

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – FEBRUARY 2, 2004

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on February 2, 2004. Chairman Fazzalore 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. to discuss legal and real estate items.

Those present:

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

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

PUBLIC COMMENT

Mr. Samuel Conti, 96 Sutphin Road, expressed his objection with the Board of Supervisors' intention to obtain a liquor license for the Golf Course noting only Mrs. Godshalk's opposition. (Mr. Santarsiero was not a Supervisor when the vote was taken). He reported on incidences of drunk driving including statistics obtained from Mothers Against Drunk Driving. He stated he does not feel the Township should be involved with this by supporting the sale of alcohol in the Township. He noted current changes in the Pennsylvania laws regarding drunk driving which will result in more arrests and time spent by the Police Officers in Court. He also noted concerns with increases in insurance rates for Township residents if this is approved. He noted figures obtained from the Middletown Golf Course showing that the increase in revenues to the Golf Course through the sale of alcohol will not be significant. He feels the Board of Supervisors is to enact laws to protect the citizens and not endanger their lives. He does not feel the Board of Supervisors received sufficient information on December 15, 2003 when they voted on this matter and asked that they reverse their decision. He asked that Mr. Fegley vote on this matter and not abstain as he has in the past when Golf Course items are considered.

Mrs. Godshalk moved that they not have an alcohol sales permit.

Mr. Santarsiero stated he feels they should rescind the prior Motion.

Mrs. Godshalk moved and Mr. Santarsiero seconded to rescind the prior Motion of December 15, 2003 to apply for a liquor license.

Mr. Bob Slamen, 50 Bedford Place, stated he does not agree with Mr. Conti and does not feel there will be problems with drunk driving as a result of having a liquor license at the Golf Course. He feels the Golf Course should have every opportunity to make a profit.

Mrs. Godshalk stated in 1948 the Lower Makefield Township residents voted that Lower Makefield Township should be a dry community. She stated there is a “loophole” that a Township can obtain a liquor license for a golf course; however, she feels that since they do not allow businesses to have a liquor license, she does not feel the Township should go above the law. She stated if the Township should go “wet” she feels at the current time, they would be able to have eleven liquor licenses in the Township based on the population. She stated this would cost the Township money for policing, etc. She stated if there are outings at the Golf Course, there would most likely be a caterer and most caterers have off-premises liquor licenses and they could sell alcohol at the outing.

Mr. Stainthorpe stated he objects to the term “loophole.” He stated they are permitted by law to apply for a liquor license. He stated the Township has no authority to grant or deny a liquor license as the Pennsylvania State Liquor Control Board has this control. If businesses in the Township would like to serve alcohol, he suggests that they get behind a petition drive and put it on the ballot as they would be the ones to benefit from this.

Mrs. Godshalk stated members of the Veterans Legion came to her and asked why they also could not have alcohol if the Township is permitted to have it at the Golf Course.

Mr. Santarsiero thanked Mr. Conti for making his presentation. He stated Mr. Stainthorpe is correct that it is not a “loophole;” however, his concern is this was done without a full airing in public whether this was the right thing to do. He stated it may be that most people in the Township feel it is a good idea to do this to help insure that the Golf Course succeeds; however, he feels this is an important issue for the Township and if they are going to change this in any significant way, which he feels this is, it should be done after a full and open debate. He feels the correct way to do this is to have a Referendum. He feels the Board of Supervisors addressed this at the “eleventh hour” and at a time when not too many people were present.

Mr. Fazzalore called for the question. Motion died and no action was taken as Mrs. Godshalk and Mr. Santarsiero voted in favor, Mr. Fazzalore and Mr. Stainthorpe opposed, and Mr. Fegley abstained.

Ms. Sue Herman noted the letter she sent to the Board of Supervisors regarding the latest near miss which occurred on Stoopville Road with a Council Rock School Bus and a

fully-loaded quarry truck. She asked that the Board of Supervisors lobby all involved to review Newtown Township's ill-conceived TIP project which is the Stoopville Road Rehabilitation Project which she feels is a dangerous project as it will encourage more trucks at higher speeds. She feels this will result in covert implementation of the Northern By-Pass.

Mrs. Godshalk moved, Mr. Santarsiero seconded and it was unanimously carried that the Board of Supervisors is opposed to the Stoopville Road Rehabilitation Project. This clarifies written opposition and future oral opposition at both the meeting in Harrisburg and any other future meetings. This Motion to be made known to the list of people Ms. Herman will provide to Mr. Fedorchak.

Ms. Beth Cowley, James Court, stated she is opposed to the issuance of a liquor license because people could be getting into cars after drinking at the Golf Course and be a danger. Mr. Fedorchak stated the Motion was defeated and the Application is proceeding. Ms. Cowley stated she is concerned that this item was only discussed at the "eleventh hour." Mr. Fazzalore stated this matter had been discussed in the past.

Mr. Fred Allan stated the past two days he has been reading about the KOZ proposed for Falls Township which will create a tax-free Zone. He stated this will have a direct impact on Lower Makefield Township because of the impact this will have on the Pennsbury School taxes. He stated offices in Lower Makefield could decide to leave our area and go into this tax-free Zone. He feels Lower Makefield Township should go on record with Falls Township and the County Commissioners that they are against this. Mr. Fazzalore stated it has been indicated that jobs will be created for people in the area who have been unable to obtain positions if this KOZ is approved. He stated he is concerned that once the incentives are used up, the firms will then move out. Mr. Stainthorpe stated he feels Mr. Allan should make this presentation to the School Board and the County Commissioners as he feels it is better if this comes from members of the public. Mr. Allan stated he still feels the Board of Supervisors should draft a letter opposed to a fifteen year tax-free period and suggested they reduce it to five or seven years. It was noted that neither Falls nor the County have approved this yet. Mr. Santarsiero stated he feels they should put this on as an Agenda item for the next meeting and consider it further at that time.

Mr. Victor Fiori, 1299 Prospect Farm Drive, stated there is still a water problem at Wilshire Drive. It was noted that this matter will be considered later on the Agenda. Mr. Fedorchak stated they are trying to correct these problems.

APPROVAL OF MINUTES

Mr. Fegley moved and Mr. Santarsiero seconded to approve the Minutes of January 21, 2004 as corrected. Motion carried with Mr. Fazzalore and Mrs. Godshalk abstained.

APPROVAL OF JANUARY 5, 2004 AND JANUARY 19, 2004 WARRANT LISTS AND DECEMBER, 2003 PAYROLL

Mr. Fegley moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the January 5, 2004 and January 19, 2004 Warrants Lists and December, 2003 Payroll as attached to the Minutes.

I-95/SCUDDER FALLS BRIDGE IMPROVEMENT PROJECT PRESENTATION

Mr. George Alexandridis, P.E., Chief Engineer and Project Manager, DRJTBC was present and introduced the following: Bijan Pashanamaei, P.E., Consultant Project Manager, DMJM+Harris, Joe Grillia, P.E., Environmental Manager, HNTB Corporation, Christine Bishop-Edkins, AICP, Public Involvement Mgr., DMJM+Harris, Linda Spalinski, Director of Strategic Planning & Community Affairs, DRJTBC, Laura Blackstone, Public Consultant, and Commission McMenamin from Ewing Township.

Mr. Alexandridis stated there was a two-year study done involving the four bridges. The study ran from Duck Island north to Washington Crossing. It was determined that they need to resolve issues of congestion and safety at Scudders Falls. They also looked at Route 1 and found they need an additional northbound lane as well as rehabilitation. They are working on the Route 1 project and determining how they will provide the additional northbound lane.

Mr. Pashanamaei presented a video showing the project location and needs and how they obtained input. He stated the project length is 4.4 miles of I-95 and extends through Lower Makefield and Ewing Townships. He noted the amount of congestion and safety concerns at the present time. He reviewed the number of vehicles currently using the corridor and projected numbers equal to 73,700 vehicles per day by 2030 with an existing Level of Service F.

They will do an environmental assessment, and the scope of this was reviewed. They will also consider existing noise levels and will monitor the improvement they will be making and the noise impact after the improvement. He stated they do have a public participation plan which will give the public an opportunity to ask questions and discuss issues. They will also have Open Houses on both sides of the River. When the environmental document is ready, they will have a public meeting to present it. He noted

ways the public can obtain information and stated signs will be posed on either side of the River with the contact information. Press Releases will also be issued. Mr. Pashanamaei reviewed the alternatives they have considered to date including not building anything, widening, collector/distribution option, and a new bridge. He stated for I-95 there are currently two lanes on either side and they are looking at whether they can widen to the inside or widen to the outside. He stated they are also looking at improvements to the Route 332, Route 29, and Taylorsville interchanges. He stated they will continue to have public participation. They are completing the existing conditions documents and will now start to look at the alternatives.

Mr. Victor Fiori asked about the location of a new bridge, and Mr. Pashanamaei stated they are looking at both north and south. Mr. Fiori asked about a pedestrian access on the bridge, and Mr. Pashanamaei stated they are looking into this.

Mr. Fegley asked how far south they will go in the study, and Mr. Pashanamaei stated Route 332 is the southerly limit. Mr. Fegley stated PennDOT is currently in the planning and engineering stage of an improvement at Route 332 and I-95 and asked if they are coordinating their project with them. Mr. Pashanamaei stated the improvements at the Route 332 Interchange which is the addition of a loop ramp will be incorporated into this project. They are in continuous communication with PennDOT, and they are part of the bridge project. Mr. Alexandridis stated their jurisdiction ends at the Canal Bridge and there is a Memorandum of Agreement with PennDOT. He stated the study will not be done until 2006. Following this is the final design which could take two years and construction could take two to three years.

Mrs. Godshalk noted the loop ramps on the western side and asked how they visualize them on the southeast and the northeast at Taylorsville Road. Mr. Pashanamaei showed the video of this area and stated this is one of the alternatives they are looking at. The southwest ramp would combine the traffic from north and south Taylorsville Road and they do not need any other loop ramps. He noted the existing loop ramp and showed how it would be widened out. They would not need any loop ramps on the eastern side. It is a partial cloverleaf which handles all the movements. Mrs. Godshalk asked about the possibility of tolls; and Mr. Alexandridis stated currently it is a free bridge, and they are hopeful that it will remain a free bridge.

Mr. Richard Gauck, 28 Fairway Drive, suggested they look at Yardley traffic going north on Taylorsville road in the morning. Mr. Alexandridis stated they will be looking at this.

Ms. Dana Weyrick, Brock Creek Drive, expressed concern that they are only projecting a Level of Service D once the improvements are completed. Mr. Pashanamaei stated this is the traffic level proposed for 2030; and for urban areas, this is the appropriate level. He stated if they tried to get to a Level of Service B or C, they would need a lot more lanes and it would be at a greater expense. Mr. Pashanamaei stated Level of Service D does

result in a good flow of traffic for this type of interchange. They also hope that growth will be stabilized by 2030. Mr. Alexandridis stated they will provide on the Website a basis by which they can judge what it would mean to have a Level of Service D, and he feels the public will be satisfied with this.

Mr. Pat Kelly, River Road, asked what criteria they will use in considering whether they will take the improvement north or south. Mr. Pashanamaei stated they will consider environmental issues and physical alignment. They will also consider the number of homes in the environmental impact.

Mr. Don Camp, Maplevale, noted the existing noise from the Bridge, and stated he feels this project will double the noise. He asked about noise abatement. Mr. Pashanamaei stated there are some things they can incorporate into the bridge to help with noise as well as installing a slightly higher barrier. They will take sound measurements. The goal is to reduce the existing sound.

Mr. Steve West, Brentwood, asked if the noise will go higher. Mr. Pashanamaei stated they will have to take measurements of what is existing and will consider mitigation. Mr. West asked if additional trees could be considered, and Mr. Pashanamaei stated walls and trees will both be considered.

Mr. John Bissert, Hilltop Road, stated it appears this may bring it closer to his home and asked that sound barriers be installed. He stated they should have had these already.

Mr. James Hold asked if this project qualifies for Federal Funds for noise abatement, and Mr. Pashanamaei stated this would depend on the impact. Mr. Grillia stated it is a Type I project.

Mr. Victor Fiori stated storm water problems were created by this project when it was first built. Mr. Pashanamaei stated they will look into this.

Ms. Virginia Torbert, Yardley-Newtown Road, asked if they are looking at all four corners of the Newtown expansion. Mr. Pashanamaei stated they are looking up to the overpass road at 332 although the limit may go beyond this when they look at the geometry. Mr. Alexandridis stated they do not feel they will have to reconfigure the Newtown Interchange once the new ramp is built by PennDOT.

Mr. John Murray, Ramsey Road, stated there were two deaths in the last few years with cars crossing the median and asked if this will be considered. Mr. Pashanamaei stated if they widen to the inside, this will require physical barriers, but if they go to the outside they will have to look at the criteria. Mr. Murray asked if a toll plaza is in the design, and Mr. Pashanamaei stated none is proposed at this time. Mr. Fazzalore stated he feels it would be a disaster if they included this.

Ms. Diane Hatfield, Robinson Place, asked about the project in Bristol and Bensalem and hooking it up to the Turnpike. She stated she felt I-95 was going to be renamed 195 in our area. Mr. Pashanamaei stated for that project it only went to 332 and showed a slight increase in traffic for the Lower Makefield area. He stated the nature of the traffic in this area is more local, and there is not a lot of through traffic.

Mr. Jenkinson, Highland Drive, asked if they have considered a stacked bridge, and Mr. Pashanamaei stated this is an option they will consider. He stated there are some geometric constraints involved with that option.

Ms. Maureen Holstrum, Highland Drive, stated if another bridge is added it will impact a number of residences. Mr. Pashanamaei stated their goal is to minimize right-of-way impact. They do not anticipate a lot of right-of-way impact, but they are obligated to look at a variety of options and determine the best solution overall.

Mr. Fazzalore stated this is very preliminary at this time and once the study is complete, they will have more details. He stated the Township will invite them to come back to the Township and address the residents again.

One woman asked that they provide a key on the Website for the various agencies being referred to.

Mr. Pashanamaei stated they will hold an open house in the spring and another once the alternatives are considered. One of these meetings will be in Pennsylvania and the other in New Jersey. Mr. Fazzalore stated when they are invited back again, the Township will again notify the residents.

PUBLIC HEARING AND APPROVAL OF CONDITIONAL USE FOR SHADY BROOK FARM, INC.

Mr. Garton incorporated the various Township files into the record. He noted public notice was provided. The Board received a recommendation from the Planning Commission as well as the Application and the various review letters in their packet.

Mr. Don Marshall, attorney, was present with Mr. David Fleming, one of the principals, who was sworn in. Mr. Marshall stated this Application is to expand the existing Farm Market on the Shady Brook Farm parcel. The three parcels in Lower Makefield total 81.259 acres. They also own land in Middletown and Newtown Townships but they are only using the Lower Makefield mathematics because this sets the size of the market permitted.

