

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - NOVEMBER 20, 2000

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on November 20, 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 and personnel matters.

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
John Koopman, Township Solicitor
Duke Doherty, Township Engineer
Ken Coluzzi, Chief of Police

PUBLIC COMMENT

Ms. Sue Herman asked if Lindenhurst Road is still scheduled to open in December. Mr. Doherty stated they may have some problems if the weather stays cold. Mr. Hackman stated they installed curbs on one side of the of the road today. He added they cannot blacktop unless it is 38 degrees and rising. Ms. Herman stated she is concerned that once the road is opened, the vehicles will travel even faster than they did in the past. She asked that there be enhanced police patrols once the road is opened. Mr. Fazzalore stated he has seen more tickets being issued in the Township recently than he has in the last ten years. Ms. Herman asked about the bikepath. Mr. Doherty stated he felt the bikepath was to be built at the same time as the road. Mr. Hackman stated he has heard that it will not be built by the same contractor who is building the road. He stated he feels they should insist that all the work be done at the earliest possible time.

APPROVAL OF PROCLAMATION HONORING JOSEPH BAINBRIDGE FOR
OUTSTANDING SERVICE AS ACTING CHIEF OF POLICE AND APPROVAL OF
REIMBURSEMENT FOR VACATION TIME LOST

Mr. Fegley moved and Mrs. Godshalk seconded to approve the Proclamation. Mr. Fegley amended the Motion that they reimburse Sgt. Bainbridge for the vacation time that he lost in 1999 in the amount of \$5,021.36. Motion to approve as amended carried unanimously.

Mr. Hackman read the Proclamation into the record. Sgt. Bainbridge thanked the Board of Supervisors for the recognition and stated it was an honor and privilege to serve.

APPROVAL AND TABLING OF MINUTES

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried to approve the Minutes of the October 19, 2000 Budget Work Session as corrected.

Mr. Fazzalore moved, Mr. Allan seconded and it was unanimously carried to approve the Minutes of the October 30, 2000 Special Meeting as corrected.

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried to table approval of the Minutes of 11/6/00 Public Meeting.

APPROVAL OF 2001 PRELIMINARY BUDGET AND AUTHORIZATION TO FILE MILLAGE RATE REQUEST

Mr. Hackman stated taxes will remain the same with the exception of the voter-approved increases in debt service for open space and for the Rescue Squad. Mr. Hackman stated a Second-In-Command position in the Police Department will be reinstated along with two new officers. Construction of restrooms at the baseball fields across from the Township Building is the only major construction project for Park & Recreation proposed. Bikepath construction and repair will continue. The Township anticipates several major purchases next year including a telephone system, software, and replacement of three Police Department vehicles, a truck for Public Works, and other equipment along with a capital contribution to the Morrisville Sewer Treatment Plant. The Township will continue their reconstruction program of Township roads, and they will improve and install traffic signals in the Township. They will also repair the Police Department pistol range and extend public sewers into several areas. The Township will also participate with PennDOT in improvements to Stony Hill Road and participate with the State in the construction of the Rock Run Dam and replacement of the Sandy Run Bridge. They will also make improvements at Hillside and Spring Lane. Last year's Budget was 36.63 mills and this will increase in 2001 to 38.51 mills which is an increase of 1.88 mills which is basically for the Rescue Squad and Open Space. Leaf assessment and street light assessment will remain the same. Revenues are expected to be \$15 million, and expenditures are anticipated to be \$17 million so that they will bring their balances down by \$2 million.

Mr. Fegley moved and Mr. Fazzalore seconded to approve the 2001 Preliminary Budget and Authorize filing of Millage rate request.

Mr. Fazzalore stated the beginning balances of the General Fund have been reduced by \$618,000 in order to balance the Budget.

Mr. Fegley noted there was previous discussion about participation in the Transportation Management Association, and he would like to see \$2500 put back into the Budget in order to participate. Mrs. Godshalk stated that while this may not seem like a lot of money, the individual that made the presentation was asked to go to the companies within Lower Makefield to see if there was a need for these services, and she has not heard anything further in this regard. Mr. Fegley stated he felt the individual was told that the Board was not interested in participating. Mr. Fazzalore stated he feels Lower Makefield Township should participate in this organization since Lower Makefield is part of Lower Bucks County.

Mr. Fegley moved and Mr. Fazzalore seconded to amend the Preliminary Budget to include the figure necessary to participate in the Transportation Management Association.

Mr. Hackman stated he does not feel Lower Makefield Township will derive a great deal of benefit from this. Mr. Allan stated after the meeting he did look into this matter and he feels their intentions are well-meaning.

Motion to approve amendment carried with Mrs. Godshalk voting no.

Mrs. Godshalk stated in the discussions about the Open Space Debt Service, there were discussions about showing this separately on the tax bill. She stated it is now 1 mill over what it was last year and last year it was not shown as a separate line item. She asked if it will show 7.9 on the tax bill. Mrs. Godshalk stated she is concerned that it will seem confusing to the taxpayers. Mr. Hackman stated he wanted the taxpayers to see the total amount to preserve open space.

Ms. Sally Conlon asked if bikepaths will be built in her area, and it was noted nothing will be built in her area next year.

Mrs. Godshalk stated some people may be concerned that the Board of Supervisors is spending all of the \$7.5 million that was voted on, but some of this that will be shown on the tax bill includes the purchase of the Patterson Farm and Elm Lowne. She noted the Board of Supervisors has spent close to \$10 million for open space. She stated they still have approximately \$5.5 million to spend as a result of the vote in the Referendum.

Mr. Allan asked what the average tax increase will be to the average resident, and Mr. Taylor stated it will be approximately \$18.

Motion to approve carried unanimously.

AUTHORIZE EXECUTION OF MAINTENANCE AGREEMENTS FOR RIVER ROAD/ ROBINSON PLACE PUMPS

Mr. Hoffmeister stated there are five separate agreements at this point. Copies of these will be sent to the residents. Mr. Fazzalore moved, Mr. Fegley seconded and it was unanimously carried to authorize execution of the Maintenance Agreements.

APPROVAL TO APPLY FOR DELAWARE ESTUARY MINIGRANT

Mr. Fegley stated the Environmental Advisory Council is planning Earth Day Activities to be held on April 21, 2001. Activities will include tours at Five Mile Woods and distribution of seedlings, a stream monitoring program, and a Fishing Derby to be held at Elm Lowne. The Minigrant will help defray some of the expenses such as purchasing the seedlings and putting out a brochure. A small match is required of approximately 10%.

Mr. Fegley moved, Mrs. Godshalk seconded and it was unanimously carried to apply for the Delaware Estuary Minigrant in the amount of \$1,780 for Earth Day 2001.

Mr. Hackman stated he read in the paper that the County and Falls Township will be purchasing property in Falls Township that abuts the Five Mile Woods. Mr. Fegley stated this is correct although Falls Township is contributing very little of the cost and most of the funds are coming from the State and the County. Mr. Hackman asked that the Township Manager send a letter to the State, County, and Falls Township thanking them for making this purchase since the Township was concerned about this property since it does impact the Township's portion of the Five Mile Woods. Mr. Koopman stated he was present at the County meeting when this was discussed, and one of the reasons they indicated they were purchasing this was because it was adjacent to the Five Mile Woods which is a valuable piece of property. Mrs. Godshalk asked if the Township could obtain funds to purchase the land in Lower Makefield which is adjacent to the Five Mile Woods, and Mr. Fedorchak agreed to look into this.

AWARD BID FOR INSTALLATION OF FLASHING WARNING LIGHTS AT ST. JOHN THE EVANGELIST SCHOOL

Mr. Fazzalore moved and Mr. Fegley seconded to award the bid for the installation of flashing warning lights at St. John the Evangelist School to Armour & Sons Electric at a cost of \$9,415.

Mrs. Godshalk stated she feels this should be coordinated with a bikepath in this area. Mr. Doherty stated they will not have to move this if a bikepath is installed at a later time.

Motion to approve carried unanimously.

Mr. Hackman asked that the Township write a letter to St. John's advising them that this will be installed.

APPROVAL OF AMENDED FINAL PAN FOR FLORAL VALE

Mr. Edward Murphy was present and stated they are requesting approval to re-allocate some of the square footage from one building to another. He stated the request is so that DeLuca can use Building 1800 as their corporate headquarters. This would require taking 3,150 square feet from the mid-size building and allocating it to Building 1800. It will involve changing a note on the Plan. The total square footage will not change.

Mr. Allan asked if this will reduce the taxes, and Mr. Murphy stated it will not.

Mr. Fazzalore moved and Mr. Fegley seconded to approve the amended Plan dated 11/13/00 conditioned upon compliance with all prior approvals for this project to the extent not inconsistent with the Plan revisions, compliance with the PCS letter dated 11/20/00, and payment of all Township expenses related to the Amended Plan.

Mr. Hackman stated during prior discussions regarding South Campus, there were discussions on the entrances, and they were to get back to the Township with a plan showing everything in the area. Mr. Murphy stated they are working on this at the current time. Mr. Hackman stated he would not like to approve a Plan tonight that may preclude them from making changes to the entrances in the future. Mr. Hackman stated he would prefer to hold off on this approval until they look at the entire area. Mr. Fazzalore stated if

they do not approve the Amended Plan tonight, the Applicant still has the right to construct according to the approved Plan. Mr. Hackman stated he is trying to make improvements to the traffic in the area without creating a new driveway if it is not necessary. Mrs. Godshalk stated they would have to bring them into a parking lot and cars would then have to circulate through the parking lot to get to their building which she feels is dangerous. Mr. Hackman stated he would like to see a service road between South Campus and Floral Vale. Mrs. Godshalk stated this would involve a lot of circulating through the parking lot. Mr. Murphy stated he would be willing commit to continue to discuss this matter once Mr. Doherty reviews the traffic study they will submit. Mr. Hackman asked if they would be willing to modify the Plan based on those discussions, and Mr. Murphy stated he is not authorized to agree to this tonight since they do not yet know what those changes would be.

Mr. Hackman moved to amend the Motion that they consider at some future date perhaps merging the two driveways from South Campus and this development. Mr. Fazzalore was not willing to accept the amendment.

A vote was taken on the original Motion. Motion did not carry as Mr. Fazzalore and Mrs. Godshalk were in favor and Mr. Allan, Mr. Fegley, and Mr. Hackman were opposed.

Mr. Hackman moved to approve the original Motion subject to the possibility of reviewing the driveways between South Campus and Floral Vale.

Mr. Koopman stated he is concerned with the Motion as amended since they are approving an amendment to a Land Development Plan and adding a condition to it that Mr. Murphy has already indicated he cannot agree to as a condition. He added that if this is the case, it would result in a denial.

Mr. Murphy stated he does not have the authority to agree to this amendment at this time. He stated the Township staff is aware of the time constraints since the Applicant would like to relocate their headquarters to this location by April 1, 2001.

Mr. Fegley moved to table the matter and bring it back on the Agenda as soon as the study is completed. Mr. Murphy stated he feels this will kill the project. There was no second to the Motion to table.

Mr. Hackman withdrew his Motion.

Mr. Fazzalore moved, Mr. Allan seconded and it was unanimously carried to approve the amended Plan for Floral Vale dated 11/13/00 conditioned upon compliance with all prior approvals for this project to the extent not inconsistent with the Plan revisions, compliance with the PCS letter dated 11/20/00, and payment of all Township expenses related to the Amended Plan.

APPROVAL OF ADDENDUM TO DEVELOPMENT AGREEMENT FOR LOWER
MAKEFIELD CORPORATE CENTER SOUTH CAMPUS

Mr. Murphy noted this Addendum was made at the behest of the Township and will waive the requirement that funds be spent in this area.

Mr. Fegley moved, Mr. Allan seconded and it was unanimously carried to approve the Addendum to the Development Agreement for Lower Makefield Corporate Center South Campus.

APPROVAL OF REVISED FINAL PLAN FOR CVS/AVELLINO'S

Mr. Murphy stated the CVS has already been built. He showed a Plan of what was previously approved and what they are now proposing for the Avellino's portion of the project. Mr. Murphy reviewed the changes which are proposed noting they will have 7% less impervious surface. There will be no exit out to the rear of the building. It will also be a slightly smaller building.

Mr. Fegley moved and Mr. Fazzalore seconded to approve the Revised Final Plan for CVS/Avellino's Plan dated 10/10/96, last revised 10/10/00 subject to:

- 1) Compliance with all prior approvals to the extent not inconsistent with the Plan changes;
- 2) Compliance with the PCS letter dated 11/17/00 including compliance with the items in the letter which PCS did not recommend waivers with respect to;
- 3) Receipt of all permits and approvals;
- 4) Execution of Financial Security and Development Agreements.

Mr. Fazzalore asked if the Township will own the detention basins, and Mr. Murphy stated they will not.

Motion carried unanimously.

APPROVAL OF GRANTING EXTENSION TO VALLEY DAY SCHOOL

Mr. Allan moved, Mr. Fegley seconded and it was unanimously carried to grant an extension of time to Valley Day School Preliminary Plan to 2/9/01.

SIGNING OF LINENS - FLORAL VALE REVISED, LOWER MAKEFIELD
CORPORATE CENTER-SOUTH CAMPUS, LOBERG TRACT

Linens were signed following the meeting.

DISCUSSION AND DENIAL OF FIELDSTONE AT LOWER MAKEFIELD (HARRIS FARM)

Mr. Eric Tobin, attorney, and Mr. Wesley Wolf, engineer were present.

Mr. Hackman stated a Plan was submitted to the Township just hours before the last meeting of the Board of Supervisors. There was discussion at that time whether this was a new Plan or a revised Plan. The Board felt that the changes were considerable and the Plan should be treated as a new Plan. The matter was tabled to give the Township staff time to review the Plan submitted.

Mr. Koopman stated the Board of Supervisors has before it and has had before it for some time the prior review letters including the CKS letters dated 12/14/98 and 3/8/99, the PCS letter dated 3/17/99 for the Plan submitted in February of 1999 which was the last Revised Plan submitted by the Applicant before the Plan which they submitted on 11/6/00. The Township also has the Skelly & Loy review letters dated 4/9/99 and 3/31/00.

Mr. Koopman stated that at the meeting on 11/6/00 the Applicant submitted a letter dated 11/6/00 from Eastern Equities and a response to the 3/17/99 PCS letter. Mr. Koopman stated before that time Ms. Frick had prepared a chronology going through the Township files regarding the Application from the date of the original Application through the current time. Mr. Koopman stated he did deliver a cover statement of that to the Applicant today and the back-up documents for this were provided to Mr. Tobin this evening.

Mr. Koopman stated before the Board this evening is a letter from PCS dated 11/17/00 where PCS, on a preliminary basis, goes through the Plan and is giving the Board of Supervisors their input on the significance of the changes between the Revised Plan submitted in 1999 and this new Plan submitted 11/6/00. The Board of Supervisors also has a memorandum from Nancy Frick dated 11/17/00. In light of the memorandum from Eastern Equities, Ms. Frick was asked to go through the Township files and determine the accuracy or non-accuracy of the Eastern Equities information. Mr. Koopman stated much of the Eastern Equities information includes opinions and conclusions. Ms. Frick has pointed out some of the inaccuracies in that memorandum submitted by Eastern Equities. Mr. Koopman stated the Board of Supervisors should consider if the Plan submitted on 11/6/00 should be considered as a new Plan or a revision.

Mr. Hackman noted the PCS letter dated 11/17/00 which, in the first paragraph, indicates that the Plan submitted 10/26/98 was drawn by Carroll Engineering and the new drawings by Boucher & James were not drawn until 11/00.

Mr. Tobin asked if they could be provided with a copy of the PCS letter, and Mr. Koopman stated it was faxed to Mr. John VanLuvanee today.

Mr. Wolf stated they used the drawings from Carroll Engineering to make the revised Plans. He stated they were provided the electronic drawings. Mr. Wolf stated he prepared his plans based on the Carroll Engineering drawings.

Mr. Tobin stated he feels they can demonstrate that the revisions made to the latest Plans were in response to the comments received from the Township. Mr. Wolf showed a copy of the Plan. He stated everything shown in the northern part of the site is consistent with what was proposed by Carroll Engineering. He stated the major revision that occurred was

the elimination of the eighteen lots that were in the southerly portion of the site in the area of the landfill.

Mr. Hackman asked to see a copy of the original drawings, and Mr. Wolf provided these to the Board.

Mr. Wolf stated a cul-de-sac was also eliminated as a result of DEP and Township comments. North of the landfill area they had proposed a "T" intersection, and they are now proposing a loop road. The detention basin was previously an on-line detention basin in the southern portion of the site within the wetlands area, and they have eliminated this and propose four other detention basins as shown on the Plan in blue. The southern portion which includes the wetlands and the landfill area will be subdivided out as Lot #30.

Mr. Fazzalore noted one of the detention basins is proposed to go out to Edgewood Road. Mr. Wolf stated there is an existing pipe system from Yardley Estates and it was designed to handle this tract. He stated they will tie into the existing system in Edgewood Road. This continues down Edgewood Road into the site across the street and down to the stream. Mr. Fazzalore stated he is concerned with this proposal since this area already experiences flooding. Mr. Wolf noted the location of the existing storm sewer. Mr. Allan asked if they have studied whether this storm system can handle this additional water. Mr. Wolf stated they did get a copy of the Yardley Estates Plans and it showed this area as a tributary. He added they have not done any studies beyond their site but have designed the Plans in accordance with the Township requirements and will in fact reduce the run off. Mr. Allan asked what they will do if the storm drain will not hold this water. Mr. Wolf stated they could make their detention basin larger and retain the water longer.

Mr. Hackman stated at this point they are only trying to make a decision whether this should be considered a new Plan or a revised Plan that would be subject to the most recent changes to the Ordinance.

Mr. Koopman stated if they believe this is a new Plan, it should be treated as a new Plan and the Township engineer will review it as such. This would leave the 2/99 submission still in effect, and the Board of Supervisors would have to act on that Plan.

Mr. Wolf stated a sewer pump station was proposed on the previous Plan with a force main to Schuyler to tie into the existing system. They have worked with the Township Sewer Department and CKS and are now proposing a gravity line which would eliminate the need for the pump station and force main. Mr. Koopman stated now that they are only proposing to develop the front half of the tract, this allowed them to provide sewers through gravity. Mr. Fazzalore asked if 18' is deep, and Mr. Doherty stated even though he is not a sewer engineer, he does feel that this is deep. Mr. Fazzalore stated they will also have to cut up Schuyler Drive. Mr. Doherty stated the previous Plan provided for a force main and would not have required such a deep sewer line.

Mr. Casey, representing the developer, stated the elimination of the pump station was in response to the comments from the Township Sewer Department that they not have any pump stations that were not entirely necessary.

Mr. Hackman stated he feels this is further proof that everything has changed - the road lay out, the sewer system, etc.

Mr. Casey stated they responded to the comments from the Township engineer.

Mr. Koopman stated the Township's position was that the property owner should remove the solid waste completely, and then develop the property according to regulations. The developer made a decision not to build on the portion of the tract that contained the solid waste and this enabled them to go from a force main to a gravity system. The Township did not tell them to eliminate these lots.

Mr. Casey stated revisions were made to the Plan in response to comments raised through the engineering review process. The issue was whether the back of the site was suitable for development and it was determined that it was not, so the Plans were revised to deal with the portion of the site that was developable. Mr. Koopman stated these issues were raised by the DEP, and the Township always wanted to see the solid waste removed from the site. Mr. Hackman stated he believes that if they have a site that contains solid waste, it should be cleaned up. Mr. Fegley stated the developer made a determination economically that they did not want to spend the money to clean it up and has now presented a new Plan.

Mr. Casey stated the DEP closed this case in 1992, and his firm went through a study and determined that what was there was benign. Mr. Hackman asked who will maintain title to the land which contains the solid waste. Mr. Casey stated it will be owned by Eastern Equities. Mr. Ed Jones of Eastern Equities was present and stated they will hold this site out and only sell a portion to Mr. Casey. Mr. Jones stated Eastern Equities will keep their portion as open space. Mr. Koopman noted Eastern Equities is a corporation in New Jersey. Mr. Allan questioned what would happen if that corporation would no longer exist, and Mr. Koopman stated they would have the same issues they have with any entity that may no longer exist. Mr. Koopman stated the Township does have an Ordinance regarding disclosure about what is on the property so the potential property owners would be aware of what is adjacent to their homes.

Mr. Wolf stated they also included additional basins which will act as sediment basins during construction. He stated they also made numerous grading changes in response to the Township engineer's comments. They have raised a number of buildings to accommodate their requests. He stated with the change in the detention basin they also had to make changes with regard to the piping. They are still discharging at the same points, but changes were made to get to those points.

Mr. Koopman stated originally there was a basin in the rear which discharged at Brock Creek and now there are multiple basins which discharge to Brock Creek and also to Edgewood Road.

Mr. Wolf stated at the last meeting he did provide a detailed response to the 3/17/99 PCS letter.

Mr. Tobin noted the changes made to grading. Mr. Wolf noted the number of grading comments made by PCS in the 3/17/99 letter. He stated they have raised the first floors and the grading to the house. He stated some of the concerns were not addressed in the previous Plan, and they made certain that they were in the revised Plan.

Mrs. Godshalk asked about the entrance to Lot #30. Mr. Wolf stated it could be from Long Acre Lane or internally from their project.

Mr. Hackman stated there were previously two entrances to this project and now there is only a single entrance which he does not feel is proper for the proposed number of houses. He stated during the review process he feels this Plan will still change even more than what is being shown now. Mr. Wolf stated they do not feel this is a cul-de-sac since they have an entrance road with no driveways fronting on it.

Mr. Tobin asked if Mr. Wolf reviewed the PCS letter dated 11/17/00, and Mr. Wolf stated he feels he has addressed most of the comments in this revised Plan. Mr. Tobin asked if all the revisions were made in response to prior review letters and concerns expressed by Township professionals and staff, and Mr. Wolf stated they were. He stated they were also in response to DEP comments.

Mr. Koopman asked Mr. Doherty if anything Mr. Wolf has indicated changes anything in his letter dated 11/17/00, and Mr. Doherty stated he would not change anything. He stated he would have to start all over reviewing these new Plans. Mr. Koopman noted the letter from Eastern Equities, Paragraph 21 where they indicated that there was some agreement between the Township and the Applicant (Quaker) that the applicant's original Plan would remain in a pending status until the environmental issues were resolved. Mr. Koopman stated Ms. Frick was asked to review the letter to determine if this was an accurate statement, and Ms. Frick stated she does not feel this is an accurate statement. Ms. Frick noted the letter dated 10/9 from John VanLuvanee which is the letter they have referred to, but it does not relate to the statement they have made. Mr. Tobin stated John VanLuvanee did write to Ms. Frick on 4/9 indicating that the applicant did not want to complete the revisions until they had met with Skelly & Loy and there had been discussions that those issues had been resolved. Mr. Koopman stated they do have that letter, and Ms. Frick has indicated that the letter speaks for itself. Mr. Koopman stated he has read the letter, and he does not feel that it indicates that the Plan is left in pending status. Mr. Koopman stated this letter is part of the record. Mr. Tobin stated they have nothing in their records from the Township indicating that they should not move forward.

Mr. Tobin stated it is his understanding that it is the Township's desire to have the site cleaned, and it is his also his understanding that the Township used that site for dumping Township material for years. Mr. Koopman stated he feels this was alluded to by Mr. VanLuvanee in a letter, and their response was that the Township was not aware that Township waste was dumped on this site. He stated this does not bear, however, on whether or not this is a new Plan or a revised Plan.

Mr. Koopman read paragraph 21 of the Eastern Equities letter dated 5/3/99 regarding records found. Mr. Doherty has indicated these changes were prompted by the conditions on the site as opposed to other factors. Mr. Tobin stated Mr. Wolf has also indicated that many of the changes they have now shown on the Plan are in response to the Township requests. He stated it is not uncommon for Plans to change during the review process.

Mr. Allan stated he feels they have lost 41% of the proposed homes on this new Plan which he feels is a substantial change. Mr. Casey stated this is an economic factor that bears on their decision to move ahead. Mrs. Godshalk stated she feels this is a new Plan and should be reviewed as such. Mr. Fazzalore agreed that this should be considered a new Plan. Mr. Fegley agreed as well.

Mr. Koopman stated the Township engineer should be directed to review this as a new Plan under the requirements of the MPC. The Township must also deal with the Carroll

Engineering Plan submitted 2/19/99 which is pending before the Township. There have been no revisions made to that Plan based on the Board of Supervisors' decision that what is now being presented is a new Plan.

Mr. Fegley moved, Mr. Fazzalore seconded and it was unanimously carried to deny the existing Plan set to expire 11/30/00 prepared by Carroll Engineering for Tax Parcel #20-16-73 consisting of 22 sheets dated 10/26/98, last revised 2/12/99 due to:

- 1) Failure to comply with CKS letters dated 12/14/98 and 3/8/99;
- 2) Failure to comply with PCS letter dated 3/17/99;
- 3) Failure to comply with Skelly & Loy letters dated 4/9/99 and 3/31/00;
- 4) Failure to comply with Township Zoning Ordinance 200-66i Subsections 3, 4, and 6.

ZONING HEARING BOARD

There was discussion on the James & Lyn Ferrero variance request to construct a swimming pool fence having 3 and 13/16 inch separation between the slats instead of 2 inch separation, and it was determined that the Board would take no action in this matter.

There was discussion on the Joan Stocker variance request for the property located at 807 Floral Vale Blvd. to permit a vocational training center and it was determined that the Board would take no action in this matter.

There was discussion on the Mark Cataudella variance request for the property at 1026 Randolph Drive to construct an addition resulting in greater than the permitted impervious surface ratio. Mr. Fazzalore stated they are going from 18% to 22% impervious surface which is a 20% increase. He stated there are water problems in the Township, and he feels they should take exception to this request. Mr. Koopman stated he understands that they are currently over the permitted impervious surface. The Township solicitor was asked to attend the Hearing to obtain additional information.

APPROVAL OF NOVEMBER 6, 2000 AND NOVEMBER 20, 2000 WARRANT LISTS AND OCTOBER, 2000 PAYROLL

Mr. Fegley moved, Mr. Allan seconded and it was unanimously carried to approve the November 6, 2000 and November 20, 2000 Warrant Lists and October, 2000 Payroll as attached to the Minutes.

SUPERVISORS' REPORTS

Mr. Hackman stated the Golf Committee met and is continuing to evaluate the submissions by architects. He stated the Golf Committee would like to narrow the list down to two applicants, but he and Mrs. Godshalk feel it should be narrowed down to three applicants.

He asked for comments from the Board of Supervisors on how many they would like to see. Mr. Fazzalore stated he does not feel they should do anything until there is a decision from the Court. Mr. Hackman stated at this point they are only planning. Mr. Fazzalore stated when they get to a point when they are going to make a decision, he would like to see all four applicants. Mr. Hackman stated they were proposing to have each of the people come in and make their proposals. Mr. Fazzalore asked if the Board of Supervisors could not at least read the four proposals and then a decision could be made how many should be brought in. Mr. Fegley stated he would not have a problem with narrowing it down to three; but until there is a decision from the Court, he does not feel they should move forward. He stated there is the possibility of an Appeal to the Supreme Court. It was agreed that the Golf Committee could narrow it down to three or if they do not wish to do this, the Board of Supervisors will look at all four proposals. Mr. Hackman stated a Golf Consultant did come through and review the situation. Mr. Hackman stated they will have to update the Feasibility Study. Mr. Fegley stated he would prefer they wait on this. Mr. Fedorchak was asked to contact Mr. McLaughlin and advise him to wait until he is contacted further by the Township.

APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH JAMES YATES TO INITIATE AND CONDUCT A COMMUNITY FIRE SAFETY INSPECTION PROGRAM

Mr. Fedorchak noted Mr. Yates has been a Fire Marshall for eleven years in West Windsor Township where there is retail and office construction similar to that which has recently been taking place in Lower Makefield Township. He stated with the possibility of Matrix and additional office construction by DeLuca, he feels it would be good to get more aggressive in enforcing the Fire Codes.

Mr. Fazzalore stated he is concerned about the compensation proposed which seems open-ended. Mr. Fegley stated he would like to see a "not to exceed" figure; and if he needs to exceed that amount, it could come back to the Board for approval.

Mr. Fegley moved, Mr. Allan seconded and it was unanimously carried to approve the Professional Services Agreement with James Yates to initiate and conduct a community fire safety inspection program not to exceed \$3500 including out-of-pocket expenses.

DISCUSSION OF EASEMENT TO VERIZON-PA., INC. TO CONSTRUCT A CONTROLLED ENVIRONMENTAL VAULT AT THE CORNER OF LINDENHURST ROAD AND TWINING ROAD

Mr. Fedorchak stated they have the facility in place and wanted to put in emergency power. They are only asking for two feet more additional right-of-way. Mr. Fegley stated he feels they should come to the Board of Supervisors to discuss this. Mrs. Godshalk stated she has experience with this at Makefield Quarters, and she feels they should have a drawing presented. Mr. Fedorchak was asked to have them come in and make a presentation.

APPROVAL OF AGREEMENT WITH PA AMERICAN WATER COMPANY TO
RELOCATE A WATER MAIN IN CONNECTION WITH THE SANDY RUN ROAD
BRIDGE REPLACEMENT PROJECT

Mr. Fegley moved, Mrs. Godshalk seconded and it was unanimously carried to approve the Agreement with PA American Water Company.

OTHER BUSINESS

Mr. Fegley stated the wife of a former Supervisor has asked about a Memorial for her husband. Mr. Fegley stated he feels they should develop a policy on this since they are getting these kinds of requests fairly regularly. There was discussion about the possibility of installing benches, and Mrs. Godshalk stated she feels the benches should be uniform. Mr. Fegley suggested that they write to the individual who inquired about this and advise her that the Township is considering this and will get back to her with some ideas.

APPOINTMENTS

Mrs. Godshalk moved, Mr. Fegley seconded and it was unanimously carried to re-appoint Liuba Lashchuk to the Historic Architectural Review Board.

There being no further business, Mr. Fazzalore moved, Mr. Fegley seconded and it was unanimously carried to adjourn the meeting at 10:05 p.m.

Respectfully Submitted,


Scott Fegley, Secretary

