

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – MAY 16, 2005

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on May 16, 2005. Chairman Stainthorpe called the meeting to order at 7:30 p.m. noting that the Board had been meeting in Executive Session since 7:00 p.m. discussing legal and Zoning matters. Mr. Stainthorpe welcomed back Robert Williams, the Township Engineer, who is back from a year's duty serving the Country in the military. Mr. Williams was thanked for his service. Mrs. Godshalk noted that Tim Reeves, one of the Township Police Officers, has been called up for duty and stated the Township wishes him well.

Those present:

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

Others: Jeffrey Garton, Township Solicitor
 Robert Williams, Township Engineer
 Kenneth Coluzzi, Chief of Police

Absent: Scott Fegley, Vice Chairman Board of Supervisors
 Terry Fedorchak, Township Manager

PUBLIC COMMENT

Ms. Sue Herman asked if there was any follow-up regarding synchronization of the lights on the By-Pass. Mr. Garton suggested she contact Mr. Fedorchak tomorrow for an update.

APPROVAL OF MINTUES

Mr. Santarsiero moved, Mr. Fazzalore seconded and it was unanimously carried to approve the Minutes of May 2, 2005 as written.

APPROVAL OF MAY 2, 2005 AND MAY 16, 2005 WARRANT LISTS AND APRIL, 2005 PAYROLL.

Mrs. Godshalk moved, Mr. Fazzalore seconded and it was unanimously carried to approve the May 2, 2005 and May 16, 2005 Warrant Lists and April, 2005 Payroll as attached to the Minutes.

Mr. Fazzalore stated the Finance Director wrote a review for April and included in this was the Lindenhurst Road Grant which was received in April. He stated the liquid fuels were \$606,000 compared to \$586,000 last year. Through April, 75% of the real estate taxes have been collected which is excellent. Ms. Sheridan stated the \$250,000 which was received for the Lindenhurst Road Grant was in the form of a check so it is in the cash balances.

PRESENTATION OF 2004 FINANCIAL AUDIT

Ms. Sheridan was present with Mr. Edward Furman from Maille Falconeiro. Mr. Furman stated the Audit Opinion is on pages 3 and 4. He stated this is the second year under the new format. He stated they have provided a plain, unqualified opinion. Page 5 starts the section where the Township can highlight anything significant that happened during the year and this is written by the Township staff. Mr. Fazzalore noted the net assets of the Township are over \$80 million.

Mr. Furman stated the main Balance Sheet begins on Page 18, and this is the new format. He stated the Pool, the sewer system, and the new Golf Course are set up as business functions where the fees should cover the expenses. He stated the Township has a very liquid situation. He stated they are now recording fixed assets and they should watch the age of the fixed assets. He stated one area of concern is with the sewer system. He noted the strong ratio of debt to assets which results in a very strong balance sheet.

Mr. Furman noted the Profit and Loss Statement shown on Page 19. He stated the net was \$943,000 positive in all the Township activities. This brings them down to the \$80 million in net assets.

Mr. Furman stated the old style Balance Sheet is shown on Page 20. He stated the General Fund balance at the end of 2004 was \$1.3 million which is approximately 20% of the General Fund revenues. He stated the General Fund balance did go down \$351,000 but this still left them with \$1.3 million for the year.

Mr. Furman stated Page 61 is the Budget to Actual comparison.

Mr. Furman noted the Business Type Activity Funds starting on Page 26. Mr. Fazzalore stated they are contemplating that they will have to replace a lot of the sewer lines this year which could cost as much as \$10 million. Mr. Furman noted the Golf Course Fund where they started depreciating the assets; and even in the first year, they show a surplus of over \$57,000 which for a start-up operation is very strong. He stated they also tested the controls at the Golf Course and found that they were very strong.

Mr. Furman stated again this year the Township has a strong Balance Sheet.

Mr. Stainthorpe stated what they have just heard from the independent auditor is that the Township is in very good shape. He stated this is a well-managed Township when it comes to the fiscal side of things. Mr. Furman stated they get great assistance from Ms. Sheridan and the Township staff.

MATRIX DISCUSSION AND MOTION TO AUTHORIZE THE SOLICITOR TO PREPARE THE NECESSARY ORDINANCE AMENDMENTS

Mr. Garton stated at the last meeting he was authorized to file an Application with the Pennsylvania Supreme Court seeking them to vacate an earlier Order and remand the case to Judge Heckler. In anticipation of that, and in order to move the process along, he is asking for authority to prepare the necessary Ordinance Amendments to effectuate this, understanding that until such time as it is signed by the parties and approved by the Judge, nothing will be effectuated. By proceeding now, they will hopefully eliminate any further delays.

Mr. Santarsiero moved and Mr. Stainthorpe seconded to authorize the Solicitor to prepare the necessary Ordinance Amendments.

Mr. Santarsiero stated this allows them to proceed so that if they reach an Agreement on the terms of the deal, they can then go forward quickly. Mr. Fazzalore stated he understands that Matrix is paying for this. Mr. Garton stated legal fees incurred by the Township are charged back to the Applicant.

Mrs. Godshalk stated she still has reservations about this. She stated she is concerned that before they have a signed Agreement in hand, she does not feel they should authorize any work to go forward on any Zoning change. She stated she feels that the Zoning they have in that area will possibly be moved somewhere else; and she does not feel anyone in the Township wants to see any other land that may be zoned Office-Research or Residential re-Zoned because the Courts indicate at some time in the future that since the Township gave a Zoning change to this land which is zoned for High Density Office/Commercial/Industrial they need to provide for it at some other location. She stated she did vote against the “Big Box” but there are other commercial uses which

would bring benefits to the Township. She is not in favor of drafting any Zoning change.

Mr. Stainthorpe stated they are not re-Zoning this land but are simply making Age-Restricted Housing an additional use in the C-3 District. He stated it will remain C-3/Commercial; and if this project does not proceed, it could still be developed as Commercial land. He stated he does not feel there is a risk to proceed at this time. Mrs. Godshalk stated there is a risk because if they re-Zone to allow for this use, they are taking away a use that people might say is rightfully theirs. Mr. Garton stated they are not re-Zoning the property to A-1 (Age-Restricted Housing 1) because the issue they face is that they have to provide for a variety of uses. If they provide those uses and people choose to develop the area devoted for those uses for some other use, the Township does not have the continuing obligation to provide for the other uses someplace else. He stated by making this an additional use, you preserve the viability of this particular tract as being the area zoned for all the uses enumerated. Mr. Santarsiero stated this obviates the need to look elsewhere in the Township to re-Zone. Mr. Garton stated you cannot prevent someone from filing a Curative Amendment, but you can put yourself in the best position to defend yourself. He stated the Law indicates that if you provide the uses and someone chooses to do something differently with the property, you are not penalized.

Mr. Stainthorpe stated they are not approving any Ordinance tonight - they are only allowing the Solicitor to begin the preparation. They will then take this to the Planning Commission and it will come back to the Board. Nothing will take place until the Agreement is signed. Mr. Garton stated they do have certain obligations under the Draft Agreement.

Ms. Virginia Torbert asked the status of the Agreement and asked if it depends on Middletown. Mr. Garton stated there are provisions in the draft Agreement related to Middletown and that Matrix and Bellemead will not request certain uses in the Middletown portion. At this point they are waiting for the Supreme Court to act on the Motion to set aside the Court Order. There is a draft of the proposed Agreement that the lawyers are circulating. Mrs. Godshalk asked what would happen if Middletown asked for something. Mr. Garton stated conceivably it could be crafted that it could not be constructed in that manner.

Mr. Fazzalore noted members of RAM are present who are one of the Parties to this matter. He asked for their comments. Mr. Gary Cruzan stated he feels it is complicated to talk about this at this time. He stated they did make a verbal Agreement to proceed so they do have a timetable and it is time to get on with it.

Mr. Santarsiero stated once they have a proposal in place for a written Agreement it will be public. Once this is agreed upon by all parties, they then go through the public process of all the land use approvals that ordinarily take place understanding that they are

trying to move it forward as Matrix would like to get the project done as quickly as possible. He stated they do want to make sure there is adequate input, and the public will be involved in this process. Mr. Santarsiero stated with respect to Middletown, it is a difficult position for everyone because that part of the negotiation between Matrix and Middletown was slow to start. He stated it has now started; and hopefully, they will have some comfort level as to where this will go. He stated there are some protections in the oral Agreement which have been reached and ultimately the written Agreement that will give a greater degree of certainty as to what will happen on the Middletown portion.

Motion carried with Mrs. Godshalk opposed.

APPROVAL OF RESOLUTION NO. 2083 DESIGNATING TERRY FEDORCHAK AS AGENT FOR FEMA/PEMA RELIEF RELATING TO THE APRIL, 2005 FLOOD

Mr. Stainthorpe stated this names Mr. Fedorchak as the contact person for the Township.

Mr. Fazzalore moved and Mr. Santarsiero seconded to approve Resolution No. 2083 designating Terry Fedorchak as Agent for FEMA/PEMA relief relating to the April, 2005 flood.

Mr. Hoffmeister stated there was a meeting held by FEMA on May 5, the result of which is the document currently before the Board. There is also a meeting scheduled for May 26 to discuss flood insurance and another for June 2 to discuss mitigation possibilities. Mr. Hoffmeister stated the State and the Feds have extended the period an additional six months to request funds.

Motion carried unanimously.

DISCUSSION OF SEWER AUTHORITY MEETING

Mr. Fazzalore stated the Sewer Authority has called for a joint meeting with the Supervisors for May 26. Mr. Hoffmeister stated it is advertised as a partial joint meeting. Mr. Fazzalore stated this relates to the need to replace sewer lines.

DISCUSSION OF GOLF COURSE IDENTIFICATION CARDS

Mr. Stainthorpe stated at the last meeting they discussed this but they did not vote that evening as they did not have real costs. These costs were included in the Board's packet this week. He stated Mr. Fedorchak has estimated it will cost approximately \$5,000 for

computer equipment and supplies. He stated he has also estimated 600 employee hours at \$6,000 and materials of \$1,500 to \$2,000. Mr. Stainthorpe stated if they charge between \$8 and \$10 per card, this would cover the cost.

Mr. Fazzalore stated he is opposed to this because they are not through the first year and if they require the golfers to do something additional such as come to the Township Building to get a card, he is concerned that this will turn people off from golfing at the Course. He would consider this a year from now, but he feels this is a risk he does not want to take at this time.

Mrs. Godshalk stated the cards would not be mandatory until April, 2006. The card they would get now would be good through 2007.

Mr. Stainthorpe stated he is in favor of the idea because it takes away the guesswork.

Mrs. Godshalk moved and Mr. Stainthorpe seconded to proceed with ID cards not to exceed \$10 per card effective as soon as the equipment comes in. This would not be mandatory until April, 2006.

Mrs. Godshalk stated the cards would be good through 2007. After 2007, the card would be expedited with a sticker, etc. and you would not have to get your picture taken again.

Mr. Santarsiero stated while this is not a huge amount of money, he is opposed to spending money that he does not feel there is a need for. He stated when the issue first came before the Board, they were told that Kemper was not checking people when they came in and it was indicated that they should be doing this since this is their job. When they last discussed this with Mr. Draper, he indicated that while you can check, it is sometimes hectic. Mr. Santarsiero stated he did not hear anyone quantifying the problem. He would prefer to wait to see if this is in fact a problem and if there are problems identifying people as they come in and if they cannot do more to get Kemper to be on top of this so they avoid the need of adding another administrative step in the process.

Mrs. Godshalk stated at busy times it is extremely crowded and there could be as many as sixty people checking in within one hour. This way, they would have a card which would expedite the process. She stated there are five different Zip Codes in Lower Makefield Township. Once people get the cards, it will flow much easier and she feels this will be an asset at the Golf Course.

Mr. Stainthorpe stated he feels it takes away the chance of losing revenue. He noted this matter was previously discussed at length.

Mr. Zachary Rubin stated he is concerned that people will now be required to carry another card in their wallet.

Mr. Sam Conti stated previously he had asked why they could not use the Township tax records or Township mailing list and Mrs. Godshalk had indicated that there are a lot of renters in the Township. He stated he did visit four Realtors who indicated the amount of renters in the Township was between 1% to 2%. Mrs. Godshalk noted Brookstone, Cornerstone, Bellemead, and Polo Run all have many renters.

Mr. Joe Sundee stated originally he was opposed because of the need to purchase equipment and having to take a picture. He suggested that people could submit a mailed Application for a card and the Township could then check the address and issue the card. He stated you would then have to present your driver's license to show that you are the legitimate owner of the card. He stated this way people would not have to come to the Township Building. He stated the Township would not have to spend \$5,000 and the golfers would not have to come to the Township Building.

Ms. Laurie Grey asked the hours that the Township Building is open and it was noted they are opened Monday through Friday from 8:00 a.m. to 4:30 p.m. Ms Grey stated people who work would have to take time off from work to come in and get a card. Mrs. Godshalk stated they had discussed having people available at other times.

Ms. Rebecca Cecchine stated having the Township do the cards will not work. She stated she has software and files that she has offered to the Township at no cost and would suggest that they try using her files. She stated she would be willing to set up books by street. She stated she also gets all the new people who move into the Township and she would provide this at no cost to the Township. She suggested that they try it her way and if it does not work, they could try something else. She stated the residents of Lower Makefield are very busy people and if they plan to offer this on one Saturday it may not be convenient for most people. She stated she would like to have the Kemper employees try using her system first.

Motion did not carry as Mr. Godshalk and Mr. Stainthorpe were in favor and Mr. Fazzalore and Mr. Santarsiero were opposed.

AWARD BID FOR WOODSIDE ROAD CULVERT REPLACEMENT

Mr. Williams reviewed the bids which were received. He stated FEMA did require them to have a stone façade. They have asked FEMA if they are going to reimburse the Township for this since they are requiring it, but they have not heard back from them. Mr. Majewski recommended that they proceed with the upgrade of the materials. Mr. Fazzalore noted this is a non-Budget item. Mr. Williams stated if they went with a steel pipe it would bring the cost down to \$168,875.50. Mrs. Godshalk asked if they can put the stone face on this, and Mr. Majewski stated he feels they can. Mr. Garton asked how they can award the bid if they do not know who will pay for the stone face.

Mr. Majewski stated he did speak to someone at FEMA to see if they would reimburse the Township and they indicated they would look into it and get back to them.

Mr. Majewski stated Mr. Fedorchak has been in contact with different members of PEMA and FEMA about reimbursement of the culvert due to Hurricane Ivan and they preliminarily committed to approximately \$150,000 for this replacement. There was another project that had been budgeted for this year (drainage improvements for Makefield Manor) which they are putting on hold until this matter gets resolved.

Mr. Fazzalore stated the Makefield Manor area is a heavy flood area and he is concerned with the impact of postponing that project. Mr. Majewski stated he agrees that the residents in that area may be disappointed, and they would definitely have to put this on the Agenda for next year. If they get sufficient funding from FEMA or PEMA, he feels they could still accomplish that project this year as well. Mr. Majewski stated if they do not go with the stone face, they would not get the \$150,000 from FEMA. Mr. Garton stated it appears they will have to put on the stone face. Mr. Fazzalore asked if FEMA will still pay the \$150,000 if they are replacing it with something different than what was there previously. Mr. Majewski stated they will not pay the \$20,000 difference between the concrete culvert and the steel pipe. He stated steel pipe typically lasts fifty years. The existing one lasted forty to fifty years. He stated a concrete culvert will last approximately one hundred years.

Mr. Santarsiero moved and Mr. Stainthorpe seconded to award the bid for Woodside Road Culvert Replacement with the concrete option to Nimaris Construction, L.P. in the amount of \$189,150.50. Motion carried with Mr. Fazzalore opposed.

SIGNING OF MYLARS FOR BOXWOOD FARM AND TROILO TRACT MINOR SUBDIVISION

Mylars for Boxwood Farm and Troilo Tract Minor Subdivision were signed following the meeting.

ZONING HEARING BOARD MATTERS

It was agreed to leave to the Zoning Hearing Board the Ken and Karen Rebert, 1224 Madison Drive, Variance request to construct an addition resulting in rear yard encroachment.

It was agreed to leave to the Zoning Hearing Board the Michael and Tammy Boucher, 1472 Hidden Pond Drive, Variance request to construct a fence in a sewer easement with plantings in the buffer easement provided the Zoning Hearing Board is reminded about special conditions related to fences in buffers and easements.

It was agreed to leave to the Zoning Hearing Board the Gary O'Connor, Architect, Variance request for the property at 1515 Rolling Green Road to construct a free-standing garage with second-level storage resulting in greater than the permitted height.

SUPERVISORS' REPORTS

Mr. Stainthorpe reminded the Board that they received a draft of the Newsletter and he asked that they review this and provide any comments to Ms. Langtry by Friday.

Mr. Santarsiero stated the Southeastern Bucks League of Municipalities will meet on May 31 at 7:30 at the Morrisville Town Hall. He stated the Agricultural Security District Committee will meet May 25 at 8:30 at the Township Building to discuss the most recent proposal to add land to the Agricultural Security District.

APPROVAL OF RESOLUTION NO. 2084 AMENDING RESOLUTION NO. 2077

Mr. Garton stated that the Board previously extended an opportunity to the employees to waive benefits in exchange for receiving a stipend and they subsequently received a letter from the PBA suggesting that this was inappropriate and they want to negotiate that issue. Mr. Garton stated the prior Motion should be amended.

Mr. Fazzalore moved, Mr. Santarsiero seconded and it was unanimously carried to Approve Resolution No. 2084, Amending Resolution No. 2077 that the previous Motion be amended so that the Police Rank and File be eliminated from the list of persons eligible.

OTHER BUSINESS

Mr. Fazzalore noted the letter from Newtown concerning the By-Pass closed loop system and asked if there is anything that they have to do regarding this. Mr. Stainthorpe stated there is nothing to do at this time. They did ask Mr. Fedorchak to write to them about this matter.

APPOINTMENTS

Mr. Fazzalore moved and Mrs. Godshalk seconded to re-appoint Allyson Kliefoth and James Frawley to the Emergency Management Board.

May 16, 2005

Board of Supervisors – page 10 of 10

Mr. Santarsiero stated he feels these should be held in public and when there are re-appointments, it should be opened up to the public.

Motion carried unanimously.

Mr. Fazzalore stated both the Sewer Authority and Cable TV Board have had vacancies and they have had a hard time getting people to apply.

There being no further business, Mrs. Godshalk moved, Mr. Santarsiero seconded and it was unanimously carried to adjourn the meeting at 8:30 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

**MAY 2005 WARRANT LISTS AND
APRIL 2005 PAYROLL COSTS FOR APPROVAL
MAY 16, 2005 BOARD OF SUPERVISORS MEETING**

05/02/05 Warrant List	\$ 349,180.84	
05/05 Manual Checks	141,629.77	
05/16/05 Warrant List	383,750.65	
Total Warrants & Prepays		874,561.26
<u>PAYROLL COSTS:</u>		
April 2005 Payroll	378,344.48	
04/05 Payroll Taxes, etc.	29,079.35	
Total Payroll Costs		<u>407,423.83</u>
TOTAL TO BE APPROVED		\$ <u>1,281,985.09</u>

