

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES - OCTOBER 2, 2000

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on October 2, 2000. Chairman Hackman called the meeting to order at 7:40 p.m. noting that the Board had been meeting in Executive Session since 6:00 p.m. to discuss legal matters and to conduct interviews.

Those present:

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

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

PUBLIC COMMENT

Ms. Kathleen Maurer stated she was present at the last meeting regarding the Milford Manor stop signs. She asked the status of the engineering work that was to be done. It was noted that Mr. Doherty was unavailable this evening, and Mr. Briegel was not aware of the status of this project. Ms. Maurer stated they were told at the last meeting that they could get a copy of the PennDOT stop sign regulations. Acting Chief Bainbridge agreed to provide these. Ms. Maurer stated they asked for a speed survey of their area which would involve an unmarked car being in one of the driveways which would monitor the speed being traveled. Acting Chief Bainbridge stated typically they use the Police Explorers for this who use radar or a stop watch and measure the speed between two lines. He stated this is a difficult time of year for them to do this. He stated the other alternative is to try to find an officer who is available to do this. Ms. Maurer stated the neighbors would be willing to have a car in their driveways. She stated the speed has again increased, and it would help if the Police would put back the "speed being traveled" sign in their neighborhood again.

Ms. Virginia Torbert asked the status of Lindenhurst Road, and Mr. Hackman stated the Township Manager has indicated it may be opened by early December.

TABLING DISCUSSION OF BUCKS COUNTY TRANSPORTATION  
MANAGEMENT ASSOCIATION

Mr. Fedorchak stated Mr. Bill Rickett is ill and was therefore unable to attend this evening. Mr. Fegley moved, Mr. Fazzalore seconded and it was unanimously carried to table this matter.

**DISCUSSION AND MOTION REGARDING REQUEST TO PARTICIPATE IN JOINT IMPROVEMENT PROJECT FOR STOOPVILLE ROAD**

Mr. Hackman stated the Township received a letter from Newtown Township asking that Lower Makefield Township participate in having Stoopville Road put on the TIP Program. Lower Makefield's portion of the cost would be 4.6%, Newtown Township's portion would be 77%, Upper Makefield's portion would be 14%, and Wrightstown's portion would be 4.4%. The total cost of the project is over \$2 million. Mr. Hackman stated Mr. Goodnoe has brought this matter up in the past, and Mr. Hackman stated he had advised him that the only portion in Lower Makefield Township is the parcel to be developed by the Baptist Church. Since the developers usually improve the adjacent roads, the Baptist Church may be making improvements anyway. Mr. Hackman stated he is concerned that since they are proposing two twelve foot lanes with four foot shoulders, this will make it a northern By-Pass.

Mr. Fegley stated Lower Makefield's portion would be \$19,000 and he would be in favor of proceeding providing it is tied into Newtown's participation into other regional traffic projects such as Lindenhurst Road. Mr. Hackman agreed.

Mr. Fegley moved and Mr. Fazzalore seconded to direct the Township Manager to respond to Mr. Goodnoe, in response to his letter, that the Township would be pleased to contribute the amount requested in cash or in kind contingent on an agreement being reached on regional traffic issues.

Mr. Hackman asked that the Township engineer verify the percentages being discussed.

Ms. Herman asked what forum such an agreement on regional traffic issues would take place. Mr. Hackman stated he and other Lower Makefield Township Supervisors in the past have, for a number of years, attempted to work with Newtown Township on regional traffic issues.

Ms. Herman asked for an update on Newtown Commons, and Mr. Garton stated he understands he will be receiving notice of an informal conference to be scheduled on Newtown Office Commons. He stated something should also be coming out on CAU. Ms. Herman asked to be advised of the date of the informal conference.

Motion carried unanimously.

**ACCEPTANCE OF MARCH ASSOCIATES STUDY**

Ms. Ann Langtry was present with Mr. Carter VanDyke. Ms. Langtry introduced members present this evening from the Historic Commission, HARB, and residents of Edgewood Village. She also introduced Mr. VanDyke and reviewed his resume and accomplishments.

Ms. Langtry stated they would like the Board of Supervisors to accept the March Associates Study that was presented in February. She stated in that Study it was recommended that they hire a professional to prepare architectural guidelines.

Mr. Hackman stated when the presentation was made in February there were a number of questions about what had been presented. He is concerned that by accepting this Study, the Board is approving it; and he does not feel some of the items recommended are able to be accomplished. Mr. VanDyke stated by accepting this, nothing is being cast in stone. Mr. Fegley stated he feels it is similar to a Master Plan and they do not have to develop it exactly as shown in the Plan. Mr. Hackman asked if they could not come up with a plan that would be more likely to be built. Mrs. Godshalk stated what is being requested tonight is the first step in that process.

Mr. Hackman stated Ms. Stark had been working on a set of guidelines that Edgewood Village residents could follow. Ms. Langtry stated that project was tabled a number of years ago when they decided to go with March Associates to develop a much more detailed set of regulations. This is what Mr. VanDyke will do. Mrs. Godshalk stated the Township also put off widening on Edgewood Road until the Study was done, and she feels the Board should accept this study so they can move forward.

Mr. Hackman stated he feels if the Board approves this it will mean that this is a Plan that the Board wants to implement, and he does not feel they can implement many of the recommendations. Ms. Langtry stated this is only a conceptual Plan which makes recommendations. Each issue will be approached one at a time before it is officially approved.

Mrs. Godshalk moved and Mr. Fazzalore seconded to accept the March Associates Study dated 1/31/00 which was presented to the Board of Supervisors at a public meeting in February of 2000.

Mrs. Godshalk noted a number of residents as well as members of the Historic Commission and Historic Architectural Review Board served on the Committee. Mr. Fazzalore stated they are also facing the sewer issue in Edgewood Village and the Sewer Authority voted to move ahead with sewerage Edgewood Village. Mrs. Godshalk stated there is also a fair amount of vacant land and the sewer should be taken into consideration with regard to the vacant land as well.

Mr. Fegley stated he felt the Plan was original and innovative, and he feels they should move forward. Mr. Allan stated he would agree to move forward provided this is only accepting the study at this time.

There was no public comment and the Motion carried unanimously.

#### APPROVAL TO APPLY FOR A CLG GRANT TO HAVE ARCHITECTURAL GUIDELINES PREPARED BY CARTER VAN DYKE

Ms. Langtry stated previously a Grant was applied for and was offered. Since the Township decided to take more comprehensive action and hire March Associates, they declined the Grant and agreed that they would apply again at a future date when they had a more solid set of recommendations.

Mr. Fazzalore stated the proposal is in the amount of \$30,000 of which 60% would come from the Grant if awarded, and Lower Makefield would pay the rest.

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried to apply for a CLG Grant and that \$12,000 be put in next year's budget.

Ms. Langtry stated they will not know whether they have received the Grant until March.

#### APPROVAL OF MINUTES

Mr. Allan moved, Mrs. Godshalk seconded and it was unanimously carried to approve the Minutes of September 18, 2000 as written.

#### AWARD BID FOR RESURFACING COMMUNITY POOL PARKING LOT

Mr. Briegel stated while they received three bids, one was received after the deadline and was therefore not considered. They opened two bids and the low bidder was Bray Brothers, Inc.

Mr. Fegley moved and Mr. Allan seconded to award the bid for resurfacing the Community Pool parking lot to Bray Brothers, Inc. at a cost of \$37,075.80.

Mr. Hackman asked how the cost will be apportioned. Mr. Taylor stated it will be split 50/50 between Park & Recreation and the Community Pool. He stated there is joint use of the parking lot. Mr. Fazzalore stated he feels the Pool should pay the entire cost. Mr. Allan suggested that 75% be paid for by the Pool and 25% by Park & Recreation. Mr. Hackman stated he did not feel this was fair to the Pool since it is used by others and the Pool is only open a few months a year. Mr. Fedorchak asked who paid for the top part of the parking lot, and Mr. Taylor stated he felt it was split 50/50. Mrs. Godshalk asked who paid for the road improvements, and Mr. Taylor stated this was divided into thirds among the Township, Pool, and Park & Recreation.

Mr. Allan moved and Mrs. Godshalk seconded to amend the motion that 75% of the cost will be paid by the Pool and 25% will be paid by Park & Recreation. Amendment carried with Mr. Allan, Mr. Fazzalore, and Mrs. Godshalk in favor and Mr. Fegley and Mr. Hackman opposed. Mr. Hackman stated he feels this is unfair to the Pool.

Motion as amended carried unanimously.

#### APPROVAL OF CONDITIONAL USE FOR METRICOM, INC.

Mr. Garton stated the Plan is dated 8/4/00, last revised 8/8/00. Notice of the Hearing was sent to the Applicant and legal notice appeared in the Courier Times. The property was posted. Mr. Garton incorporated into the record the Township file including the Application which was submitted by Metricom to add a facility to the existing tower located on Township property and place a structure at ground level.

Mr. Allan moved and Mrs. Godshalk seconded to grant Conditional Use to Metricom, Inc. for the Plan dated 8/4/00, last revised 8/8/00 subject to:

- 1) Receipt of all permits and approvals to the extent applicable;

- 2) Compliance with PCS letter dated 9/15/00 including the financial guarantee to remove the facility if no longer used which is in Compliance with the Ordinances;
- 3) Appearance of any buildings to be coordinated with the other structures to the satisfaction of the Township Manager;
- 4) Because of limited nature of the Application, the Board of Supervisors will waive the Land Development process;
- 5) Payment of all Township expenses related to the Application to the extent not paid;
- 6) To the extent not satisfied, compliance with provisions of Section 200-50.1 of the Zoning Ordinance that deals with these issues.

Ms. Carrasco, attorney for the Applicant, asked about the amount that will be required for financial security; and Mr. Garton stated while he is not certain of the exact amount, it will be consistent with that paid by other similar Applicants and would be approximately \$2,000.

Ms. Carrasco agreed to the Conditions of Approval and the Motion carried unanimously.

#### APPROVAL OF DEVELOPMENT AGREEMENT FOR LOWER MAKEFIELD CORPORATE CENTER SOUTH CAMPUS

Mr. Fazzalore moved, Mr. Fegley seconded and it was unanimously carried to authorize the execution of the Development Agreement for the Lower Makefield Corporate Center South Campus.

#### MOTION WITH REGARD TO ZONING HEARING BOARD VARIANCES REQUESTED BY MR. EDWARD MURPHY FOR PROPERTIES ALONG EDGEWOOD ROAD

Mr. Garton stated Mr. Murphy is present this evening to discuss with the Board lots along Edgewood Road where there was a request for Variances from the special setback requirements so that they could construct decks. He stated the Board of Supervisors previously asked that the Solicitor appear in opposition to these requests. Mr. Murphy stated he will be attending the Zoning Hearing Board on this matter tomorrow evening. Mr. Fegley stated the Board was concerned that the builders build to the maximum amount and then come back and request Variances to permit extra structures on the lot. Mr. Fazzalore stated he feels they should discuss this when the development is approved. Mr. Murphy stated this problem relates to the special setback from Edgewood Road. He stated they will still be 100 feet away from the edge of the cartway. Mr. Murphy stated because of the special setback, the building envelope is smaller than it would be under normal circumstances. Mr. Hackman stated the developer knew this when they came in with their Plans.

Mr. Allan stated if the Board of Supervisors opposes this, the residents involved will be coming into the Township since all the other residents on Edgewood Road had been given Variances to permit structures. Mr. Murphy stated Lot #1 already obtained relief and now these other lots are requesting the same kind of relief.

Mr. Fazzalore moved and Mrs. Godshalk seconded not to oppose the Zoning Hearing Board Variances requested on Edgewood Road by Mr. Murphy. Motion carried with Mr. Allan, Mr. Fazzalore, Mrs. Godshalk, and Mr. Hackman in favor and Mr. Fegley opposed.

#### APPROVAL OF EXTENSION OF TIME TO THE MEEHAN TRACT SUBDIVISION

Mr. Allan moved, Mr. Fegley seconded and it was unanimously carried to grant an extension of time to the Meehan Tract Subdivision Preliminary Plan until 1/20/01.

#### DENY DEDICATION OF MAKEFIELD CROSSING

Mr. Fazzalore moved, Mr. Fegley seconded and it was unanimously carried to deny dedication of Makefield Crossing for reasons noted in Nancy Frick's checklist dated 9/28/00.

#### SIGNING OF LINENS

Linens for Stewart's Field at Yardley were signed following the meeting.

#### DISCUSSION AND TABLING HIRING YOUNG ENVIRONMENTAL SERVICES, INC. IN REGARD TO THE MERCER AIRPORT EXPANSION

Mr. Fedorchak stated Mr. Young has responded to the request for proposal. He specifically noted the middle of Page 2 where Mr. Young has detailed his scope of work which will include field inspections and interviews with residents. The total cost of the project will not exceed \$17,500.

Mr. Fegley stated Mr. Young has asked that the Township obtain the documents needed for his review, and Mr. Fegley asked how the Township will obtain these. He added he does not feel the final document has been made public yet. Mr. Fegley stated they will also need to obtain all the drafts and studies that lead up to the final document. He stated he feels the Board should table this matter until they have all the relevant documents.

Mr. Hackman stated he also feels that Mr. Young should be asked to present his final report at a public meeting. Mr. Fedorchak stated this is not listed specifically but he feels Mr. Young would include this as part of his scope of work.

Ms. Sandy Goldberg stated she does not feel the residents concerns have been taken into consideration with regard to the airport expansion.

Mr. Fegley moved, Mr. Fazzalore seconded and it was unanimously carried to table until the Environmental Assessment has been made public and that they obtain all of the related documents including prior drafts and revisions. The proposal from Young should also include Mr. Young being present at a public meeting to present his report.

#### ESTABLISH DATE TO DISCUSS SPRING & HILLSIDE LANES SEWER/WATER PROJECT

Mr. Fazzalore stated the Sewer Authority voted to move ahead with sewerage Spring & Hillside Lanes. He stated 35% of the residents have faulty systems. Mr. Hackman stated they will also have to set money aside in the Budget because this project will include a number of other items besides sewers. Mr. Fedorchak stated he feels they will need a minimum of two weeks notice. It was suggested the date for the meeting will be Monday, October 30, 2000 at 7:30 p.m.

#### ESTABLISH DATE FOR BUDGET MEETING

It was agreed that the first Budget meeting will be held on Tuesday, October 10, 2000 at 6:30 p.m.

#### SUPERVISORS' REPORTS

Mr. Hackman stated the Golf Course Committee has met with four architects, all of whom are well qualified. Oral arguments regarding the property are scheduled for tomorrow; and hopefully by the end of the year, there will be a decision.

Mr. Hackman stated he has started to work with Ms. Langtry on the Newsletter which will probably come out early next year. He asked that Board members provide him with suggestions for the Newsletter as soon as possible.

Mr. Fazzalore asked when reports are provided on the pension investments. Mr. Taylor stated they get a monthly report. Mr. Fazzalore asked for an update on the pension funds at the next Board meeting.

Mr. Fegley stated on Saturday, October 14, 2000 the Environmental Advisory Council will host the Brock Creek community participation event from 9:00 A.M. to Noon. Skelly & Loy will take them out to points along Brock Creek, and anyone interested in participating should sign up with the Township Manager's secretary. Mr. Fegley stated he would be willing to work on an article regarding the Brock Creek Watershed Restoration Project for the Newsletter and Mr. Hackman asked that Mr. Fegley take pictures of the community participation event to be held on October 14 to include in the Newsletter.

#### Elm Lowne Discussion

Mrs. Godshalk noted a group of people looked at the corn crib at the Loberg property and found a good location for it at Elm Lowne. It was decided that footings would be needed, and DeLuca agreed to install these. The corn crib was due to be moved today. Mrs. Godshalk described the location where it is to be located at Elm Lowne.

Mr. Fazzalore stated when the Board first discussed uses for Elm Lowne, they discussed it being a community type center to be used by the various groups in the community. Mrs. Godshalk stated this is part of its function. Mr. Fazzalore stated a group called him and asked how they could meet at Elm Lowne, and he suggested they call the Township. Mr. Fazzalore asked if they would be charged. Mrs. Godshalk stated everyone who uses the house would pay a fee. She noted the Girl Scouts were permitted to use the property outside at no charge. Mr. Fazzalore stated he feels if some groups are permitted to use it for free, he feels all Township organizations should be permitted to use it for free.

Mr. Fegley stated they are still lacking a long-term plan or set of guidelines for Elm Lowne. Mrs. Godshalk stated the Township does have a price schedule. Mr. Fegley stated the Board of Supervisors must set the direction of Elm Lowne - not an Ad Hoc Committee. He stated the Board is being told when events are taking place. Mrs. Godshalk stated the Board of Supervisors did vote on the Antique Show which was held at Elm Lowne.

Mr. Hackman stated his major concern is that they still do not have a formal way of handling Elm Lowne. He stated the Committee has not been formalized. Mr. Fegley stated he recognizes that Mrs. Godshalk has done a tremendous amount of work and has hosted a number of very good events.

Mr. Allan stated he feels Mrs. Godshalk should meet with the Ad Hoc Committee and put some guidelines together for review by the Board of Supervisors.

Mr. Hackman stated he would like to see Elm Lowne handled the same way other Township facilities are run. Mr. Fegley stated they are looking for a set of guidelines and a vision of what Elm Lowne can be used for. Mrs. Godshalk stated Mr. Fedorchak's secretary maintains a list of dates and the price list. Mr. Fazzalore stated Elm Lowne belongs to the Township and should be handled like other Township properties.

#### APPROVAL OF RESOLUTION NO. 1037 - DRUG AND ALCOHOL POLICY AND RESOLUTION NO. 1038 - SEXUAL HARASSMENT POLICY

There was discussion whether or not the Board should table this matter. Mr. Garton noted the Sexual Harassment Policy is consistent with policies that all other institutions have.

Mr. Fazzalore moved, Mr. Allan seconded and it was unanimously carried to approve Resolution No. 1038 - Sexual Harassment Policy.

With regard to the Drug and Alcohol Policy, Mr. Fedorchak stated it is nearly identical to the Policy that was adopted in 1995 and the sole difference is the exclusion of the random sampling feature under certain circumstances. Mr. Garton stated he has reviewed this and feels the Board should proceed.

Mr. Allan moved, Mr. Fazzalore seconded and it was unanimously carried to approve Resolution No. 1037 - Drug and Alcohol Policy.



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APPOINTMENTS

Mr. Fegley moved, Mr. Allan seconded and it was unanimously carried to appoint Ron Tofel to the Planning Commission.

There being no further business, Mr. Allan moved, Mr. Fegley seconded and it was unanimously carried to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,

  
Scott Fegley, Secretary

