

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - DECEMBER 15, 2003

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on December 15, 2003. Chairman Godshalk called the meeting to order at 7:30 p.m. noting that the Board had been meeting in Executive Session since 6:00 p.m. to conduct interviews for vacancies on Township Boards and Commissions and to discuss legal matters.

Those present:

Board of Supervisors: Grace Godshalk, Chairman
Wes Hackman, Vice Chairman
Frank Fazzalore Secretary/Treasurer
Scott Fegley, Supervisor (joined meeting in progress)
Pete Stainthorpe, Supervisor

Others: Terry Fedorchak, Township Manager
Jeffrey Garton, Township Solicitor
Robert Williams, Township Engineer
Captain Thomas Roche, Police Department

PUBLIC COMMENT

Mr. Samuel Conti, Sutphin Road, asked how much money the Board of Supervisors plans to spend on developing Memorial Park. Mr. Hackman stated the original estimate was \$4 million to improve the Park, before the inclusion of the Memorial. At this time, they do not yet have a revised figure. Mr. Fazzalore stated the Board has authorized \$1 million for the road and utilities into the Memorial and nothing further at this time. Mr. Conti reviewed what is included on the Plan for the Park. Mr. Hackman stated those improvements are not included in the \$1 million which has been authorized. Mrs. Godshalk stated those amenities noted by Mr. Conti are shown on the Park Master Plan. Mr. Conti asked if it would be appropriate to consider building a Senior Center at that location since they are already building the road. Mr. Hackman stated he does not feel that is the proper location for the Senior Center. He stated the Township owns property across the street from the Municipal Building which he feels would be a better location. Mr. Fazzalore stated the Senior Center is presently off the Agenda. He stated nothing has been provided for a Senior Center in the 2004 Budget. Mrs. Godshalk stated the costs of the Memorial itself are being raised separately, and are not an expense to the Township. Mr. Stainthorpe stated they could consider a Senior Center for Memorial Park at some time in the future. He stated there is a Master Plan for that site but it does not include a Senior Center. He stated at this time there are no plans for a Senior Center.

Ms. Marcy Conti, Wrightstown, stated there will be third quarry expansion in Wrightstown. She stated there is no limit on the stone production of the quarry that is being expanded and there is nothing in the Agreement limiting the production of stone. This will result in 100 more years of quarrying. She stated no traffic study was required by the Township and none of the money that Wrightstown will receive from Eureka will go towards traffic safety. She showed this evening truck parts taken from neighboring yards which came off of trucks using the roads. She commented on a recent near miss involving a School bus and a truck. She stated she did go to the State Transportation Hearing with

regard to the TIP Program, and Secretary Biehler looked stunned when he watched the video presented by Ms. Herman. She feels he has been given misinformation in the past about the road situation. She stated there has never been a rejection out of District 6 when a Township requested taking over a road until the Lindenhurst Road turnback was denied. She is concerned about Rep. Stell's actions with regard to these matters.

Ms. Herman asked who will be representing the Township at the upcoming traffic meeting, and it was noted that Mr. Fedorchak, Mrs. Godshalk, and Mr. Williams will be attending. Ms. Herman asked that they fight for traffic-calming on Lindenhurst Road. She stated she was very disturbed that this was not approved on the TIP Program. She stated they did select the Stoopville Road rehabilitation project which calls for widening and straightening Stoopville Road which will bring more traffic at higher speeds. She is concerned that the Northern By-Pass will become a reality. She stated no children along the residential roads should have objects like those shown by Ms. Conti this evening flying at them when they are playing in their yards or waiting at the bus stops. Mr. Fedorchak stated his number one priority was to gauge the resolve on the part of Newtown, Wrightstown, and PennDOT to make sure both culverts are upgraded and that the re-alignment of Swamp Road is followed through with. They will also comment on the traffic calming measures which PCS has identified for Lindenhurst Road, some of which were approved. Mr. Williams stated they heard informally from the District 6 Field Representative that they would consider the medians, but were not in favor of any of the raised features. Ms. Herman stated she feels they should continue to note that Mr. Warren has a clear conflict of interest. She would like the Township suggestions reviewed at the Harrisburg level.

Ms. Godshalk stated she was in the Lindenhurst Road area recently and people are exceeding the speed limit. She stated this is now a more residential area than it was in the past, and the speed limits have remained the same as they were when they were rural roads. She feels the speed limits should be reduced. Ms. Herman stated she feels they should take a stand that they want speed humps. Captain Roche stated speed humps can be used for driver alertness as opposed to speed bumps that could create problems when vehicles are traveling 35 to 40 miles per hour. Ms. Herman stated Mr. Hoffman has suggested traffic calming measures for Worthington Mill Road.

Ms. Conti stated Wrightstown has written a letter in reference to the culvert revisions rejecting the plan as they do not feel it conforms to their requirements. Ms. Conti agreed to provide a copy of this letter to Mr. Fedorchak.

PRESENTATION OF PLAQUE/GIFT TO WES HACKMAN

Mrs. Godshalk presented a plaque/gift to Mr. Hackman in honor of his years of service to the Township.

APPROVAL OF MINUTES

Mr. Fazzalore moved and Mr. Stainthorpe seconded to approve the Minutes of December 1, 2003 as corrected. Motion carried with Mrs. Godshalk abstained.

APPROVAL OF RESOLUTION NO. 2049 - INCREASING PARK & REC FEES

Mr. Fazzalore stated there has been prior discussion regarding raising the Park & Recreation Fees. He stated they have proposed increasing the user fees effective July 1, 2004 and raising the resident user fee from \$8 to \$15 and the non-resident user fee from \$15 to \$30. Mrs. Godshalk stated this was discussed at the Budget Sessions and prior Board of Supervisors meetings.

Mr. Stainthorpe moved and Mrs. Godshalk seconded to approve Resolution No. 2049.

Mr. Stainthorpe stated at the last meeting there was a thorough discussion about this and a number of people present felt it was not a good idea. He stated the Park & Recreation Budget is actually a deficit Budget since costs exceed revenues. He stated they can raise the fees and make up \$60,000 or they can look at raising the Park & Recreation tax. In order to cover the deficit they can approve a 2.1 mil increase in Park & Recreation taxes. He stated he feels they should consider what is the fair way to cover expenses. He noted the Pool covers itself 100% through user fees (memberships) and the Golf Course is also to pay for itself 100% through user fees (greens fees and cart rentals). He feels the fair way to do this is to charge those who use the facilities rather than charge the Seniors and others in the Township who may or may not use the fields.

Mr. Hackman stated the Resolution does not indicate that the increase is to be effective July 1, and he feels they should add this. He suggested that they raise the resident fee to \$10 and the non-resident fee from \$15 to \$20. He stated the Park & Recreation Board members felt this increase would not be a burden on the parents or the organizations.

Mrs. Godshalk stated she has received many letters from people complaining about increased taxes and raising the fees to play. She stated a number of people were not told by the organizations that only a small portion of the amount charged goes to the Township. She stated she feels the people signing up to play for these organizations should know how much is actually going to the Township.

Mr. Fegley joined the meeting at this time.

Mr. Gary Cruzan asked what is causing the deficit in the Recreation Budget. He stated if there is not enough revenue, they should cut expenses. Mrs. Godshalk stated they will have to do this. Mr. Fazzalore stated one of the biggest items in the Park & Recreation Budget is repairs to the bikepath system. Mr. Hackman stated Yardley Hunt was one of the first bikepaths built and it is starting to break up. Mr. Fedorchak stated they will spend \$1 million for Park & Recreation and he estimates that \$600,000 of this amount goes toward operation and maintenance expenses. This includes personnel, equipment, etc. He stated \$150,000 will be spent on the bikepaths and another \$180,000 toward retiring debt service. He stated they did have a carry over of about \$394,000 from last year and that will be carried over to 2004. They will be spending all but \$164,000 of that at the end of the year. They will be carrying a positive balance in 2005. He noted that when you look at revenue compared to expenses, this is where the \$230,000 figure becomes relative.

Mr. Steve Santarsiero stated the main driver in the fee increase is the Budget shortfall in 2005. He stated this assumes that the capital improvements budgeted occur as well as those considered for 2005. He stated \$200,000 of those capital improvements relate to the bikepath. He stated if this is one of the main components driving the shortfall for 2005,

Mr. Hackman moved and Mr. Stainthorpe seconded to approve the change order of \$135,549 for a total of \$5,708,456 to be covered by contingencies. Motion carried with Mr. Fegley abstained.

AUTHORIZE PURCHASE OF ADDITIONAL GROUND MAINTENANCE EQUIPMENT

Mr. Taylor stated they are requesting permission to go out to purchase the remaining items needed for maintenance of the grass. This is included in the Operating Budget.

Mr. Hackman moved to approve the purchase of additional ground maintenance equipment at a cost of \$347,824.

Mrs. Godshalk stated she feels all Township equipment should be identified in some way so it is not confused with other equipment that will be brought onto the site. It was noted the equipment is being purchased through the State Contract.

Mr. Stainthorpe seconded, and the Motion carried with Mr. Fegley abstained.

AUTHORIZE SOLICITING BIDS FOR GOLF CARTS

Mr. Taylor stated one of the sources of revenues is rental of golf carts, and these are not available on the State bid list. He stated there are three major vendors, all of whom supply vehicles capable of meeting their needs. They estimate they will need seventy-five standard carts and five specialty carts. Mr. Hackman stated they hope their association with Kemper will give them a good price.

Mr. Fegley asked if the Course meets ADA requirements. Mr. Taylor stated the Clubhouse will meet requirements, and they will probably have to provide some specialty carts. Mr. Arterburn stated you have to provide access from a car to a cart. He stated they have never been involved in a project where ADA applied outside of the Clubhouse and getting into a cart.

Mrs. Godshalk asked if they have considered leasing carts, and Mr. Taylor stated they are going to look into this option as well as outright purchase and re-conditioned carts.

Mr. Hackman moved and Mr. Stainthorpe seconded to authorize going out to bid for golf carts for a total of \$312,500 and to look into purchase and leasing of new or re-conditioned equipment. Motion carried with Mr. Fegley abstained.

AUTHORIZE PURCHASE OF SHOP EQUIPMENT, OFFICE EQUIPMENT AND GROUNDS EQUIPMENT

Mr. Taylor noted the items included in this category. He stated he is not sure that all of these items are on the State bid list although many may be because the State does have Golf Courses. They will look into this first and then go out to bid if necessary. Mr. Taylor noted these items are in the Budget.

Mr. Hackman moved and Mr. Stainthorpe seconded to authorize the purchase of shop equipment, office equipment, and grounds equipment at a cost of \$150,000. Motion carried with Mr. Fegley abstained.

APPROVE EXTENSION OF RAINMAKER CONTRACT

Mr. Taylor stated they are requesting extension of Rainmaker's Contract through June 30, 2004 at a cost of \$53,000 and, if necessary, through July and August at no charge. Mr. Fazzalore asked why they have to extend this since there are others who can do this work. Mr. Taylor stated under the State Contracting regulations, they could not go out for a general contractor. Under most normal construction projects of this sort there is a general contractor who goes out to sub-contractors for much of the work. He stated the Clubhouse and Maintenance Building are still being built, and they would prefer having one individual coordinate the work. Mr. Stainthorpe asked how many days a week they anticipate being on site. Mr. Arterburn stated they would be on site one to two days a week until the Clubhouse is done which should be by mid-May. He stated he is currently spending thirty to forty hours a week on the project. Mr. Stainthorpe stated while he will be voting in favor of the Contract extension, he feels they need to make sure that they are on schedule and probably they should have Mr. Arterburn attend the Board meetings once a month to give an update. Mr. Arterburn agreed and stated he has been asked by Mr. Fedorchak to provide weekly reports as well. Mr. Stainthorpe stated he wants to make sure that the Course is ready to open July 1. Mr. Taylor stated he and Mr. Arterburn are in constant communication. Mr. Hackman stated he feels the project will be brought in on Budget and on time.

Mr. Hackman moved and Mr. Stainthorpe seconded to extend the Rainmaker Contract through June 30, 2004 at a cost of \$53,000 and, if necessary, through July and August at no charge. Motion carried with Mr. Fegley abstained.

Mr. Taylor stated a few pictures of the Course were included in the Board's packet. He noted the Yardley News also recently ran two excellent photos of the Course.

Mr. Arterburn stated at the Planning Commission and Zoning Hearing Board meetings they discussed the Type 1 Buffers, and they have had discussions with all twenty-nine neighbors. They are down to only two which still need to be resolved. They hope to have these resolved tomorrow morning. Mr. Fazzalore stated he did meet with Mr. Neil Russo who indicated he was very satisfied.

DISCUSSION ON LIQUOR LICENSE AND MOTION TO FILE AN APPLICATION WITH THE LIQUOR CONTROL BOARD

Mr. Taylor stated the Golf Committee has recommended that the Board of Supervisors make application for a Liquor License.

Mr. Fazzalore moved and Mr. Stainthorpe seconded to file an Application with the Liquor Control Board for a full Liquor License as part of the Golf Course operation.

Mr. Stainthorpe stated residents have indicated that they want to make sure that the Golf Course is self-sufficient, and he feels they need to do everything they can to maximize use

of the Course. He does not feel that this will be a destination bar, and it will not be open after dark.

Mrs. Godshalk stated from the beginning she has been opposed to a Liquor License and would have been opposed to the Golf Course had she known that it would have a Liquor License. She stated Lower Makefield is a dry community, and for the Township to go above the other businesses who cannot sell liquor is wrong. She stated until the people decide to go "wet", she does not feel they should approve this. She stated if they went "wet" they would have to give out one Liquor License for every 3,000 people so that would mean eleven to twelve Liquor Licenses in the community. Mrs. Godshalk stated those involved in planning Golf Outings can bring in their own liquor.

Mr. Stainthorpe stated he feels the Township can make some money from this. Mrs. Godshalk stated she feels the Township is doing something that is against the Law. A number of other Board members indicated this is incorrect.

Mr. Steve Santarsiero stated he feels it is telling that this issue is being considered at 9:25 p.m. at the last meeting of the year. He feels, as he noted during his Campaign, that if the Board is going to discuss issues such as this, that they should be considered by the entire Township. He stated there is a procedure under State law to consider this, and it is through a Referendum. He stated the last Election was about giving the residents a voice; and if the Board proceeds with this tonight, they are telling the residents who indicated that they wanted a say, that the Board will ignore the residents and do what they want. He stated they have heard for years that the Golf Course will be self-sufficient, and he questions where the urgency is coming from now that they need to sell alcohol. Mr. Stainthorpe stated this has always been under consideration.

Mrs. Godshalk stated she feels they have built a quality Course, and she does not feel liquor is going to make the Golf Course. She stated Middletown Township has been unable to be profitable, and they have a Liquor License. Mr. Sam Spera stated Middletown is in trouble because they are forcing the contractor to stay open when he cannot make money.

Mr. Zachary Rubin stated he believes the residents should make the decision whether to have a wet or dry Township, and the Board of Supervisors should not put themselves above the businesses or the residents. He stated he does feel they can re-visit this and bring it to the community and let the people decide.

Mr. Pat Smith, N. Kimble, stated he feels the Golf Course must be self-sustaining on its own and without a Liquor License. He is also concerned about the liability of selling liquor at the Golf Course.

Mrs. Godshalk stated she is concerned that if bars are built in the Township, this will also increase Police overtime.

Mr. Fedorchak read from the Pennsylvania Liquor Control Board Code as it relates to retail licenses. He stated there is a special section for Municipal Golf Courses which states a License may be issued to a Municipality where the electors have voted to prohibit the sale of liquor.

Mr. Santarsiero stated the issue is not whether or not they will be complying with the Law, it is whether or not it is the right thing to do. He stated he does not feel it is the right thing to do. He stated if they feel alcohol should be sold, they should go to the Electorate and ask them. He stated he does not feel there was sufficient notice given that this issue was to be considered.

Mrs. Godshalk moved to table. Motion died due to lack of a second.

Motion to approve filing Application carried with Mr. Fazzalore, Mr. Hackman, and Mr. Stainthorpe in favor, Mrs. Godshalk opposed, and Mr. Fegley abstained.

Mr. Taylor presented Mr. Hackman with a memento thanking him for his work on the Golf Course.

DISCUSSION OF PLAN FOR RECONFIGURATION OF PARKING LOT AREA AT OXFORD OAKS SHOPPING CENTER AND AUTHORIZATION FOR TOWNSHIP MANAGER TO CONTACT OWNERS

Mr. Stainthorpe stated the Planning Commission has expressed concern with the parking lot configuration at Oxford Oaks Shopping Center which they feel is dangerous. This matter came up during discussions about the Super Fresh renovations. The engineer and the Police Department worked together to prepare the Plan for the reconfiguration of the parking lot.

Mr. Williams stated the Planning Commission is asking that the Board of Supervisors consider if they would like them to proceed with these discussions and to have the Township contact the owners of the Shopping Center.

Mr. Stainthorpe moved, Mr. Fazzalore seconded and it was unanimously carried to authorize the Township Manager and the engineer to contact the owners of the Oxford Oaks Shopping Center for the purpose of discussing a reconfiguration of the parking lot.

APPROVE EXTENSION FOR FLOWERS/MADANY SUBDIVISION, FIELDSTONE (HARRIS FARM), RONALDO/ADA PROPERTIES, AND LMT PATTERSON FARM MINOR SUBDIVISION

Mr. Stainthorpe moved, Mr. Fegley seconded and it was unanimously carried to approve the following Extensions:

Flowers/Madany Subdivision, Washington Crossing Road to 3/20/04
Fieldstone (Harris Farm), Edgewood Road to 3/31/04
Ronaldo/ADA Properties, Edgewood Road to 4/9/04
LMT Patterson Farm Minor Subdivision, Mirror Lake Road to 4/9/04

TABLING DEDICATION OF THE ESTATES AT PEBBLE CREEK, DOLINGTON ESTATES I, PHASE IV, AND DOLINGTON ESTATES II

Mr. Stainthorpe moved, Mr. Hackman seconded and it was unanimously carried to table Dedication of The Estates at Pebble Creek, Oxford Valley Road; Dolington Estates I, Phase IV, Lindenhurst Road; and Dolington Estates II, Lindenhurst Road.

APPROVE DEDICATION OF LOBERG TRACT

Mr. Stainthorpe moved, Mr. Hackman seconded and it was unanimously carried to approve Dedication of Loberg Tract (Meetinghouse Glen), Woodside Road.

ZONING HEARING BOARD MATTERS

It was agreed to leave to the Zoning Hearing Board the Thomas Mack Variance requests to construct a single-family dwelling at 569 River Road resulting in greater than the permitted impervious surface.

It was agreed that the Solicitor should appeal in opposition to the Paul and Irene Schwarz, 1661 Powderhorn Drive, Variance request to allow their in-ground pool to be enclosed by a fence less than five feet high and with picket spacing greater than 2 inches.

It was agreed to leave to the Zoning Hearing Board the Clifford and Candice Grey, 1507 David Terrace Variance request to construct a covered porch resulting in greater than the permitted impervious surface.

It was agreed that the Solicitor should appear in opposition to the Jeffrey Tenley, 2070 East Wellington, Variance request to construct a fence within an easement.

It was agreed that the Solicitor should appear in opposition to Sandra Baggot, architect, for the property located at 7 Black Rock Road who is requesting several Variances to create handicapped addition.

It was agreed that the Solicitor should appear in opposition to the Cara Mia, LLC, for the property located at Morningside and Terracedale Roads, Variance requests to construct a single-family dwelling. Mr. James Bray and Ms. Linda Smith were present with regard to this matter. Mr. Bray stated they are property owners in the area. He read his letter to the Board (copy attached to the Minutes) noting his concern with development of the property which is in the wetlands. He is also concerned about the impact on trees and wildlife and concerns over impervious surface. He does not feel the property is suitable for development. He noted the neighbors have also retained an attorney for the purpose of opposing this Application. Mrs. Godshalk stated there is a lot of history with this property and noted a home built on Edgewood Road owned by the same individual where there was a problem with the wetlands. She stated there is also a requirement that a home be built on a Township road which would be a problem with this property.

SUPERVISORS REPORTS

Mr. Fegley stated the Environmental Advisory Council voted not to host Earth Day in 2004 because of the immense amount of time they devoted to the Event in the past and the problems they have had with the weather.

APPROVE APPOINTMENT OF BOUCHER & JAMES TO PERFORM ENVIRONMENTAL REVIEW RELATING TO THE MEMORIAL PARK LAND DEVELOPMENT

Mr. Fedorchak stated the Township received a Grant from HUD in the amount of approximately \$90,000 for architects, etc. for the 9-11 Memorial. They are required to have an environmental assessment. This is in much more detail than what has been done in the past. He stated Boucher & James has indicated this will cost \$3,400. Mr. Fazzalore stated they have indicated that if more is necessary, a second report may be required. Mr. Fedorchak stated this would be dictated by HUD, and they may accept this one report. This cost will come out of the Grant money.

Mr. Stainthorpe moved, Mr. Fazzalore seconded and it was unanimously carried to appoint Boucher & James to perform the Environmental review relating to the Memorial Park Land Development in the amount of \$3,400.

MOTION TO FILE AN EQUITY ACTION FOR CODE VIOLATIONS AGAINST 979 SANDY RUN ROAD

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to authorize filing an equity action against 979 Sandy Run Road for Code Violations.

OTHER BUSINESS

Mr. Cruzan stated he is aware of one of the Township's oldest war Veterans who is living in a home that is in very bad repair. It was noted that this individual does not own this property. Mr. Cruzan stated out of respect, he feels the Township should do something to help this individual. Mr. Hackman stated the problem is the landlord's solution may be to tell this individual that he must leave the property. Mr. Fedorchak stated he feels Mr. Troilo is the owner of this property. Mr. Cruzan stated he feels some pressure should be brought to bear, and Mr. Fedorchak agreed to look into this matter.

APPOINTMENTS

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to appoint Brad Hoffman to the Cable TV Advisory Board.

Mr. Stainthorpe moved and Mr. Fazzalore seconded to appoint Cynthia Harrison and Fred Allan to the Planning Commission. Mr. Santarsiero stated he wanted to participate in the interviews that took place this evening. He stated he does not feel holding interviews behind closed doors conforms to the Sunshine Act. He asked that Mr. Garton provide a

written opinion on this. Mr. Garton stated he can provide his opinion on this matter this evening and stated the Board must conduct public interviews for anyone being considered for the Board of Supervisors or the Board of Auditors. Interviews for candidates being considered to serve on Advisory Boards can be conducted in Executive Session.

Mr. Garton was asked to send his written opinion on this to the Board of Supervisors. Mr. Santarsiero stated he feels the Board of Supervisors should want to hold these meetings open to the public so that it does not give the sense of impropriety. He feels it would be a good way to get people involved, and he feels the public should be present when these interviews are conducted. He stated he will bring this matter up again once he takes office.

Mr. Fegley moved to table the vote on Appointments to the Planning Commission this evening since he was not present to take part in those interviews. Mrs. Godshalk seconded the Motion for the purposes of discussion. She stated she was not present when other interviews took place, and they still proceeded with Appointments.

Motion to table did not carry as Mr. Fegley was in favor and Mr. Fazzalore, Mrs. Godshalk, Mr. Hackman, and Mr. Stainthorpe were opposed.

Motion to appoint Ms. Harrison and Mr. Allan carried with Mr. Fegley opposed.

Mrs. Godshalk moved and Mr. Stainthorpe seconded to appoint Stephen Ross to the Environmental Advisory Council. Mr. Fegley moved to table. Motion to table died for lack of a second.

Ms. Dana Weyrick stated she feels Appointees are always within the "inner circle." Mr. Santarsiero stated Mr. Greg Caiola was one of the candidates before the Board this evening for consideration and he noted his expertise. Mr. Hackman noted the expertise of Ms. Harrison and Mr. Allan. Mr. Santarsiero stated when these interviews are conducted behind closed doors it leaves the opinion that people are doing things that are incorrect.

Motion to appoint Mr. Ross carried with Mr. Fegley opposed.

Mrs. Godshalk moved, Mr. Fazzalore seconded and it was unanimously carried to re-appoint Jo Norum to the Elm Lowne Committee.

There being no further business, the meeting was adjourned at 10:05 p.m.

Respectfully Submitted,

Frank Fazzalore, Secretary