

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES - AUGUST 21, 2000

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on August 21, 2000. Chairman Hackman called the meeting to order at 7:40 p.m. noting that the Board had been meeting in Executive Session since 6:30 p.m. to discuss legal and personnel matters and to conduct interviews.

Those present:

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

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

PUBLIC COMMENT

Ms. Eileen Dahlgren, 560 Gordon Drive, expressed concern with a dangerous area where children are walking on Big Oak Road to get to St. John, Charles Boehm, and Pennwood Schools. It was asked why the School District does not provide buses for this area if there are unsafe conditions, and Mr. Garton stated the law only requires busing if children live beyond a certain distance. The School District can bus children who live at less than this distance if they determine that the area is unsafe for walking, but it is not a legal requirement. Ms. Dahlgren stated she would prefer that her children walk if it could be made safe rather than take a bus. Ms. Dahlgren provided pictures of the area under discussion. Mr. Hackman asked the Township engineer and the Acting Chief of Police to look into this matter and report back to the Board of Supervisors. He asked that they also review the Bikepath Master Plan. Mr. Hackman also suggested that the neighbors contact the Pennsbury School District advising them that this is an unsafe condition and the children should be bused until the area can be made safe. Ms. Dahlgren provided her name, address, and telephone number to Mr. Fedorchak so that she could be contacted on this matter.

Mr. Bernie Goldberg, 1304 University Drive thanked the Board of Supervisors for their help with regard to the Trenton/Mercer Airport. He reported that two weeks ago Representative Greenwood and members of BRRAM met with Mr. Prunetti. A subsequent Trenton Times article indicated that Mr. Greenwood was in support of the Airport. Mr. Goldberg suggested that the Township invite Mr. Greenwood to attend a Board of Supervisors meeting to discuss his position. Mr. Garton stated they should send a letter signed by the Board Chairman asking Mr. Greenwood to attend the next meeting. Mr. Paul Krupp stated the article in the Trenton Times was a result of a telephone conversation with Mr. Greenwood. Ms. Holly Bussey asked that the Board also invite their partners in other Municipalities to attend any upcoming meeting with Mr. Greenwood.

Mr. Mitch Hamilton reiterated his request for speed enforcement on W. Ferry Avenue. Acting Chief Bainbridge stated they have been in the area and are stopping cars. Mr. Hamilton thanked Acting Chief Bainbridge for this and asked that it continue. He suggested that it be done specifically on the weekends.

Mr. Frank Goodwin and Ms. Amanda Sutcliffe, Lower Makefield Township Police Explorers, reported on their attendance at the National Law Enforcement Explorers Conference in Atlanta, Georgia. They presented to the Township the plaque they received for the Team Competition and asked that it be displayed in the Police Department. They asked that the Board of Supervisors continue to support the Explorers Program in the Township.

Mr. Jim McManaman, a Freeholder in New Jersey, stated he is in support of the Lower Makefield Township residents who have attended their meetings with regard to the Airport. He stated they have done a preliminary draft and a revised preliminary draft of an Environmental Assessment which should be available to the public shortly. Mr. Hackman stated Lower Makefield Township has been concerned that they were not considered in the Assessment. Mr. McManaman stated at the last County Freeholders meeting, one of the Freeholders proposed that the Airport Commission include Bucks County representatives, but the County Executive was opposed to this. Mr. McManaman stated he is in favor of an Environmental Impact Statement as are two other Freeholders. If the FAA can be convinced that this needs to be done, they would pay for it. He noted the County Freeholders did budget for this item, but it would still be up for review whether it would be done or not. Mr. McManaman stated if Lower Makefield hires a professional, they should ask for the

initial draft, the preliminary draft, and the final report so that it can be reviewed by their professional. Mr. McManaman noted in the initial draft forty-three pages were devoted to the noise issue, and in the final draft there is only one page devoted to this matter.

Mr. Allan asked if they know that the flight path includes a number of schools, and Mr. McManaman stated they are aware of this. Mr. McManaman stated currently there is a voluntary noise abatement program. He stated the Airport has only made a profit one year. He stated he would like to see an economic study and an audit done on the Airport. He stated the current proposal is for Southwest Airlines to come into this Airport which could involve thirty-six 737s per day.

Mr. Hackman stated later this evening, the Board of Supervisors will be interviewing an individual to act as a Consultant to the Board of Supervisors on this matter.

Mr. McManaman invited the Board of Supervisors to attend one of their Freeholders meetings.

Mrs. Godshalk asked if his people are in support of limiting operating hours. Mr. McManaman stated technically the Airport closes at 10:00 p.m. and opens at 7:00 a.m. but the tenants are permitted to contact the tower if they need to fly out or land at night.

Mr. Byron McWilliams asked how long the Assessment could take, and Mr. McManaman stated it could take between six and eighteen months.

#### APPROVAL OF MINUTES

Mr. Allan moved, Mr. Fegley seconded and it was unanimously carried to approve the Minutes of August 7, 2000 as written.

#### INTERVIEW OF PROPOSED CONSULTANT FOR TRENTON/MERCER AIRPORT ISSUE

Mr. Henry Young of Young Environmental Services, Inc. was present and stated he has been practicing in the area of land use planning since 1974. He writes Environmental Assessments, and is very familiar with all manner of environmental analysis. He is also an Airport Master Planner and is the environmental consultant for a number of airports. In this particular case, he expects the problems they are experiencing are similar to other communities where airports are expanding. He stated businesses are also setting up their

own airline systems and this is what is contributing to the growth of the Airport in this area. Mr. Young stated he is also involved in double checking Assessments that have been done. He presented a document he prepared regarding the rights of a Township under Federal law. He stated Lower Makefield's position is difficult since they are not in the same State as the Airport. He stated he could help the Township zero in on areas where their efforts could make a difference. Mr. Young discussed certain tasks he would perform and stated he would be able to provide a cost estimate and provide a time and materials fee for attendance at meetings, etc.

Mr. Hackman asked about the number of people working in his firm, and Mr. Young stated he works alone. Mr. Hackman asked if he would have the time over the next three months to do an initial review of the situation, Mr. Young stated he has been involved in similar projects so that he feels he will be able to address the Township's concerns and determine what can be done. Mr. young stated he cannot guarantee what the results would be. Mr. Hackman stated the citizens really want an Environmental Assessment to include Lower Makefield Township.

Mr. Fegley stated he would be in favor of Mr. Young reviewing the documents that Mr. McManaman referred to earlier this evening which is a clearly defined project for which Mr. Young could provide a quote. Mr. Fegley stated he feels the predominant problems are noise and safety concerns. He asked that Mr. Young provide a quote on review of the documents discussed and to provide an opinion on where to go next.

Mr. McWilliams asked if Mr. Young knows if anyone has challenged an airport expansion from a legal standpoint regarding decrease in property values. Mr. young stated in order for legal action to take place, it must be a clear cut case. Mr. Goldberg stated he feels they must establish what the current situation is so that they have a base line for later litigation, if necessary, after the expansion.

Mr. Fegley stated he does not feel the Board of Supervisors should approach this from an oppositional position and instead they should be proceeding along the lines of obtaining information. He read a letter received from a Lower Makefield Township resident who is in favor of the Airport expansion and would be opposed to spending taxpayer money in this matter. Mr. Fegley stated he would only be willing at this time to have Mr. Young insure that the facts being presented in the assessments are accurate.

Mr. Rich DiLullo stated he is also concerned that they are not sure what they are looking at in the study.

Ms. Bussey stated they are only stressing that the Airport follow the rules. She asked if Mr. Young will provide references, and Mr. Hackman stated these have already been provided.

Mr. Fedorchak was asked to work with Mr. Young so that a proposal can be reviewed at the next meeting.

APPROVAL OF SETTLEMENT AGREEMENT WITH GRANDIFLORA ASSOCIATES FOR THE ACQUISITION OF 34.2 ACRES (TAX PARCEL #20-16-2)

Mr. Hackman stated the Township has reached agreement with the property owners for the parcel across the street from Elm Lowne in the amount of \$1.2 million. Mr. Garton stated the Agreement has already been signed by the principals representing Grandiflora Associates.

Mr. Fazzalore moved and Mrs. Godshalk seconded to approve the Settlement Agreement.

Mrs. Godshalk expressed concern with some of the language in the Agreement regarding recreation and parking. Mr. Garton suggested language to be included which was acceptable to Mrs. Godshalk. Mr. Garton stated at this point the Resolution states that the property is to be used for Municipal purposes only.

Mr. Hackman noted the property is currently a tree farm and Grandiflora Associates will have the right to harvest trees for three seasons. He added that they had carved out a two acre parcel from the tract to be earmarked for a Fire Station but now that additional ground has been purchased, the Fire House may be relocated to another part of the tract.

Mrs. Godshalk stated she feel that it should be noted that in no way does this indicate that recreation fields are to be installed in this area.

Motion to approve carried unanimously.

APPROVAL OF RESOLUTION #1065 - AUTHORIZING THE FILING OF THE DECLARATION OF TAKING FOR #20-16-2

Mrs. Godshalk moved and Mr. Fazzalore seconded to approve Resolution #1065.

Mrs. Godshalk stated this means that they will not be paying a transfer tax and the roll back taxes do not have to be paid on the sale. It is considered a friendly condemnation.

Motion to approve carried unanimously.

TABLING OF BUCKS COUNTY TRANSPORTATION MANAGEMENT ASSOCIATION PRESENTATION

Mr. Fedorchak noted Mr. Bill Rickett, Executive Director, is not present this evening. Mrs. Godshalk moved, Mr. Allan seconded and it was unanimously carried to table.

APPROVAL OF RESOLUTION #1064 REESTABLISHING THE ICMA RETIREMENT CORPORATION DEFERRED COMPENSATION PLAN

Mr. Garton stated the Board of Supervisors is being asked to reestablish the plan.

Mr. Allan moved, Mr. Fazzalore seconded and it was unanimously carried to approve Resolution #1064.

MOTION REGARDING 1990 PIERCE PUMPER

Mr. Garton stated the Fire Company has requested that they be permitted to use the 1990 Pierce Pumper and the equity as a contribution toward the new fire truck.

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried to authorize the Fire Company through the Township Manager to make available the vehicle for a trade-in subject to the Township being a title owner of the truck and when it is sold the proceeds are to be held by the Township until they need the funds to purchase a new vehicle.

REPORT ON STATUS OF LINDENHURST ROAD/C.A.U. HIGHWAY OCCUPANCY PERMIT

Mr. Garton stated they were required to provide the Parsons/Brinckerhoff report as part of the appeal to PennDOT's action. They have received no information about a Hearing date. One week ago, Mr. Garton received a letter from PennDOT setting forth their response to the Parsons/Brinckerhoff report. He asked that Mr. Fedorchak send this to Mr. Yeager as well as provide a copy to those residents interested in seeing it.

Ms. Sue Herman asked what could be done to get the matter expedited. Mr. Garton stated the Hearing Officer who he has written to, is the last level to be contacted. Mr. Fazzalore stated they have already started construction, and Mr. Garton stated they are doing so at their own risk.

APPROVAL OF 413 BYPASS CLOSED LOOP TRAFFIC SIGNAL SYSTEM COST ALLOCATION AGREEMENT

Mr. Garton stated they have made the corrections which were requested to be made and he feels this reflects a fair and reasonable way to resolve the issue. Mr. Hackman stated only three of the lights involved are in Lower Makefield Township.

Mr. Fazzalore moved and Mr. Fegley seconded to approve the 413 Bypass closed loop traffic signal system cost allocation Agreement subject to Middletown and Newtown approving the same draft. Mrs. Godshalk noted that the titles of the Board members need to be corrected. Motion carried unanimously.

APPROVAL OF DEVELOPMENT AGREEMENT FOR MAKEFIELD QUARTERS III

Mr. Garton stated they have closed on the small piece of land and the Township has received \$20,000

Mr. Allan moved, Mr. Fegley seconded and it was unanimously carried to approve the Development Agreement for Makefield Quarters III.

APPROVAL OF EXTENSION REQUESTED BY LOWER MAKEFIELD CORPORATE CENTER - SOUTH CAMPUS

Mr. Allan moved, Mr. Fegley seconded and it was unanimously carried to approve the extension request for Lower Makefield Corporate Center-South Campus until 12/7/00.

APPROVAL OF EXTENSION REQUESTED BY MISKIEL/DARRAH

Mr. Allan moved, Mr. Fegley seconded and it was unanimously carried to approve the extension request for the Miskiel/Darrah Preliminary Plan to 12/9/00.

APPROVAL OF AUGUST 7, 2000 AND AUGUST 21, 2000 WARRANT LISTS AND JULY, 2000 PAYROLL

Mr. Allan moved, Mr. Fegley seconded and it was unanimously carried to approve the August 7, 2000 and August 21, 2000 Warrant Lists and July, 2000 Payroll as attached to the Minutes.

APPROVAL OF TRANSFER OF \$400,000 FROM THE GENERAL FUND TO THE CAPITAL RESERVE

Mr. Taylor noted the costs involved in the acquisition of the Samost property. If they were to use the funds from the Open Space Bond Issue this would restrict putting a building on the property in perpetuity. If the Board desires they could purchase some of the acreage with funds from other sources to give future Boards some flexibility in how to use the property.

Mr. Fegley asked if money was not set aside when they issued the Bond for the Patterson Farm. Mr. Taylor stated the gross amount was \$7.5 million but the actual received was \$7.4 million with \$7.3 million going to purchase the Patterson Farm because of closing and other costs. The balance then went toward the purchase of the Faytol property in the amount of \$55,000 and they had slightly less than \$100,000 from that Bond Issue which was applied to the Samost property. He stated when they go out for the next Bond Issue that was authorized, they could take all of the costs from that Bond Issue but he is trying to make the Board of Supervisors aware of the options since if they take it all from the Open Space money, they would be prohibited in the future from doing anything.

Mr. Allan moved, Mrs. Godshalk seconded and it was unanimously carried to approve the transfer of \$400,000 from the General Fund to the Capital Reserve.

FINANCIAL STATUS REPORT ON THE AMBULANCE SQUAD AND MOTIONS ON FINANCIAL SUPPORT AND REFERENDUM

Mr. Hackman stated representatives from the Ambulance Squad have advised them that their revenues are not reaching anticipated volumes, and the Board of Supervisors has been asked to provide financial assistance. He noted the Ambulance Squad has taken some actions to reduce their expenses. The Ambulance Squad has advised the Board that they need \$113,000 this year to break even and \$146,000 next year. At this time the Township gives only \$17,000 per year



and charges them \$30,000. Mr. Hackman provided information on what other Municipalities provide to their Rescue Squads.

Mrs. Godshalk stated they did have a lengthy discussion with the Rescue Squad and she feels the Township should help them out for the next month. She noted they do have some problems which they have been asked to work on including the billing process.

Mr. Steve Coyle, Chief of Operations, Ms. Terry Cuttone, Business Manager, and Mr. Harvey Humphries were present representing the Rescue Squad.

Mrs. Godshalk stated under the Second Class Township Code, the Township is responsible for the emergency services provided in the Township and if they did not have their own Squad, they would have to go outside. She stated she does feel they are doing a good job. She would like to see 911 retained; and if the Township is going to take on more financial responsibility, she would like to see them do away with their non-emergency transportation system and review this for the next year.

Mr. Humphries stated for the last three years Medicare has been stringent on the type of payment they permit, and this has cut into their revenues. Mr. Coyle stated they had established the transportation division to help make them self-sufficient. He stated changes in the Medicare laws and the fact that they are competing with other businesses in the area has made it much more difficult for a volunteer organization to compete. Mr. Humphries stated over the years they have not needed to depend on the Township, but this has changed.

Mr. Hackman stated they have discussed having one or two Supervisors and the Finance Director help them with their finances.

Mr. Fazzalore stated he will not vote in favor of this unless all the financial records are turned over to the Township Finance Director. He would like to see a plan of how they are going to rectify this situation.

Mr. Fegley stated he feels the Board of Supervisors should agree that their payments to the Township be deferred at this time. He stated they would not want to forgive this and instead they would only be deferred. Mr. Fegley stated he is opposed to providing funds without any type of control.

Mr. Hackman stated they do have very high accounts receivable and collecting them in full has become very difficult.

Mr. Hackman stated this is a vital life and death service that has been provided in the Township over the years. He stated he does not feel they are being treated fairly by the Township.

Mrs. Godshalk asked if they are having problems with collection from individuals or from the insurance companies, and Ms. Cuttone stated they are having problems collecting from both.

Mr. Coyle stated they did change their donation service to a subscription service and those individuals would not be billed. Mr. Humphries stated the other Townships who receive money from their Township still do bill for 911. Ms. Cuttone stated their subscription drive is down \$60,000 and this is not a situation that there could predict.

Mr. Hackman stated some years ago they did have an Ambulance Tax. Mr. Taylor stated they do have one currently but it is a very small amount.

Mrs. Godshalk moved, Mr. Allan seconded and it was unanimously carried to support the Rescue Squad through the next thirty days in the amount of \$56,000. During that time they will meet with the Board of Supervisors and the Finance Director to review the situation and bring it back to the Board of Supervisors in thirty days. It is expected that they go to Yardley Borough and ask for a contribution as well.

Mr. Hackman stated he feels they are going to need more assistance and it has been indicated they will need \$146,000 next year.

Mrs. Godshalk moved and Mr. Fegley seconded to put a Referendum item on the General Election Ballot in the fall: "Should the maximum Ambulance/Rescue Squad tax millage of Lower Makefield Township be increased from one half mill to one mill." Motion carried with Mr. Fazzalore opposed.

Mr. Hackman stated he feels it would be helpful if the Township's accounting firm were used and were asked to advise how much it would cost to pick up the Rescue Squad as well. This was acceptable to the representatives of the Squad, and Mr. Taylor will work with the accounting firm on this.

#### ZONING HEARING BOARD MATTERS

Appeal #00-1073 of Mr. and Mrs. Ron Richardson was noted. Mr. Garton stated this is a request for relief from the

special setback on Edgewood Road in order to permit construction of a patio. The Board decided not to take any action on this Appeal.

Appeal #00-1074 of Tom and Jeanne Schnitzler was noted. Mr. Garton stated they are requesting permission to install a front porch on their property on Lower Hilltop Road which will encroach in the front yard setback. Mr. Garton stated the plans are unclear as to what other improvements are proposed. The Board decided not to take any action on this Appeal.

Appeal #00-1075 of Joseph and Colleen Bonanni was noted. Mr. Garton stated they are requesting permission to install an above-ground pool in the rear of their townhouse. Mr. Garton stated he feels the pool is already in existence. It was noted the Plan does not seem to be to scale. The solicitor was asked to Appear on this matter.

#### OTHER BUSINESS

Mr. Hackman stated PCS has been the Township engineer for many years with Mr. Gouza as the principal of that organization. Mr. Gouza is now retiring and he was thanked for his efforts on the Township's behalf.

#### SUPERVISORS' REPORTS

Mr. Fazzalore noted a problem a resident on Innis Lane is having and he asked that they continue to work on this problem. Mr. Doherty stated he feels this is a legal mater.

Mrs. Godshalk reported on events taking place at Elm Lowne

Mr. Allan stated he has been advised that they have advertised for the vacancy on the Planning Commission and asked if there have been any response. Mr. Fedorchak agreed to discuss this with his secretary.

#### APPROVAL TO CANCEL SEPTEMBER 4, 2000 MEETING

Mrs. Godshalk moved, Mr. Fegley seconded and it was unanimously carried to cancel the September 4, 2000 meeting due to the Labor Day holiday.

August 21, 2000

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AMENDMENT TO THE SILVER CREEK WATERSHED PROJECT GRANTING AN  
EXTENSION OF TIME

Mr. Fedorchak stated a grant has been received to construct nine catch basins to protect Silver Lake and the Township has the responsibility of constructing them. Mr. Coyne has not been able to do the work as yet, and the Township did receive permission from DEP to expand the contract for one year.

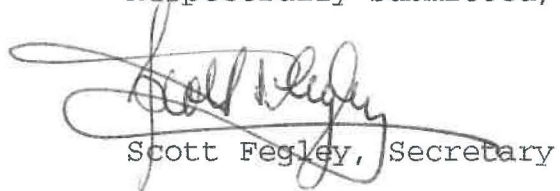
Mrs. Godshalk moved, Mr. Fazzalore seconded and it was unanimously carried to amend the Silver Creak Watershed project granting an extension of time.

APPOINTMENTS

Mrs. Godshalk moved, Mr. Fegley seconded and it was unanimously carried to re-appoint Marilyn Huret to the Emergency Management Committee.

There being no further business, Mr. Fegley moved, Mrs. Godshalk seconded and it was unanimously carried to adjourn the meeting at 10:15 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

**AUGUST, 2000 WARRANT LISTS AND  
JULY 2000 PAYROLL COSTS FOR APPROVAL  
@ AUGUST 21, 2000 BOARD OF SUPERVISORS MEETING**

08/07/00 Warrant List	\$ 462,404.94	
08/00 Prepaid Expenditures	148,450.86	
08/21/00 Warrant List	389,220.78	
Total Warrants & Prepays		1,000,076.58
<u>PAYROLL COSTS:</u>		
July, 2000 Payroll	293,772.37	
07/00 Payroll Taxes, etc.	22,473.58	
Total Payroll Costs		<u>316,245.95</u>
TOTAL TO BE APPROVED		<u>\$ 1,316,322.53</u>

