

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

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on July 17, 2000. Chairman Hackman called the meeting to order at 7:30 p.m. noting that the Board had been meeting in Executive Session for one hour 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

Others: William Taylor, Finance Director
Jeffrey Garton, Township Solicitor
Jan Gouza, Township Engineer
Duke Doherty, Township Engineer
Joseph Bainbridge, Acting Chief of Police

Absent: Grace Godshalk, Supervisor
Terry Fedorchak, Township Manager

PUBLIC COMMENT

There was no public comment at this time.

DISCUSSION OF SOUTH CRESCENT BOULEVARD/SOUTH DRIVE AND MOTION TO OPEN SOUTH DRIVE

Mr. Allan moved and Mr. Fazzalore seconded to change the previous decision back to opening up South Drive and looking into proceeding with putting in alternatives to slow down speed in the area.

Mr. Fazzalore stated the Board received a number of calls about this matter, and they are now agreeing to opening up South Drive. He feels the people who drive in the area should slow down their speed and those living in the area should not allow their children to play in the street. Mr. Fegley stated he was not present at the last meeting when the Board voted to close the road, and had he been present, he would not have voted in favor of it. He stated he feels the people using the roads should be more conscious of their driving patterns. He does not feel closing roads is a

workable solution. Mr. Hackman stated while he did not think it was a good idea to close South Drive, the people who live in that area did come before the Board a number of times pleading that the Board do something. The Board therefore decided to temporarily close the road. Mr. Hackman stated he rode with Acting Chief Bainbridge in the area and looked at the stop signs that were installed. He feels some of them should not have been installed since a stop sign that is ignored is worse than none at all in his opinion. He feels they should only have the stop signs in place that are appropriate. He stated the streets are very narrow in the area, and there is quite a bit of vegetation that has grown out into the road which is making for a dangerous situation. Acting Chief Bainbridge has worked with some of the residents to trim back their bushes and some work still needs to be done in this area. Mr. Hackman stated he feels the Township officials and the Township engineer should look at the rights-of-way in this area and make sure the rights-of-way are clear. Mr. Fegley stated he would not be in favor of removing any of the stop signs until further study has been done.

Dr. Joseph Eberhart thanked the Board for their willingness to revisit this issue. He stated they collected sixty signatures on a petition opposed to closing South Drive at an initial meeting on the matter and an additional three hundred signatures following the meeting. He noted approximately one third of the signers came from the area of the perceived problem. Dr. Eberhart stated he feels closing down any road in the Township is a dangerous precedent. He stated installing stop signs, speed bumps, etc. is not appropriate for public streets and would impact cars and emergency services. He stated three members of their groups have prepared information for the Board including a traffic survey, and information on safety and the impact of closing the road. Dr. Eberhart provided the Board with copies of the signed petition.

Mr. Grover Friend of Kings Road stated he took a survey of traffic volume on South Drive compared to Kings Road on Thursday, July 7 between 5:00 p.m. and 6:00 p.m. and there were 38 vehicles on South Drive compared to 130 on Kings Road. He supports rescinding the action of the previous meeting.

Mr. Shawn Wagner, 564 Countess Drive, stated he would have been very much impacted by the installation of barricades on South Drive and would not have been able to reach his own driveway. He stated he feels there are safety issues involved including speeding, visibility, and volume. He stated he has trimmed back his bushes significantly as a

result of the Township's request. He would not be in favor of removal of any stop signs without further study. He also asked that in the future all residents who may be impacted by the Board's decisions, be notified before decisions are made.

Mr. John Tracy, 568 Countess Drive, stated speeding is taking place in the area and people are using these roads in order to avoid lights.

Ms. Jill Kuntz of S. Crescent Boulevard noted the letter she sent to the Board of Supervisors. She stated she has two small children who are never permitted to play in the street. She is concerned however that her child is a walker to Makefield School. She stated while the streets are for cars, the residents of the area should be able to walk in their neighborhood. At the last meeting the residents indicated they felt closing South Drive for sixty days was a viable option. She stated since that meeting the residents have been subjected to various forms of harassment from people driving through their neighborhood. Ms. Kuntz stated she is concerned that this issue is not being decided on the merits alone and instead the Board is simply following public opinion. She does not feel the Board is the proper body to decide on which stop signs are legal. She stated there is ample testimony in the record to support the installation of stop signs for reasons other than slowing down speed which include visibility due to curves in the road, the proximity of the School, and accidents which have already occurred in the area.

Mr. Joe Weiss of Ferry Road stated he uses these roads approximately five to six times a day. He stated he feels the installation of sidewalks so that people can walk in the area safely would solve many of the problems. Mr. Hackman stated he feels this is something that they should pursue.

Ms. Jennifer Dublin of Sylvan Terrace asked how they plan to slow down the speeds in the area. She stated she would not be in favor of sidewalks since she feels this would make the traffic go even faster.

Mr. Allan stated he would propose the formation of an Ad Hoc Committee comprised of area residents and the Police Department to address these problems. Mr. Allan stated these problems are occurring throughout the Township. He stated they are still considering the installation of speed humps which are working well in other Townships. They are also looking into having more of a Police presence in the area.

Ms. Pat Sweeney, 53 N. Homestead, stated they have been before the Board of Supervisors on this issue for three

years. She feels the Board of Supervisors is now appeasing the majority. She would be in support of putting together a Committee to look into solutions to the problems. Mr. Hackman asked her opinion of sidewalks, and Ms. Sweeney stated she feels the streets are very narrow and sidewalks would disrupt the feel of the neighborhood. She stated it is also illegal to ride a bike on the sidewalk. Ms. Sweeney stated they should consider making a right turn lane at the light at Makefield Road.

Mr. Fegley stated he does not feel the Board is simply going with the whim of popularity. He stated no amount of police officers will stop all the speeding that goes on in the Township and the people themselves must accept responsibility for their own actions. He would be in favor of putting together a Committee to consider the issues as well as a public awareness campaign. He stated it does not appear that people want sidewalks in their neighborhoods, but he feels this would be the safest way to get their children off the road if they have to walk to school.

Motion carried unanimously.

Mr. Allan asked if Dr. Eberhart felt there were people in his group who would be willing to work on a Committee. Dr. Eberhart stated they had bilateral support for keeping South Drive open. He stated he would be willing to get back to the Board of Supervisors whether there is support to work on such a Committee.

Mr. Hackman stated the Township Manager will contact the area residents if such a Committee is to be set up.

DISCUSSION ON VENDORS AT TOWNSHIP RECREATION FACILITIES

Mr. Ron Smith, representing YMS, expressed concern with the vendor situation at the Township athletic fields. He stated ice cream/water ice vendors are coming in during Tournaments and other events which are by Permit only and creating a trash problem as well as taking away from the fund-raising opportunities for the youth organizations. He stated the organizations are paying to use the facilities, and the vendors are only required to pay \$100 a year. He stated the vendors are also creating safety problems by parking in the area. He asked that the Township look into this situation.

Mr. Garton stated these vendors are licensed by the Township to provide services and the roadways are public roads.

Mr. Garton stated possibly they could develop restrictions on the license since currently they have a blanket license. It was agreed the Township will look into this matter.

APPROVAL OF RESOLUTION NO. 1062 REQUESTING ENVIRONMENTAL STUDY IN REGARD TO EXPANSION OF TRENTON/MERCER AIRPORT

Mr. Fazzalore moved and Mr. Allan seconded to approve Resolution No. 1062.

Mr. Fegley stated he felt a study had already been prepared and it was noted this was only an assessment - not a study. Mr. Garton stated this is a statement of the Township's feeling that this needs to be done. Lower Makefield Township will not be paying the cost of this since it is a regional study.

Mr. Bernie Goldberg, 1304 University Drive, expressed concern with the situation in Mercer County between the Freeholders and the Mercer County Executor. He noted Pennsylvania is getting no representation in this matter.

Mr. Garton stated he has provided Mr. Fedorchak with the name of an expert in this field, and they are waiting for a response from this individual. Mr. Fazzalore stated he feels they must do everything they can legally do since this expansion will significantly impact the Township.

Ms. Sandy Goldberg stated the Environmental Assessment is to lay groundwork for the Environmental Study and it is clear that Bucks County has not had any part in the Environmental Assessment. Mr. Hackman stated hopefully the experts they have contacted will tell them how to proceed.

Mr. Goldberg stated he feels a Township representative should contact the Freeholders and offer our support. He stated the Freeholders do have to approve this expansion if it is to proceed.

Mr. Paul Krupp stated Commissioner Fitzpatrick did call him and will meet with the Bucks County Commissioners to see if they would be willing to meet with BRRAM.

Mr. Arthur Schenefelt stated for many years there have been plans for the expansion of this airport. He stated since Bucks County is part of the flight path, they should contact the FAA.

Mr. Rich DiLullo, 1318 Albright Drive, stated they have not been able to see anything yet and once they do get to see the

report, they will not be able to turn anything around. He would like BRRAM to work with the Township since they have knowledge of the laws.

Mr. Hackman stated they will discuss this matter with Mr. Fedorchak upon his return from vacation.

Motion to approve the Resolution carried unanimously.

MATRIX PRESENTATION

Mr. Joseph Taylor, Mr. Marc Brookman, Mr. Russell Tepper, and Mr. Jeff Green were present. Mr. Garton stated at a previous meeting, the Board asked that the applicant return with additional information on traffic. The Township retained a traffic expert to analyze the information provided by the developer. The Board of Supervisors also asked the developer to provide a financial analysis of this project as currently proposed in terms of additional cost of services and tax impact. Since that meeting the Township's traffic expert has met with the developer's traffic expert; and the Board is now in receipt of the report from the Township's traffic expert, although they have not had a chance to fully analyze this information. Mr. Garton stated Matrix would like to discuss this evening the traffic improvements they propose as well as the financial analysis.

Mr. Russell Tepper reviewed the proposed improvements which they feel should mitigate all traffic generated by the project and improve conditions in the area to a condition better than what exists currently. He stated all improvements can be implemented upon the Phase I portion of the project which is the retail portion. In the past it was proposed that the improvements would be done in a phased manner. They are now in a position to make all the improvements in Phase I.

Mr. Hackman stated a suggestion was made that another road come out to Oxford Valley Road, and this is not being shown. Mr. Garton stated this suggestion was in the Township's traffic expert's report and was just received Friday. Mr. Taylor stated they are willing to work with the Township on this road or a second right hand turn depending on which solution makes the most sense. Mr. Taylor noted they are currently only at the Sketch Plan stage.

Mr. Hackman stated he feels the Board may be open to modifying the Master Plan Agreement but they need to see a lay out and know the details of the Plan. Mr. Garton stated he feels there are some recommendations in the Township's

traffic expert's report which need to be considered by both the Township and the developer. Mr. Taylor stated if it is the consensus of the Board of Supervisors that they are willing to work with them on modifications to the Master Plan Agreement, they could conclude their discussions this evening and work with the attorney. Mr. Allan stated he does not feel they will be able to mitigate the traffic.

Mr. Jeff Green reviewed the current plan for traffic improvements. He stated their proposed plan would not permit traffic to cut through the Yardley Corners Development and cross the highway to the new development. He stated their improvements will be complemented by PennDOT improvements for Route 1 which are scheduled to be sent out to contractors for bid by October. Mr. Tepper stated stacking lanes will be able to handle the traffic. Mr. Hackman noted there is another property in the area which will also eventually be developed which should be factored into this. Mr. Allan stated he is concerned that people from Yardley Corners will not be able to come out of their development and make a left. Mr. Tepper stated they will be able to make a left or right out of the development but will not be able to go directly across to the new development which should stop people from cutting through Yardley Corners.

Mr. Tepper provided a fiscal impact statement which discusses the impact of this development on Lower Makefield Township. He stated there will be a net fiscal impact to the Township of approximately \$188,000 a year which does not include the one time payments for transfer taxes and roll back tax. Mr. Fegley asked what the difference would be if it had been built according to the approved Master Plan. Mr. Tepper stated they have reviewed this in their report and what they are proposing will result in a greater amount to the Township than what would have been provided under the current Master Plan.

Mr. Hackman stated the Board is willing to work with the developer on this project.

Mr. Stan Tilton of Thistlewood Drive asked who will be responsible for signage. He noted there are currently problems with people going to Sesame Place. Mr. Hackman stated PennDOT plans to update the interchange and hopefully the signs will be updated as well.

Mr. Al Roeper asked if the modifications to the Agreement will come to the Planning Commission before they are approved. Mr. Fegley stated when the application reaches the Preliminary Plan stage, the matter will come to the Planning Commission. At the current time they are trying to get the

Board of Supervisors to agree to modifications to the Master Plan Agreement, and he is not sure that this is a Planning Commission issue. Mr. Hackman stated the Zoning Ordinance has been changed since the original Agreement was made. The developer is asking for a modification to the Agreement which would be based on the Ordinances that were in effect eight years ago. Mr. Roeper stated he felt that if a Plan was more than ten years old, they had to comply with current Ordinances. Mr. Garton stated the Master Plan Agreement had a fifteen year life and was recorded of record.

Ms. Karen Freedman, Silverwood Drive, asked how many people they expect to come to the office portion. Mr. Taylor stated there will be 600,000 square feet of office space, and there could be more than 2,000 cars. He stated these will be corporate offices - not dentists, doctors, etc. Mr. Green stated for the entire site they estimate there will be 2300 trips per hour during the evening peak. Mr. Hackman stated this land is zoned for retail and commercial and it will generate traffic.

Ms. Linda Maney 1516 Brock Creek Drive stated additional retail will drastically impact the quality of life of the Lower Makefield Township residents. Mr. Hackman noted the area is currently zoned for retail and commercial. Ms. DeVaney stated she would not have a problem with office but is concerned they will only construct the retail portion. Mr. Hackman stated he feels part of the Agreement will include the requirement that the office and retail go in simultaneously.

Mr. Schenefelt stated the Federal Government is currently sending out notices about spending money on rail services, and he has discussed with this developer the possibility of a commuter station in this area.

APPROVAL OF MINUTES

Mr. Allan moved and Mr. Fazzalore seconded to approve the Minutes of June 19, 2000 as corrected. Motion carried with Mr. Fegley abstaining.

Mr. Fazzalore stated he would like the Township Solicitor to look into the matter noted in the Minutes on Page 18 regarding the \$63,5000 given to the Township by DeLuca and whether this money was to go to the Township or the Farmland Preservation Corporation.

AWARD CONTRACTS FOR REHABILITATION OF THE OUTDOOR PISTOL RANGE

Mr. Gouza stated they previously rejected the bids on this project and subsequently divided the contracts to see if they could get more competitive bids. The contracts put out to bid were for fencing, installation of sidewalks at the shooting positions, and a general contract to include installation of ground baffles, extension of the canopy, and refurbishing the target wall lines. They only received one bid on all three contracts from the individual who happened to be the low bidder during the first bid. By adding the three contracts up, they are basically at the same cost as they were the first time. They did offer a \$3,00 credit if the contracts were offered at the same time. Mr. Gouza stated he understands the budget for this project was \$60,000; and Mr. Taylor agreed. Mr. Fazzalore stated he felt it was \$50,000. Mr. Gouza stated they feel the fencing contract number is higher than what it should be. They also had an alternate which could be eliminated to help bring the cost down. Mr. Gouza suggested that they not award the fencing contract and bid this portion again at some future time and eliminate the venetian blind baffle. If this is done, the cost would be \$57,085. Mr. Gouza stated by the time they have the rest of the construction done, they would also have the fencing contract out. They would not open up the pistol range before the fencing was installed.

Mr. Hackman stated it appears that this is actually an \$80,000 project since they have put it out to bid twice and are still getting these numbers.

Mr. Fazzalore stated the Board voted that this range would be only for the Lower Makefield Township Police officers and asked if they could not make it smaller. Acting Chief Bainbridge stated he did not feel it could be shorter since they must consider different shooting positions and tactical training. Mr. Hackman stated he feels there must be a less expensive way to do the project. Acting Chief Bainbridge stated the range has been in existence since 1960 and a lot of money has not gone into it over the years. He stated they have been training elsewhere in order to meet their requirements. Mr. Hackman asked if it would be less expensive to tear it down and start over rather than refurbish, but Mr. Gouza stated it would not.

Mr. Fegley stated he would be in favor of awarding the contracts without the fencing and bid out the fencing contract at a later time. Mr. Fazzalore stated his concern is that they remain within the Budget. Mr. Hackman stated the Township balances are healthy. Mr. Fazzalore stated income is

not coming in as anticipated. Mr. Allan asked if they could award the project up to \$60,000 and then put in the remainder including the fencing next year so that it is not in this year's budget.

Mr. Fazzalore moved, Mr. Fegley seconded and it was unanimously carried to award Contact #2 in the amount of \$13,500 and Contract #3 in the amount of \$43,585 to Premier Builders for a total of \$57,085 without the alternate.

MOTION ON REQUIRED OFF-SITE IMPROVEMENTS ASSOCIATED WITH
DOLINGTON ESTATES II

Mr. Hackman turned the meeting over to Mr. Fazzalore since this matter concerns his property.

Mr. Garton stated as part of the Dolington Estates II project, the bridge/culvert is being replaced and road improvements are being done on Lindenhurst Road. Most of these are frontage improvements which are Toll Bros. responsibility, but certain improvements are off-site improvements and the Township bears the cost of the off-site portion either using Traffic Impact Fees or other credits. In order to do the off-site portion of the project, the Township needs two kinds of rights-of-way from the Hackmans. One is a permanent right-of-way to complete construction and the other is a temporary right-of-way for grading, etc. The Hackmans have requested as part of the consideration for granting these rights-of-way, that certain improvements be made including moving a sign and a mailbox.

Mr. Gouza stated part of the approved Plans include the relocation of the Hackman's driveway on a temporary basis so that they will have access to their home during the construction; and following the construction, they would need to do a minor adjustment to the driveway with the temporary driveway being removed. Mr. Gouza stated the Hackmans have asked for a location of the driveway slightly different than what is shown on the Plan and that it become their permanent driveway. This would also involve removal of their existing driveway and re-seeding. They have also requested that underground utilities be installed while the road is under construction as opposed to the overhead poles which exist currently. The Hackmans have also asked that a concrete monument which is missing be installed. Mr. Gouza stated there are also six fairly mature trees along their frontage which will be removed. In concert with their removal there was discussion with the Hackmans about plantings, and trees to be installed and while initially, he felt there would be a monetary settlement, since that time the Hackmans have

requested that part of the settlement be that a berm and appropriate plantings approved by the Hackmans be considered.

Mr. Hackman stated the problem with the trees is that the curve of the road will go near to the trunks of at least three of the trees and the storm sewers that will be put in will go down ten feet which will impact the tree roots.

Mr. Fazzalore asked if any of this is part of the developer's responsibility, and Mr. Garton stated it is all off-site.

Mr. Hackman stated he is not sure whether a berm will work because of the elevations. He stated the road has been closed and the developer is moving forward but he has not reached any agreement as yet with regard to his property. He is concerned that as the developer moves forward, he will not have access to his home.

Mr. Fazzalore asked if they have a cost analysis for these requests. Mr. Gouza stated the once they had a reasonable understanding of what the Hackmans were looking for they corresponded with Toll Bros. based on those requests recognizing that the costs involved would not be at Toll Bros. expense, although they may be doing the work. Mr. Gouza stated they received a fax this morning from Toll Bros. that they had an Agreement with the Township and were not doing anything more than what the Plans called for.

Mr. Fegley moved and Mr. Allan seconded to move forward and approve the requests the Hackmans have made in exchange for the easements to complete the project.

Mr. Hackman stated he is concerned since he is not sure what is being agreed to. Mr. Garton stated with regard to the berm/landscaping, the Township engineer will meet with Mr. and Mrs. Hackman to design a landscaping plan. Mr. Gouza stated they will their in-house landscape architect meet with the Hackmans.

Motion to approve carried with Mr. Allan, Mr. Fazzalore, and Mr. Fegley in favor. Mr. Hackman abstained. Mrs. Godshalk absent. At this point, Mr. Hackman resumed chairing the meeting.

APPROVAL OF CONDITIONAL USE APPLICATION FOR AT & T WIRELESS PCS OF PHILADELPHIA, LLC d/b/a AT & T WIRELESS

Mr. Garton noted this is a co-locate on the Nextel site. He noted the Plans dated 3/2/00, last revised 5/4/00. Notice was sent to the Applicant, and legal notice of the Hearing was placed in the Courier Times. In addition, the property

was posted by the Township staff. This is a co-locate to the tower on Woodside Road and I-95. Mr. Garton incorporated the complete Township file including the Application and other reports received to date. He stated the Planning Commission has recommended approval including the waiving of Land Development which has been done in the past in similar cases.

Mr. Allan moved, Mr. Fazzalore seconded and it was unanimously carried to approve the Conditional Use for the Plans dated 3/2/00, last revised 5/4/00 subject to:

- 1) Receipt of all permits and approvals to the extent necessary;
- 2) Compliance with the PCS letter dated 7/10/00;
- 3) Provide the Township financial guarantee to guarantee removal of the facility in the event of abandonment or termination;
- 4) Appearance of the building to be coordinated with the other structures at the site and the structure to be approved by the Township Manager;
- 5) Township waive Land Development;
- 6) Payment of all Township expenses associated with the application to the extent not paid be satisfied;
- 7) All requirements of Section 200-50.1 of the Zoning Ordinance be met if not already done so.

Ms. Tina Makoulian, attorney for the Applicant, agreed to the process and conditions of approval.

GRANTING OF EXTENSION OF TIME FOR FIRST BAPTIST CHURCH OF NEWTOWN

Mr. Allan moved, Mr. Fazzalore seconded and it was unanimously carried to grant an extension of time for First Baptist Church of Newtown Preliminary Plan to 11/6/00.

GRANTING OF EXTENSION OF TIME FOR GARY & JEANETTE MINNES

Mr. Allan moved, Mr. Fazzalore seconded and it was unanimously carried to grant an extension of time for Gary & Jeanette Minnes Preliminary Plan to 11/10/00.

GRANTING OF EXTENSION OF TIME FOR EDGEWOOD POINTE

Mr. Allan moved and Mr. Fazzalore seconded to grant an extension of time for Edgewood Pointe Preliminary Plan to 11/4/00.

Mr. Garton stated this is for the new plan for Edgewood Pointe.

Motion to approve carried unanimously.

APPROVE DEDICATION OF FARMVIEW, VILLAGE VI - GATEFIELD

Mr. Garton stated they have met the requirements of the Township staff and professionals for dedication.

Mr. Fegley moved, Mr. Fazzalore seconded and it was unanimously carried to approve Dedication of Farmview, Village VI - Gatefield.

DISCUSSION OF AFTON CREST REVISED SKETCH PLAN/HOUSTON ROAD

Mr. Edward Murphy was present and showed a plan which addresses the issues previously raised by the Board of Supervisors. They are showing an interconnection between Drew Lane and Houston Road. They are also showing the cul-de-sac at the end of Houston Road which was requested by the Board. They will now retain the house and office and market that parcel separately. It will most likely be a home occupation. They have discussed improvements with the Township engineer for stormwater management. They will have a total of thirteen lots, two of which will be existing homes.

Mr. Hackman asked what happens with the portion of Houston Road that abuts this, and Mr. Murphy stated they had considered taking the storm sewers and running it across the development side.

The Plan was shown to adjacent residents who were present this evening.

Ms. Dana MacDonald, 1051 S. Houston, questioned why they changed the Plan since she does not feel the existing residents want additional cars in their neighborhood. Mr. Hackman stated the Board felt this was a safer connection than what was proposed previously.

Ms. Linda Lowe stated when you try to get onto Route 332, it is blind in both directions. She noted structures and

landscaping are obstructing the view. Mr. Taylor was asked to have the Township Manager look into this matter. Mr. Fegley asked if the developer will make improvements to the intersection at 332 and Houston Road, and Mr. Murphy stated this area is not part of their site. Mr. Murphy stated in their previous discussions no one felt that improvements to Houston Road were appropriate.

Ms. Cheryl Hennessey stated she lives at the corner of S. Houston and 332 and her home is a historic property of local significance. She noted there is a curve at 332 which is very dangerous. Mr. Lee Hennessey stated if they try to improve this to accommodate a large amount of traffic, it is going to cost a significant amount of money.

Ms. Lowe expressed concern with the proposed removal of mature trees on the property if they install a cul-de-sac. She stated there is a current access to the property through Barry Freeman's driveway. Mr. Hackman stated the reason for the cul-de-sac was to permit them to plow the development properly. Ms. Lowe expressed concern that the area residents were not advised of these discussions, and Mr. Hackman stated this is only a Sketch Plan at this point and the developer is looking for direction on how to proceed.

Mr. Fegley stated Mr. Garton suggested that they let the road come out through the driveway and close off Houston. It was noted ten homes currently come out at Houston Road. Mr. Hackman stated he feels Houston Road should be improved and the sight distances corrected. Mr. Murphy stated they were asked to widen Houston Road to match what is there today. Mr. Hackman asked the Township engineer to provide a lay out of Houston Road, what currently exists, and the sight distances, and report back to the Board. Mr. Hackman asked that the residents provide Mr. Taylor with their names so Mr. Fedorchak can contact them when this matter is on the Agenda again.

APPROVAL OF DEVELOPMENT AGREEMENT FOR WILSHIRE GLEN

Mr. Fegley moved and Mr. Fazzalore seconded to approve the Development Agreement for Wilshire Glen.

Mr. Allan stated he has heard that this property has already been sold to another developer. Mr. Bill Deon was present and stated the property is currently under Agreement of Sale to the Quaker Group. Mr. Fegley stated the new owner would be bound by the same provisions as the original developer. Mr. David Larkin, Counsel for the Quaker Group, was present.

Motion carried with Mr. Allan opposed.

Mr. Fazzalore stated the Township staff should be very careful with the Quaker Group to make sure they are complying with the Agreement as there have been problems with this developer in the past.

Ms. Deborah Wilarsky asked the quality of the homes proposed by the Quaker Group. Mr. Larkin stated they propose high \$200,000 to mid \$300,000 homes and the size would be in the 3,000 to 3,500 square foot range. Ms. Wilarsky asked when they plan to start construction, and Mr. Larkin stated they would like to start as soon as possible.

SIGNING OF MYLARS FOR WILSHIRE GLEN (RAAB TRACT)

Mylars were signed following the meeting.

APPROVE PETITION OF THE TOWNSHIP OF LOWER MAKEFIELD FOR RECONSIDERATION OF HIGHWAY OCCUPANCY PERMIT NO. 06043678

Mr. Fegley moved and Mr. Hackman seconded approval of petition of the Township of Lower Makefield for reconsideration of Highway Occupancy Permit No. 06043678.

Mr. Garton stated this relates to Newtown Office Commons. Mr. Allan asked if there will be more legal ramifications for the Township if they approve this, and Mr. Garton stated they are asking PennDOT to revisit this issue. Mr. Garton stated the Board has seen the Township's traffic experts review letter and the letter from Mr. Kaplan, and the Board must consider if they want to proceed. Mr. Garton stated this will go through the PennDOT process and then could go to Commonwealth Court. He stated approving this tonight does not commit the Township to go to Commonwealth Court.

Motion carried with Mr. Fazzalore opposed.

AWARD SALE OF TAX PARCEL NO. 20-12-23-1

Mr. Garton stated they received one bid for the property.

Mr. Fegley moved, Mr. Fazzalore seconded and it was unanimously carried to award the sale of Tax Parcel No. 20-12-23-1 to M & S Limited in the amount of \$20,000.

APPROVAL OF JULY 3, AND JULY 17, 2000 WARRANTS AND JUNE, 2000 PAYROLL

Mr. Fegley moved, Mr. Fazzalore seconded and it was unanimously carried to approve July 3, and July 17, 2000 Warrants and June, 2000 Payroll as attached to the Minutes.

ACKNOWLEDGMENT OF COMPLETION OF PROBATIONARY PERIOD FOR POLICE OFFICERS

Mr. Hackman reported that Fabrizio Catoni, Timothy Reeves, and Lawrence Highlman, the three Police Officers hired in June, 1999 have successfully completed their probationary period.

ZONING HEARING BOARD MATTERS

There was discussion on the ADA Properties matter. Mr. Fegley moved, Mr. Fazzalore seconded and it was unanimously carried to authorize the Solicitor to file an Appeal.

There was discussion on the C & M Design and Build Variance request for the property located at 360 Shade Tree Court to construct a deck within the special setbacks of Stony Hill and Oxford Valley Roads and a shed within the Stony Hill Road setback. Mr. Garton noted this is in the Peake Farm Development. Mr. Fazzalore moved, Mr. Fegley seconded and it was unanimously carried to have the Solicitor appear in opposition.

There was discussion on the Variance request by Chris & Colleen Jones, 380 Shade Tree Court, to construct a deck within the setbacks of Oxford Valley Road. Mr. Fazzalore moved, Mr. Allan seconded and it was unanimously carried to have the Solicitor appear in opposition.

There was discussion on the Robert Salgado, 1209 Shetland Court, Variance request to construct a deck within the setback of I-95. The Board decided to take no action.

There was discussion on the William Hess Variance request to build a single-family dwelling at 325 Maplewood Lane. Mr. Fegley moved, Mr. Allan seconded and it was unanimously carried to have the Solicitor appear for the purpose of working out preservation of necessary trees.

There was discussion on the Realen Homes request for relief from several sections of the Zoning Ordinance to construct a

free-standing stone and frame spring house at the intersection of Dolington and Mt. Eyre Roads. The Board took no action.

APPROVE PURCHASE OF SEWER DEPARTMENT TRUCK

Mr. Fegley moved, Mr. Allan seconded and it was unanimously carried to approve purchase of a Sewer Department truck from Day Fleet Sales in the amount of \$25,900. This is a budgeted item.

UPDATE ON SEWER SYSTEMS

River Road/Robinson Place

Mr. Hoffmeister stated by next week four homes will be attached. He does not have a complete price yet for the force main aspect of the project.

Hillside and Spring Lanes

Mr. Hoffmeister stated the study has been completed and was provided to the Township Manager and the Sewer Authority but they have not yet reviewed it formally. Mr. Hoffmeister stated most of the systems are functioning correctly. They were denied access to seven or eight properties, and they are asking the Board of Supervisors in the report to look into this.

Puca Sewer Request

Mr. Hoffmeister stated this individual along with Mr. and Mrs. D'Aversa are the only properties not sewerred in the Makefield Glen Area. They are subject to seasonal interruptions and have approached the Sewer Authority about public sewers which the Sewer Authority is recommending. There are two existing homes and one vacant lot. The Sewer Authority would recommend the Board proceed as they did at Robinson Place with approximately 40% of the costs to be paid by the Township. The engineering portion would be \$5,000. Estimated total project cost including the engineering portion but not including easement costs would be \$60,000. Mr. Fazzalore stated he is familiar with the families involved and is concerned how they could proceed if only two of the three owners involved wish to proceed with public sewers.

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Mr. Fegley moved and Mr. Fazzalore seconded to proceed with the project as outlined by Mr. Hoffmeister in his memorandum.

Mr. Hackman stated he would like to see more detailed information before voting on this matter. Mr. Allan asked what they would do if the third individual would not agree.

Mr. Fegley moved and Mr. Fazzalore seconded to amend the motion to include the condition that the Township expend not more than \$24,000 toward the project and subject to the condition that all property owners involved agree to participate.

Motion carried with Mr. Hackman voting no.

APPROVAL OF 2001-2003 REGIONAL HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM COMMITMENT

Mr. Fazzalore moved, Mr. Fegley seconded and it was unanimously carried to approve the 2001-2003 Regional Household Hazardous Waste Collection Program Commitment at a cost of \$9,718 for the three years.

DISCUSSION REGARDING AUGUST 7 BOARD OF SUPERVISORS' MEETING

Mr. Hackman stated the next meeting is scheduled for August 7 and in the past they have considered having only one meeting in August. Mr. Fazzalore stated he feels there are a number of outstanding items and the Board should therefore hold the meeting on August 7.

There being no further business, the meeting was adjourned at 11:15 p.m.

Respectfully Submitted,


Scott Fegley, Secretary



Township of Lower Makefield

BOARD OF SUPERVISORS

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

JULY, 2000 WARRANT LISTS AND JUNE 2000 PAYROLL COSTS FOR APPROVAL @ JULY 17, 2000 BOARD OF SUPERVISORS MEETING

07/03/00 Warrant List	\$ 503,266.08	
07/00 Prepaid Expenditures	83,837.20	
07/17/00 Warrant List	253,704.10	
Total Warrants & Prepays		840,807.38
<u>PAYROLL COSTS:</u>		
June, 2000 Payroll	276,617.87	
06/00 Payroll Taxes, etc.	21,161.27	
Total Payroll Costs		<u>297,779.14</u>
TOTAL TO BE APPROVED		\$ <u><u>1,138,586.52</u></u>

