

**TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS MINUTES
MONDAY, AUGUST 16, 2004**

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on Monday, August 18, 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. 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 (absent)

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

PUBLIC COMMENT

Mr. Jared Lander, 1621 Grand Dam Drive, stated that he is concerned about the number trees being taken down on Sandy Run Road. He stated that Sandy Run Road used to be flanked by forests of trees on both sides until the recent construction of new homes on private lots. He said that he contacted state representative David Steil and The Heritage Conservancy about preserving the remaining trees. He asked the Board of Supervisors to consider the acquisition of the remaining land to preserve. Mr. Stainthorpe said the Board discussed this issue in Executive Session and the Township is considering acquiring the land but the lots are small and expensive to purchase. He stated before a decision is made the Township needs to look at the lots and the issue will come up again at the next Executive Session.

APPROVAL OF MINUTES

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

APPROVE AUGUST 2 AND 16 WARRANT LISTS AND JULY PAYROLL

Mr. Fegley moved, Mrs. Godshalk seconded and it was unanimously carried to approve the August 2 and 16, 2004 Warrant Lists and July payroll as attached.

Mr. Fazzalore stated that he still did not receive what he asked for from the accounting manager in the report. He said he wanted to see a line item for the Fire Station. Mr. Fedorchak said Ms. Heidi Sheridan, Finance Director footnoted the items requested. Mr. Fazzalore said the report is still not the way he wants it to be. Mr. Fazzalore said he reviewed the budget, which is on track for the year, and hopes the Township stays on budget.

DISCUSSION OF PHASE I OF MEMORIAL PARK

Mr. Dave Horton of Boucher & James was present at the meeting. He stated at the last meeting the Board asked his firm to prepare a list of what is included in Phase I for the \$1 million expenditure. Mr. Horton stated the park would include a series of phases. Phase I includes main entrance road D through the center of the site paved with asphalt, traffic circle paved with asphalt, road B located west of the traffic circle paved with asphalt, parking area south of road B constructed with gravel not asphalt, road C in front of memorial which is a short extension of asphalt road leading to memorial parking lot, the final grading and seeding of play fields south of the gravel parking lot and construction of storm water detention area. The memorial parking lot is not part of this project, this is part of the memorial construction project. He stated that one asphalt basketball court, play areas and volleyball areas could be included in Phase I.

Mrs. Godshalk asked if the paved roads are two layers, base coat and finish coat. Mr. Horton said yes. Mrs. Godshalk said she is concerned that construction vehicles will damage the roads. Mr. Horton said after the roads are completed alternate entrance and exit roads could be designated to avoid the newly paved roads.

Mr. Fedorchak stated the Township did not include construction of the Comfort Station in Phase I, which would cost \$300,000 to \$400,000 and would not leave much money for anything else in Phase I. Mrs. Godshalk asked how many square feet the Comfort Station is. Mr. Horton said the Comfort Station is 3,900 square feet. Mr. Fazzalore stated the Township has to borrow the money for this project and suggested the Township bulk all upcoming purchases into one debt.

Mr. Stainthorpe asked what the next step is for the Township to proceed. Mr. Horton said once Boucher & James receives its approvals from the reviewing agencies they worked with then the Township could put the project out to bid. Mr. Garton said the Township would have alternates so if the bids are high you could reduce certain items.

Mr. Stainthorpe moved and Mrs. Godshalk seconded approval to bid out improvements at Memorial Park pending approvals from reviewing agencies.

Mrs. Godshalk asked if swapping a paved road with an asphalt road could be done to pave the gravel memorial parking lot. Mr. Horton said yes that could be done. Mrs. Godshalk asked if water and electric would be brought to the Comfort Station area. Mr. Horton said yes, but not the sanitary sewer line, which would be done at a later time.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, stated she thinks the Comfort Station should be part of Phase I from a health and comfort standpoint. She asked if a road or play fields could be taken out of Phase I to build the Comfort Station. Mr. Horton said the cost of eliminating play fields or not paving a road do not equal in cost to building a Comfort Station.

Mr. Fazzalore asked Mr. Horton if Boucher & James could include the Comfort Station in Phase I and after the Township goes out to bid, the Township could decide based on the importance of the Comfort Station, to eliminate other items to include in Phase I.

The motion carried unanimously.

TABLED APPROVAL OF AWARD FOR ELM LOWNE LIGHT PROJECT TO CALLAGHAN ELECTRICAL CONSTRUCTION LLC

Mr. Fazzalore moved and Mr. Stainthorpe seconded and it was unanimously carried to table approval of the Elm Lowne Light Project to Callaghan Electrical Construction LLC at a cost of \$18,542.00 pending further information. Mrs. Godshalk abstained from the vote.

REJECT BIDS FOR MAKEFIELD MANOR II DRAINAGE PROJECT

Mr. Fazzalore moved and Mr. Stainthorpe seconded and it was unanimously carried to reject the bids for the Makefield Manor II Drainage project because the bids came in significantly over budget.

DISCUSSION OF WILSHIRE GLEN LOT 22 REQUEST TO DEMOLISH FARMHOUSE

Mr. Bill Shroeder was present representing the property owners, Tyrone and Kelly Stevens. Mr. Garton stated that the Board tabled the request for demolition permit at the last meeting until the Board could review minutes and other documents of official record. Mr. Garton stated the purpose of the meeting tonight is to give the Board the right to waive the condition of the plan as opposed to requiring Mr. Shroeder and his clients proceed to the BOCA hearing Board which is the Zoning Hearing Board. Mr. Shroeder stated that all of the homeowners in the development signed a petition in support of demolishing the farmhouse.

Mr. Fazzalore stated he obtained a copy of the July 21, 1997 minutes and read the section of the minutes pertaining to the farmhouse, “purchasers told members of the Historical Commission that he plans to restore the house and his partner plans to restore the barn and will live in it”.

Mrs. Stevens stated the house is only a shell with no running water or electricity and it would cost too much money to restore the house.

Mr. Stainthorpe stated the 1997 minutes indicate the house is to remain, but the minutes never say the house is to be preserved.

Mr. Fazzalore stated the Board is in a difficult position and he does not know how he will vote. Mrs. Godshalk said the Township tried to buy the property with the house as open space preservation. She stated the Township had one of the two appraisals required to purchase the land then the owner sold the property to a developer. Mrs. Godshalk stated the 1997 minutes state the intention of the Township. She stated real estate companies marketing the property sold prospective buyers about the restriction on the house.

Mr. Fazzalore asked if anyone on the Board would entertain a motion to allow the homeowners to demolish the house. Mr. Stainthorpe moved and Mr. Fazzalore seconded to allow Mr. and Mrs. Stevens to demolish the house.

Mr. Fegley said he feels bad for the homeowners, yet they were naïve when buying the property. He stated he is undecided about how he will vote because the Township did not apply the heat to the original owner. Mr. Fegley stated if the Township allows the homeowner to tear the house down, the

homeowner must sign an agreement that they will not build a new house on the lot and sell it for a profit.

Mr. Stainthorpe asked Mr. Garton what the case law is for this type of matter. Garton stated he pulled the recommendation from Planning Commission which includes incorporates the Pickering Courts letter stating that the house is to remain but there is no affirmative obligation to restore the house and he does not know condition of house at that time. Mr. Stainthorpe said legally the house could remain until it crumbles. Mr. Garton stated it is for the courts to interpret a reasonable consequence and that would make the property inalienable. Mr. Shroeder stated there were specific preservation conditions imposed for the barn, which were not imposed on the house. Mr. Fegley asked what the status of the barn is. Mrs. Godshalk said the barn was sold and removed. Mr. Garton said the barn could be preserved at the original site or moved to another location and preserved.

Ms. Michele Stambaugh of the Historical Commission stated the Commission sent a memorandum to the Board dated August 11, 2004 with its concerns and comments regarding this matter. She stated the house will continue to be destroyed by neglect and Mrs. Stevens approached the Historical Commission more than 18 months ago. She stated if the Township allows this permit for demolition than a precedent would be set for future historic properties. Mrs. Stambaugh stated she lives in an old historic house. She stated the Historic Commission is willing to work with the homeowners to market the house for sale or flip the location of the house.

Mr. Tristram Hines owner of the McClister House stated that his house used to be the Mark Palmer Hotel and his house was in worse condition than the Raab Farmhouse when he bought it. He stated that after installing electrical service, water and sewer to the property, the value of his home increased by more than \$300,000. He stated he does not feel the homeowner should profit through the destruction of the farmhouse.

Ms. Ann Langtry of the Historical Commission commended the Board for preserving the many historic homes within developments in the Township and hopes this meeting will increase the number of historic homes by one.

Mr. Lou Arace, 1224 Wilshire asked the Board to read back the notes of 1997. He asked why the barn was torn down and Mr. Stainthorpe said the Township permitted the moving of the barn. Mr. Stainthorpe stated the Township made a mistake with the developer and now the Township has learned a lesson.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, asked the homeowners when they bought they house what did they think would happen and what were their intentions with the house. Mrs. Stevens said they planned to tear down the house.

Mr. Jim Sanders, 20 Knoll Drive, said he is very loyal to Wilshire Glen. He said knew Mr. Wildar Raab when he was alive and brought him pies. Mr. Sanders said he had walked through the house many times with Mr. Raab and Mr. Raab talked about contacting the Heritage Conservancy to preserve the house. He stated that Pulte put sufficient room on the original plan to envelope the house properly. Mr. Sanders said what Quaker did was wrong to situate the homeowners house where it is. He said the Board in 1997 cared to make the house remain.

Mr. Shroeder offered certain conditions for permission to demolish the house. He stated the homeowners agreed to give the Historical Commission access to the house to take anything in the house which is of architectural value, will give the Historical Commission \$1,000 and will sufficiently re-grade the lot. Mr. Fegley stated the homeowners must agree to the condition that they will not put a new house on the lot forever. The homeowners said they could not agree to the last condition at this time.

Mr. Fazzalore said there was still a motion on the floor and if those conditions were acceptable they would be incorporated into the motion. Mr. Garton said the conditions are not acceptable in whole. The Mr. Fegley's condition is not acceptable therefore it is not part of the motion.

The motion to allow the homeowners to demolish the house was unanimously denied.

ZONING HEARING BOARD MATTERS

It was agreed to leave to the Zoning Hearing Board the Thomas J. Mack Construction, Variance request to adjust the building setback line of the property located at the dead end of West Ferry Road.

Mr. Garton stated with regard to Thomas J. Mack, Variance request to construct an addition to the home of Dr. and Mrs. Richard Troll located at 1616 S. Crescent Boulevard exceeding the permitted impervious surface that the homeowners reduce the increase of impervious surface by ½ %.

It was agreed to leave to the Zoning Hearing Board the Chris Pratico and Eileen Sennet, several Variance requests to subdivide property located at 821 River Road for construction of three single-family homes.

SUPERVISORS REPORTS

Mr. Fazzalore stated the Sewer Authority and Park & Recreation Board have not met. He asked if there is enough money for a second newsletter this year. Mr. Fedorchak stated there is enough money for a second newsletter. He stated the first newsletter cost under \$13,000 and the Township has \$20,000 budgeted.

Mr. Stainthorpe stated he does not have a report on the golf course. He stated he couldn't attend the Regional Traffic Task Force meeting this week and asked if an alternate could attend. Ms. Karen Friedman of the Planning Commission will attend the Regional Traffic meeting in place of Mr. Stainthorpe.

Mr. Fegley reported he did not have anything to report.

Mrs. Godshalk stated the golf course is doing very well. She stated the 9-11 Memorial Committee is having a golf outing to benefit the memorial on October 4, 2004. She stated \$405,000 has been raised so far for the memorial including a \$100,000 grant for landscaping.

APPROVAL TO CANCEL THE SEPTEMBER 6, 2004 MEETING DUE TO LABOR DAY HOLIDAY

Mr. Stainthorpe moved and Mr. Fegley seconded and it was unanimously carried to cancel the September 6, 2004 Board of Supervisors meeting.

OTHER BUSINESS

Chief Coluzzi stated Phase I of the Police Station renovation is complete. He asked the Board for approval to bid out Phase II of the plan in the amount of \$198,740, which includes integrating the emergency management center and evidence room. He stated there is \$195,000 in the budget this year for Phase II.

Mr. Stainthorpe moved and Mrs. Godshalk seconded and it was unanimously carried to approve the Township to bid out Phase II of the Police Station renovation.

Mrs. Godshalk stated she knows of grants for Homeland Security for local emergency management. Chief Coluzzi stated those grants are not available until the emergency management center is built.

APPOINTMENTS TO BOARDS AND COMMITTEES

Mr. Stainthorpe moved and Mr. Fazzalore seconded and it was unanimously carried to appoint Ms. Jennifer Stark to the Elm Lowne Committee.

There being no further business, Mr. Fazzalore moved, Mr. Stainthorpe 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

AUGUST 2004 WARRANT LISTS AND JULY 2004 PAYROLL COSTS FOR APPROVAL AUGUST 16, 2004 BOARD OF SUPERVISORS MEETING

8/02/04 Warrant List	\$ 428,569.87	
8/04 Manual Checks	45,944.32	
8/16/04 Warrant List	324,362.17	
Total Warrants & Prepays		798,876.36
<u>PAYROLL COSTS:</u>		
July 2004 Payroll	583,945.30	
7/04 Payroll Taxes, etc.	44,671.81	
Total Payroll Costs		<u>628,617.11</u>
TOTAL TO BE APPROVED		\$ <u><u>1,427,493.47</u></u>

