

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - JANUARY 21, 2004

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on January 21, 2004. Vice 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. to discuss legal and real estate matters.

Those present:

Board of Supervisors: Pete Stainthorpe, Vice Chairman
 Scott Fegley, Secretary
 Steve Santarsiero, Supervisor

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

Absent: Frank Fazzalore, Supervisor Chairman
 Grace Godshalk, Supervisor

PUBLIC COMMENT

Mr. Rick Schafer, 38 Delaware Rim Drive, stated he has been having problems with run off from the Golf Course which has not been addressed to his satisfaction by the Township or those working on the Golf Course. He provided a packet of information to the Board this evening. He stated while he has been advised that some of the issues cannot be addressed until the spring, he was told that other work could be done before the thaw but has not been corrected at this time. He stated there are problems with the grates which is causing water to run off the 25' hill adjacent to his property onto his porch. He stated there are also problems with trash collecting adjacent to the hill. He stated he would like to have Type I Buffer plantings installed on the side of the hill so it looks natural. He has been advised that this would not be fair as others in the area are not receiving such plantings but feels his situation is unique because of the 25' hill. Mr. Fedorchak agreed to meet with Mr. Schafer tomorrow afternoon at 4:30 p.m. at the site.

Mr. Gary Cruzan, President of RAM, stated RAM has met with Matrix and a committee of the Board of Supervisors. He feels they had a good meeting and are optimistic that something will be done. He stated RAM wants to dramatically reduce the traffic and environmental impact on the property, preserve trees and open space, provide ratables to the Township, eliminate the "big box" stores, and have Matrix build a community center on the site.

Mr. Jason Simon, 514 South Ridge, stated in reading past Minutes he has found that while Mr. Fegley offers opinions on the Golf Course, he abstains from all votes and questioned why this is the case. Mr. Fegley stated while his property does not directly abut the Golf Course, it is very close to his property and he did not want anyone to feel he had any personal interest in anything connected with the Golf Course. Mr. Simon stated as an elected Official who also offers his opinions, he feels Mr. Fegley should vote on these matters. He stated another Supervisor also lives nearby and votes on the Golf Course.

Mr. Fegley stated that Supervisor lives across the street and cannot see the Golf Course from his yard. He stated he will continue to abstain from voting on the Golf Course. Mr. Simon asked if it is appropriate to offer opinions and then abstain from voting. Mr. Fegley noted instances in the past when Supervisors expressed opinions and did not vote because of concerns over possible conflict of interest. Mr. Fegley stated as a member of the public, any Supervisor can offer an opinion. Mr. Simon stated he does not feel a Supervisor is just like any other resident as they are an elected official.

APPROVAL OF MINUTES

Mr. Santarsiero moved, Mr. Fegley seconded and it was unanimously carried to approve the Minutes of December 15, 2003 as corrected.

Mr. Santarsiero moved, Mr. Fegley seconded and it was unanimously carried to approve the Minutes of January 5, 2004 as written.

DISCUSSION AND TABLING OF RESOLUTION NO. 2051 ESTABLISHING A DROP PLAN

Mr. Garton reviewed the history of this Resolution which relates to a matter of Police Arbitration. He stated he feels it is premature to consider this matter at this time and would like clarification on certain items before proceeding.

Mr. Fegley moved, Mr. Santarsiero seconded and it was unanimously carried to table Resolution No. 2051 Establishing a Drop Plan.

ANNOUNCEMENT OF BOARD OF VIEW AWARD IN DALGEWICZ MATTER

Mr. Garton reviewed the history of this matter which has been pending since 1996. He stated since July 2001 four Hearings were held to determine fair value of the property. On Tuesday he received notice of the Award. The Dalgewicz family had felt the property was worth \$7 million, and the Township felt it was worth \$3,625,000. The Board of View has determined the value to be \$3,990,000. Both sides have the right to Appeal, and he expects an Appeal will be taken by the Dalgewicz family. He will keep the Board advised as events transpire.

Mr. Zachary Rubin asked the cost per acre. Mr. Garton stated the Award was based on 95 lots times \$42,000 as the value of the property in 1996.

APPROVAL OF REQUEST TO INCREASE IMPERVIOUS SURFACE AT 1648 THISTLEWOOD DRIVE

Mr. William Bayer, Jr., 1648 Thistlewood Drive, was present. The request is to permit a two percent increase in impervious surface to permit construction of a swimming pool. Mr. Garton stated this property was part of Gatefield and during the approval process, the stormwater improvements were based on an impervious surface per lot of 15%; however in the R-1 Zoning, the Zoning Ordinance permits 18% impervious surface. The Applicant is

requesting permission to increase the impervious surface from 14% to 17% which is less than the Ordinance requirements but higher than the Conditions of Approval. The Zoning Hearing Board has no jurisdiction over this matter and it is a matter for the Board of Supervisors. The memo from the Code Enforcement Officer with a Plan showing the pool and the calculations was provided to the Board is their packet.

Mr. Bayer stated he was present in the summer of 2002 when the neighbor to the rear of his property received permission to go to 23% in order to install a swimming pool. That property is in Loberg Estates. He left that meeting with the impression that he could go to 18% on his own property according to the Zoning Ordinance and felt he was within the permitted limits. His Plans are based on those calculations. He was then told he was only permitted to go to 15%. Mr. Bayer stated he would be willing to cut down the decking and his request would then be for 16% rather than 17%. He stated there are currently no water problems in the area; but if water problems were to develop as a result of his project, he would be willing to work with a landscape architect in order to correct those problems.

Mr. Fegley moved, Mr. Santarsiero seconded and it was unanimously carried to approve an increase in impervious surface for the lot not to exceed 16%.

DISCUSSION ON ZONING HEARING BOARD

Ms. Judy Curley, 551 River Road, stated she feels there needs to be more discussion as to how the Zoning Hearing Board works and how their members are appointed. She stated she feels there should be consistency. Mr. Stainthorpe stated he did receive calls from residents concerned about events which occurred at last evening's Zoning Hearing Board meeting. He stated the Board of Supervisors did discuss this in Executive Session. He stated he would like to include in the notification letter which goes out to residents about upcoming Zoning Hearing Board matters something that explains their rights and what to expect at the Zoning Hearing Board meeting. He stated the Board of Supervisors makes the appointments to the Zoning Hearing Board but noted the Board of Supervisors has no control over the Zoning Hearing Board other than making the appointments as the Zoning Hearing Board is a quasi-Judicial Board. He stated the Board of Supervisors does review Zoning Hearing Board matters before the meetings are held and they can take a position. The purpose of the Zoning Hearing Board is to consider exceptions to the rules and have a group of peers determine if exceptions should be made. He stated he was at the meeting last evening and did not feel the people were treated disrespectfully but he understands some people did not feel they were well treated.

Mr. Santarsiero stated this is why he feels the process by which volunteers to serve on the various Boards and Commissions are chosen should be as open as possible.

APPROVAL OF EXTENSIONS FOR BOXWOOD FARMS, FIELDSTONE (HARRIS FARM), PRIME PROPERTIES, AND LIBERTY PROPERTY LIMITED PARTNERSHIP

Mr. Santarsiero moved and Mr. Fegley seconded to approve Extensions for the following:

Boxwood Farms, Oxford Valley Road, to 4/30/04
Fieldstone (Harris Farm), Edgewood Road, to 4/23/04

Prime Properties, Big Oak Road, to 5/6/04
Liberty Property Limited Partnership, 777 Township Line Road, to 5/24/04

Ms. Torbert asked the exact location of Prime Properties but this was not known. Motion to approve carried unanimously.

APPROVE EXTENSION OF REQUESTS FOR DEDICATION OF DOLINGTON ESTATES I, PHASE IV, DOLINGTON ESTATES II, AND ESTATES AT PEBBLE CREEK

Mr. Garton stated the weather has prohibited the clean up of a number of items for the developments, and the developers have therefore requested extensions.

Mr. Santarsiero moved and Mr. Fegley seconded to approve the extensions of requests for Dedication of the following:

Dolington Estates I, Phase IV, to 2/4/04
Dolington Estates II to 2/16/04
Estates at Pebble Creek to 2/29/04

Mr. Santarsiero stated one of these developments includes Trowbridge Road off Lindenhurst Road. He stated some of the residents have had concerns with truck traffic and school buses stopping on Lindenhurst Road and would like the school buses to come into the neighborhood rather than stopping on the road. Mr. Santarsiero stated he contacted Pennsbury School District about this, and they advised him that this would be contingent on the road being dedicated to the Township. Therefore there is some urgency to this.

Motion to approve extensions of requests for Dedication carried unanimously.

ZONING HEARING BOARD MATTERS

Mr. Stainthorpe stated since the Board of Supervisors meeting was rescheduled from Monday to this evening, these matters are moot as the Zoning Hearing Board meeting was held last evening. He noted the Zoning Hearing Board approved the Variance request for Memorial Park, Woodside Road, to construct roadways within the wetland buffer area and the request for a Variance by Realen Homes for property located at Mt. Eyre Road and Delaware Rim Drive (Chanticleer) to develop property resulting in disturbance of the watercourse and riparian buffer.

SUPERVISORS' REPORTS

Mr. Stainthorpe stated construction at the Golf Course is proceeding, and they anticipate meeting the Opening Date of July 1, 2004.

Mr. Fegley stated they need new members on the Environmental Advisory Council and asked that those interested submit a resume. Mr. Fegley stated he would like a meeting date scheduled for the Disabled Persons Advisory Council. Ms. Weyrick asked if the interviews for the EAC vacancies could be held in a public session. Mr. Fegley stated they

are still considering whether they should open the interviews up to the public. He stated he does not personally feel this would be a good idea as some people may be intimidated to be interviewed in this way. Ms. Weyrick stated those who would be intimidated should not be serving on Committees. Mr. Fegley stated he also feels it would lengthen the time it would take to make appointments. He stated he feels a special meeting would have to be held to do it in this way. Ms. Weyrick stated other Townships do hold interviews in public, and she assured the Board of Supervisors that the residents would not make comment and instead would sit and observe. Mr. Fegley stated he feels the full Board will discuss this.

Mr. Zachary Rubin stated he pays \$2.04 every month to Comcast for a franchise fee and asked if the Township gets this and what they do with it. Mr. Fedorchak stated the proceeds from this go to the Township General Fund and pay for Administration, Public Works, Police salaries, etc. Mr. Rubin asked Mr. Stainthorpe if Kemper will set the greens fees. He stated he has also heard that in order for Township residents to get a discount on greens fees, they would have to pay a \$50 resident permit. Mr. Stainthorpe stated he has not heard this and would not support it.

Mr. Santarsiero stated there was lengthy discussion at the last Planning Commission meeting on a number of items. He stated one of the items he is most concerned about involves the issue of the landfill at Fieldstone. He stated this site was used by a number of local haulers, and there is now a need to clean this up. There has been discussion with the prospective developer (Hovnanian) to do so under the auspices of the DEP although the final scope of the clean up has yet to be determined. Hovnanian was present to discuss a number of issues and get the Planning Commission's reaction to issues regarding their preliminary plans for the parcel. Once they know more about the environmental issues, the public will be updated. Mr. Stainthorpe stated anytime a developer has come before them on this property, they have been advised that they will not consider anything until the Township is advised how the site will be cleaned up. Ms. Virginia Torbert noted this parcel is the Harris Farm which was used as a dump for a number of years. She stated some local haulers previously brought garbage, asphalt, and other materials to this site. She applauded the Board for their staunch position on this.

Mr. Santarsiero stated the Farmland Preservation Corporation did not meet last week because of lack of a quorum. He noted earlier discussions this evening about the need to fill vacancies. He stated there will be an Emergency Management meeting sometime in February.

DISCUSSION OF I-95/SCUDDER FALLS BRIDGE IMPROVEMENT PROJECT PRESENTATION

Mr. Fedorchak stated the Delaware River Joint Toll Bridge Commission has indicated that they plan to expand the capacity of the Scudder Falls Bridge. On December 10 the Commission held a Kick-Off meeting which he and the Chief of Police attended. At that meeting they detailed some of the plans, and there are a number of different possibilities. The engineering is being done to make a determination. In addition to expanding the Bridge, they also intend to make changes to the section of I-95 running from the Bridge to the Newtown/Yardley Exit and will increase the capacity on each side from two to three lanes. At that point, Mr. Fedorchak formally requested that the Commission come before the Lower Makefield Township Board of Supervisors to make a special presentation. This will be an opportunity for Lower Makefield to have direct input into what is going on and



Township of Lower Makefield

BOARD OF SUPERVISORS

Frank J. Fazzalore, Chairman
Norman F. Stainthorpe, Vice-Chairman
Scott I. Fegley, Secretary/Treasurer
Grace M. Godshalk, Supervisor
Steven J. Santarsiero, Supervisor

JANUARY 2004 WARRANT LISTS AND DECEMBER 2003 PAYROLL COSTS FOR APPROVAL JANUARY 21, 2004 BOARD OF SUPERVISORS MEETING

1/5/04 Warrant List	\$ 520,665.28	
1/04 Manual Checks	15,998.59	
1/19/04 Warrant List	535,606.98	
Total Warrants & Prepaids		1,072,270.85
<u>PAYROLL COSTS:</u>		
December 2003 Payroll	353,286.46	
12/03 Payroll Taxes, etc.	26,259.85	
Total Payroll Costs		<u>379,546.31</u>
TOTAL TO BE APPROVED		\$ <u>1,451,817.16</u>

