

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – JULY 19, 2004

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on July 19, 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 legal matters.

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  
   James Majewski, Township Engineer  
   Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Mr. Jim Sacks, 20 Delaware Rim Drive, stated a number of people on his street have had problems with their wells as a result of the Golf Course. He stated the Township has been helpful in fixing the problems, but they would like to know the long-term solution. He stated there is also a lake behind his house on the Golf Course which is not being aerated, and there is standing water. They are concerned with mosquitoes and the potential for West Nile Virus.

Mr. Fazzalore stated he is pleased with how the Township has reacted to the water problems. He stated their primary concern is for the residents. They contacted DelVal who did the original studies, and they have been doing a lot of work on this problem. This morning he invited a representative of DelVal to attend the meeting this evening; and Erik Engle, Project Geologist, is present this evening.

Mr. Engle stated there have been some excessive draw downs in the area which were not anticipated. He stated they have found that the well has collapsed. It is pumping half of what they tested it at, and the draw down is twice that which they anticipated. He stated they need to clean the well out and try to get the yield back which should take care of the off-site draw downs.

Mr. Fazzalore stated they cannot do anything until they meet with the DVRBC, and a meeting has been scheduled with them for Tuesday of next week. Mr. Fedorchak stated they must get approval from the DVRBC first. If the DVRBC is in agreement with Mr. Engle's solution, the Township will immediately have DelVal generate a spec which will be put out to bid. This could take within a thirty-day timeframe.

Mr. Sacks asked what will happen to their wells in the interim. Mr. Fazzalore stated the Golf Course has not watered for the last week; and with the recent rains, the ponds are filled. Mr. Stainthorpe stated they have also purchased water from Pennsylvania American.

Ms. Elizabeth Hibbs asked if they will ever get public water on their street. Mr. Fazzalore stated a letter was sent out to the residents asking if they wanted public sewer and water. Mr. Hoffmeister stated there were a mixture of responses. Ms. Hibbs stated when this was sent out, it was before they had any problems, and possibly they should send it out again. Mr. Hoffmeister stated if they have a certain number of people interested in connecting, the Water Company would provide public water but the residents would have to run the lines to the curb stop. He stated there have been some changes to the Pennsylvania America tariffs, and this could effect how the Township proceeds with public water from Pennsylvania American. He stated it will be more expensive than it was at Hillside as the parameters have changed.

Mr. Fazzalore stated the Township is committed to making sure everyone in that area has water. He stated they must also make sure that their investment is protected as well. Mr. Stainthorpe stated Skelly & Loy, the Township's environmental engineer, is also providing a second opinion to make sure that they are doing the right thing to keep the well water safe and adequate.

Mr. Sacks asked if they have come up with a formula to determine how much they can pump without impacting the area wells. Mr. Fazzalore stated they are not pumping currently and will purchase water if needed. Mr. Fedorchak stated fortunately there is considerable capacity on site now which they can draw from. He feels they should have enough to cover them for two to three weeks. Mr. Fedorchak stated they anticipate some recharging of the aquifer. Mr. Engle stated they have noticed the water levels going back up.

Ms. Hibbs stated she is concerned with what will happen in August. Mr. Fedorchak stated this is a concern of the Township as well, and there are ways they can hopefully minimize the impact. If it gets to a critical set of circumstances, they will tap into the Pennsylvania American Water Company fire hydrant and draw down from the fire hydrant as they did about three weeks ago.

Mr. Fedorchak stated with regard to the standing water in the pond, they will have to turn this over to the engineer – RBA. Mr. Fedorchak stated the Township does have a program to deal with the concern over West Nile Virus, and they will add the Golf Course ponds to the rest of those that they treat in the Township. Mrs. Godshalk asked about a sprayer in the pond to aerate the water, and Mr. Fedorchak stated they will look into this.

Ms. Sue Herman stated at the June 21 Board of Supervisors meeting, the Board asked that formal Minutes be kept at the Regional Traffic Commission. She stated the next meeting will be held July 29 at 7:30 p.m. at the Upper Makefield Township Building. She stated she received an Agenda from Mr. Steil, and the entire Agenda will be information gathering from the quarry owners and their impact on the roadways. Ms. Herman stated she feels it is imperative that this information be formally documented.

Mr. Pat Frain, 16 Delaware Rim, asked about the status of televising the meetings. Mr. Fazzalore stated they are investigating this. Mr. Santarsiero stated they would like, in the context of negotiations with Comcast, to see what they can work out so that it is not a significant expense to the Township. The goal is to have something up and running by the first of the year.

Mr. Oroszvary, Delaware Rim, reported on problems he had with his well. He stated he came late to the meeting this evening and asked for an update. Mr. Fedorchak reviewed what the Township will do and asked that Mr. Oroszvary meet with Mr. Engle about his problem.

Mr. Carl Paine, 24 Delaware Rim Drive, stated his well did run dry. He thanked the Township for following through with their promises. He stated he did get a new well on Friday and they went down 250' feet. Mr. Paine stated he is also getting a lot of golf balls in his rear yard and golf balls bouncing into his home. He stated he is adjacent to Hole 7. Mrs. Godshalk stated there is a netting system that is practically invisible that they may want to consider using.

Ms. Elizabeth Hibbs asked if they feel that it will be necessary for everyone to go down 250' for their well, and Mr. Engle stated if they run dry, they may need a new well.

#### APPROVAL OF MINUTES

Mr. Fegley moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Minutes of June 21, 2004 as corrected.

APPROVAL OF JULY 6 AND JULY 19, 2004 WARRANT LISTS, AND JUNE, 2004 PAYROLL

Mr. Fegley moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the July 6, and July 19, 2004 Warrant Lists, and June, 2004 Payroll as attached to the Minutes.

Mr. Fazzalore stated he wants to see a separate line item for the money for the fire house. Mr. Fazzalore noted the report from Ms. Sheridan noting the request to Department Heads regarding the Budget. He stated he feels the Board of Supervisors should meet the third week of September for its first Budget review.

AWARD BID FOR MANHOLE ADJUSTMENTS FOR PAVING PROGRAM

Mr. Hank Hoffmeister and Mr. Tom Zarko were present. Mr. Hoffmeister stated there are eighty-six manholes which need to be adjusted. They are recommending awarding the bid to the low bidder.

Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to award the bid for manhole adjustments for the paving program to C. S. Harris Constructors, Inc. at a cost of \$56,000.

AWARD BID FOR CANAL INTERCEPTOR FLUSHING/TELEVISIONING PROJECT

Mr. Zarko stated this is part of routine maintenance. This is the second phase of the five year project and involves 5,200 linear feet of sewer line. Mr. Zarko stated he reviewed the bid package and the references of the low bidder.

Mr. Stainthorpe moved and Mr. Santarsiero seconded to award the bid for Canal Interceptor Flushing/Televising Project to Video Pipe Services, Inc. at a cost of \$46,585.

Mr. Fazzalore asked how this relates to the emergency problem they had. Mr. Hoffmeister stated this is upstream of the collapse at Ferry Road. It is a continuation of the project they started approximately two years ago. They hope this will tell them how much more of the line has deteriorated and help Mr. Zarko formulate an idea on replacement to be presented to the Board of Supervisors. Mr. Hoffmeister stated this is approximately one third of the line. He stated the next section would be from the part they replaced down to Bridge Street. Mr. Santarsiero asked if they are considering doing that section soon, and Mr. Zarko stated they were considering including it in 2005.

Mr. Santarsiero asked if this is soon enough. Mr. Zarko stated they could put another contract out to bid for this section if the Board of Supervisors wishes to do so.

Mr. Fazzalore asked that the Sewer Authority review this and make a recommendation to the Board of Supervisors.

Motion to award bid carried unanimously.

#### AWARD BID FOR SILVER LAKE PUMP STATION EMERGENCY GENERATOR

Mr. Stainthorpe moved and Mr. Santarsiero seconded to award the bid for the Silver Lake Pump Station Emergency Generator to Philips Bros. Electrical in the amount of \$62,878.

Mrs. Godshalk asked if the old generator has any value, and Mr. Zarko stated they may be able to get something for the head end, and he will look into this.

Motion carried unanimously.

Mr. Fedorchak stated Philadelphia is mandating an I and I Program and asked if they are looking into this. Mr. Hoffmeister stated the biggest problem is the Milford Manor area down at the creek bottom, and Mr. Zarko has been asked to come up with a proposal for this. Mr. Hoffmeister stated this is in the Rock Run Dam area. They will come back to the Board of Supervisors with a proposal. Mr. Fedorchak asked if there are other areas they feel they should look at, and Mr. Hoffmeister stated basically they have all new pipe going to the City of Philadelphia in the other areas.

#### LIBERTY PROPERTY LIMITED PARTNERSHIP FINAL PLAN APPROVAL

Mr. John Honesty, Mr. Brian Lamb, and Mr. John Pyne, Traffic Planner, were present.

Mr. Garton reviewed possible conditions of Approval. He noted the Planning Commission has expressed concern with the potential of traffic incidents and recommended that language be included in the approval that the Applicant will install a barrier of some type if the Township feels it is necessary within five years of full occupancy. Mrs. Godshalk asked who would monitor this, and Mr. Garton stated if there are traffic accidents, the Police Department would have this information. He stated they will have to iron out the details of this between now and the Development Agreement. Mr. Santarsiero stated the Planning Commission was concerned that the goring proposed may not be sufficient and it would be good to have some kind of raised median going up approximately four to five inches. Mr. Garton stated he feels they will need some professional input on this.

Mrs. Godshalk asked if there will be one tenant or multi-tenants. Mr. Honesty stated it will be multi-tenant occupancy for office use. They do not feel it will be medical use. These will be rental units.

Ms. Virginia Torbert asked if there was any notification about this project to the Villages of Shadybrook which is in the adjacent Township. Mr. Fedorchak stated this is done at the Bucks County Planning Commission level. Ms. Torbert stated this new use will be very different from what was at this location previously, and she feels those residing in the Villages of Shadybrook should be advised of this. Mr. Santarsiero stated he will bring this up at the next meeting of the Southeastern Bucks League of Municipalities and advise the Middletown Representative. Ms. Torbert stated at Township Line Road there is a situation with the storm drains where in front of the drains there are depressions in the road and drivers have a tendency to try to avoid these if they are in the right lane and tend to swing out into the other lane. Mr. Santarsiero stated there is no shoulder on the road. Ms. Torbert stated she feels they should fix this situation. Mr. Majewski stated this was designed in this way to handle the drainage. Mrs. Godshalk stated it appears that the highway sank a bit since the drains were installed. Mr. Majewski stated he feels that there are some that have settled. Mr. Fedorchak stated there are curbs in the area, and it was designed in this way to handle the stormwater.

Mr. Santarsiero moved and Mr. Stainthorpe seconded to grant Final Plan Approval to Liberty Property Limited Partnership, Plans dated 7/14/03, last revised 4/7/04 subject to:

- 1) Receipt of all permits and approvals by agencies having jurisdiction including Sewer Planning Modules related to sewers going to the City of Philadelphia;
- 2) Continued compliance with Conditions of Preliminary Plan granted 2/2/04 as contained in Mr. Garton's letter of 2/6/04 to the extent not satisfied;
- 3) Compliance with PCS letter dated 6/14/04;
- 4) Compliance with CKS letter dated 5/17/04;
- 5) Compliance with Jim Yates' letter dated 5/24/04;
- 6) Funding and execution of Development and Financial Security Agreements;
- 7) Finalize between now and the time of Development Agreement language regarding significant traffic incidents which occur within five years of full occupancy that will require that the Applicant install a barrier - either a raised or elevated median strip.

Mr. Honesty agreed to the Conditions of Approval, and the Motion carried unanimously.

GRANT EXTENSION OF TIME TO K. HOVNANIAN COMPANIES FOR  
FIELDSTONE AT LOWER MAKEFIELD

Mr. Santarsiero moved and Mr. Stainthorpe seconded to grant an Extension of time to K. Hovnanian Companies for Fieldstone at Lower Makefield Preliminary Plan (Harris Farm) until 10/22/04.

Ms. Torbert asked about the status of the injunction. Mr. Garton stated the injunction was granted, and the dumping has stopped.

Mr. Santarsiero stated previously they discussed contacting the Railroad about the building adjacent to the property, and Mr. Fedorchak stated he has not done this yet.

Motion to approve Extension carried unanimously.

GRANT STORMWATER EASEMENT THROUGH TOWNSHIP PROPERTY TO  
MERRICK WILSON FOR TOWERING OAKS

Mr. Stainthorpe moved and Mr. Santarsiero seconded to grant a Stormwater Easement through Township property to Merrick Wilson for Towering Oaks.

Mr. Fedorchak stated this is Township land and not Farmland Preservation land. Mrs. Godshalk asked if this will help the situation at Sunnyside. Mr. Garton stated during the approval process there were a lot of improvements made with regard to the storm drainage and this is just in furtherance of that. Mr. Majewski reviewed how the water will flow which should improve the situation.

Mr. Sam Conti stated he is concerned with the swale that will be installed to the retention basin. He stated the swale is on the west side of the property, and he wants to make sure that no water backs up onto the Farmland property. Mr. Stainthorpe stated this is a Final Approved Plan which was part of a Court Order so that they are not able to make any changes. Mr. Santarsiero stated it appears the swale goes northwest to southeast. Mr. Majewski stated the swale should divert water away from this area. He stated he could look at the Plans to see how far the diversion swale goes. He agreed to look into this and contact Mr. Conti.

Motion carried unanimously.

APPROVE APPOINTMENT OF GEORGE PITCHER TO THE POSITION OF  
LOWER MAKEFEILD TOWNSHIP PATROLMAN

Chief Coluzzi stated the Board of Supervisors had an opportunity to meet with Mr. Pitcher. Chief Coluzzi reviewed Mr. Pitcher's resume and stated he will replace Corporal Dave Johnson who retired in June. Mr. Pitcher will start August 9.

Mrs. Godshalk moved, Mr. Fegley seconded and it was unanimously carried to approve the appointment of George Pitcher to the position of Lower Makefield Township Patrolman.

ZONING HEARING BOARD MATTERS

It was agreed to leave to the Zoning Hearing Board the Donald Nowill and Sharon Czebotar, 616 Washington Crossing Road, Special Exception request to permit an accessory office for the practice of acupuncture.

It was agreed to leave to the Zoning Hearing Board the Ronald and Susan Richardson, 731 West Melissa Circle, Variance request to construct a shed within the special setback of Edgewood Road.

It was agreed to leave to the Zoning Hearing Board the Toula Aris, 58 Bedford Place, Variance request to construct an addition encroaching in the rear setback but have the Solicitor appear in opposition to the extent of the impervious surface request.

It was agreed to leave to the Zoning Hearing Board the James Armetta, 385 Oxford Valley Road, Suite 101, Variance request to permit open air patio for restaurant dining.

It was agreed to leave to the Zoning Hearing Board the Michael Newman, 315 Springdale Terrace, Variance request to construct an addition encroaching in the front yard setback.

SUPERVISORS' REPORTS

Mr. Stainthorpe stated the Open House for the Golf Course was held the last weekend in June and was a great success with 3500 in attendance. This has been followed up with exceptional play with 1000 rounds played the first weekend. They are averaging 200 rounds a day. Revenue through the 14<sup>th</sup> is 52% of the revenue goals for the entire month of July. He stated, as discussed earlier, there are some issues with water. There are also some issues with restrooms. They will continue to work on these problems.

Mr. Fazzalore stated he has heard only good comments about the Course. Mr. Sam Spera stated he has played the Course a number of times and feels it is an incredible Course and

the Township did a fantastic job. Mr. Stainthorpe stated the official Grand Opening will be held Thursday, and 105 people have been invited to attend.

Mrs. Godshalk stated the marketing plan for Elm Lowne is working, and they have deposits for a number of weddings. She stated the Township is a sponsor of Towns Against Graffiti, the County-wide group; and if anyone sees any graffiti in the Township, they should contact the Police Department. They also pick up trash on certain roads. Once a year they have a Fund-Raiser to raise additional funds, and it will be held this year on August 19. Mrs. Godshalk stated the Memorial Committee will have their first Annual 9-11 Golf Tournament on Monday, October 4 at the new Golf Course, and she has flyers about this event available this evening. Mr. Fazzalore asked if the tent is up at Elm Lowne, and Mrs. Godshalk stated she does not believe it is. Mr. Santarsiero stated the new signs at Elm Lowne look very nice.

Mr. Santarsiero stated a proposal by Sunrise was before the Planning Commission to construct a 94-bed Assisted-Living facility at the corner of Heacock and Stony Hill Roads. They will be going before the Zoning Hearing Board. He stated concerns were expressed at the Planning Commission meeting about whether or not there was sufficient parking proposed and concerns about traffic. The Planning Commission did recommend that the Special Exception for that use be approved with one person opposed.

Mr. Santarsiero stated he has since looked at the traffic in the area and is not sure that this use is something that should be approved given some of the traffic issues. Mr. Garton stated this will be on the Board's next Agenda for discussion. Mr. Fazzalore stated he feels the number of parking spaces shown was minimal. Mr. Santarsiero stated this was discussed at the Planning Commission and the Applicant tried to assure the Planning Commission that their experience proves that what they have proposed is sufficient. Mrs. Godshalk asked if the neighbors were notified of this use, and Mr. Santarsiero stated no residents were present, and he is not sure whether or not they were notified. Mrs. Godshalk stated she would like to know if the neighbors were notified since neighbors in that area have come out in the past when other projects were discussed for this property. Mr. Fedorchak agreed to look into this.

#### TABLE AMENDING CONTRCT WITH LIUBA LASHCHYK FOR DESIGN OF THE 9-11 MEMORIAL

Mr. Fedorchak stated he was expecting something from Ms. Lashchyk on Friday. He talked to her this morning, and she agreed to get something to him by the end of this week.

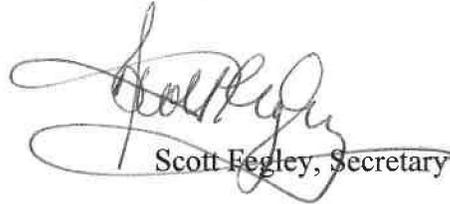
Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to table amending the Contract with Liuba Lashchyk for the design of the 9-11 Memorial.

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There being no further business, Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to adjourn the meeting at 8:40 p.m.

Respectfully Submitted,



Scott Fegley, Secretary



# Township of Lower Makefield

## BOARD OF SUPERVISORS

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

### JULY 2004 WARRANT LISTS AND JUNE 2004 PAYROLL COSTS FOR APPROVAL JULY 19, 2004 BOARD OF SUPERVISORS MEETING

7/06/04 Warrant List	\$ 725,943.04	
7/04 Manual Checks	432,284.08	
7/19/04 Warrant List	915,794.19	
Total Warrants & Prepaids		2,074,021.31
<u>PAYROLL COSTS:</u>		
June 2004 Payroll	341,007.61	
6/04 Payroll Taxes, etc.	26,087.08	
Total Payroll Costs		367,094.69
TOTAL TO BE APPROVED		\$ 2,441,116.00

