

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – OCTOBER 17, 2005

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on October 17, 2005. Chairman Stainthorpe called the meeting to order at 7:30 p.m. noting that the Board had been meeting in Executive Session since 6:30 p.m. discussing legal, personnel, and Zoning matters and appointments to Township Boards.

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

Mr. Fred Allan asked if the Board plans to meet the Monday prior to the Election, and Mr. Stainthorpe stated they will meet that evening.

Ms. Carol Hegrilla, representing the Girl Scouts - Sandy Run Unit, thanked the Board for their support of their petition to the State for a grant for the Girl Scouts for the Delaney Award. She spoke with a Representative in Harrisburg today and the judging has been delayed for one week. She stated they petitioned on the basis of a summer camp they ran for girls. Mr. Fazzalore stated the Bucks County Association submitted the program as well.

Ms. Virginia Torbert asked the Board to comment on the status of the Matrix Agreement. She stated she understands Matrix has put the property up for sale for heavy industry use. Mr. Garton stated Matrix does not own the property. He stated the Township has been trying to arrange a meeting among counsel; but due to the recent holidays, they have been unable to do so. They are still working on this. Mr. Santarsiero stated they are still heading toward the conceptual settlement which called for Age-Restricted Housing and some retail. Mr. Stainthorpe stated the area is not zoned for heavy industrial use. Mr. Garton stated they could have a warehouse use. Mr. Stainthorpe stated they have not seen any indication that Matrix has lost interest.

Mr. Clayton Farrow, 208 Fieldstone Court, stated he has lived at his home for seven years and there is a dangerous situation when it snows and people do not clear their sidewalks. He stated over the years he has contacted the Township about enforcing the Code, but it does not seem to happen. He stated between Stony Hill and Oakview, there are sidewalks that are never cleared. Mr. Stainthorpe agreed that this is a problem in that neighborhood. He stated he feels there is some open space land in this area as well and the Township did not clear those sidewalks last year. He stated this year they need to do a better job in enforcing the Code and making sure the neighborhood is safe.

Ms. Joan Sherfel, Sunnyside Lane, asked that notices of meetings be sent out to residents more than two days before a meeting. She does not feel such notification is sufficient. Mr. Fedorchak stated typically the letters are sent out to residents either Thursday or Friday prior to the Monday meeting as in most cases, the Agenda is not finalized until Wednesday. He stated possibly they could get it out by Wednesday in the future.

Ms. Torbert asked the purpose of the special meeting which was held, and Mr. Stainthorpe stated it was held in order to make two appointments – Richard Gauk and Jennifer Stark to the Construction Code Board of Appeals.

#### APPROVAL OF MINUTES

Mr. Santarsiero moved, Mr. Fegley seconded and it was unanimously carried to approve the Minutes of September 19, 2005 as corrected.

#### APPROVAL OF OCTOBER 3, AND OCTOBER 17, 2005 WARRANT LISTS AND SEPTEMBER, 2005 PAYROLL

Mrs. Godshalk moved, and Mr. Santarsiero seconded to approve the October 3, 2005 and October 17, 2005 Warrant Lists and September, 2005 Payroll as attached to the Minutes.

Mr. Fazzalore noted the large number of manual checks, and Mr. Fedorchak stated this is the advance to the Golf Course. Mr. Fazzalore stated he feels this is a bad practice.

Motion to approve carried unanimously.

#### APPROVAL OF RESOLUTION DEDICATING FUNDS FOR FEMA HAZARD MITIGATION APPLICATION

Mr. Hank Hoffmeister was present and stated he provided to the Township Manager a copy of the draft Application to go to Harrisburg. He noted some of the dollar figures

will change as two more individuals have expressed an interest in elevation or acquisition. The Application process requires that a Resolution be approved committing Township staff and funds. Mr. Fedorchak stated they will put together a Resolution.

Mr. Santarsiero moved and Mr. Fegley seconded to approve a Resolution dedicating funds for FEMA Hazard Mitigation Application.

Mrs. Godshalk stated one individual has requested that his property be purchased and she feels they should have more information on this. Mr. Hoffmeister stated he is currently not at liberty to divulge the name of the individual as he is waiting to see if he follows through with this. Mr. Hoffmeister stated he is still waiting for an appraisal of the property which is required. Mr. Garton stated the individual involved has not formally asked that the property be purchased. Mr. Hoffmeister stated this is correct and at this point they have only taken the paperwork, but have not yet submitted it. Mr. Garton stated if and when the individual makes Application, the Board will know the particulars at that time.

Mrs. Godshalk asked if Mr. Hoffmeister knows about how much this will cost, and Mr. Hoffmeister stated he does have a rough estimate based on estimates from contractors, etc. He stated the estimate he submitted to FEMA is approximately \$780,000 for the raising of the homes.

There was no public comment.

Motion carried unanimously.

Mr. Fazzalore stated in September the Township received \$94,422 from FEMA for additional damage caused by Hurricane Ivan. Mr. Fedorchak stated this was for the Woodside Bridge. Mr. Fazzalore stated this makes a total of \$175,311 in 2005. Mr. Fedorchak stated this was for the two declared disasters. The new Bridge will cost approximately \$180,000. Mrs. Godshalk asked if they applied for funding for the trash removal, and Mr. Hoffmeister stated the total price submitted to PEMA was \$56,600 and they received \$55,000 back from FEMA and PEMA including Waste Management's costs.

#### REVIEW OF SKETCH PLAN FOR DOGWOOD DRIVE

Mr. Garton stated no vote will be taken this evening but the Board can provide an opinion to the Applicant if they have one. Mr. Fazzalore stated he will be speaking only as a resident with regard to this matter and will not be participating as a member of the Board.

Mr. Edward Murphy, attorney, was present and with Mr. Bionna, engineer. Mr. Murphy stated they appeared before the Board in June and presented a Sketch Plan for the parcel located on Dogwood Rive. The Plan proposed a total of ten lots with access from Dogwood by virtue of a cul-de-sac and contemplated extension of public sewer and public water from their present points of terminus in Chanticleer. The Board of Supervisors expressed reservation with the extent of the natural resources that were going to be disturbed by virtue of the extension of the sewer line. The Board suggested that they consult with the Township sewer consultant to see if there was an alternative route. The Plan being presented tonight provides an alternate route for the sewer line as recommended by CKS. Mr. Murphy showed on the Plan the original proposal as well as the location of the line under the new proposal. There will only be a small disturbance of the wooded area. The water line route will not change. He stated they will need to acquire at their cost and expense an easement from an adjoining property owner, the location of which was shown on the Plan.

Mr. Murphy noted the lot count will remain the same as previously discussed. The minimum lot size under the Ordinance is 12,500 square feet and must be clear of natural resources for calculation purposes. He stated because the whole site is wooded, they do not intend to clear that much and instead would prefer to deed restrict the rest and only disturb, for calculation purposes, 7,000 square feet. In this way, they can preserve as many trees as possible. They feel they will be able to preserve the berm for the most part as well.

Mr. Fazzalore asked if they were planning to donate the wooded area to the Township, and Mr. Stainthorpe stated they will consider this when they look at a Plan. Mr. Murphy stated they are only disturbing approximately four acres out of fourteen.

Mr. Stainthorpe stated he feels this is a great improvement over the last Plan. Mr. Murphy stated they will still need some relief as he has noted. He stated this will also give the Township the flexibility to extend the water and sewer lines.

Mr. Ahmed Ibrahim, 8 Dogwood Drive, asked to see and was shown the Sketch Plan.

Mr. Paul Ham, 27 Delaware Rim Drive, asked about the berm. Mr. Murphy stated at the last meeting, Mr. Fazzalore and others expressed concern with disturbance to the berm. Mr. Murphy stated they have looked into this further and feel they will not have to disturb the berm on the side of the existing lots. Mr. Bionna stated he feels the first 100' behind Mr. Ham will not be disturbed. Mr. Fazzalore asked if this is true all the way up Delaware Rim, and Mr. Murphy stated it is up to the Cohen property. The location of the proposed homes was shown to Mr. Ham. Mr. Ham asked about the water run off, and Mr. Bionna explained how the water will flow, noting that this has not yet been designed. Mr. Fazzalore stated he is still concerned that they will have water in their basements because of the shale in the area.

Ms. Joan Sherfel, Sunnyside, asked if the water line will be accessible. Mr. Murphy noted the Plan contemplates that water and sewer will be available in the future if the Township chooses to extend it. The developer is not installing any lines for the existing residents.

Mr. Ham asked if there is anything else they can do besides a basin to move the water. Mr. Bionna stated they are only at the Sketch Plan stage.

#### APPROVAL OF PRELIMINARY/FINAL PLAN FOR TROILO TRACT

Mr. Edward Murphy, attorney, and Mr. Bill Briegel, were present. Mr. Garton reviewed possible Conditions of Approval.

Mr. Murphy stated he had worked with the Bucks Central Church regarding this property for a number of years; however, the Church had to sell the property. The property abuts the Orleans property known as Brookshire and Orleans now has this tract as well. The relief obtained from the Zoning Hearing Board involved a few hundred square feet crossing the wetland buffer in order to provide public sewer in lieu of providing a pump station. There will be a sidewalk across the property frontage. Instead of having Fee-In-Lieu of sidewalks for Brookshire, that Plan will now have sidewalks as well up to the Village Market.

Mr. Fazzalore moved and Mr. Santarsiero seconded to approve the Preliminary/Final Plans dated 4/13/05, last revised 6/7/05 subject to:

- 1) Compliance with PCS letter dated 8/23/05 including seven Waivers;
- 2) Compliance with CKS report dated 8/18/05;
- 3) Compliance with Police Department letter dated 8/8/05;
- 4) Compliance with the Jim Yates letter dated 8/31/05;
- 5) Compliance with Zoning Hearing Board Decision of 10/4/05;
- 6) Receipt of all permits and approvals by agencies having jurisdiction including but not limited to PennDOT and the Conservation District;
- 7) Compliance with the Lower Makefield Township Traffic Impact Fee Ordinance;
- 8) Payment of Fee-In-Lieu of Recreation in accordance with the Township Ordinance;
- 9) Funding and execution of Development and Financial Security Agreements.

Mr. Murphy agreed to the Conditions of Approval.

Ms. Torbert asked the location of the property, and the Plan was shown to Ms. Torbert.

Motion carried unanimously.

#### APPROVAL OF CHANTICLEER SUBDIVISION SEWAGE FACILITIES PLANNING MODULES

Mr. Murphy, attorney, was present with Mr. Bill Briegel. Mr. Garton stated there was discussion about providing public sewers and it was agreed to go opposite the Golf Course. Because the 537 Plan provided for a different method of dealing with the Sewer, the Board needs to approve Planning Modules to reflect the Township's approval that it go the opposite direction than originally intended. Mr. Murphy stated they had been held up because of the Moratorium.

Mr. Fazzalore asked about the impact of the construction trucks on Delaware Rim Drive. Mr. Murphy stated the Township engineer will insure that if any damage is done to the road, the Applicant will have to pay for it. Mr. Majewski stated they will check this before construction starts.

Mr. Fazzalore moved, Mr. Santarsiero seconded and it was unanimously carried to approve the Chanticleer Subdivision Sewage Facilities Planning Modules.

#### APPROVAL OF ORDINANCE NO. 354 AMENDING THE ZONING ORDINANCE RELATING TO THE DEFINITION OF FAMILY, NURSING HOME, AND COMMUNITY TREATMENT/REHABILITATION FACILITY

Mr. Garton stated they have advertised the Ordinance for consideration this evening. He stated they received comments from the Bucks County Planning Commission and the Lower Makefield Planning Commission and the draft he has provided does incorporate those adjustments which he does not feel constitute a requirement for re-advertisement since they are minor in nature.

Mr. Garton stated they are defining more carefully the definition of "family" so as to comply with the Federal Fair Housing Act, but still make sure that they maintain the integrity of residential neighborhoods as far as the kinds of uses which can develop within those neighborhoods. They have also defined a new definition – Community Treatment/Rehabilitation Facility – and have provided for the location of these within certain Zoning Districts. They have also defined a nursing home consistent with the definition provided by State law and also amended the list of uses. They have also defined the number of parking spaces required for nursing home and community treatment/rehabilitation centers.

Mr. Santarsiero noted Section 200-7 regarding the definition of “family” where a change should be made such that it reads “community treatment/rehabilitation facility.”

Mr. Garton agreed to make this adjustment.

Mr. Santarsiero stated in light of what they have heard from other Townships and other elected Officials through the Southeastern Bucks League of Municipalities, he wanted to move forward with the community treatment/rehabilitation facility definition. He stated in many towns in the area there is a trend for halfway houses to be sited in residential areas; and while he feels it is good to provide a facility for people who are transitioning back into society, having those types of facilities in the middle of a neighborhood where there are young children is not a good idea and he wanted to make sure that these facilities would not be put in residential areas. He stated they are not excluding them from the Township, but they do not want them in neighborhoods where potentially they could cause a problem for the residents. He stated many of the other Townships have indicated that they have had problems and they wished that they had acted sooner to prevent this problem from occurring.

Mr. Santarsiero moved and Mrs. Godshalk seconded to approve Ordinance No. 354.

Mr. Rubin asked for a definition of “family,” and Mr. Garton read Section 200-7.

Mr. Rubin asked if this excludes same sex relationships, and Mr. Garton stated it does not – it is gender neutral.

Motion carried unanimously.

#### APPROVAL OF EXTENSIONS

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

- Ferri Subdivision, Big Oak Road to 2/4/06
- Clover Tract, Big Oak Road & Acorn Drive to 1/7/06
- Lotus Tract, Big Oak Road West of Acorn Drive to 1/7/06
- Fiorello Grove, Big Oak Road and Derbyshire Roads to 1/21/06

#### APPROVAL OF DEVELOPMENT AGREEMENT FOR PRIME PROPERTIES

Mr. Fegley moved, Mr. Santarsiero seconded and it was unanimously carried to approve the Development Agreement for Prime Properties.

#### TABLE DEDICATION OF PEAKE FARM IMPROVEMENTS

Mr. Garton stated the Township has recommended that this be tabled until they can look further into the trees.

Mr. Santarsiero moved, Mrs. Godshalk seconded and it was unanimously carried to table.

#### SIGN LINENS FOR PRIME PROPERTIES TRACT

Linens were signed following the meeting.

#### ZONING HEARING BOARD MATTERS

It was agreed to leave to the Zoning Hearing Board the Eugene and Sophia Young, 130 Barbara Drive, Variance request to construct a patio and walkway resulting in greater than permitted impervious surface.

Mrs. Godshalk moved, Mr. Santarsiero seconded and it was unanimously carried to authorize the Solicitor to appear in opposition to the Joseph Robinson, 1594 Stapler Drive, Variance request to construct a garage encroaching into the side yard setback.

#### SUPERVISORS REPORTS

Mr. Stainthorpe stated he is sorry to report that Terry Bannon has resigned as General Manager of the Golf Course. He stated Mr. Bannon has an opportunity to run a larger facility. Mr. Stainthorpe commended Mr. Bannon for the work he did at the Golf Course. He stated Kemper is in the process of interviewing for a new General Manager. He feels it will be someone from within their organization, and they hope to have the position filled by November. He stated Kemper has also decentralized their regional management. Lower Makefield is assigned to a regional office outside of Baltimore. The Regional Vice President will be at Lower Makefield at least once a week in the interim as well as during the training period. He stated the Course continues to do well financially. Mr. Fazzalore stated he has been advised by those who have had outings at the Golf Course of their concern that the Clubhouse is not large enough to accommodate large events. He stated he feels the Golf Committee should study how they could use the deck and enclose it. Mr. Stainthorpe stated they have had a number of people suggest that they need more space for outings. Mr. Fazzalore stated he does not feel they have enough money to construct something larger at this time, but they could enclose the deck for less money. Mrs. Godshalk stated she did suggest at a Golf Committee meeting that they enclose the deck but also extend another outside portion as people like to sit outside.

Mrs. Godshalk noted the Golf Committee will be reviewing the Golf Course Budget at their public meeting on Monday, October 24. She stated on October 25, the Township will also have a Budget Session from 4:30 p.m. to 6:30 p.m. Mrs. Godshalk stated the Historic Commission continues to have meetings regarding Edgewood Village, and tomorrow they will meet with a developer about footpaths in the Village.

Mr. Santarsiero stated the Environmental Advisory Council sponsored a lecture yesterday at the Township Building regarding flooding in the area. He stated the EAC will continue with their lecture series with the next one scheduled for November regarding alternate energy sources. He stated the lectures to date have been very successful and well attended. He encouraged the members of the Board of Supervisors as well as the members of the Zoning Hearing Board and Planning Commission to attend the lectures as their schedules permit. Mr. Fazzalore stated the EAC also produced a tremendous native plant proposal. Mr. Fegley stated he hopes that the Board of Supervisors will take this proposal very seriously. He stated Grants can be obtained to help eradicate non-native species, and he would encourage future Liaisons to the EAC to work on Grant programs. He also suggested that the Township implement use of native species.

Mr. Fegley stated it is getting to the point where the Board of Supervisors needs to seriously consider what they can do about the deer population. He feels the farms are probably experiencing significant crop damage. He is also concerned about the impact on public health as well as the impact on the Five Mile Woods. Mr. Allan noted an area near the Township Building where there is a significant number of deer, and he is concerned with the safety issue of cars driving in this area. Mr. Fegley stated it is possible to cull the herd making use of professionals.

#### APPROVAL OF PUBLIC WORKS BIDS

Mr. Fedorchak stated at times it is necessary for the Township to rent equipment and operators to help assist the Public Works Department. He noted particularly leaf collection and snow removal. He noted the Bid Result List dated 10/4/05 provided by Mr. Coyne and noted that Mr. Coyne does go with the low bidder first.

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried to approve the Equipment Rental Bid as noted in Mr. Coyne's memo dated 10/4/05

Mr. Santarsiero moved, Mr. Fegley seconded and it was unanimously carried to approve the Consortium Salt Bid.

Mr. Santarsiero moved, Mr. Fegley seconded and it was unanimously carried to approve the Consortium Pipe Bid.

APPROVE GOING OUT TO BID TO DEMOLISH BANKO HOUSE

Mr. Stainthorpe stated they previously discussed the Banko House on the property purchased by the Township to add to the Five Mile Woods. He stated in April they received bids to demolish the house which was always their intention. The Historic Commission asked that they wait 60 days to see if someone was interested in the home, and they have now waited approximately 180 days. He stated there have been some incidents of vandalism and there are safety concerns. He asked that they again go out to bid.

Mr. Fegley moved and Mr. Fazzalore seconded going out to bid to demolish the Banko House.

Mrs. Godshalk stated someone has come to the Historic Commission expressing an interest in moving the house to a lot within Lower Makefield and she is not sure that the Building and Zoning Department has been approached by this individual since he would need some Variances. She stated she will bring this matter up before the Historic Commission tomorrow and advise them that the Board is going out to bid again.

Motion carried with Mrs. Godshalk abstained.

APPOINTMENTS

Mrs. Godshalk moved, Mr. Fazzalore seconded and it was unanimously carried to re-appoint Helen Heinz to the Historic Commission.

Mr. Fazzalore moved, Mr. Santarsiero seconded and it was unanimously carried to re-appoint Norma Wood and Grace Godshalk to the Elm Lowne Committee.

Mr. Fegley moved, Mr. Santarsiero seconded and it was unanimously carried to appoint Stephen Cathcart and re-appoint Joseph Weiss to the Cable TV Advisory council.

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to re-appoint David Malinowski to the Zoning Hearing Board.

There being no further business, Mr. Santarsiero moved, Mr. Fegley 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

**OCTOBER 2005 WARRANT LISTS AND  
SEPTEMBER 2005 PAYROLL COSTS FOR APPROVAL  
OCTOBER 17, 2005 BOARD OF SUPERVISORS MEETING**

10/03/05 Warrant List	\$ 190,755.42	
10/05 Manual Checks	151,208.15	
10/17/05 Warrant List	1,116,971.45	
Total Warrants & Prepays		1,458,935.02
<u>PAYROLL COSTS:</u>		
September 2005 Payroll	344,938.23	
09/05 Payroll Taxes, etc.	26,387.78	
Total Payroll Costs		<u>371,326.01</u>
<b>TOTAL TO BE APPROVED</b>		<b>\$ <u>1,830,261.03</u></b>

