

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - JUNE 16, 2003

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 16, 2003. Chairman Godshalk called the meeting to order at 7:30 p.m.

Those present:

Board of Supervisors: Grace Godshalk, Chairman
Wes Hackman, Vice Chairman
Frank Fazzalore, Secretary/Treasurer
Pete Stainthorpe, Supervisor

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

Absent: Scott Fegley, Supervisor

PUBLIC COMMENT

Mr. Harris Gordon, 13 Hillside, stated he is concerned about the lowering of his street. He stated the residents were not informed that the driveways would have to be cut 20' back to exit onto the street that was cut down. Mr. Gordon stated Mr. Williams indicated that he was concerned about standing water on two lawns. Mr. Gordon asked that they look into this matter again to see if the road has to be lowered so much. Mr. Williams stated he did meet with some of the residents today. He stated the inlets at the current time are very deep and this is not the final grade. Ultimately there will be portions of Hillside that they will need lower about 16". He stated they need to get the water off the right-of-way. Mr. Gordon stated he feels the lawns need additional soil. Mr. Williams stated they also do not want to push the water onto the downstream driveways. He did agree to take a quick look again before this evening's meeting and feels that they can raise it 5" and perhaps more and does not feel it will cost anything additional to the Township to do so. He asked for permission to make a field change. Mr. Fazzalore stated he wants to make sure that they address the main concern which is water. Mr. Williams stated his hope is that the same people asking them to raise this will not be coming back next year complaining about water on their lawn. Mr. Hackman stated the engineering must work.

Ms. Irene Koehler stated the residents were not advised that the road was going to go down so much. She feels this should have been discussed with the residents previously. Mr. Hackman stated they are trying to capture the water recognizing that water runs downhill.

Mr. Koehler asked the amount of the right-of-way, and Mr. Williams stated it is between 50' and 60' but he would have to pull the plans to make sure. Mr. Koehler stated they felt the elevation was going to be covered by an 8" curb. Mr. Williams stated there will be an 8" curb and he is going to try to raise the road; however, he must get the water off the high side without allowing it to flow across and impact the low side. Mr. Koehler asked if they could install elevation stakes so the residents can see what will occur, and Mr. Williams agreed to do so.

Mrs. Koehler stated if the water already goes down Hillside, she does not understand why they are dropping it lower. Mr. Williams stated they are trying to get the water to the storm drain and not have it go onto the residential properties. Mr. Williams was asked to provide an update at the next meeting.

Mr. Frank Ritchie, 960 Sandy Run Road, stated the Township recently completed the Sandy Run Bridge and noted it is aesthetically pleasing and is keeping the water out of their yard. He stated the contractor did a tremendous job. He stated he does need a property line marked on one side, and Mr. Williams stated this has been scheduled. Mr. Ritchie stated people are going through the stop sign at College Avenue and asked that the Police patrol this area. Mr. Ritchie also stated a tree has fallen down since the bridge opened and should be taken out before it goes into the creek. Mrs. Godshalk noted there is an abandoned house in this area which the Board saw during the Road Tour. She stated she feels some action should be taken. Mr. Fedorchak stated the Building Code Department will be looking into this matter.

Ms. Sally Conlon asked if a final decision has been made on the price for the Golf Course property. Mr. Garton stated the third hearing has not been scheduled as counsel for the property owner is in the hospital.

Ms. Sheri Eselsay, Powderhorn Drive, asked about the timing on the lights at Lindenhurst and Twining Roads. Mr. Williams stated he contacted the Township maintenance company which has provided a report which indicates the sensor is malfunctioning because of problems with deterioration of the roadway. He stated the Board of Supervisors could authorize an overlay of this section so that they can install new sensors. Mr. Hackman stated he feels that they should at least make the time equal in some way so that it is the same on each side until work can be completed. Mr. Williams stated he will contact Precision to by-pass the default setting and will also contact PennDOT. He will then proceed with what needs to be done to overlay the road. He stated he also looked into the light at 532 and Lindenhurst Road and the sensors were cut when the gas line was run. They have been put on notice that these have to be replaced and this is scheduled to be done in the next two weeks.

Ms. Virginia Torbert asked about the bus stop signs to be installed on Lindenhurst Road, and Mr. Williams stated he will look into this matter again.

APPROVAL OF MINUTES

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Minutes of June 2, 2003 as written.

APPROVAL OF JUNE 2, 2003 AND JUNE 16, 2003 WARRANT LISTS AND MAY, 2003 PAYROLL

Mr. Fazzalore moved, Mr. Hackman seconded and it was unanimously carried to approve the June 2, 2003 and June 16, 2003 Warrant Lists and May, 2003 Payroll as attached to the Minutes.

AWARD GOLF COURSE BIDS

Mr. Hackman moved and Mr. Stainthorpe seconded to award the bid for General Contractor to Gateway Project Management, LLC in the amount of \$272,750, the bid for Mechanical Contractor to Hightec HVAC, Inc. in the amount of \$75,494, the Plumbing Contractor to Richard F. Bondurant LLC in the amount of \$65,259, and the Electrical Contractor to MJF Electrical Contracting in the amount of \$46,675 for the construction of the maintenance building.

Mr. Fazzalore asked Mr. Taylor if the buildings were lumped together or split. Mr. Taylor stated the first time they went out to bid, they did lump them together but the second time they split them. Mr. Fazzalore asked how it was done in the Budget, and Mr. Taylor stated it was listed separately. The maintenance building project was budgeted for \$468,000. One item of \$15,000 was not included in this award. Mr. Fazzalore stated two more buildings need to be built. Mr. Taylor stated the pump house is being considered now and did come in on budget. They will also build a clubhouse.

Mr. Pat Miller, Delaware Rim, asked if the contractors are bonded, and Mr. Garton stated they are required to be so by law.

Ms. Torbert asked if this electrical contractor is the same one who installed the lights at Macclesfield Park, and it was noted it is not the same contractor.

Motion to approve carried unanimously.

Mr. Hackman moved and Mr. Stainthorpe seconded to award the bid for the well pumps to Shanahan Pump and Power in the amount of \$6,211.88.

Mr. Taylor stated the quotes do not include sales tax and if sales tax is required to be paid, they will have to add this to the cost. He and the Solicitor are looking into this issue. Mr. Garton stated they are going to try to see if they can avoid paying the sales tax.

Motion to approve carried unanimously.

DISCUSSION OF CHANTICLEER SUBDIVISION

Mr. Edward Murphy, attorney, and Ms. Susan Menno, engineer were present. Mr. Garton stated Mr. Murphy is present to discuss some issues which relate to the subdivision and is not looking for Plan approval at this time. Mr. Murphy noted his letter dated 6/6/03 outlines the issues he wishes to discuss. Mr. Murphy stated the property is a compilation of three properties with total acreage of approximately 43 acres. Seventeen new homes are proposed as well as retention of an existing home that fronts on Mt. Eyre Road. Mr. Murphy stated they have not revised the plans to address the PCS review comments as they first wanted to get input on some issues from the Board of Supervisors and the residents.

Mr. Murphy showed the proposed road on the Plan and stated without a waiver, the Ordinance requires two points of access which are shown - one on Mt. Eyre Road, and one at Delaware Rim. This would involve a creek crossing. He showed an alternate plan which has access to Mt. Eyre Road and one access to Delaware Rim but is not a through road and

therefore would not involve a creek crossing. Mr. Hackman asked if they can meet all the other environmental concerns, and Mr. Murphy stated both plans do meet Ordinance requirements and do not involve any Variances other than the one needed to cross the creek on the original proposal. He stated the Planning Commission favors the plan without the interconnection as it will preserve the stream and avoid the potential for cut through. Mr. Hackman noted the cost of the Sandy Run Road Bridge was estimated to be approximately \$500,000, and he asked if the applicant would be willing to fund other projects in the Township if the Board were to agree to the alternate plan without the creek crossing. Mr. Murphy stated he feels they could consider this.

Mrs. Godshalk asked if there is a way to get across the stream with a walking path so that the two developments would not be isolated. Mr. Williams stated they would have to get a permit and would have to stay out of the wetlands, etc. Mr. Stainthorpe stated he is concerned that the residents would not be in favor of such a trail since similar proposals in the past have been opposed by the residents. Mr. Fazzalore stated he would not be in favor of such a walking path across the stream. Mr. Murphy stated when the plans are revised, they can look into the possibility and see if they can provide something that would be low impact.

It was the consensus of a majority of the Board that they were in favor of the alternative plan without the interconnection.

Mr. Murphy noted a condition which exists on six or seven of the proposed lots; and if they were permitted to pull these homes forward on the lot, they could provide a larger rear yard which would provide more of a buffer to the adjoining existing residences. He stated they would do this on a case-by-case basis. He stated they would have to go the Zoning Hearing Board for relief to reduce the front yards and would like to know whether or not the Board of Supervisors would oppose this.

Mr. Murphy stated the final item to be discussed is with regard to the storm water system. He stated since March, the DEP has adopted new regulations that require ground water infiltration and water recharge and they now must consider alternatives to stormwater management than what has been done in the Township in the past. He stated their initial plan was to proceed in the normal fashion since the plan was submitted prior to the new regulations. He stated according to the new requirements, basins are to be planted in a naturalized fashion. He stated the developer is prepared to have a Homeowners Association own and maintain these basins rather than have them dedicated to the Township. These basins would be on private lots and the Homeowners Association would be responsible for them with access through cross easements from the roadway to get to the basins. He stated the Planning Commission was in favor of anything they could do to comply with the regulations with regard to infiltration and recharge.

Mr. Hackman stated his concern is that it appears the Township Ordinance is now out of date. Mr. Williams stated these regulations are just coming down now. The County has not forced the Township to change their Ordinance yet since the County is just now working on a model Ordinance that the Township will then have to adopt. Mr. Garton stated the State is going to force the Townships to do this throughout the County. Mr. Fazzalore stated historically the Township has been concerned that individual residents do not maintain the basins properly. Mr. Garton stated it would not be an individual - it would be a Homeowners Association. He stated there will be minimal maintenance with the new requirements for basins. Mr. Murphy stated they can give the Township enforcement

authority; and if the Township has to do the work, they could lien each individual homeowner. Mr. Hackman asked that the Township engineer provide information on what is now required with regard to stormwater management. Mr. Garton stated he is Chairman of the Conservation District, and they have been dealing with this for over a year. These requirements have come down from the Federal Government through the State in order to protect the groundwater. He stated this is more expensive for the developer than the traditional way to address stormwater. Mr. Hackman stated he is concerned that this puts the burden on a group of residents who will not know how to deal with it. Mr. Murphy stated Realen has had experience with this for many years since they do a significant amount of work in Chester County where this has been a requirement for some time.

Mrs. Godshalk stated if the road is not going to go through, they could consider these being private streets since they have been advised in the past that it is difficult to maintain the roads when there are small cul-de-sacs.

Mr. Pat Miller, 1664 Delaware Rim Drive, showed his property on the plan. He asked how he will get out of his driveway during construction, and was advised that they must make provisions for him to be able to access his driveway. Mr. Miller asked about the height of the road, and Mr. Murphy stated they will discuss this with the Township engineer and Mr. Miller. Mr. Miller asked if curbs will be brought in, and Mr. Murphy stated they will; and if acceptable to the Township, they will use Belgian block. Mr. Miller stated he is concerned about water running onto his property. Mr. Miller stated he would be in favor of moving the homes forward so that it will take the new homes away from the rear property line. He asked about buffers, and Mr. Murphy stated some residents have requested these but they are not required by Ordinance since it is residential against residential. Ms. Menno stated TRANSCO has asked that some of the trees be removed because of their requirements on clearance on either side of the easement.

Mr. Jim Saxon, Delaware Rim, asked if the Township plans to approve the alternate Plan; and Mr. Garton stated the Board has indicated that they prefer the alternate Plan, but the Plan must still go through the normal review process. Mr. Saxon stated he would prefer the alternate Plan as well. He stated he would not be in favor of any kind of connection between the two developments on the Plan.

Ms. Joan Sullivan, Thistlewood Drive, stated several of the neighbors came out to the Planning Commission and were in favor of the alternative Plan with the road not going through. She stated she is also in favor of the homes being pushed forward so that they can preserve their privacy. She asked what will happen to the existing berm. Ms. Menno stated they will maintain this as they are not grading back that far.

Ms. Virginia Torbert asked how close the homes will be to the closest tee on the Golf Course. The area involved was shown on the Plan, and Mr. Hackman stated there are trees proposed for this area. Ms. Torbert stated she still feels there is a potential for golf balls to go onto these properties and they may need some kind of fencing in this area as well as for those homes on Delaware Rim. She suggested that they put money in escrow for fencing.

Mr. Pat Miller asked about public sewer and water, and Mr. Mike Stadulis of Realen, stated they will use the Kimble's Field Pump Station. Ms. Menno stated they will have a low pressure force main system; and although they have not done the full engineering on the alternate Plan, she showed on the Plan where they feel it will run. Every individual home will have a grinder pump. The water line will be run parallel. With regard to the storm water, they will have inlets in the street.

Mr. Williams stated there is an existing farm crossing of the stream that is below the discharge point, and they could consider putting in a walking trail across in this area.

Mr. Rick Schaffer, Delaware Rim Drive, expressed concern with construction trucks tearing up the road. Mr. Williams stated the developer would be responsible if this were to occur. Mr. Schaffer also asked about the hours that large trucks will be coming to the site, and Mr. Williams stated large trucks will be limited to certain hours since it is a residential neighborhood. Mr. Schaffer stated he is now looking at a 25' high "mountain" at the golf course, and they still have not put on the top soil. Mr. Hackman stated they will be installing trees as well .

Mr. Pat Miller asked if they will be able to tie into the public sewers when they are brought in. Mr. Hackman stated Delaware Rim is not sewered and asked how this project could accommodate them. Mr. Murphy stated they are not prepared to accommodate a tie in since a low pressure force main cannot accommodate this. Mr. Hackman asked if they put a pump station in could this be done. Mr. Stadulis stated Delaware Rim has a number of high and low points, and they could not get one pump station to service all of Delaware Rim because of the different elevations. Mr. Fazzalore stated he feels it could be done and feels they should look into this further. Mr. Hackman asked the Township Manager to have the sewer engineer look at Delaware Rim in relation to this project and advise the Board what they would recommend.

Mr. Murphy asked if they have a preference with regard to street widths, and Mr. Hackman stated they should be designed according to Ordinance and the Board will consider whether they should agree to a reduced width.

APPROVAL OF RESOLUTION #2036 - DEVONSHIRE DEDICATION

Mr. Stainthorpe moved, Mr. Fazzalore seconded and it was unanimously carried to approve Resolution No. 2036 - Dedication of the Devonshire Development.

TABLE DEDICATION OF BRIDLE ESTATES

Mr. Stainthorpe moved, Mr. Hackman seconded and it was unanimously carried to table Dedication of Bridle Estates.

APPROVE BUCKS CENTRAL CHURCH PRELIMINARY/FINAL PLAN

Mr. Edward Murphy, attorney, was present. Mr. Garton reviewed possible conditions of approval. Mr. Murphy stated they have been involved with this Plan for approximately five years, and he reviewed the history of the project. He stated they do have the Special Exception in place and the Planning Commission has recommended Preliminary/Final Plan approval. He noted the Church now has funding for the project so they can proceed when approval is granted.

Mr. Hackman stated there is a plan for an adjacent property and asked about connection to the public sewers. Mr. Murphy stated they were advised of this Plan but have been advised that there may be problems with how the wetlands were delineated on that Plan and

they do not feel that they can depend on this Plan proceeding rapidly. He stated they have agreed to tie into the sewers when they are available. Mr. Murphy asked if they would consider granting Preliminary/Final Plan approval, and Mr. Williams stated he did not feel this would present any problems.

Mr. Stainthorpe moved and Mr. Fazzalore seconded to grant Preliminary/Final Plan approval to the Bucks Central Church, Plans dated 8/1/00, last revised 5/7/03 subject to:

- 1) Compliance with PCS letter dated 5/22/03;
- 2) Approval of the following Waivers:
 - a) Pavement cores not be required;
 - b) Slope be 2 to 1 as opposed to 4 to 1 at the septic bed;
 - c) Existing features not be required within 200';
 - d) Slope of the basin bottom be 1% as opposed to 2% because of the meadow mix treatment;
 - e) Earthen basin be 4 to 1 as opposed to 3 to 1 to limit woodland disturbance;
 - f) Several other minor Waivers as noted in the PCS letter on the top of Page 3
- 3) Compliance with CKS letter dated 5/27/03;
- 4) Compliance with the Fire Protection review letter dated 5/31/03;
- 5) Continued compliance with Zoning Hearing Board decision of 1/21/03;
- 6) Receipt of all permits and approvals;
- 7) Applicant will extend sidewalk along their frontage into their lot. Township will advise whether a sidewalk or a bikepath should be installed;
- 8) Applicant pay Traffic Impact Fee with the Church being one unit;
- 9) Applicant pay Fee-In-Lieu to the Township for improvements to 532 not otherwise required by PennDOT;
- 10) Development and Financial Security Agreements to be executed.

Mr. Murphy agreed to the conditions of Approval, and the Motion carried unanimously.

**DISCUSSION ON SHAN SUNDARAM'S REQUEST TO CONSTRUCT
SKATEBOARD RAMP AT 1256 FOUNTAIN ROAD WHICH WILL RESULT IN
ADDITIONAL 1.72 PERCENT IMPERVIOUS SURFACE**

Mr. Fazzalore asked if the neighbors have been notified about this matter, and Mr. Fedorchak stated he could not state that this had been done with any degree of certainty. Mr. Hackman asked why this is on the Agenda since he feels this should go before the Zoning Hearing Board. Mr. Fedorchak stated according to the Zoning

Department the only issue has to do with impervious surface and for this development a prescribed amount of impervious surface is shown on the Plan. This matter therefore does not go before the Zoning Hearing Board. Mr. Garton stated this is only true if the amount is less than the Zoning Ordinance. Mr. Fedorchak stated it is his belief that this matter needs to go before the Board of Supervisors.

Mr. Hackman asked where the ramp will be located, and Mr. Fedorchak stated it is in the side yard. Mr. Sundaram showed on a plan where the ramp is located. Mr. Fedorchak noted the information provided to the Board of Supervisors which shows where the ramp will be located in the side yard. This is a corner lot. Mr. Fedorchak stated the recorded linen for Yardley Run permits 25% impervious surface. Mr. Sundaram stated he did not know he needed a permit for this and he stopped construction when he received the letter from the Township. He noted the ramp does not need a foundation. Mr. Sundaram's son advised the Board of the reasons he would like this ramp. He stated he spoke to his adjoining neighbors who were not opposed. Mr. Stainthorpe stated he does not feel this is an impervious surface issue. Mr. Fedorchak stated the Zoning Department compared this to a shed. Mrs. Godshalk stated provided he is not disturbing the peace, she feels he should be able to do what he wants on his own property. A majority of the Board of Supervisors concluded that this is not an impervious surface issue, and no permits are required.

APPROVE DEVELOPMENT AGREEMENT FOR TAX PARCEL #20-16-94
LOT NO. 2 - PICONE

Mr. Stainthorpe move, Mr. Fazzalore seconded and it was unanimously carried to approve the Development Agreement for Tax Parcel #20-16-94, Lot No. 2 - Picone.

APPROVE GRANTING EXTENSION OF TIME FOR FIELDSTONE SUBDIVISION
(HARRIS FARM)

Mr. Stainthorpe moved, Mr. Fazzalore seconded and it was unanimously carried to approve granting an extension of time for Fieldstone Subdivision (Harris Farm) until 9/30/03.

Mr. Garton stated they are coming in with a new application which will show removal of all the landfill.

SET DATE FOR PUBLIC HEARING FOR CONSIDERATION OF THE
COMPREHENSIVE MASTER PLAN

Mr. Stainthorpe moved, Mr. Fazzalore seconded and it was unanimously carried to set the date for the Public Hearing for consideration of the Comprehensive Master Plan for September 15, 2003.

Ms. Sue Herman asked if residents can get a copy of the Master Plan, and she was advised they are available to the public.

ZONING HEARING BOARD MATTERS

It was agreed that the following Zoning Hearing Board matters should be left to the Zoning Hearing Board. To the extent that they relate to fences in the easements, they would be subject to the normal caveats.

Caramia Unlimited, LLC, request for Variances from the Natural Resource Protection requirements, Natural Resource Protection and Steep Slopes Ordinance to construct single family dwellings on lots at South Pennsylvania Avenue and Penn Valley Terrace.

Jill Romanellz Variance request for Accessory Uses and Accessory Structures Ordinance to construct a fence at 1005 Plowshare Road.

William Copenhafer Variance request to construct a patio resulting in greater than permitted impervious surface at 1107 Randolph Drive.

Henry Bachstein Variance request to Accessory Uses and Accessory Structures Ordinance to permit construction of a fence within an easement at 727 Long Acre Lane.

SUPERVISORS' REPORTS

Mr. Hackman stated they are moving ahead with the Golf Course as best they can given the weather conditions. He stated the irrigation will be installed shortly. Blasting should be completed as of today. They went out to bid for some site work including paving and the sewer lines and these should be opened on Thursday. They are also out to bid for the Clubhouse and this will be coming in a few weeks. Mrs. Godshalk asked the status of the small building on the property that was in jeopardy. Mr. Hackman stated Ms. Langtry will be going out to look at it tomorrow.

Mr. Hackman stated PAA Girls Softball held their Tournament over the weekend and because of the rain it was a disaster. He stated the three fields at Roelofs do not drain properly. He is going to work with the Township engineer on this matter.

APPROVE COMMITMENT TO 2004 THROUGH 2006 HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM AT A TOTAL CONTRIBUTION OF \$9,804

Mr. Fedorchak reviewed the dates and locations where the collections will take place.

Mr. Stainthorpe moved, Mr. Fazzalore seconded and it was unanimously carried to approve the commitment to 2004 through 2006 Household Hazardous Waster Collection Program at a total contribution of \$9,804.

APPROVE PROFESSIONAL SERVICE AGREEMENT WITH WILLIAM TAYLOR

Mr. Hackman stated Mr. Taylor has retired as the Township Finance Director, but they would like him to continue working with the Golf Course. A Professional Service Agreement has therefore been prepared.

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Mr. Hackman moved to approve the Professional Service Agreement with William Taylor to be paid \$70 an hour not to exceed twenty hours per week.

Mr. Fazzalore asked if he will still be employed once the consultant comes on board, and Mr. Hackman stated he will since he has been involved in the construction.

Mr. Stainthorpe seconded and the Motion carried unanimously.

There being no further business, Mr. Hackman moved, Mr. Fazzalore seconded and it was unanimously carried to adjourn the meeting at 9:30 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Frank J. Fazzalore".

Frank Fazzalore, Secretary

Township of Lower Makefield



BOARD OF SUPERVISORS

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

JUNE 2003 WARRANT LISTS AND MAY 2003 PAYROLL COSTS FOR APPROVAL JUNE 16, 2003 BOARD OF SUPERVISORS MEETING

06/02/03 Warrant List	\$ 140,367.89	
06/03 Manual Checks	1,801.00	
06/16/03 Warrant List	876,291.40	
Total Warrants & Prepaids		1,018,460.29
<u>PAYROLL COSTS:</u>		
May 2003 Payroll	339,539.69	
05/03 Payroll Taxes, etc.	25,974.78	
Total Payroll Costs		365,514.47
TOTAL TO BE APPROVED		\$ 1,383,974.76

