

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – JUNE 20, 2005

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

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  
  Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Ms. Sue Herman thanked the Board for the letter sent to Mr. Hoffman regarding the closed-loop system. She stated they are hoping to get an update at the Task Force meeting to be held this Thursday. She stated the DVRPC is advocating a feasibility study for the rail option for hauling stone and asked that the Board of Supervisors and all other area Municipalities push for this study. She stated this option is currently being done in another area. This would help ease the truck traffic in the Township. She feels this will be discussed at the Task Force meeting on Thursday. Mr. Stainthorpe stated he would like to hear what they propose before they advocate anything. Ms. Herman stated the current study does not include the feasibility of using rail. Mr. Santarsiero stated he does not see any down side to a feasibility study for the rail option. Mr. Stainthorpe stated he would still like to hear what the DVRPC is proposing first including the cost.

Ms. Herman asked how they can find out if it is worth the cost without doing a study. Mr. Stainthorpe stated he would like to hear the facts first Thursday night including the cost and who would pay for it. Mrs. Godshalk stated she too would like to hear whether they are capable of performing such a study. She would also like to see what is presented at the meeting and then they can bring it back to the Board. Ms. Herman stated they did speak to Mr. Steil and found that there is a presenter who could speak as to what is happening with the parallel condition where they are currently hauling stone by rail. Mr. Steil indicated he wanted to canvass the Task Force to see if they wanted to see this presentation. Mr. Herman then received an e-mail from Mr. Steil indicating that they did

not wish to see the presentation Thursday night but would include on the Agenda a discussion as to whether they should place such a presentation on a future Agenda. Mr. Santarsiero stated he is concerned that they will never get to the point where they get this feasibility study. Mr. Stainthorpe stated the Board of Supervisors could take this up at their next meeting after they hear what the Task Force has to say at the meeting this Thursday. Mr. Stainthorpe stated a railroad company or a quarry would have to decide if it is economically feasible for them to do the hauling in this manner.

Mr. Santarsiero moved and Mr. Stainthorpe seconded that the Board of Supervisors' representatives at the meeting on Thursday represent to the Regional Task Force that Lower Makefield supports the DVRPC's call for a feasibility study on hauling the stone by railway and that they would seek to have that study paid for by the State or some other entity other than the Municipalities. Motion did not carry as Mr. Santarsiero was in favor and all other Supervisors opposed.

#### APPROVAL OF MINUTES

Mrs. Godshalk moved and Mr. Fazzalore seconded to approve the Minutes of June 6, 2005. Mr. Santarsiero agreed to approve subject to review of the tape with regard to comments made by Mr. Rubin and Mr. Garton on Page 1. Motion carried with Mr. Fegley abstaining.

#### APPROVAL OF JUNE 6, 2005 AND JUNE 21, 2005 WARRANT LISTS AND MAY, 2005 PAYROLL

Mrs. Godshalk moved, Mr. Santarsiero seconded and it was unanimously carried to approve the June 6, 2005 and June 21, 2005 Warrant Lists, and May, 2005 Payroll as attached to the Minutes.

Mr. Fazzalore noted the Net Cash Balances related to the Fire Department and Rescue Squad where there are significant amounts and asked when these payments are made. Mr. Fazzalore stated he is particularly concerned with the Ambulance Squad which needs the funds. Mr. Fedorchak stated typically he feels these payments are made in July but agreed to look into it.

Mr. Santarsiero noted the Expenses Page 24 regarding Capital Construction – Rock Run Dam in the amount of \$132,000. Mr. Fedorchak stated these are the two culverts they are replacing at Esther Lane and Derbyshire Road. Mr. Santarsiero also noted Page 19 regarding Golf Course irrigation noting they have already spent 36.3% of the annual Budget for this category. He noted they have had a dry spring and he has heard that some of the fairways seem to be under stress from the lack of water. Mr. Fedorchak stated the green's Superintendent is on top of this situation and has been watering when necessary.

Mr. Fazzalore stated he read that a new well was dug and the old well which collapsed will be re-dug. Mr. Fedorchak stated they continue to search for more sources of water and did have a new well drilled and will be looking to restore the old well to some degree. He stated he intends to have DelVal come to the next Board of Supervisors' meeting to discuss the progress that has been made in the area over the past six months and identify some courses of action. Mr. Fazzalore stated since DelVal was the company that advised them that there was sufficient water, he questions if they should look to someone else for additional expertise. Mr. Fedorchak stated Skelly & Loy has also been looking into the situation, and he feels they will also offer their opinion to the Board of Supervisors. Mr. Santarsiero stated it seems the Golf Course is doing well for this month but year-to-date their expenses exceed revenues. Mr. Stainthorpe stated they did budget for a loss for the first quarter, and they should catch up shortly. Mrs. Godshalk stated the heavy golf season figures are not included yet. Mr. Santarsiero stated if it looks like they are having a problem meeting their Budget in the first year, he does not want them to cut back on expenses of the upkeep of the Golf Course since this would not be good from a marketing standpoint. He stated he feels they should do everything they can to keep the Course in top condition so they can get repeat players. Mr. Fazzalore stated Cash Balances show there is sufficient money to pay the first year's interest. He does not feel there is a problem with the Golf Course making their first payment.

#### PRESENTATION OF HISTORICAL PRESERVATION AWARD TO CAROLYN & KEVIN FLYNN

Ms. Michelle Stambaugh presented the Historical Preservation Award to Carolyn & Kevin Flynn for their restoration of the property at 1411 Yardley-Newton Road. Ms. Stambaugh and Mrs. Flynn reviewed the work that was done on the property including work on the main house, barn, and out buildings. Mr. Stainthorpe thanked Mr. and Mrs. Flynn for preserving the past of the Township noting that not every preservation project has to be funded by taxpayers.

#### DISCUSSION OF NEWTOWN TOWNSHIP'S STOOPVILLE ROAD TRAFFIC CALMING STUDY AND MOTION TO MAKE CONTRIBUTION

Mr. Majewski stated Newtown Township has recently commissioned a consultant to do a traffic calming study on Stoopville Road. They have recently expanded the study down to Route 532 and a portion of this is bordered by Lower Makefield Township. Newtown is requesting that Lower Makefield contribute a proportionate share of the cost of the expanded study which is \$370.

Mrs. Godshalk moved, Mr. Fazzalore seconded and it was unanimously carried to contribute \$370 to the traffic study.

**AWARD BID FOR INSTALLATION OF ELECTRICAL FACILITIES FOR PHASE I OF MEMORIAL PARK**

Mr. Majewski stated the Township received five bids with the low bidder being Dayton Electric.

Mr. Fazzalore stated it appears they will be spending in excess of the \$1 million approved for the project. Mr. Fedorchak stated this is the only additional amount for Phase I. He anticipated there would be \$50,000 left over from Phase I which should help pay for this expense of \$44,000. Mr. Majewski stated they feel they are on track for the \$1 million limit. They do have to discuss the water main.

Ms. Virginia Torbert asked if Dayton has done any work for the Township in the past. Mr. Majewski stated he is not sure about this, but they did check their references and did get good references on them. Ms. Torbert noted past problems with electrical work at Macclesfield Park. Mr. Majewski noted these plans were drawn by an electrical engineer.

Mr. Fazzalore moved, Mr. Santarsiero seconded and it was unanimously carried to award the bid for installation of electrical facilities for Phase I of Memorial Park to Dayton Electric, Inc. in the amount of \$43,863.60.

**DISCUSSION AND MOTION ON WATER MAIN EXTENSION TO MEMORIAL PARK**

Mr. Majewski stated the original design of the water line was going down Woodside Road in the Contract that was let in the amount of \$123,028.90. Pennsylvania American Water did a re-design of the line and reduced the size of the water main from 12" to 8" and also relocated the line somewhat so that it resulted in a total cost savings of about \$42,000. Mr. Fazzalore asked if this was included in the \$1 million, and Mr. Fedorchak stated it is.

Mr. Santarsiero moved, Mr. Fegley seconded, and it was unanimously carried to approve the Contract with the Pennsylvania American Water Company.

**DISCUSSION OF INFORMAL SKETCH PLAN FOR 14.74 ACRE TRACT ON DOGWOOD DRIVE OFF DELAWARE RIM DRIVE**

Mr. Edward Murphy, attorney, was present. Mr. Fazzalore stated his home borders this property and asked if he should participate. Mr. Garton stated he should recuse himself if he feels uncomfortable. Mr. Fazzalore joined the audience at this time.

Mr. Murphy stated the property is slightly less than fifteen acres and has been the subject of prior Sketch Plan applications. It is one block off Delaware Rim Drive. The area does not have public water or sewer. They do have a by-right Plan that would propose five single-family homes with on-lot sewer and water. The location where those homes would be placed was shown on the Plan. They have an alternate proposal which would extend the public water from a location inside Chanticleer and extend the public sewer from the pump station in Chanticleer and **continue** it to a point at the **intersection** with Delaware Rim Drive. This would be stubbed out to the spur road near Sunnyside as there may be homes in that area which could connect to the public sewer. He noted on the Plan the existing homes in the area which could be provided with public water and sewer. The Plan that would propose public sewer and water shows ten new lots. Under this Plan they would need relief from steep slopes and woods disturbance requirements.

Mr. Murphy stated this Plan was presented to the Sewer Authority last fall and is consistent with the CKS Plan that the Township undertook some time ago as to how public sewers could be **accommodated** in this area. He stated they are also aware of the survey done recently regarding the wishes of the existing residents to have public water and sewer. Mr. Stainthorpe stated most of the systems were in basically good shape when they did the study. He stated he would not consider doing this Plan with on-lot sewer and water since there are already concerns by the existing residents because of the Golf Course. Mr. Fazzalore stated the proposed sewer line will do very little for Delaware Rim. He stated he did discuss with CKS the advantage of putting the sewer line in the wooded area. Mr. Murphy stated he agrees that this Plan does not address the homes that are on Delaware Rim in the short term, but does provide for a future connection. He stated this would only be a first step. Mr. Garton stated the Applicant is agreeing to pay for the sewer and water line if they have a ten-lot development. Mr. Murphy noted the area where the Water Company would pay for the water line rather than the developer.

Mrs. Godshalk asked why the line could not be closer to the rear of the lots and take a turn down to the stub street rather than sweeping through the woods. Mr. Fegley stated they are following the path of the stream. Mr. Murphy stated this is correct as it is following the lowest point through the property.

Mr. Fazzalore stated this is a heavily-wooded area that holds back water. He stated he has never had water in his basement and is concerned that if the woods are disturbed, he will get water in his basement. Mrs. Godshalk noted this drains the opposite way from his property. Mr. Majewski noted the Plan being shown does not show the clearing for the detention basin.

Mr. Fegley noted an undeveloped tract adjacent to this property and stated he would like to know what is contemplated for this property as well.

Ms. Joan Sherfel, Sunnyside Lane, stated they have suffered because of the Golf Course and now get iron in their water. Mr. Murphy stated their Plan does contemplate extension of the sewer to the stub and he feels PA American Water would extend the water as well to the lots on either side of the spur road which he noted on the Plan.

Mrs. Godshalk again questioned the location of the sewer line noting she does not feel they should disturb the stream in its present form. She feels the line should be closer to the rear of the properties. Mr. Murphy stated the route of the sewer line was determined by CKS and the engineers. He stated there may be something they can do to minimize the intrusion into the woods. He stated most sewer lines do try to follow the lowest point of elevation.

Mr. Fazzalore noted the high bank in the area, and Mr. Murphy stated this Plan contemplates its elimination and it would have to be re-graded. Mr. Fazzalore stated this bank holds all the water back. Mrs. Godshalk stated the water runs the other way. Mr. Fazzalore stated he is still concerned with the impact on his property.

Mr. Rick Studer, Kimbles Field questioned what happened with the Realen proposal. Mr. Murphy stated that is the Chanticleer development which has been approved but did not move forward because of the sewer issue. He noted this project will now be moving forward. Mr. Studer noted the area of the creek gets flooded during the rain. Mrs. Godshalk stated this is why she does not want to see the sewer line put through the creek bed.

Mr. Fazzalore asked why they cannot maintain the bank, and Mr. Murphy stated it would compromise the homes proposed for that area.

Ms. Carolyn Fogel, Dogwood Drive, stated the creek can be seen from her home and when there is a substantial rain, it sounds like a river. She also noted the impact on the environment and the wildlife living in this area. She noted Delaware Rim is very narrow.

Mr. Stainthorpe stated this property does seem to have a number of issues. Mr. Murphy stated the Ordinance does permit five houses by right with on-lot sewer and water. Mr. Stainthorpe stated he would be concerned with wells. Mr. Majewski stated the Ordinance does require that if they are within 1,000 feet of public water, they have to extend it to the Subdivision so the developer would be required to extend public water to the new development.

Mr. Fazzalore asked if they have investigated the wetlands on the site, and Mr. Majewski stated they have not; but the Applicant would have to do this as part of the Subdivision/ Land Development process. He stated he does not anticipate that there will be extensive wetlands outside of the floodplains on the property.

Mrs. Godshalk asked the Board's opinion about getting another report on moving the sewer line into the yards behind the lots. Mr. Murphy stated the Board of Supervisors should discuss this with their sewer engineer. Mr. Fedorchak agreed to discuss this with CKS.

APPROVAL OF ROBERT & KATHLEEN WIDMER MINOR SUBDIVISION  
PRELIMINARY/FINAL PLAN

Mr. Murphy was present. Mr. Garton reviewed possible conditions of Approval for the Minor Subdivision for .934 acres on Evergreen Road.

Mr. James Lindus, Yardley-Morrisville Road, asked that the prints be corrected to reflect that he is the owner of the property marked as being the Ellison property. Mr. Lindus also noted that he is concerned with the possibility of a second floor balcony looking into his bedroom window and asked what protection he has on the type of house to be constructed. Mr. Garton stated there is no legal requirement on the type of house other than those included in the Ordinance. He stated the Applicant may be willing to agree to something as a Condition of Approval but there is no legal requirement to do so. Mr. Murphy stated they plan to sell the lot to a builder who is not known at this time. Mr. Lindus stated he is concerned that the house to be built will infringe on his privacy. He stated he objects to this Application. Mr. Garton stated they cannot turn down this Application if they comply with the Ordinances. Mr. Lindus stated when he spoke about this at the Zoning Hearing Board, he was told he would be entitled to see something at a future time. Mr. Stainthorpe stated any home built would go through the Building Permit process and would have to meet the requirements for setbacks, etc.

Mr. Fegley moved and Mr. Stainthorpe seconded to approve the Preliminary/Final Plan for the Robert & Kathleen Widmer Minor Subdivision Plans dated 11/29/04, last revised 4/5/05 subject to:

- 1) Compliance with PCS letter dated 6/7/05 with the understanding that seven Waivers will be granted;
- 2) Compliance with CKS letter dated 1/27/05;
- 3) Payment of Fee-In-Lieu of Recreation for one lot;
- 4) Compliance with Zoning Hearing Board Decision dated 7/20/05;
- 5) Payment of all Township expenses related to the Application;
- 6) Receipt of all permits including PennDOT;
- 7) No further subdivision of either lot.

Mr. Murphy agreed to the Conditions and the Motion carried with Mr. Fazzalore abstaining.

APPROVAL OF WICK, GOLDBERG & SICHEL PRELIMINARY/FINAL PLAN FOR MINOR LOT LINE CHANGE FOR LOTS LOCATED IN KIMBLES FIELD AND THE LOBERG TRACT

Mr. Garton stated this is a lot line change. He reviewed possible conditions of Approval. Mr. Tom Wick was present and stated the property involved is behind his home. This property is currently owned by two adjacent property owners who cannot access it from their lots. He is therefore purchasing it from those two property owners.

Mrs. Godshalk moved and Mr. Fazzalore seconded to approve the Preliminary/Final Plan for the Minor Lot Line Change, Plans dated 7/9/03, last revised 4/8/05 subject to:

- 1) Compliance with PCS letter dated 4/18/05 including Grant of Waivers;
- 2) Receipt of all permits and approvals;
- 3) Deed of Consolidation to be recorded with the Plan;
- 4) Payment of all Township expenses related to the Application to the extent not paid.

Mr. Wick agreed to the Conditions of Approval on behalf of himself and the other Applicants, and the Motion carried unanimously.

APPROVAL OF EXTENSIONS FOR CONGREGATION BETH EL AND PATTERSON FARM MINOR SUBDIVISION PLAN

Mr. Fazzalore moved, Mr. Santarsiero seconded and it was unanimously carried to approve extensions for the following:

Congregation Beth El – Amended Land Development Plan to 9/20/05  
Patterson Farm Minor Subdivision Plan to 9/25/05

ZONING HEARING BOARD APPEALS

Mr. Santarsiero moved, Mr. Fazzalore seconded and it was unanimously carried to authorize the Solicitor to appear in opposition of the following Appeals:

Picture Perfect Home Improvements Variance request to construct an in-law suite encroaching into the rear and side yard setbacks and with greater that permitted impervious surface at 1113 Surrey Lane.

Dan and Sheila Adamczyk, 138 Barbara Drive, Variance request to impervious surface requirements to construct an in-ground pool.

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Thomas J. Mack Construction Variance request to construct a detached garage at 911 N. Pennsylvania Avenue higher than permitted height for accessory structures.

It was agreed to leave to the Zoning Hearing Board the following Appeals:

Piotry Bryla, 347 Pondview Court, Variance request to construct fence in a buffer easement

Jignesh Pandya, 1471 Hidden Pond Drive, Variance request to construct a fence in an easement

Karin Hagios, 86 Big Oak Road, Variance request to construct a four foot fence in the front yard

John Russ, III, 717 Stewarts Way, Variance request to construct a fence in an easement.

Dennis and Maria Salamandra, 701 Ardsley Court, Variance request to construct an addition encroaching into the rear yard setback.

#### CANCEL JULY 4 PUBLIC MEETING

Mr. Fegley moved, Mr. Fazzalore seconded and it was unanimously carried to cancel the July 4, 2005 Public Meeting in observance of Independence Day.

#### RATIFY FILING APPEAL OF DUPUY ZONING HEARING BOARD APPEAL

Mr. Garton stated at the last meeting there was a presentation by some neighbors concerned with the Dupuy Application which had been granted by the Zoning Hearing Board. In the interim he provided information to the Board of Supervisors and they also received information from the neighbors. With the concurrence of four Board members, he did file an Appeal from that Decision on behalf of the Township and asked that the Board ratify that action this evening.

Mr. Fazzalore moved, Mr. Santarsiero seconded and it was unanimously carried to ratify the Appeal from the Dupuy Zoning Hearing Board Decision.

#### APPROVAL TO SELL, TRANSFER, AND DONATE USED POLICE VEHICLES

Chief Coluzzi asked for approval to dispose of used Police vehicles either by bid, transfer to Public Works, and donation of one vehicle to the Dream Center. He agreed to furnish a list of the vehicles and where each vehicle will be sent.

APPROVE RESOLUTION NO. 2088 REGARDING TRANSPORT OF NERVE GAS

Mr. Stainthorpe stated at the last meeting they had an extensive discussion about the fact that the Army wishes to ship nerve gas through Bucks County and they decided at the time they would take action in opposition to that shipment. A Resolution is now before the Board for action.

Mr. Santarsiero moved and Mrs. Godshalk seconded to approve Resolution #2088.

Mrs. Godshalk stated she feels they should extend the notification area to the elected representatives of the areas where this train will be moving through. Mr. Santarsiero stated when he drafted the Resolution he did it in a way that they would notify our elected representatives because they were concerned with its transportation through Bucks County and whether or not this should be disposed of anywhere other than Indiana. Mrs. Godshalk stated they had discussed notification of the areas where the train passes through. Mr. Santarsiero stated this would be a lot of representatives if they considered every point along the route from Indiana. Mr. Santarsiero asked Mr. Fedorchak if he had someone who could identify all of these representatives. Mr. Stainthorpe stated he feels this goes beyond the scope of what they intended and they really only wanted to go on record of being in opposition to this. Mrs. Godshalk stated she feels they want to stop it. Mr. Stainthorpe stated the Resolution is urging the Legislators and Congressmen to take action as the Lower Makefield Board of Supervisors have no power to stop it. Mrs. Godshalk noted the individuals to whom it is currently proposed to be sent and suggested that it go to more Federal people. She suggested that they send it to the Senators of the States involved, and Mr. Santarsiero agreed to revise this.

Motion carried unanimously.

There being no further business, Mr. Fegley moved, Mr. Fazzalore seconded and it was unanimously carried to adjourn the meeting at 8:45 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

**JUNE 2005 WARRANT LISTS AND  
MAY 2005 PAYROLL COSTS FOR APPROVAL  
JUNE 20, 2005 BOARD OF SUPERVISORS MEETING**

06/06/05 Warrant List	\$ 687,350.36	
06/05 Manual Checks	625.00	
06/20/05 Warrant List	636,034.60	
Total Warrants & Prepaids		1,324,009.96
<u>PAYROLL COSTS:</u>		
May 2005 Payroll	306,793.89	
05/05 Payroll Taxes, etc.	26,717.61	
Total Payroll Costs		<u>333,511.50</u>
<b>TOTAL TO BE APPROVED</b>		<b>\$ <u>1,657,521.46</u></b>

