design is outstanding although he is not sure the artist's rendition is how the facility will look.

Mr. Richard Storm asked about the number of square feet, and Mr. Hibbs stated it is 41,000 square feet.

Mr. Bob Strempeck stated he feels this is somewhat grandiose. He feels there are additional costs which will increase the costs to the taxpayers to more than \$50 per year. He stated he is in favor of some kind of Center. He does not feel they need a gymnasium since there are a number of gymnasiums in the Township already.

Mr. John Zukas stated the previous Referendum was less grandiose and did not pass. He does not feel it will pass now that the Community Center is proposed to be even larger. Mr. Hackman stated the original proposal was just a Senior Center/Performing Arts Center and lost by 800 votes out of 8,000 voters. The feedback he received was from the younger families who stated there was nothing for them in the proposal. Mr. Zukas stated he feels they are already paying for a lot of facilities for the younger families. Mr. Hackman stated he feels they will get the support of the younger families in the Township and this Referendum will pass. Mr. Zukas stated they may also lose some votes from the older residents. He does not feel a Performing Arts Center is supportable in a community such as Lower Makefield and there are sufficient facilities in the Schools which the taxpayers pay for already.

Ms. Sally Conlon asked how much of the 41,000 square feet is in each portion. It was noted the active area is 16,000 square feet, 7,000 square feet for the Senior Center, 6,700 square feet for the Performing Arts area, and there are shared spaces. Ms. Conlon asked if the \$7.5 million covers the cost of the land, and it was noted it does not.

Ms. Sandra Carty asked if those using the facilities will be charged. Mr. Hackman stated they are still considering this issue. He stated the Township could decide to collect a portion of the ticket price for each seat in the auditorium. With regard to the Senior area, he noted the Senior group is well organized and growing rapidly. He feels they will be asked to contribute to the cost of operations. In the active area some activities will lead them to

generate revenue such as dances. The numbers they have used for operations do not include revenues of this sort. Mr. Fazzalore stated they have not really met and discussed exactly how this would be administered or paid for. He stated they must first see if the Referendum passes. Mrs. Godshalk noted the participants of the athletic teams are currently paying high rates to rent indoor spaces located outside of the Township, and if this facility were available, the Township facility could be used and fees could be paid to the Township. Mr. Hackman stated a portion of each participant's registration fee currently goes to the Township for use of Township fields. Mr. Fazzalore stated this still does not cover the full cost to use the fields. Mrs. Godshalk noted non-residents using Township facilities pay a higher fee but 80% of those on the team must be Lower Makefield residents. Ms. Carty stated she feels all this information should be provided to the residents before the vote. Mr. Hackman stated they plan to put out a Newsletter prior to the vote to include information on the Community Center. There will also be informational meetings.

Mr. Marcus Barth stated if they could put this in the vicinity of the proposed Golf Course, he feels it would pass.

Ms. Jo Norum, representing the Girl Scouts, stated the schools have basically closed out the Scouts since after-school care activities are now using the space which was previously available for the Scouts. She stated the proposed Community Center with the multi-use flooring would allow them to have a number of activities for the Girl Scouts.

Ms. Candy Bilinsky, representing the Girl Scouts, stated they have forty-five troops and are no longer able to use the School facilities. She stated because of the lack of meeting space, they are no longer able to meet every week as they did in the past.

Mr. Zukas stated the cost of the facility will push him out of his home.

Ms. Sue Herman stated this facility will bring together older and younger residents. She stated she feels they could do some creative financing.

Mr. Allan noted this is not just a Youth Center, but is for everyone in the community.

Ms. Judy Weiss, representing the Lower Makefield Society for the Performing Arts, stated she is thrilled the Supervisors are pursuing this project. She noted the Performing Arts Society has made their programs available to both younger and older residents in the community.

Ms. Mary Borkovitz stated this facility will bring the community together. She stated the Arts are in danger in this Country, and this will present an opportunity on a community level to offer the community opportunities in the Arts. She stated she is aware of a drama teacher at the High School who is interested in having his students write original plays which can be performed at the Community Center. Mr. Fazzalore stated he previously headed the Delaware Valley Philharmonic Orchestra, and he agrees the Arts are suffering.

Mr. Richard Storm asked about parking. Mr. Hackman stated once the Referendum passes, they will do more detailed designs. Mr. Storm asked about overflow parking, and Mr. Hackman stated they could make use of the parking available at nearby Township facilities.

Mr. Strempeck stated he is not concerned with an additional \$50 per year but is concerned with the additional hidden costs such as security, maintenance, etc.

Ms. Debbie Moses stated she is concerned about the facility being on Edgewood Road and asked if a traffic study has been done. Mr. Hackman stated they will have to make improvements to Edgewood Road. He stated he does feel there will be an entrance off of Edgewood Road and Oxford Valley Road, although no final design has been made. Mrs. Godshalk stated they are also looking to lower the speed limit in this area. She stated they have been trying to lower it for years and were just refused again by PennDOT.

Mr. Hackman stated they are asking each of the interested groups to discuss the Community Center at their meetings.

COMMUNITY CENTER REFERENDUM

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried that the Board of Supervisors approve adoption of a Resolution authorizing the placement on the primary ballot for this April the following question: Should debt not to exceed the sum of \$7.5 million for the purpose of financing the development and construction of a building for a Community Center be authorized to be incurred as debt approved by the electors of Lower Makefield Township.

RCN PROPOSAL AND MOTION

Mr. Tom Cohan was present. Mr. Garton stated this is proposed as a Franchise Agreement between Lower Makefield Township and RCN to provide cable and other services. The Board has received a copy of the Agreement RCN has with Newtown Township.

Mr. Cohan stated they were before the Township approximately eighteen months ago. RCN is offering a full package of telecommunication services to residential customers. They propose construction of a network in the Boston to Washington D. C. corridor. They have obtained fifteen Municipal franchises in the Delaware Valley area, three of which are in Lower Bucks County with the potential for four to five more in the vicinity. They are proposing building a fiber ring. They will offer local telephone and long-distance telephone service, high speed Internet, and cable services.

Mr. Fazzalore asked how long it would take for them to be in the Township, and Mr. Cohan stated it would be at least two years. Mr. Hackman asked why they should approve this at this time if it will not be available for two years. Mr. Cohan stated they are trying to obtain the franchises in advance. Mr. Cohan stated they are currently operating in the Boston area, Washington D. C. and New York City. He stated they are looking to get 25% to 30% penetration. They view each household as potentially four customers, although each household does not have to buy all services. He stated the chief benefit they bring is competition particularly in the area of cable television. Mr. Cohan stated their rates are competitive and they often come in a little lower than the current provider. He added usually customers do better as far as rates are concerned the more services they buy. He stated there will not be a "rate war," but it does tend to stabilize rates.

Mr. Hackman noted the availability of satellite television and asked if they will be able to offer the same number of channels. Mr. Cohan stated they are looking at 160 channels as they enter the Philadelphia market. He stated there have not been enough dishes in communities to impact the cable rates.

Mr. Allan asked how their rates compare with the current provider. Mr. Cohan stated their rates have stayed level for three years although this year in the Boston area there was a 5% increase.

Mrs. Godshalk asked if all services provided to a home would go out if the cable goes out. Mr. Cohan stated they would not since there are two cables to the home, one for cable and one for telephone service.

Mr. Fegley moved and Mr. Fazzalore seconded to authorize for advertisement the Ordinance for the Franchise Agreement with RCN to provide cable and other services in the Township.

Ms. Irene Koehler asked that the Board consider televising their meetings

One gentleman stated for a number of years he has asked A T & T to carry a certain channel and he has been advised there is no interest. He asked Mr. Cohan if they would offer a wider choice. Mr. Cohan stated they are building a system with more capability than there are currently channels.

Mr. Hackman asked about use of the black boxes on each television. Mr. Cohan stated RCN offers a service that has 80 channels for which no cable box is needed. If you want to subscribe to a premium channel, you would need a converter box which they feel is a better box than boxes currently used by other providers.

Mr. Len Franckowiak stated approximately two years ago there were problems with the current provider and the use of utility boxes in the Township. He stated he would make sure everyone knows where boxes will be located. Mr. Fedorchak stated this is part of the permitting process. Mr. Hackman asked if they require the same number of boxes that currently exist in the Township, and Mr. Cohan stated they do since it is essentially the same system. He stated they will work with the Township to provide a complete list of locations. Mr. Hackman asked why they cannot be put in the ground, and Mr. Cohan stated there are cost problems and problems with leakage.

Mr. Michael Klein asked if they will have digital telephone service, and Mr. Cohan stated they will have a high speed cable modem service.

Motion to approve carried unanimously.

DOG PARK PRESENTATION

Ms. Jeanne Bray and Pr. Peter Szakacs were present. Mr. Hackman stated the Board has been provided with a very professional booklet on dog parks. Ms. Bray stated they feel the proposal speaks for itself but they are present to answer any questions. She noted they tried to respond to the objections which came up when they previously came before the Board. She stated Dr. Wilson is also present this evening. He is a member of their

Committee and has been acting as a consultant. He can discuss the value a dog park can bring to a community.

Dr. Wilson stated he is an attorney and a veterinarian. He noted he lives on Yardley-Makefield Road in Lower Makefield Township and spent sixteen years practicing as a veterinarian in California. He is now practicing law particularly for veterinarians and pet owners. He noted he also teaches throughout the Country and many of his students are aware of dog parks and have reported there are no problems since those who use the facilities trust their dogs in this kind of environment and keep the area clean. He stated a dog park serves the interests of dog owners just like other facilities serve other Township residents. He feels the Committee has offered a sound proposal and addresses the issues which were discussed previously. He stated the liability issue was previously raised, but he feels the policy they have established should minimize the risk.

Mr. Hackman asked about the land needed. Dr. Szakacs stated the more land available, the more it would preserve open space and would allow more people to participate.

Mr. Hackman asked about fencing and it was noted chain link fence seems to be the type most often used. Dr. Szakacs noted there are seven dog parks in the Philadelphia area.

Mr. Hackman asked if they have given any thought to forming their own organization and running the program such that they would improve the land, install the fencing, and clean the area. Dr. Szakacs stated at first they hoped this would be a Township entity, but he now understands insurance can be purchased by their Association which would be at a reasonable cost and would keep the Township from having any exposure. Mr. Hackman stated he feels it would be better if they formed their own organization and ran the program. He added they could work out a Lease Agreement for them to use Township property.

Mr. Hackman noted the report lists six suggested locations. One gentleman noted there were approximately five other locations which could have been considered.

Mr. Fegley stated the proposal makes a number of statements which have not been backed up by research material. He is most concerned about who would monitor that those using the facility are actually members and their dogs have received shots, etc. He is also concerned about leasing Township land to a private organization. He noted this would still be the only way he would agree to proceed with this program since he does not feel Township employees should be involved in monitoring the program.

Dr. Szakacs stated they are flexible on the policies and procedures that would make the Township happy. He stated they have tried to get hard data on the existing parks but have been unable to obtain this.

Mr. Fegley stated in order for the Board of Supervisors to seriously consider a proposal, they would have to have something more concrete. He stated the Board must prioritize the needs of the Township, and the need for recreation for people is their paramount concern. He suggested they come up with specifics on what they would like to do in Lower Makefield Township.

Ms. Bray asked for specific concerns. She noted she has talked to a number of people at dog parks and they seem to monitor each other and no specific person is there to monitor the situation. She stated there have not been many problems with aggressive dogs.

Mr. Fegley noted they are proposing to charge a membership fee, and he asked how they would prevent someone from using the facility who has not paid the fee. Mr. Allan stated he has had experience with people using the softball fields as a dog run, and in one instance there were four greyhounds with their owners from Langhorne. When he asked them to remove their dogs from the facility, they reacted very negatively. Mr. Hackman stated if this group runs the facility on leased ground, he does not feel the Township would have to get involved in this issue.

Mr. Fegley stated the Board must deal with the issue of leasing ground to a private entity. He stated the Leagues have asked about leasing ground in the past and have not been permitted to do so. Mr. Fegley stated since they are using Township property the Township could still be sued if something went wrong. He is also concerned with the self-policing aspect and does not feel they can stop people from using public property. He stated there are already problems with policing Macclesfield Park when people outside the Township use the facility. Mr. Garton stated there is no legal impediment to the Township leasing property to a non-profit or profit-generating agency. Dr. Wilson stated people from outside the Township are already using Township facilities and no one is policing this. He noted particularly the basketball and tennis courts.

Dr. Wilson stated he will be traveling to ten different veterinary schools over the next year and could get testimonials from individuals if the Board desires. Mr. Fegley stated he would like to see this as well as policies and procedures that would be put into place.

One gentleman stated in a number of dog parks they issue a specific identification tag to members and peer pressure would get those out who are not members. They have not found this to be a problem

Mrs. Godshalk stated she feels that if a person owns an animal they should take responsibility for that animal on their own property. Dr. Wilson stated this does not allow for socialization with other dog owners.

Mr. Fazzalore stated he may be in favor of leasing property to the group for a nominal fee but would not be in favor of any area near a Township Park. Mr. Hackman stated if they have land that is not being utilized, he does not have a problem with leasing a few acres to an organization that would develop and run the program. He suggested the group consider a specific site and determine how much it is going to cost to develop the project on their own. He stated he does not feel the Township is interested in getting involved in the dog park business. He stated they will have to plan for fencing, maintenance, parking, etc.

APPROVAL OF MINUTES

Mr. Fegley moved, Mr. Allan seconded and it was unanimously carried to approve the Minutes of December 20, 1999 as written.

Mr. Fegley moved, Mr. Allan seconded and it was unanimously carried to approve the Minutes of January 3, 2000 as written.

DALGEWICZ PROPERTY UPDATE

Mr. Garton stated the property owners have filed an Appeal, and he will advise the Board of Supervisors as events take place.

FOUNDATION FOR LAND PRESERVATION UPDATE

Mr. Garton stated he does not feel it would be difficult to set up a Foundation for Land Preservation but the Board of Supervisors must consider their mission and how it would be structured. Mr. Fazzalore asked that the Board be provided with copies of some of the Foundation documents Mr. Garton has worked on in the past. Mrs. Godshalk asked what would happen if people wished to donate funds, and Mr. Garton stated they could designate the purpose of the donation or if they do not indicate how the funds should be spent, they would be restricted by the Foundation mission.

UPDATE ON CONSTRUCTION AT ROELOFS/OXFORD ROAD PARK

Mr. Gouza stated they will have a pre-construction meeting on Thursday and issue them a Notice to Proceed on Monday. Mr. Hackman asked how long they expect construction will take, and Mr. Gouza stated the contract stipulates seventy-five working days with a five day week which should take them into May. Mr. Allan stated this was not acceptable. He stated they are only constructing a **block building** and he feels seventy-five days is too long. Mr. Gouza stated in the bidding documents they specified completion in seventy-five days. He noted part of the contractor's obligation is to present their construction schedule and he has not seen this yet. He will report at the next meeting what the contractors have indicated.

Mr. Fazzalore stated he feels the whole project should be delayed. He stated if the Referendum passes they do not know where the Community Center will go and they may have to move the fields. Mr. Hackman stated while he recognizes this, he does feel if the ballfields are moved they would still be close enough to the proposed restroom facility.

Mr. Allan asked if it would be possible for him to attend the pre-construction meeting, and Mr. Gouza stated this would be permitted.

UPDATE ON REHABILITATION OF SPRING AND HILLSIDE LANES

Mr. Gouza stated they reviewed the concerns of the Board of Supervisors, development costs, and possible solutions and submitted their report to the Township. He noted a structural overlay would cost \$375,000 and total reconstruction would cost \$435,000. He stated alternatives to deal with the channel in the rear of the properties were considered including a box culvert which would cost \$700,000. It was suggested they pipe the discharge from the Lindenhurst Road basin down Lindenhurst Road to Core Creek and they estimate this would be an extremely expensive project because of the grade and could cost \$1.2 million.

Mr. Gouza stated public water and sewer were also considered. He stated they supplied their preliminary plans to the Water Company for their review but they have not yet

received a response. He is not aware whether the Township Manager has discussed the sewer issue with the Sewer Authority. Mr. Hackman stated there was a meeting with the Water Company to discuss the water tower across from the Township Complex and at that time the Water Company indicated they would be willing to put the water pipe in the road free of charge if the people would agree to hook up to the public water.

Mr. Fazzalore stated these are the kinds of items he was concerned about when they were discussing the Community Center. He asked if they could narrow the street from 26 feet and make it one way to help reduce the cost. Mr. Gouza stated they could make it one way but he does not feel they want to narrow the road less than 26 feet if they want to have curbs since this would be a hazard. Mr. Fazzalore stated if they are **going to spend this** amount of money for a roadway, he feels they would have to install **public sewers and public water.**

Ms. Irene Koehler asked if the 26 foot width is a standard. Mr. Gouza stated this is the minimum standard for a two-way road with curbing. Ms. Koehler stated she is concerned if they widen the streets they will lose their street trees. Mr. Gouza stated he does not feel the existing trees will be impacted. Ms. Koehler stated the residents are very concerned about the impact on the trees. Mrs. Godshalk stated before they proceed any further they should put stakes on the properties to designate the right-of-way. Ms. Koehler asked if the Board could make an exception to the twenty-six foot requirement. Mr. Gouza stated the Board of Supervisors can make this decision.

Mr. Hackman stated they still need the information from the Sewer engineer. Mr. Fedorchak stated he discussed the matter with Mr. Zarko and anticipates a report within one week.

Mr. Henry Lee stated the issue of water flowing from Quarry Road down to his property and then into the stream was not addressed in the engineer's report. Mr. Hackman stated there is another project they have discussed in the past involving Quarry Road. Mr. Lee commented on the flow rate and stated he feels the water is designed to come into the channel too quickly. He asked if there is a way to not allow as much water to flow so quickly and instead release it at a slower rate. Mr. Gouza stated the amount he has shown is a 100 year storm design release rate. He agreed the existing channel is not capable of handling a 100 year storm. He added that Hurricane Floyd was more than a 100 year storm and they did therefore have flooding. Mr. Lee stated he feels decreasing the opening would help in storms other than 100 year storms. Mr. Gouza stated they recognize this is a concern and are trying to come up with a solution to the problem. He stated if they cut down the area they are releasing the water out of, when you get a 100 year storm it could not release as the storm is continuing and it could then top the berm of the dam and create a very serious problem. Mr. Lee asked that they consider short-term and long-term solutions.

Mr. Lee noted Page 4 of Mr. Gouza's memo and noted currently the Township does not have an easement for channeling the water onto private property. Mr. Garton stated a channel was dug approximately forty years ago. Ms. Koehler stated no permission was given for this to be dug. Mr. Lee asked the legal recourses available so that he does not have to accept the water. Mr. Garton stated the lower-lying property has an obligation to accept water from the higher property although the upper property owner cannot concentrate the water. Mr. Lee stated he feels they have created an artificial situation.

Mr. Fegley moved and Mrs. Godshalk seconded to allow the applicant to backlight the sign but they are limited to two signs with their choice of placement.

Mr. Blynn asked if they could have a pedestal-mounted sign if they removed the canopy sign. He showed the location they would propose, and this was acceptable to the Board. The sign will be face lit. The sign would be consistent with the signage Mr. DeLuca is installing in the rest of the development.

Motion carried unanimously.

GOODWIN & LACEY FINAL PLAN APPROVAL

Mr. John Goodwin and Mr. Dan Lacey were present with their attorney, Mr. John Donaghy.

Mr. Garton reviewed possible conditions of approval as follows:

- 1) Continued compliance with the conditions of Preliminary Plan Approval which occurred on 10/4/99 to the extent not satisfied;
- 2) Compliance with the CKS letter dated 12/14/99;
- 3) Funding and Execution of Development and Financial Security Agreements.

He noted the one open issue is the extent of contribution from the applicant for frontage improvements along Stony Hill and Township Line Roads. The Township costs for the improvements were \$61,000 collectively. Mr. Garton reminded the Board that at the last meeting Mr. Donaghy had indicated he did not have the authority to agree to this condition of approval and the matter was tabled. Mr. Garton noted there may be some argument that Stony Hill Road improvements should be treated differently than Township Line Road since Stony Hill Road was moved by the Township.

Mr. Donaghy stated they do not take access onto Stony Hill Road. The frontage which was on Township Line Road did not appreciably change as a result of the recent improvements. He stated he does not feel Keystone Water was required to make contributions for Township Line Road. Mr. Garton stated this property was owned by Mr. DeLuca and he paid for the improvements. Mr. Donaghy stated they are still obligated to meet the Township Ordinance as far as the Traffic Impact Fee is concerned.

Mr. Fazzalore asked if they would have been able to use this property if the improvements had not been made to Township Line Road. Mr. Garton stated during the course of the condemnation, the Flemings indicated this parcel had no value and convinced the Board of View of this. He stated if they had not built Township Line Road, this parcel would not have existed and it would have been part of Shady Brook Farm. Mr. Hackman stated they now have a corner lot which will get a great deal of exposure.

Mr. Lacey asked why the Township is making it so difficult for them to do business in the Township. He stated heavy equipment and dirt was placed on their lot without their permission, and road equipment improvements which were done at Stony Hill Road have done damage to their lot. He stated they now have standing water since the improvements were made. He stated they will contribute to the tax base.

Mr. Hackman asked the location of the detention basin, and Mr. Donaghy stated it will be at the corner. Mr. Donaghy stated the additional water is backing up on the road because of the construction of the Stony Hill Road re-location. Mr. Hackman stated it appears their detention basin will be where the water is currently standing.

Mr. Garton noted the plans for the road improvements were in place before they purchased this property. Mr. Garton recommended a fourth condition as follows:

- 4) Contribution for frontage improvements along Stony Hill and Township Line Roads in the amount of \$61,000.

Mr. Fegley stated he would be willing to amend this fourth condition to reduce this to \$30,000 since they have indicated the frontage improvements on Stony Hill Road are a detriment to them.

Mr. Allan noted he will not vote on this matter since he knows both of the applicants.

No Supervisor was willing to agree to Mr. Fegley's amendment.

Mr. Donaghy stated they would not agree to Condition #4.

Mr. Fazzalore stated he would like to negotiate with the developer rather than both parties having to spend money to litigate the matter. Mr. Fazzalore stated he feels the \$30,000 recommended by Mr. Fegley was too low.

Mr. Donaghy asked for the opportunity to confer with his clients, and they left the meeting at this time.

When Mr. Donaghy and his clients rejoined the meeting he noted if the Board felt it was worthwhile to negotiate the matter, they could discuss the matter with their Solicitor and continue the matter to the next meeting. He would suggest that they proceed at this time with a decision if there was no chance for negotiation. Mr. Fegley asked if they were agreeable to a number in the \$30,000 range and Mr. Donaghy stated they would probably not consider this.

Mrs. Godshalk moved and Mr. Fegley seconded to approve the Final Plans for Goodwin & Lacy, plans dated 11/19/98, last revised 12/2/99 subject to:

- 1) Continued compliance with conditions of Preliminary Plan Approval which occurred 10/4/99 to the extent not satisfied;
- 2) Compliance with CKS letter dated 12/14/99;
- 3) Funding and execution of Development and Financial Security Agreements;
- 4) Contribution for frontage improvements along Stony Hill and Township Line Roads in the amount of \$61,000.

Motion carried with Mr. Allan abstaining.

Mr. Lee stated FEMA does have State allocated funding. Mr. Fedorchak stated typically FEMA monies are for planning projects unless it is associated with natural disasters. Mr. Lee presented information on FEMA regarding mitigation strategies.

Mr. Hackman stated they will continue to work on the road and sewer issues.

POOL HEATERS DISCUSSION

Mr. Hackman asked about the pool heaters, and Mr. Gouza stated they are working with Vincent Pools and hope to have information this week.

SIEKIERKA VARIANCE REQUEST DISCUSSION AND MOTION

Mr. John Siekierka of 1410 Hampton Road was present. Mr. Garton stated he is requesting permission to install a swimming pool partially within the wetlands buffer. The property is in Yardley Estates. Mr. Garton noted there was litigation with Toll Bros. and the Township agreed that applicants who were impacted by the Wetlands Buffer Ordinance could bring their concerns to the Board of Supervisors; and if the Board of Supervisors was in favor of the request, they could then go to the Zoning Hearing Board for relief. Mr. Garton stated his office felt that this opportunity should be made available to any resident impacted by the Wetlands Buffer Ordinance. Mr. Garton stated information was provided to the Board including the plan which was attached to the application.

Mr. Allan stated the pool is shown outside of the building envelope and the filter equipment is located in the wetlands buffer area. Mr. Siekierka stated they purchased the property in July, 1993 and a Conservation Easement was approved to protect the wetlands. He moved into his home in April, 1994. He stated in 1998 the Board of Supervisors passed Ordinance 200-51 - a Buffer Ordinance over and above the Conservation Easement. Mr. Siekierka stated he was advised that before he could go to the Zoning Hearing Board he had to have approval from the Board of Supervisors. His case is scheduled to be heard by the Zoning Hearing Board tomorrow evening. He noted his pool grading and decking will not encroach into the Conservation Easement.

Mr. Allan asked why he did not move the pool into the building envelope, and Mr. Siekierka stated there is a problem with the slope. He stated the location he has proposed will afford his family privacy and he is also placing the pool in an area where it will not impact his adjoining neighbor. He stated he will not drain his pool back toward the wetlands and instead will drain it to the sides. Mrs. Godshalk stated she is still concerned about possible drainage into the wetlands. Mr. Fegley stated he would feel more comfortable voting for this if he could be assured that the drainage would not impact the wetlands. Mr. Siekierka stated he would drain it to the area where there are no wetlands. Mr. Allan noted there could also be a problem if the pool overflowed during a storm and this could then take chlorine into the wetlands. Mr. Hackman stated he does not feel the amount that would run off would make much of a difference.

Mr. Fazzalore moved and Mr. Allan seconded that the Board of Supervisors would support the application with the proviso that there be language in the Variance that he will drain any water from the pool to an area of the yard away from the wetlands. Motion carried with Mrs. Godshalk opposed.

APPROVAL OF HAMPTON INN LIGHTING

Mr. Edward Murphy, Mr. Vince DeLuca, and Mr. Clarke Blynn were present. Mr. Hackman stated he does recognize that the backlighting of the signs is much more visible. He stated there is also a canopy sign and a sign that faces the Patterson Farm. They are also requesting a sign on the building that would face the intersection of I-95 and Route 332. Mr. Hackman noted directions the Hampton Inn uses are fine until you get off Exit 30 and they should improve the directions from this point forward. He stated on the main sign there was to be something noting the Hampton Inn and this sign has not yet been installed. He stated they also have a number of stakes in the ground which he feels are illegal. He asked if they will have a sign of any type on Stony Hill Road, and Mr. DeLuca stated they will.

Mr. Murphy presented a plan showing what is proposed for the complex as a whole. He noted the location of the entrance sign at the corner of Stony Hill Road and 332 which was approved by the Board of Supervisors and the Zoning Hearing Board. This will be a double-sided sign. The sign package was approved last week by the Township and they hope to have them installed within the next six weeks. Mr. Murphy noted another location where a sign will be located which will also have the name of the hotel. Mr. Blynn feels this will help the directional issue once these signs are installed. Mr. DeLuca noted the signs will be face lit, not back lit.

Mr. Blynn provided the Board with information showing that they can reduce the amount of signage if they only have "Hampton Inn" on the sign rather than "Hampton Inn & Suites." He noted this was recommended by Mrs. Godshalk. He would still need to maintain the entire sign on the building and the canopy.

Mr. Hackman stated he is concerned that if they let this applicant add additional signs every other user in the Park will want to add signs as well. Mr. DeLuca stated they have agreed to only allow one sign on the office buildings.

Mr. Fegley stated he is not concerned with the back-lit sign. He is concerned with the precedent being set however since every other tenant in the building may then come in asking for an exception. Mr. Murphy stated they have control over the three office buildings.

Mr. Hackman stated the Ordinance indicated they can have two signs and asked which of the three they have proposed could be eliminated. He noted he would suggest the canopy sign be eliminated. Mr. Fegley stated he feels they should permit the backlighting but still limit them to two signs. Mr. Hackman stated he likes the appearance of the hotel. He stated the trees in the area may impede seeing the sign. He asked if they would be better off with a sign at ground level closer to the road. Mrs. Godshalk stated if you are on I-95 you would be able to see the red sign on the building. Mr. Allan stated he had suggested they have a sign installed coming off the ramp. Mr. Blynn stated the representatives he spoke to about this were non-committal. He noted they will not allow signs to be installed until the road improvements in the area are completed.

Mr. Hackman asked when they will remove the large wood sign, and Mr. Blynn stated they will take it down when this matter being discussed is resolved.

APPROVE HIDDEN POND ESTATES DEVELOPMENT AGREEMENT

Mr. Fegley moved, Mr. Fazzalore seconded and it was unanimously carried to approve the Hidden Pond Estates Development Agreement.

APPROVE EXTENSION OF TIME TO EDGEWOOD POINTE

Mr. Allan moved and Mr. Fegley seconded granting an extension of time to Edgewood Pointe Preliminary Plan to 5/4/00. Motion carried with Mrs. Godshalk opposed.

APPROVE EXTENSION OF TIME TO FIRST BAPTIST CHURCH OF NEWTOWN

Mr. Allan moved, Mrs. Godshalk seconded and it was unanimously carried to grant an extension of time to First Baptist Church of Newtown Preliminary Plan to 5/4/00.

DENY REQUEST FOR DEDICATION OF AFTON CHASE

Mrs. Godshalk moved, Mr. Fegley seconded and it was unanimously carried to deny the request for dedication of Afton Chase based on outstanding issues in the PCS letter dated 12/22/99 and because all lots do not have Final Certificates of Occupancy.

APPROVAL OF JANUARY 3, 2000 AND JANUARY 17, 2000 WARRANT LISTS AND DECEMBER, 1999 PAYROLL

Mr. Fegley moved, Mr. Fazzalore seconded and it was unanimously carried to approve the January 3, 2000 and January 17, 2000 Warrant Lists and December, 1999 Payroll as attached to the Minutes.

DISCUSSION OF EDGEWOOD ROAD SPEED LIMIT

Mr. Fedorchak stated they asked PennDOT to reduce the Edgewood Road speed limit to something less than 40 miles per hour. They have indicated that since the study was done in July, 1999 their policy is not to perform a new study until one year has elapsed. Mr. Fazzalore asked if the Township could not just put up a 25 mile per hour speed limit sign, and Mr. Fedorchak stated they would not be able to enforce this. Mr. Garton noted the Township may also lose their liquid fuels money.

DISCUSSION OF SWAMP ROAD BRIDGE PROJECT FOR T.I.P. FUNDING

Mr. Fedorchak stated he did submit this for T.I.P. funding with the understanding that the deadline was December, 1999 and he would discuss the matter with the Board of Supervisors at this evening's meeting. He stated he recognizes it is unusual for one Township to submit an application for a project in another Township. He stated the

Bucks County Planning Commission acted on this earlier than he had anticipated and approved this in early January and put it on the "short list." The newspapers picked up on this matter and it created a public relations problem with Wrightstown Township. Mr. Fedorchak apologized for how this came about and asked the Board how they wished to proceed. Mr. Fazzalore stated he felt a letter of apology should be written to Wrightstown. Mr. Hackman stated he feels they should have communicated with them in advance but noted if a bridge is not fully serviceable he feels someone should have plans to correct this. He stated the fact that the Bridge has a weight limit diverts traffic in a way that is not acceptable to Lower Makefield Township. He feels they should be asked what plans they have to get the bridge up to spec.

Mr. Len Franckowiak stated he had felt that the Board of Supervisors had made the recommendation and he advised the reporters that contacted him on this matter that he felt the Board of Supervisors was acting very responsibly. He stated the residents of Stoopville and Lindenhurst Roads have submitted a request to PennDOT to have this project put on the Twelve Year Plan. He added this is very unusual for residents to make such a request.

Ms. Sue Herman stated she feels their lives are endangered on Lindenhurst Road because the truck traffic is being diverted.

Mr. Hackman announced that he and Mr. Goodnoe have met on two occasions during the last ten days to see how they can get the two Boards talking again to discuss solutions to regional problems. He asked the Township engineer to meet with their Township engineer and Lynn Bush of the Bucks County Planning Commission to revisit the Joint Traffic Study to see if they can come up with some viable answers. Mr. Fegley stated he and Mr. Fazzalore suggested that this be done some time ago.

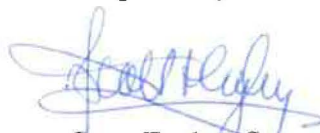
ZONING HEARING BOARD ISSUES

There was discussion on the Ernst Application for the property at 1524 Revere Road and their request for a Variance to construct a swimming pool resulting in greater than the permitted impervious surface. Mr. Allan, Mr. Fazzalore, and Mr. Fegley were in favor of the Solicitor appearing on behalf of the Board to oppose this request.

There was discussion on the Barta Application, 112 Coleman Avenue, and their request to construct a home on 1239 Yardley-Morrisville Road. Mr. Garton suggested that the Solicitor appear to obtain additional information on the number of trees to be removed and report back to the Board. The Board decided to take no action on this matter.

There being no further business, the meeting was adjourned at 11:20 p.m.

Respectfully Submitted,



Scott Fegley, Secretary



Township of Lower Makefield

BOARD OF SUPERVISORS

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

**JANUARY, 2000 WARRANT LISTS AND
DECEMBER 1999 PAYROLL COSTS FOR APPROVAL
@ JANUARY 17, 2000 BOARD OF SUPERVISORS MEETING**

01/03/00 Warrant List	\$ 781,331.91	
01/00 Prepaid Expenditures	227,671.31	
01/17/00 Warrant List	234,502.42	
Total Warrants & Prepaids		1,243,505.64
<u>PAYROLL COSTS:</u>		
December, 1999 Payroll	260,180.37	
12/99 Payroll Taxes, etc.	19,924.75	
Total Payroll Costs		280,105.12
TOTAL TO BE APPROVED		\$ 1,523,610.76

