

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – SEPTEMBER 19, 2005

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on September 19, 2005. Chairman Stainthorpe called the meeting to order at 7:30 p.m. Mr. Stainthorpe announced that Mr. Robert Williams has been the Township engineer for the past four years, and at the Executive Session he advised that he is resigning his position and will be working for a private developer. He noted Mr. Williams has been a great asset to the Township and the Board wishes him well with his endeavors. Mr. Williams was present this evening and thanked the Board. Mr. Stainthorpe stated Mr. Majewski who filled in for Mr. Williams during his Military Duty, will be the Township engineer going forward.

Those present:

Board of Supervisors: Pete Stainthorpe, Chairman
 Scott Fegley, Vice Chairman
 Grace Godshalk, Secretary/Treasurer
 Frank Fazzalore, Supervisor
 Steve Santarsiero, Supervisor

Others: Terry Fedorchak, Township Manager
 Jeffrey Garton, Township Solicitor
 James Majewski, Township Engineer
 Thomas Roche, Police Department

PUBLIC COMMENT

Ms. Sue Herman stated 9/23/05 is the deadline for submission of TIP Projects and asked what Lower Makefield will be submitting and the priority of those projects. Mr. Fedorchak stated they have identified six projects. He noted the order of priority based on recommendations from the Police Department and Township engineers as follows:

- 1) Stony Hill Road
- 2) Pine Grove/Big Oak Intersection
- 3) Yardley/Newtown/Creamery Road Intersection including traffic light
- 4) Second Phase of Lindenhurst Road Traffic Calming
- 5) Yardley/Morrisville/Edgewood/Black Road
- 6) Increase the size of the culvert underneath Black Rock Road in the area of the Canal.

Ms. Herman asked if they know when the public meeting will be held by Bucks County Planning Commission where oral and written testimony can be submitted, and Mr. Fedorchak agreed to look into this. Ms. Herman thanked the Township for submitting Phase II of the Lindenhurst Road traffic calming.

Mr. Richard Adams, 221 Taylorsville Road, noted the construction work in progress on Prospect Drive. He stated during the discussions of the Metz Tract approval, he had previously discussed the storm water run-off, sediment, and erosion problems in the area. He stated he has also reviewed the Lower Makefield Township Codes. He stated on 3/30/04 he discussed his concerns about the water run-off problems with Mr. Majewski and followed it up with a letter dated 4/4/04 requesting a meeting and the impervious surface calculations. Mr. Majewski did meet with Mr. Adams. Mr. Adams had asked that the water from the 22 and 23 Prospect Drive properties be conveyed to the cul-de-sac, Mr. Majewski agreed to discuss this with Mr. Murphy. Mr. Adams indicated that he wanted engineering to control the excessive water run off from Taylorsville. Mr. Adams stated in 2004 he did not receive any response to the impervious surface calculation request. Mr. Adams stated he sent letters to Ms. Frick on 11/29/04, 12/06/04, and 12/15/04 noting the Articles of the Code regarding the construction in progress and received no written response. Mr. Adams stated on 7/15/05 and 7/22/05 he wrote additional letters requesting the impervious surface calculations and noted the Codes which needed to be followed so that the storm water run off problem would be resolved. On 8/5/05 he received the impervious surface calculations for the front footage by 25' Prospect Drive lots. He stated he feels the calculations are incorrect. He stated they show an increase of 2.8% when the actual increase is approximately 40%. He stated the paving done 11/04 in front of 23 Prospect Drive impervious surface calculations is now 33.1% for the 25' by 100' lot. Averaging to 24.2% for the existing property now brings the percentage to 28.6% on a lot that is only allowed 26%. He stated with the downhill pitch of the two Prospect Drive front yards and driveway and no swale, it results in a large amount of water going down and across Taylorsville Road and into the Maplevale properties. He added that the letter he received on 8/5/05 from Mr. Majewski also states that "although the driveway was not constructed with a six inch stone base shown on the Plans, we believe the existing driveway base encountered during construction is satisfactory to provide a stable base for the driveway construction." Mr. Adams stated his letter of 9/9/05 notes the approved prints Sheet 12 calls for six inches of sub base and on 9/15/05 his letter notes the impervious surface calculations errors and Code violations which need to be resolved prior to any more construction. He stated he has not received a reply to his 9/9 or 9/15/05 letters. He stated today there was a construction worker on site and Mr. Adams made him aware that he would be attending the meeting this evening, and the worker asked that he be informed of the resolution. Mr. Adams stated he does not feel the Township is close to resolving the water run off problem. He feels there are ways to correct the problems. He stated he read about a recent Zoning Hearing Board matter regarding the installation of a pool that would have been in excess of the permitted impervious surface percentage and it was noted that there was insufficient space to install

a swale and they were turned down and told they could not allow water to go from their property onto another property. Mr. Adams stated he has asked from the first meeting that the location where the bollards are currently, where there is approximately 28' from the bollards to the sidewalk at the cul-de-sac; and in that 28' the blacktop rises in this area approximately 18". He has asked that this be lowered so the two Prospect Drive properties have their water go in that direction and not toward Taylorsville Road. He has been told that they will not do this. Mr. Adams stated he has also requested that deep swales be installed on both sides of Prospect Drive for its entire length so that the water that runs off these properties will go to the swales and the retention basin and not onto Taylorsville Road. He stated he has also requested a seepage pit between the two Prospect Drive properties and the two Taylorsville Road properties at the property line in the swale to take away some of the water but has never received a response to this request. Mr. Adams asked if the Bucks County Conservation District approved the 50' by 250' work done at Prospect Drive. He stated he feels the 6" sub base is of very much concern. Mr. Adams stated he has also requested that the bollards be moved to the rear of the Taylorsville road properties from their current location. He stated the contractor did the job once improperly and he wants to proceed to correct the problem.

Mr. Stainthorpe asked if there is a reason why they cannot deal with these problems. Mr. Majewski stated they have been dealing with these issues. Mr. Majewski stated Mr. Adams indicated that the impervious surface calculations were incorrect, and added in this instance Mr. Adams is comparing "apples to oranges." He stated they did their calculations based on the information shown on the approved plans, and Mr. Adams is looking at another survey done ten years prior by someone else, and is not including the stone that exists. Mr. Majewski stated typically stone driveways are considered impervious.

Mr. Stainthorpe asked if Mr. Adams is getting water in his home, and Mr. Adams stated it is washing out the earth on the side of the paved portion and carrying it across Taylorsville Road and into the Maplevale development.

Mrs. Godshalk stated when the Metz project came in for approval, a majority of the existing residents did not want the road through the development from Taylorsville and instead wanted it to remain as it was. She stated because of this, a lot of the improvements that would have been done were not done because a majority of the existing residents did not want to lose right-of-way that would have been required in order to install a road with curbing, storm sewers, etc. Mr. Adams stated he wanted the improvements. Mrs. Godshalk stated she felt the improvements were necessary, but a majority of the Board voted to maintain the private road because a majority of the residents wanted it left that way.

Mr. Stainthorpe asked that Mr. Fedorchak and Mr. Majewski meet with Mr. Adams along with a representative of DeLuca, who is the developer. Mr. Adams asked why a DeLuca representative needs to be included, and Mr. Stainthorpe stated they are the developer and are paying for this. He stated the Township will not accept Dedication until everything is done properly. Mr. Majewski stated they have been working to address these problems. The developer still has work to do which should take care of most of the concerns. Mr. Adams stated he wants the Township to follow their Codes.

Mr. Doug Wolf thanked Mr. Fedorchak for his prompt attention to his letter regarding a vehicle which had been at the same location for four months.

Mr. Zachary Rubin, 1661 Covington Road, asked if the Board of Supervisors plans to cancel the 10/3/05 meeting for the Jewish Holiday, and Mr. Stainthorpe stated they will discuss this at the end of the meeting. Mr. Rubin stated last month the Township agreed to try to get Grants to raise homes to address flooding problems. He stated he has also heard that there is a plan for the Friends of McCaffrey Fund to give financial support to either homeowners or businesses affected by the floods. Mr. Fazzalore stated he has heard there was a 9/30/05 deadline for people to make application. Applications are available at the Township and at the Yardley Borough Building. He stated the Needs Committee will review all the Applications received and will possibly make some contributions. Mr. Santarsiero stated the idea has been to keep the Fund going under a different name and with a slightly different mission which is to help members of the community going forward with this kind of problem. The By-Laws of the Fund are currently being changed. They also removed Mr. Allan as Chairman pending his Campaign so there is no connection with politics. He stated the Fund has been an effort that everyone in the community has supported regardless of their political affiliation. They want this to continue as a public service organization. Mr. Fazzalore stated the employees of McCaffrey signed a waiver releasing the funds so that money could be given to other than McCaffrey employees since they are all now working again and there was still a balance. He stated he feels they will make some distribution in October.

Mr. Santarsiero asked that the Board discuss the issue of canceling the 10/3/05 Board of Supervisors' meeting at this time rather than wait until the end of the meeting so that a majority of the public will be present. Mr. Stainthorpe asked that they continue with Public Comment at this time and discuss this under Other Business.

Mr. Tom Stevenson, 903 Slate Hill Road, stated he has noticed that an effort has been made to renovate some of the lights at Macclesfield Park and asked for an update. Mr. Fedorchak stated they received a report from the electrical engineer concerning the work that has been done to bring the lights into compliance. He noted there was an area which exceeded the Township standards. He understands that Ms. Mavis, one of Mr. Stevenson's neighbors, has a copy of this report. They are now in compliance with the Ordinance.

Mr. Patel, 1642 Fairfield Road, noted a problem with the detention basins between his property and Mr. Leon at 1487 Fairfield. He stated they have asked the Township Manager to cut the detention basin, but there is something that prohibits them from cutting it once a week like they do with the other Township detention basins. He stated he is concerned with foxes, snakes, and deer ticks. He stated his daughter had already been bitten by a deer tick. He stated water is not draining properly due to the denseness of the bushes. He feels they are violating the Township Ordinances by not cutting the grass. Mr. Fedorchak stated he recalls that at least one of these basins has protected natural resources which is why they are not mowing the entire basin. He is not sure this applies to the basins Mr. Patel is identifying, but agreed to look into this further and get back to Mr. Patel.

Ms. Dana Weyrick, 729 Stewarts Way, stated there was \$42,000 stolen from the Friends of McCaffrey Fund, and she asked for an update. Mr. Stainthorpe stated he understands the bank paid this back. Mr. Fred Allan stated there was a false company set up and a check was drawn from the Fund by someone outside of the Friends of McCaffrey. The bank along with the Police are looking into how this was done. The Bank did pay back the money.

APPROVAL OF MINUTES

Mr. Santarsiero moved, Mr. Fegley seconded and it was unanimously carried to approve the Minutes of August 15, 2005 as written.

APPROVAL OF SEPTEMBER 5, 2005 AND SEPTEMBER 19, 2005 WARRANT LISTS AND AUGUST, 2005 PAYROLL

Mrs. Godshalk moved, Mr. Santarsiero seconded and it was unanimously carried to approve the September 5, 2005 and September 19, 2005 Warrant Lists and August, 2005 Payroll as attached to the Minutes.

Mr. Fazzalore stated the Finance Director noted in her report that they are almost 100% on the transfer taxes already. He stated there are a number of Departments which are over-Budget. He stated the Police Department overtime is already past the Budgeted amount. Mrs. Godshalk stated they have collected 98.5% of the Real Estate Taxes during the Discount Period which is very good. Mr. Santarsiero stated the Pool also cleared approximately \$190,000 this year which is approximately \$70,000 more than typical.

DISCUSSION OF CONTRACT TO CONSTRUCT THE GARDEN OF REFLECTION
9-11 MEMORIAL AND AWARD OF BID

Mrs. Godshalk moved to approve the construction of the 9-11 Memorial and award the bid to Building Restoration, Inc. with a base bid of \$714,000. Mr. Fazzalore seconded.

Mr. Fazzalore stated the \$714,000 does not include the alternates which would bring it to \$1,230,000. He stated he also understands that they currently have \$548,233 in the account, and they are now approving \$714,000. He asked where the remainder would come from. Mrs. Godshalk stated the money will be raised. She stated from June 20, 2002, they have collected \$615,000 in donations. They are now looking to be approved by the State as the Pennsylvania State Memorial. She stated they have additional fund-raising projects planned between now the next year. She feels construction will be started in one to two months and they will continually raise money. She stated the complete amount will not be due until the Memorial is constructed which will be sometime close to July, 2006. She stated they have not considered at this point any of the other alternates. They feel they are only going to spend what they can earn between now and next July.

Mr. Fazzalore moved to amend the Motion that the Garden of Reflection construction should not be stopped in any manner and the Township should advance any monies needed by the Committee to equal the \$714,000 base bid.

Ms. Ellen Saracini and Ms. Clara Chirchirillo, members of the Committee, were present along with Ms. Liuba Lashchyk, the architect.

Mr. Santarsiero seconded the Amendment to the Motion.

Ms. Lashchyk showed the rendering of the Memorial including that which will be included in the base bid and the alternates.

Mr. Stainthorpe asked if they have checked out the low bidder to insure that they can do this work, and Ms. Lashchyk stated she did review their references and has visited sites they have worked on. Ms. Lashchyk stated Building Restoration does use the Sub-Contractor she has worked with on the design and she showed the prototype which had been prepared.

Mr. Stainthorpe asked if they will continue to raise funds over the \$714,000, and Ms. Chirchirillo stated they next want to work toward the 3,000 name wall.

Mr. Adams asked if the contractor is required to be bonded, and Mr. Stainthorpe stated they are.

Mr. Garton stated he has not yet reviewed the Agreement, but he will do so.

Motion to approve the Amendment carried unanimously.

Mrs. Godshalk thanked the 2,018 people who made donations to the Memorial.

Ms. Sue Herman thanked the Committee for all the work they have done.

Motion as amended carried unanimously.

DISCUSSION OF CONTRACT MANAGEMENT SERVICES FOR CONSTRUCTION OF THE GARDEN OF REFLECTION 9-11 MEMORIAL

Mr. Fedorchak stated they will have PCS perform as the construction manager but in addition to that Ms. Lashchyk has been trying to find a consultant with experience in fountain construction who they will add to the team.

APPROVAL OF ORDINANCE NO. 352 ESTABLISHING SEX OFFENDER RESIDENCY RESTRICTIONS AND PENALTIES FOR VIOLATIONS

Mr. Santarsiero thanked the Board for getting the proposed Ordinance this far. He stated he proposed this in July, and this came about as a result of concern of those who have young children in the Township and their attempt to protect them from sex offenders noting that there were already six sex offenders living in Lower Makefield Township. He looked at other Towns in the Country which had similar Ordinances although none are as well put together as the proposed Lower Makefield Township Ordinance that creates zones of protection in areas where children are likely to congregate. He stated this Ordinance will state that anyone under the State's Megan's Law that has to register with the State for having committed a sex offense, would be precluded from moving within 2500 feet of the facilities as defined in the Ordinance. Mr. Santarsiero thanked Mr. Ron Smith and Mr. Greg Caiola who also worked on this proposed Ordinance. He added questions have been raised as to whether this Ordinance can pass a Constitutional challenge, but he feels based on the success of a similar Statute in Iowa earlier this year where the Eighth Circuit Court of Appeals upheld the Constitutionality of a Statute like this, that the Township has an excellent chance of overcoming a challenge. He stated he feels the Board should move forward on this at this time despite the risk of a Court challenge. He noted he has received calls and e-mails from Lower Makefield Township residents in support of this Ordinance.

Mr. Santarsiero moved and Mr. Fazzalore seconded to approve Ordinance No. 352.

Mr. Stainthorpe stated while he is not going to vote against the Ordinance, he does have grave reservations about the Constitutionality of this and has in fact consulted with the District Attorney and a number of other people who have expertise in this area, and they feel the definition is too broad which makes it vulnerable to being overturned. He feels they should have consulted an expert in the area of Sex Offender law to make sure that they have the best definition. He is concerned that they are rushing into this.

Mr. Santarsiero stated there has been a suggestion that this Ordinance be limited to those who under State law are called Sexually-Violent Predators; but under the State law it is so strict that in one case an offender who had repeatedly abused two young girls and made threats was not ultimately deemed as a Sexually-Violent Predator under the State law and that individual would be able to move into the Township if they limited this Ordinance to Sexually-Violent Predators. He stated Pennsylvania has explicitly said in adopting Megan's Law that sex offenders as defined under the State Statute pose a risk and as a consequence of that finding, he feels it is appropriate to carve out these zones of protection.

Mrs. Godshalk stated she will vote in favor of this because she is concerned with the potential victims and feels this is the best way they have to protect them.

Ms. Virginia Torbert asked about enforcement. She stated the Ordinance indicates that the Police Department will enforce this. Mr. Santarsiero stated under Pennsylvania law anyone who moves into the Township who falls under the category of a sex offender must register with the State. The Ordinance requires that the Township publish a map, which he understands they will put on the Website, and this will indicate where these zones of protection are located. When someone moves in, they will know whether they have violated the Ordinance and moved into an area where they are not permitted to move into. They would then provide notice advising them that in a certain number of days they must move and if they do not, the violation begins and they are at risk of the penalties prescribed in the Ordinance. Mr. Santarsiero stated the offenders would register with the State Police and that information is made available to the local Police.

Mr. Stainthorpe asked if the Iowa Statute which was challenged in Federal Court had a similar definition to that which is proposed in this Ordinance; and Mr. Garton stated there have not been a lot of cases interpreting this kind of Ordinance and he assumes they will see more decisions as they go forward; however, he is comfortable with the radius proposed of 2500'.

Mr. Santarsiero stated one of the distinctions between how "ordinary" sexual offenders and sexually-violent predators are treated under the State law is that sexually-violent predators have to register for the rest of their lives; while sexual offenders register for a ten-year period. He stated the proposed Ordinance keys to the period of registration.

When the ten-year period has elapsed, it no longer applies. He stated he feels this makes it more likely that the Ordinance will withstand a challenge.

Mr. Fred Allan asked if there will be a map put together to show organizations which areas are designated. He noted particularly his concern with the area between the girl's softball and boy's baseball fields. Mr. Allan also suggested that the names be obtained from the transfer tax roles and provided to the Police Department of those moving into the Township. Mr. Stainthorpe stated they would miss renters doing it in this fashion. Mr. Allan stated they could get a list of names of those moving in to rental units from the rental developments in the Township. He feels the Realtors would be very cooperative in this as well.

Mr. Garton stated a map will be provided shortly but he wants to make sure that it is clear that this is not an exclusion Ordinance; this is a buffer Ordinance. He stated the 2500' is a buffer – not an exclusion. Mr. Santarsiero stated this buffer was chosen because they felt it provided adequate protection and was more likely to pass Constitutional muster. He stated he feels they will be able to identify these people as they move into the Township the way the notification system works under State law.

Mrs. Godshalk stated currently people who purchase homes or rent in the Township are required to obtain a Move-In Permit so if the Real Estate offices enforce the law they already have, this should be sufficient.

Motion carried unanimously.

APPROVAL OF DEVELOPMENT AGREEMENT AND SET ASIDE ESCROW AGREEMENT FOR BOXWOOD FARMS

Mr. Garton asked that Mr. Fedorchak make certain that he has received the Bond before issuing Building Permits.

Mr. Fazzalore moved, Mr. Fegley seconded and it was unanimously carried to approve the Development Agreement and Set Aside Escrow Agreement for Boxwood Farms.

APPROVAL OF AMENDED FINAL LAND DEVELOPMENT PLAN FOR CONGREGATION BETH EL, PHASE II

Mr. Edward Murphy, attorney, was present with Mr. Mike Cretski.

Mr. Garton stated in 1995 Congregation Beth El received its initial Approval, and they are now returning to the Township for Approval of Phase II. He reviewed possible Conditions of Approval.

Mr. Fazzalore stated a number of residents were present at the Planning Commission meeting when this matter was discussed who were concerned about water run off. Mr. Murphy stated the Township engineer has gone out to the site to see if the proposed facility would have an impact. Mr. Majewski stated he went out to the site on Friday after the rain to see if there were any existing run off conditions from the existing facility and/or whether it would be impacted by the proposed additions; and he did not see anything that would have an impact on some of the problems people are having with drainage. He stated there are extensive wetland areas on the properties on the south side and on the southwest corner of the property abutting the Cinnabar Lane properties and Flint/Fieldstone Court, and they will continue to look at this to see if something could be done during construction. Mr. Fazzalore stated he is concerned with water problems and he wants to make sure the residents are taken care of. Mr. Murphy stated Mr. Majewski has indicated that the conditions will be monitored so that if they do change, they will work with the Township engineer.

Mr. Rick Marsella, 394Twig Lane, stated he is concerned with the height of the lights to be installed. He stated he feels the existing lights are over 20' and he felt that they were told they were 15'. He stated the original Plan was approved ten years ago and a number of the developments in the area were not built at that time. Mr. Majewski stated the new lights will be 15' high. He is not sure of the height of the existing lights. Mrs. Godshalk asked if there are lights that could have a shield so the light does not go toward the homes. Mr. Majewski stated the Plan does show that the light will be directed downward with less spill to the sides. Mr. Marsella noted the grading of the parking lot adding that on the Plan it is shown at the minimum of 1%. He asked if they could get it to 2% which is the minimum required for a grassy area. He stated he lives behind the parking lot and is concerned about the water run off. Mr. Majewski stated they could meet at the site to see this particular location. He added he does not feel that there will be an impact on his property from this facility. He does not feel raising the parking lot grade will have an impact as the water is already being channeled in the direction of the existing detention basin. He feels 1% will be adequate in a heavy rainfall.

Mr. Fazzalore stated at the meeting they asked if there will be a Phase III, and Mr. Murphy stated there is a Plan for Phase III. It is approximately 2,000 square feet which may be done in the next few years, and there is sufficient ground to construct Phase III.

Mr. David Bigos, 391 N. Flint Court, stated he was unable to attend the Planning Commission meeting, but he is concerned with the impervious surface and the run off. He asked if they fall within the impervious surface requirements, and Mr. Garton stated

there is a cap in the Ordinance and they do not exceed it. Mr. Bigos asked if this is considered Commercial property; and Mrs. Godshalk stated it is zoned Residential. Mr. Stainthorpe stated places of worship are permitted in all Residential Zones by Special Exception. Mr. Garton stated they did receive a Special Exception from the Zoning Hearing Board for this use. Mr. Bigos noted the Day Care business, and Mr. Garton stated it is considered under the law as accessory to the religious use. Mr. Bigos asked if the hours of operation will change. Mr. Murphy stated they will not. Mr. Bigos asked if there are time limits on the lights, and Mr. Cretski stated currently they go off by 11:00 p.m. Mr. Bigos asked if the lights could be turned off sooner if there it not a night function. Mr. Cretski stated currently they are on a timer and no one would be there every night to turn them off. Mr. Bigos noted the last several weeks there have been parties held at the facilities. Mr. Cretski stated on Sunday they did have an Open House in the afternoon. Mr. Bigos asked if there is a Noise Ordinance, and Mr. Garton stated there is and they would be subject to the restrictions. It would be measured at the property line as to the decibel level.

Ms. Laura Kaysar, 380 N. Flint Court, noted the grading of the parking lot and stated the water is not all going into the basin. She stated she is getting water in her basement and in a heavy rain they will get more water. Mr. Garton stated one of the Conditions is that the storm drainage issues including the effect of this project on the adjoining neighbors will be monitored throughout the construction period. Ms. Kaysar also asked about the additional shrubbery as she can see the facility from her home. She stated she feels they should have a barrier across rather than small shrubs. Mr. Murphy stated this comment was made at the Planning Commission meeting, and they agreed that if the additional plants proposed for the site can be re-positioned or supplemented to address this condition, they would be happy to work with the Township engineer on this.

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried to approve the Congregation Beth El Amended Final Plan for Phase II, Plans dated 11/8/04, last revised 6/14/05 subject to:

- 1) Compliance with PCs letter dated 8/10/05;
- 2) Compliance with CKS letter dated 7/25/05;
- 3) To the extent applicable, continued compliance with Conditions imposed at the original Preliminary Plan Approval;
- 4) Deferral of construction of acceleration lane shall, in fact, be installed at this time;
- 5) Compliance with the Jim Yates letter of 7/30/05;
- 6) Receipt of all permits and approvals from any agencies having jurisdiction;
- 7) Funding and execution of Development and Financial Security Agreements;

- 8) Continuing obligation to monitor stormwater with the Township engineer;
- 9) If appropriate, Applicant has agreed to install low shrubs along the perimeter of the expanded parking area to make sure headlights do not interfere with the adjoining neighbor.

Mr. Murphy agreed to the Conditions.

APPROVAL OF FLOWERS-MADANY TRACT FINAL PHASE I FINAL PLAN

Mr. Murphy, attorney, was present with Mr. Bill Briegel.

Mr. Garton reviewed possible Conditions of approval. Mr. Garton stated there has been some question as to whether the Township wanted to accept Fee-In-Lieu of sidewalks on Route 532 or whether they wanted the sidewalks installed.

Mr. Murphy stated when the Board previously saw the Plan it was owned by the Elliot Building Group and since that time Orleans has purchased the property. He noted there was a recommendation that sidewalks be installed when the Bucks Central Church was approved. The Township is now being asked to consider if sidewalks should be installed rather than accepting Fee-In-Lieu so people could walk to the Village Market. After discussion by the Board, it was agreed that sidewalks should be installed.

Mr. Ron DeMao, 638 Washington-Crossing Road, stated his property abuts proposed Lot #6; and he is concerned with the number of conservation easements regarding trees. He asked if it is possible that the Conservation Easement could be located along the property line to include an additional bank of trees. He also noted the tree line where there are numerous buckets which were left from when it was a nursery. He stated there is also a large, rusting flat-bed truck. Mr. Murphy stated this material will be removed. With regard to the expansion of the conservation easement, Mr. Briegel stated the Ordinance permits disturbance for grading up to 5' from the property line and the grading plan currently contemplates grading within 15' of this area. Some trees will be removed.

Mr. Santarsiero stated he is concerned with materials that may have been left on the property. Mr. Briegel stated they did have a Phase I Environmental prepared and came up with nothing, and they will clean up the site as quickly as possible.

Mrs. Godshalk moved and Mr. Santarsiero seconded to Approve Final Plan for Phase I of Flowers/Madany Tract Plans dated 2/27/03, last revised 6/2/05 subject to:

- 1) Continued compliance with Conditions of Preliminary Plan Approval which occurred on 5/2/05 set forth in Mr. Garton's letter to Mr. Shafkowitz dated 5/4/05;
- 2) Compliance with the Zoning Hearing Board Decision of 12/7/04;
- 3) Compliance with the PCS letter dated 7/1/8/05;
- 4) Compliance with the CKS letter dated 6/29/05;
- 5) Receipt of permits and approvals by any agency having jurisdiction;
- 6) Funding and execution of Development and Financial Security Agreements;
- 7) Installation of sidewalks along Route 532;
- 8) Subject to installation of sewer easement, conservation easement for trees within a 15' area except as revised by the Plan.

Mr. Murphy agreed to the Conditions of Approval.

Ms. Torbert asked how close the houses are to Lindenhurst/Washington Crossing Road. Mr. Murphy stated there are none backing up to Lindenhurst Road. Mr. Briegel stated there are two lots that back up to Washington Crossing Road and there is a 100' building setback line requirement due to the classification of the Road. This is southeast of Stoopville below the market. Ms. Torbert stated possibly they should notify the potential purchasers of the quarry trucks in the area. Mr. Garton stated this is not in the Right-To-Know requirements as they are using the State highways.

Motion carried unanimously.

APPROVE GRANT OF EXTENSIONS

Mr. Fazzalore moved, Mr. Santarsiero seconded and it was unanimously carried to grant the following Extensions:

- Fieldstone Plan No. 496-N (Harris Farm) to 1/17/06
- Fieldstone Plan No. 549 (Harris Farm) to 1/17/06
- Lower Makefield Township Patterson Farm to 3/25/06
- Flowers Madany Tract Phase I and Phase II to 12/20/05

TABLING ACCEPTING DEDICATION OF PEAKE FARM

Mr. Garton stated the dead trees have been removed from the open space and there is a clear letter that all other issues have been resolved.

Mr. Santarsiero moved and Mr. Fegley seconded to accept dedication of the Peake Farm.

Mrs. Godshalk asked about the upgrading of the trees that were installed which were too small. Mr. Majewski stated they replaced a number of trees with trees of the proper caliper and have also planted some additional trees for the ones that were slightly under the requirement. He stated there are a few that are slightly under the 2 ½” caliper size but rather than take out a healthy tree with something that was ¼” larger in diameter, they had them place other trees in the development. Mrs. Godshalk asked if the Township engineer has checked out the wooded open space area since the Township will now be responsible for this. Mr. Majewski stated they did remove some dead trees.

Mrs. Godshalk noted an area along Oxford Valley Road near the playground where trees were leaning on each other. Mr. Majewski stated he could look into this matter again.

Mr. Garton stated the Township engineer could go back out; and if there is a problem, they would not record the Deed. It was agreed to table the matter to the next meeting.

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried to table Dedication of Peake Farm.

ZONING HEARING BOARD MATTERS

With respect to the Steven and Barbara Santucci, 1515 Makefield Road, Variance request to construct front porch encroaching into the Special Setback of Makefield Road, it was agreed to leave this to the discretion of the Zoning Hearing Board.

With respect to the Edward and Sharon Gribbon, 761 West Melissa Circle, Variance request to construct a shed encroaching into the Special Setback of a Collector road, it was agreed to leave this to the discretion of the Zoning Hearing Board.

Mr. Fegley moved, Mr. Santarsiero seconded and it was unanimously carried that with respect to the Richard Geers, 17 Maplevale Drive, Variance requests to construct an addition, driveway, and garage resulting in greater than the permitted impervious surface and garage height in excess of 15’, the Solicitor is authorized to attend the meeting, obtain additional information, and report back to the Board of Supervisors.

SUPERVISORS' REPORTS

It was noted that some of the Liaison listings shown on the Agenda are incorrect and appear to be the list from last year.

Mr. Santarsiero stated Mr. Bray has advised that the EAC would like to extend an invitation to the Board of Supervisors to a lecture on 10/16/05 at 2:00 p.m. regarding flooding. He stated the EAC is trying to put together a number of different seminars. He also asked that the Board of Supervisors urge the members of the Planning Commission and the Zoning Hearing Board to attend this next seminar as well as this is useful information for those making decision related to development.

AUTHORIZE TOWNSHIP SOLICITOR TO PROCESS RENEWAL OF LIQUOR LICENSE AT MAKEFIELD HIGHLANDS GOLF COURSE AND EXPAND THE LICENSED AREA (STORAGE AREAS)

Mr. Garton stated it is necessary to renew the Liquor License for the Golf Course. He also noted that when the Township designed the Golf Course, they had a storage room in the basement for the beer, etc.; and they would like to have that area licensed as well so they can store in that location and secure it.

Mr. Santarsiero moved, Mr. Fegley seconded and it was unanimously carried to authorize the Township Solicitor to process renewal of the Liquor License at Makefield Highlands Golf Course and to expand the Licensed area (storage areas.)

APPROVE RESOLUTION NO. 2094 AUTHORIZING BERKHEIMER & ASSOCIATES TO IMPOSE AND RETAIN THE COST OF COLLECTION OF DELINQUENT TAXES

Mr. Garton stated this will authorize the collector to assess certain costs in their collection of funds.

Mr. Santarsiero moved, Mr. Fegley seconded and it was unanimously carried to approve Resolution No. 2094 authorizing Berkheimer & Associates to impose and retain the cost of collection of delinquent taxes.

APPROVE RESOLUTION NO. 2095 AMENDING THE NON-POLICE RETIREMENT PLAN

Mr. Garton stated consistent with the collective bargaining agreement with the Maintenance Department employees, he has prepared a Resolution that amends the Non-Uniform Police Pension relating to increasing the calculation from 1.75% to 2%.

Mr. Fazzalore moved, Mr. Santarsiero seconded and it was unanimously carried to approve Resolution No. 2095 Amending the Non-Police Retirement Plan.

APPROVAL OF ORDINANCE NO. 353 AMENDING PROVISIONS OF THE POLICE PENSION PLAN

Mr. Garton stated this has been advertised for consideration this evening and will amend the Police Pension Plan consistent with the arbitration award. He reviewed the amendments made.

There was no public comment.

Mrs. Godshalk moved, Mr. Santarsiero seconded and it was unanimously carried to approve Ordinance No. 353 Amending Provisions of the Police Pension Plan.

OTHER BUSINESS

Mr. Garton announced that the Board of Supervisors was in Executive Session from 6:00 p.m. to 7:15 p.m. interviewing three candidates for vacancies on various Boards and Commissions as well as to discuss several legal and real estate matters pending before the Board.

APPROVAL TO CANCEL THE 10/3/05 BOARD OF SUPERVISORS' MEETING DUE TO THE JEWISH HOLIDAY

Mr. Santarsiero stated he would prefer not to meet that night but would not have a problem with re-scheduling the meeting. Mr. Stainthorpe noted it is very difficult to re-schedule the meetings.

Mr. Santarsiero moved, Mr. Fegley seconded and it was unanimously carried to cancel the meeting of 10/3/05 in light of the Jewish Holiday.

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APPOINTMENTS

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried to appoint Jodi Litus to the International Building Code Appeals Board.

There being no further business, Mr. Santarsiero moved, Mr. Fazzalore seconded and it was unanimously carried to adjourn the meeting at 9:15 p.m.

Respectfully Submitted


Grace Godshalk, Secretary



Township of Lower Makefield

BOARD OF SUPERVISORS
Pete Stainthorpe, Chairman
Scott I. Fegley, Vice-Chairman
Grace M. Godshalk, Secretary/Treasurer
Frank J. Fazzalore, Supervisor
Steven J. Santarsiero, Supervisor

**SEPTEMBER 2005 WARRANT LISTS AND
AUGUST 2005 PAYROLL COSTS FOR APPROVAL
SEPTEMBER 19, 2005 BOARD OF SUPERVISORS MEETING**

09/06/05 Warrant List	\$ 269,118.68	
09/05 Manual Checks	201,174.91	
09/19/05 Warrant List	323,788.29	
Total Warrants & Prepays		794,081.88
<u>PAYROLL COSTS:</u>		
August 2005 Payroll	376,998.12	
08/05 Payroll Taxes, etc.	28,909.20	
Total Payroll Costs		405,907.32
TOTAL TO BE APPROVED		\$ 1,199,989.20

