

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES - JULY 21, 2003

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on July 21, 2003. Chairman Godshalk called the meeting to order at 7:30 p.m. noting that Chief Coluzzi is in charge of the Township in the absence of Mr. Fedorchak who is on vacation. She advised that the Board had been meeting in Executive Session since 6:30 p.m. discussing legal and personnel matters.

Those present:

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

Others: Jeffrey Garton, Township Solicitor  
Robert Williams, Township Engineer (joined meeting in progress)  
Kenneth Coluzzi, Chief of Police

Absent: Terry Fedorchak, Township Manager

PUBLIC COMMENT

Ms. Sherry Eselsay asked about the status of the timing of the lights on Lindenhurst Road. Mr. Stainthorpe stated Mr. Williams did go out and time the lights and advised that they were within spec, but was going to go back and time the lights again at a different time of the day. Mr. Hackman stated the timing on the light is a problem and people are turning left on red as it appears that the light is not working.

Mr. Williams joined the meeting at this time.

Mr. Williams stated he and Mr. Fedorchak did go out last week between 1:00 p.m. and 2:00 p.m. and timed the light approximately two dozen times and it was only between 56 and 62 seconds. He noted he has also timed the light during the peak between 4:00 p.m. and 6:00 p.m. and achieved the same times. He has not experienced the three to eight minute delays that others have reported. He stated it is in default mode and it is PennDOT's default setting. He feels the problem is with the loop sensors and the repair of these could be accelerated if the Township was willing to pick up the expense. Mr. Hackman stated he feels the default should be changed to fifteen seconds. Mr. Williams stated PennDOT sets it for the peak hour and will not allow it to be set for 15 seconds as this would have a negative impact on the flow of traffic during the peak hour. The volumes of traffic on the roadway indicate that it should be 60 seconds for this particular light. Mr. Garton suggested that they ask PennDOT if they would reimburse the Township if they fixed the road. Mrs. Godshalk stated even if they cut the time in half, it would help the situation. Mr. Williams stated they would have to get the permit amended by PennDOT. He stated the time was approved by PennDOT as part of the overall synchronization of lights on Lindenhurst Road, and the Township would have legal liability if they change the timing without a revision of the PennDOT permit. Mr. Williams

stated he feels PennDOT will tell the Township they should improve the loop sensors, and he feels this is the quickest solution. Ms. Eselsay asked about the light at 532. Mr. Williams stated this light is in Upper Makefield and to his knowledge the work was to be done last week although he has not received a report on this as yet. He agreed to look into this matter.

Ms. Virginia Torbert asked if the Township has heard from PennDOT about the ramp design at 332. No one was aware of any contact from PennDOT.

Ms. Sue Herman asked for an update on the meeting between PennDOT and the Township on traffic calming measures for Lindenhurst Road. Mr. Williams stated the Township Manager did send PennDOT the information following the last meeting of the Board, but he has not heard of a meeting being set as yet. Ms. Herman asked if she could be provided a copy of the conceptual plan, and Mr. Williams stated he did provide copies to the Township. Ms. Herman stated she did go through the copies of the proposed Master Plan at the Library but the map showing the road classifications was missing. Mr. Williams stated someone may have taken it out. Mr. Hackman stated he did not feel any roadway classifications had been changed. Mr. Stainthorpe stated this is only the draft and public hearings will be held in September. Mr. Garton agreed to look into this matter.

Mr. Bill Gibney thanked the Supervisors for their assistance in getting the speed lowered on Edgewood Road to a safer speed. He stated this has been a team effort. He asked that now that they have received permission from PennDOT to take over maintenance of the road, that they install the 25 mile per hour speed limit signs from Edgewood School to Sandy Run Road as soon as possible since this is the busy season for this road. Chief Coluzzi stated they will be making a recommendation to the Board of Supervisors to lower the speed limit to 25 miles per hour, and this matter will be before the Board at their next meeting. He stated they are going to recommend that the speed be 25 miles per hour from Kings Road to Schuyler. Mr. Hackman thanked Mr. Gibney for bringing this matter to the Board's attention.

#### APPROVAL OF MINUTES

Mr. Fazzalore moved and Mr. Fegley seconded to approve the Minutes of July 7, 2003 as written. Motion carried with Mrs. Godshalk abstained.

#### APPROVAL OF JULY 7 AND JULY 21, 2003 WARRANT LISTS AND JUNE, 2003 PAYROLL

Mr. Fazzalore moved, Mr. Hackman seconded and it was unanimously carried to approve the July 7 and July 21, 2003 Warrant Lists and June, 2003 Payroll as attached to the Minutes.

Mr. Hackman stated the Real Estate Transfer Taxes through June are well above last year which was a record year.

#### DISCUSSION OF ANIMAL CONTROL ORDINANCE AND AUTHORIZATION TO ADVERTISE

Chief Coluzzi stated the current Dog Ordinance needs to be updated to include all animals. The proposed Ordinance also includes a provision for the Police and Animal Control Officer to require immunization of cats and penalties for cats running at large and defecating on property. Mr. Gary Lipsius and Ms. Nicole Thompson were present this evening and have been working with the Chief on this Ordinance. Mr. Garton reviewed some revisions to the proposed Ordinance which the Board should consider for advertisement for a public hearing for September.

Mr. Lipsius stated there is a problem in the Township with feral cats and he was before the Board in February with a petition.

Ms. Torbert asked if a person brought a cat to Macclesfield Park which was unleashed would they be in violation of the new Ordinance. There was discussion whether animals were to be required to be on a leash or only under the owners' "direct control." Mr. Fegley stated he feels "direct control" is vague. Mr. Lipsius stated his main concern was with people in the Township who have numerous feral, unneutered, unvaccinated cats which they allow to roam the Township. Chief Coluzzi stated this gives them the authority to have control over all animals - not just dogs. He stated normally when someone is cited, it is because there has been an ongoing problem.

Mr. Fegley moved, Mr. Stainthorpe seconded and it was unanimously carried to authorize advertisement of the Animal Control Ordinance.

Mr. Lipsius thanked the Police Chief for his help in this matter.

#### APPROVE ANIMAL CONTROL SERVICES AGREEMENT

Chief Coluzzi stated Ms. Thompson has been serving as the Township's Animal Control Officer for several months and has been paid hourly. He noted she has done an outstanding job and has attended training classes. Chief Coluzzi stated she will be on call twenty-four hours a day, seven days a week; and he reviewed her responsibilities under the Agreement. She will be compensated at \$1,000 per month. She will be considered as a contractor and will receive no benefits, etc. She will be provided a 1099 at the end of the year and will provide her own liability coverage.

Mr. Hackman asked where Ms. Thompson resides, and she stated she lives in Falls Township.

Mr. Stainthorpe moved and Mr. Hackman seconded to approve the Animal control Services Agreement.

Mr. Ethan Schiller asked how the residents would contact her, and it was noted she is contacted through the Police Department.

Motion to approve carried unanimously.

#### APPROVAL OF ARCHITECTURAL PROPOSALS FOR RENOVATIONS TO THE POLICE FACILITY

Chief Coluzzi stated he was directed to solicit three proposals which he reviewed this evening. Because of the discrepancy in the fees, he did review each proposal with each individual bidder; and each proposal is the same. He noted the Donovan proposal was more comprehensive and professionally prepared, but the work to be done is the same.

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to award the bid to Carrollarchitects in the amount of \$8,700 with the stipulation that no Contract will be signed until both the Township engineer and the Township Manager are satisfied.

#### DISCUSSION OF MEMORIAL GARDEN FUND RAISER

Chief Coluzzi reviewed the details of the Tito Jackson concert to be held on August 30 at Shady Brook Farm. The Concert will end at 10 p.m. Shady Brook will have security and the Police Explorers will help as well. Lower Makefield Township Police will handle safety and the money. There will be no alcohol permitted on the premises. He stated Shady Brook can handle no more than 7500 people. Ms. Tara Bane, Mr. Bill Kelly, and Ms. Ellen Saracini were present. Ms. Saracini stated Tito has agreed to donate 50% of the proceeds to the Memorial Garden. Mr. Kelly stated Shady Brook will provide liability insurance as it relates to the petting animals at the farm.

Mrs. Godshalk stated the Finance Department has advised that \$292,000 has been raised to date and she thanked everyone for their contributions.

#### DISCUSSION OF INFORMAL SKETCH PLAN FOR FIELDSTONE

Mr. John Mahoney, Hovnanian, Mr. Dennis LaRosa, and Mr. Rick Buchholz were present. Mr. Garton reviewed the history of this project. Mr. Hackman asked if Hovnanian owns the property, and Mr. Mahoney stated they have it under Agreement of Sale with the Quaker Group. He stated if a Plan substantially similar to what they are presenting to the Board is approved, they would make sure the title owner and Quaker would release the Township from any claim under the current litigation. Mr. Garton stated this would be a condition of any approval.

Mr. Fazzalore expressed concern with protection of the future homeowners if there are problems related to the dump. Mr. Mahoney stated they have a meeting tomorrow with the DEP and once the costs are none as they relate to the dump, they will decide whether or not they want to move forward with this project. Mr. Hackman stated the Township's position is that the property must be cleaned up or they cannot build on it. Mrs. Godshalk stated she feels they should meet with the DEP tomorrow and then come back to discuss the Plan with the Board. Mr. Hackman stated the Board is concerned because they have gone through this before and nothing was resolved. Mr. Mahoney stated the prior plans were not connected to Hovnanian. Mr. Garton stated he feels if they come back to the Board advising them that they are taking out the dump, they will get a warmer reception.

#### DISCUSSION OF INFORMAL SKETCH PLAN FOR SCAMMELL'S CORNER

Mr. John Mahoney, Hovnanian, Mr. Dennis LaRosa, and Mr. Rick Buchholz were present. Mr. Fegley stated he will not permit any developer to come in and take advantage of what was done illegally by a former developer. He stated they must consider all the woodlands that were previously on the tract. Mr. Hackman stated he understands that this was the opinion of the Planning Commission as well. Mr. Mahoney stated they understand that prior owners have submitted plans, but they do not know what kind of feedback they got. Mr. Garton stated they never submitted anything officially. Mr. Hackman stated the next thing the Township knew, trees were being cut down in violation of the Ordinance. Mr. Hackman stated if people routinely cut down trees, pay a fine, and then develop, the Township may as well not have Ordinances. He stated the Board will not do this. He stated the only way to control this is, if someone does something illegal, they will not be permitted to profit from it. He stated they must consider the tract before the trees were taken down. This was the consensus of the entire Board.

There was discussion on the structures they propose to retain on the property. Mr. Mahoney stated they were not aware there were significant structures other than the main house, and the Planning Commission indicated they should look at the other structures as well. Mr. Garton stated the Historic Commission would have to be brought into this process. Mrs. Godshalk asked if they would use the main house as one or two units, and Mr. LaRosa stated it would be one house and they would sell it to someone who would restore it. The proposed lot would be 30,000 square feet. Mrs. Godshalk stated normally people who are interested in these types of properties want a larger lot around the house.

Mr. Fazzalore noted the entrance off University Drive where there will be a steep incline. Mr. LaRosa stated this is one of the items for which they would request a waiver.

Mr. Paul Krupp, University Drive, asked who owns the property at this time. Mr. Mahoney stated his understanding is that the record title owner is William Erhlich. He is not part of the Quaker Group. The Quaker Group can transfer their interest to Hovnanian. Mr. Krupp stated all the homes surrounding this property are R-2, and the Township Board of Supervisors has agreed that the Zoning will not be changed to anything other than R-2. He stated the Township also agreed that there would be no connection between Yale Drive and University Drive. Mrs. Godshalk stated this was agreed to when there was a Plan before them that was a different Zoning other than R-2. Mr. Mahoney stated their plan is to develop it as an R-2 development.

Ms. Valerie Mahalik stated she is concerned that the developer seems unaware of what is on the property. She feels they should maintain the existing buildings on the property rather than create an additional development. Mrs. Godshalk stated this property would cost a significant amount of money to purchase to leave it as it is. Mr. Garton stated the Township does not have the money to purchase every piece of property in the Township. Mrs. Godshalk stated the Township has worked with a number of developers in the past to preserve some of the historic homes when they develop. She noted in this case the home has not been lived in for approximately fifteen years and therefore it is not in as good condition as other properties they have been able to preserve. Mr. Buchholz stated their expertise is not in historic preservation; and while they do intend to preserve the main house, they would not restore it themselves but would sell it to someone who would restore it.

Mr. Fegley stated they must show them a plan that takes into account the trees that were there previously. It was noted that there are plans in the Township showing the number of trees which were on the tract prior to being cut down.

Mrs. Godshalk asked what price range they are considering, and Mr. Mahoney stated this would depend on the number of homes they could build. Mr. Buchholz stated he anticipates they would cost more than \$500,000.

Mr. Dan Mahalik asked the maximum number of homes they could put on the tract if they took into consideration all the Township restrictions. Mr. Garton stated this is not known, but it would be less than they are currently showing on this plan. Mr. Fegley stated he feels they would get one half or one third of the homes they are currently showing.

Ms. Regina Kepka asked the status of the lawsuit. Mr. Garton stated Mr. Erhlich was fined and there is an injunction. Mr. Erhlich has filed appeals. He noted Mr. Koopman is handling this matter for the Township, and he will get an update and report back at the next meeting. Ms. Kepka stated some of the adjoining properties are getting a wash down because of the trees being taken down. Mr. Garton stated the Township is not responsible for this, and the residents would have a private action against the property owner.

Ms. Torbert asked if the Township would consider this tract for an upscale over 55 community. Mrs. Godshalk stated there are many environmental constraints on this lot, and normally those over 55 do not want large lots. Ms. Torbert stated it would have to be a more clustered development. Mr. Stainthorpe stated they have not yet established the requirements for an over 55 community and this will probably be considered during the Master Plan discussion.

#### GRANT EXTENSION OF TIME FOR BOXWOOD FARMS

Mr. Stainthorpe moved, Mr. Fegley seconded and it was unanimously carried to grant an extension of time to JAM Enterprises Group, Ltd. for Boxwood Farms until 10/30/03.

#### GRANT CERTIFICATE OF APPROPRIATENESS FOR WOODSIDE PRESBYTERIAN CHURCH

Mr. Fazzalore moved and Mr. Hackman seconded to grant a Certificate of Appropriateness for the Woodside Presbyterian Church roof.

Mr. Fazzalore stated this was reviewed by HARB and a recommendation was made. Mr. Fegley stated he is a member of the Church and will not vote on this matter; however, there is an additional issue which is not part of the Certificate of Appropriateness but will become an issue when permits are applied for. Mr. Tom Harsha and Mr. Bob Jones representing the Church were present. Mr. Harsha stated the roofer has suggested they cover some existing soffits with vinyl for uniformity and ease of maintenance, but HARB has suggested that this remain wood as it faces the Historic District. Mr. Harsha stated 2/3rds of the soffit approved in 1998 was covered in vinyl but that section does not face the Historic District. The soffit is off white and the existing wood is brown; but the portion they are discussing is virtually invisible from the road. Mr. Jones stated it is on the

underside, and he does not feel they would be able to see it from the nearest corner of the Historic District.

Mr. Hackman asked if they have pictures and these were provided. Mrs. Godshalk asked if this was discussed with HARB, and Mr. Harsha stated it was. Mr. Hackman asked if the Church itself is in the Historic District, and there was some uncertainty over this matter. Mr. Fegley stated while the Church is not in the Historic District, they do abut it. Mrs. Godshalk stated the addition constructed by the Church was subject to Historic review. Mr. Fazzalore stated when they appeared before HARB, the contractor stated he was going to use galvanized tin for the drip edge, and HARB was not in favor of this. Mr. Stainthorpe stated this is not a historic building, and he does not feel white vinyl is offensive. Mr. Fegley stated the materials they are considering are the same materials which were used in the addition which was recently built.

Mr. Stainthorpe asked if they would have to get a new **Certificate of Appropriateness** for the soffit, and Mr. Garton stated the Board of Supervisors could add this. He noted HARB is only a recommending Board.

Mr. Stainthorpe moved and Mr. Hackman seconded to amend the motion that they include vinyl soffit and vinyl trim to match. Motion carried with Mr. Fazzalore, Mr. Hackman, and Mr. Stainthorpe in favor, Mr. Fegley abstained, and Mrs. Godshalk opposed.

#### AWARD BIDS FOR 2003 PAVING PROGRAM

Mr. Fazzalore moved, Mr. Hackman seconded and it was unanimously carried to award Contract No. 1 to James D. Morrisey, Inc. in the amount of \$251,250.40 and Contract No. 2 to Asphalt Industries in the amount of \$39,244.40.

#### SUPERVISORS REPORTS

Mr. Hackman stated a significant amount of work has been done on the Golf Course and the work continues. They are on schedule to put the grass seed down in August.

Mr. Fazzalore asked Ms. Sheridan to call a meeting of the Pension Committee without Manchester. Ms. Sheridan asked if they should have it now or wait until mid-October, and Mr. Fazzalore asked that it be held before October.

#### DISCUSSION OF \$500 PLEDGE IN SUPPORT OF BCATO'S FILING OF AN AMICUS CURIA BRIEF IN SUPPORT OF UPPER MAKEFIELD TOWNSHIP IN THE MATTER OF THE DOLINGTON LAND USE APPEAL

Mr. Fazzalore stated as President of BCATO, he will not take part in this discussion.

Mr. Stainthorpe moved to pledge \$500 in support of BCATO's filing of an Amicus Curia Brief in support of Upper Makefield Township in the matter of the Dolington Land Use Appeal. There was no second to the Motion, and the Motion failed.

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APPOINTMENTS

Mr. Hackman moved, Mr. Stainthorpe seconded and it was unanimously carried to appoint Judith Filippo to the Elm Lowne Committee.

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to appoint Martin Healey to the Sewer Authority.

There being no further business, the meeting was adjourned at 9:10 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Frank J. Fazzalore".

Frank Fazzalore, Secretary





# Township of Lower Makefield

## JULY 2003 WARRANT LISTS AND JUNE 2003 PAYROLL COSTS FOR APPROVAL JULY 21, 2003 BOARD OF SUPERVISORS MEETING

07/07/03 Warrant List	\$ 362,266.66	
07/03 Manual Checks	37,407.26	
07/21/03 Warrant List	1,543,992.51	
Total Warrants & Prepays		1,943,666.43
<u>PAYROLL COSTS:</u>		
June 2003 Payroll	345,672.80	
06/03 Payroll Taxes, etc.	26,443.96	
Total Payroll Costs		<u>372,116.76</u>
TOTAL TO BE APPROVED		\$ <u><u>2,315,783.19</u></u>

