

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – FEBRUARY 16, 2004

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on February 16, 2004. Chairman Fazzalore 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 real estate items. He noted that any action will require a unanimous vote as only three Supervisors are present this evening. He stated if anyone feels they will be unable to get a unanimous vote, they may wish to come back before the Board at a future meeting.

Those present:

Board of Supervisors:        Frank Fazzalore, Chairman  
                                     Pete Stainthorpe, Vice Chairman  
                                     Steve Santarsiero, Supervisor

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

Absent:                         Scott Fegley, Secretary/Treasurer Board of Supervisors  
                                     Grace Godshalk, Supervisor

PUBLIC COMMENT

Ms. Sue Herman asked if the Township was able to send any correspondence out regarding the Stoopville Road improvements, and Mr. Fedorchak stated they did and agreed to make this information available to Ms. Herman following the meeting.

Mr. Henry Harrison, 1609 Yardley-Morrisville Road, stated in 1968 a Federal Law was passed declaring a single holiday as Presidents' Day which is today. During the first meeting of this year, it was pointed out that the Board would be disrespecting the memory of Dr. Martin Luther King were they to meet on the Holiday honoring him and they subsequently changed the meeting. He questioned why the Board did not change tonight's meeting. Mr. Fazzalore stated he agrees with Mr. Harrison. He stated at the meeting when a majority of the Board voted to move the meeting date it was also noted that a number of holidays fall on Monday. One of the suggestions was that next year, since dates for this year have already been published, they should consider moving the regular Board meeting date to an evening other than Monday. Mr. Santarsiero stated he agrees that they should change the date to avoid holidays. He stated he does not feel it

was wrong to honor Dr. King and feels now they should look at the rest of the year and to the extent that there are other holidays that fall on a Monday, they could consider changing those meeting dates.

#### APPROVAL OF MINUTES

Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to approve the Minutes of February 2, 2004 as written.

#### APPROVAL OF FEBRUARY 2, 2004 AND FEBRUARY 16, 2004 WARRANT LISTS AND JANUARY, 2004 PAYROLL

Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to approve the February 2, 2004 and February 16, 2004 Warrant Lists, and January, 2004 Payroll as attached to the Minutes.

#### DISCUSSION AND MOTION REGARDING CHANTICLEER SEWER SYSTEM

Mr. Edward Murphy and Mr. Michael Stadulis were present. Mr. Garton stated at the last meeting there was some discussion as to the appropriate manner in which this project should be sewerred. Issues were raised with respect to impact to the Golf Course.

Mr. Fazzalore asked the Solicitor if he should excuse himself from this matter because of the location of his home with respect to this development and the issue of public sewers. Mr. Garton stated if his decision would impact him personally, he should excuse himself; however, he suggested that they listen to the presentation and make a decision subsequently.

Mr. Murphy noted the memo provided to the Board from Mr. Hoffmeister dated 2/10/04 which summarizes two staff meetings which occurred since the last Supervisors' meeting. All the different parties present at both of those meetings are in agreement with the summary presented by Mr. Hoffmeister in his memo. Mr. Murphy stated Mr. Stadulis has shown on the overlay the approved Preliminary Subdivision Plan and the route of the sewer line. They feel they have been able to avoid any intrusion on the limits of the Golf Course which was the direction of the Board of Supervisors two weeks ago.

Mr. Stadulis showed the proposed route on the overlay. The system will flow by gravity to the pump station both from the north and the south. A 2" force main was also shown to the Kimbles Field pumping station. They will build the 4" force main to be dry capped on both ends; and whenever the Township decides that they want to build a regional

pump station, the line would be in place to go up Delaware Rim or some other way if the Township chooses.

Mr. Garton stated he does not feel this has any impact on Mr. Fazzalore personally at this point and he does not feel he needs to excuse himself from voting on this matter.

Mr. Fazzalore stated there was some concern about going to Philadelphia and asked if this issue has been resolved. Mr. Murphy stated their flows would go along the 2" force main which is the Kimbles Field pump station. This is not what is shown on the Township's Act 537 Plan, and this route would require the Township to amend their Act 537. Normally this property would flow the other way to Morrisville. Mr. Garton stated the developer is assuming the risk that the Philadelphia sewer issue will get resolved. Mr. Murphy stated currently there is a moratorium; but hopefully this will be resolved, and they are aware of the risk.

Mr. Fazzalore stated it appears the grinder pumps have been eliminated, and Mr. Stadulis stated this is true for the most part although there are some adjoining properties that cannot get into the gravity system. The plan for the most part however, is a gravity flow. Mr. Stadulis stated there is some discussion about whether Mr. Shaffer may want to tie into the gravity line. He stated they will make provisions for adjoining property owners to tie in.

Mr. Garton stated tonight they are just approving the concept plan as submitted. Amending the Act 537 will involve a Public Hearing and is not being considered this evening.

Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to approve the sewerage of Chanticleer on the premise of the Plan and Hank Hoffmeister's memo dated 2/10/04.

#### DISCUSSION AND MOTION ON KEYSTONE OPPORTUNITY ZONE

Mr. Garton stated some years ago the Legislature adopted the Keystone Opportunity Zone to create incentives for new businesses to move into certain areas which had fallen onto hard times. An area was established around the U.S. Steel site in Falls Township and an application was submitted last May. They received conditional approval from the Pennsbury School District but were turned down by Falls and the County. Toward the end of 2003, the Legislature extended the viability of the KOZ to permit applications through May of this year. What is required is that an application be made to the State which must be accepted by the appropriate taxing bodies that they all agree to

this being created for a period of fifteen years such that no real estate taxes are imposed on the land, no corporate income tax for Pennsylvania, and no sales tax generated. Because of the extension, U.S. Steel has filed a new application asking for an area of Falls Township to be declared as a Keystone Opportunity Zone. The three taxing bodies have to agree to this by the end of May of this year.

Mr. Fazzalore stated he is not in favor of this because he does not feel this will create any more jobs for people in this area. He stated he would be in favor of writing a letter in opposition. He also feels that School taxes will be increased if this is approved. He agreed to table this matter until the full Board is present.

Mr. Santarsiero stated he is not opposed to a KOZ, although this property may not be the best candidate. He stated this issue does underscore the need for the Lower Makefield Township Supervisors to have a mechanism to discuss regional issues with Townships which border Lower Makefield. He stated if there were representatives from each body that met on a regular basis, there would be more lead time for the various Townships to discuss such issues. He suggested that the Board consider such a Committee at their next meeting.

Mr. Stainthorpe stated he is not in favor of a KOZ at this location. He stated Falls is a well-off community and other surrounding communities may lose businesses that may relocate to this area if the KOZ were approved. Mr. Stainthorpe stated he feels the best way to pursue this is for individual citizens to lobby the County and the School Board not to approve this. He would also suggest the Board write a letter to the County and the School Board indicating that Lower Makefield is opposed to this.

Mr. Stainthorpe stated there is a mechanism in place for neighboring Townships to discuss issues and that is the County Association of Elected Township Officials. Mr. Santarsiero stated he would like there to be something more on a regional basis which would meet more often possibly once or twice a month.

Mr. Stainthorpe moved, and Mr. Santarsiero seconded to write a letter to the School District, the County Commissioners, and Falls Township to oppose the creation of a KOZ at the Fairless Works.

Mr. Zachary Rubin stated he feels that this is corporate welfare. He stated at one time U.S. Steel had significant funds and had they chosen to modernize at that time; they would still be in existence.

Mr. Sam Spera, Tomlinson Lane noted Blue Chip was one firm which did get a deal like this, and when the tax deal ran out, they moved out.

Motion to approve carried unanimously.

TABLE DISCUSSION OF NEWTOWN RENTAL PROPOSAL REGARDING ELM  
LOWNE

Mr. Fazzalore stated he is not in favor of this proposal and will vote no. He recommended that the matter be tabled until the next meeting when the full Board would be present.

Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to table the discussion of Newtown Rental proposal regarding Elm Lowne.

APPROVE REQUEST OF ROBERT AND DONNA ALEXANDER TO INSTALL  
SWIMMING POOL

Mr. Garton stated Robert and Donna Alexander, 1550 Brookfield Road, are requesting to install a swimming pool with decking which will exceed the allowable impervious surface. He noted the Board of Supervisors has dealt with matters similar to this in the past. He stated by virtue of the calculations for storm drainage, each lot had a certain amount allocated for impervious surface. Mr. and Mrs. Alexander want to make improvements which will take the impervious surface up to 16.54% which is 1% over the Subdivision approval but lower than what the Zoning permits. Mr. and Mrs. Alexander were present this evening.

Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to permit the Alexanders to go to 16.54% which is 1% over the Subdivision approval but lower than the Zoning permits.

SIGN REVISED MYLARS FOR THE ESTATES AT PROSPECT MANOR

Mylars were signed following the meeting.

GRANT EXTENSION TO MINEHART PRELIMINARY PLAN

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to grant an extension to Minehart Preliminary Plan to 5/21/04.

GRANT EXTENSION OF TIME TO TOLL BROTHERS' REQUEST FOR  
DEDICATION OF DOLINGTON I, PHASE IV

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to grant extension of time to Toll Brothers' request for Dedication of Dolington I, Phase IV until 3/15/04.

GRANT EXTENSION OF TIME TO TOLL BROTHERS' REQUEST FOR DEDICATION OF DOLINGTON ESTATES II

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to grant extension of time to Toll Brothers' request for Dedication of Dolington Estates II until 3/15/04.

DENY REQUEST FOR DEDICATION OF MILL ROAD ESTATES

Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to deny the request for Dedication of Mill Road Estates based on outstanding issues with respect to sewer matters and because not all lots have Final Certificates of Occupancy.

SUPERVISORS' REPORTS

Mr. Fazzalore stated they are considering putting out the Newsletter in June this year.

Mr. Stainthorpe stated Kemper is up and ready with regard to the Golf Course. He stated they participated in a Golf Expo and over 450 people signed up to be on the e-mail list. He has spent time with Kemper and is very pleased with what he is seeing. He stated their marketing plan is solid, and he feels the Township is well on its way to having a successful venture.

Mr. Santarsiero stated the Farmland Preservation Corporation met last week and a number of issues were discussed including their desire to look at revising their By-Laws. They will be writing a letter to the Board of Supervisors in this regard. Mr. Santarsiero stated they want to have a clear Mission Statement. They do still have a vacancy on their Board, and the Board of Supervisors should address this. Mr. Fedorchak stated there is at least one application and perhaps more for this vacancy. Mr. Santarsiero stated they also have issues dealing with the buffers. They went before the Planning Commission in January to discuss this and some questions were raised about how they should proceed. At the last Farmland Preservation Corporation meeting, they agreed that in the spring when they make their annual walk, Mr. Santarsiero will go with them to look at the areas of concern.

DISCUSSION OF REQUEST BY MARY BORKOVITZ FOR OFFICE SPACE FOR THE SOCIETY OF THE PERFORMING ARTS IN THE EMERGENCY SQUAD BUILDING

Mr. Fedorchak stated he does not have a problem with this request. Mr. Stainthorpe stated Ms. Borkovitz has been running the Society out of her home for twenty-five years.

Mr. Stainthorpe stated she is moving and no longer has the space in her home. Mr. Garton suggested that the Board go forward with this on a consensus basis, and he will prepare a Lease. He stated he assumes that they would not charge rent, and this was acceptable to the Board. Mr. Fazzalore stated the Agreement should indicate that she would be given sixty days notice to vacate. It was the consensus of the Board that Mr. Garton proceed to prepare a Lease as discussed.

#### APPROVE PURCHASE OF NEW POLICE VEHICLES

Chief Coluzzi stated \$100,000 was Budgeted for the purchase of five new police vehicles and they can purchase these in the amount of \$97,200. This includes all items including lights and decals.

Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to approve the purchase of five new police vehicles consistent with the memo from the Chief dated 2/2/04.

#### APPOINTMENTS

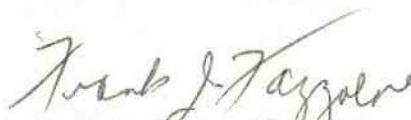
Mr. Fazzalore moved, and Mr. Stainthorpe seconded to appoint Karen Friedman and Cynthia Harrison, Alternate, to represent the Planning Commission and Patricia Bunn to represent the Park & Recreation Board on the Environmental Advisory Council.

Mr. Santarsiero asked if there is another vacancy on this Board, and Mr. Fedorchak stated there is. Motion to approve carried unanimously.

Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to re-appoint Darrell Kates, and Patrick Frain to the Golf Committee.

There being no further business, Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to adjourn the meeting at 8:15 p.m.

Respectfully Submitted,

  
Frank Fazzalore, Chairman





# 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

### FEBRUARY 2004 WARRANT LISTS AND JANUARY 2004 PAYROLL COSTS FOR APPROVAL FEBRUARY 16, 2004 BOARD OF SUPERVISORS MEETING

2/2/04 Warrant List	\$ 790,250.75	
2/04 Manual Checks	92,677.00	
2/17/04 Warrant List	275,473.70	
Total Warrants & Prepaids		1,158,401.45
<u>PAYROLL COSTS:</u>		
January 2004 Payroll	470,751.55	
1/04 Payroll Taxes, etc.	36,012.50	
Total Payroll Costs		<u>506,764.05</u>
TOTAL TO BE APPROVED		\$ <u><u>1,665,165.50</u></u>

