

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - AUGUST 4, 2003

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on August 4, 2003. Chairman Godshalk 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 and personnel matters.

Those present:

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

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

SPECIAL RECOGNITION OF WILLIAM MAHER III, MOMENT OF SILENCE

A moment of silence was observed in special recognition of William Maher III who was killed in Iraq last week. Mrs. Godshalk said God bless all who have served. Mr. Fazzalore asked if Mr. Maher's name will appear on the Memorial, and Mrs. Godshalk stated at this time the Memorial is not designated for anyone other than those lost on 9-11.

PUBLIC COMMENT

Ms. Judy Reiss stated her son died on September 11, and they have set up a Memorial Fund which is a public foundation. Funds go to different groups benefiting children in the Bucks/Mercer area. She noted several organization to which they have made donations including the Lower Makefiled Township Police and the 9-11 Construction Fund. She announced that their Second Annual Golf Outing will be held on September 29, 2003.

APPROVAL OF MINUTES

Mr. Fazzalore moved, Mr. Hackman seconded and it was unanimously carried to approve the Minutes of July 21, 2003 as written.

APPROVE AGREEMENT WITH BUCKS COUNTY COMMUNITY COLLEGE FOR RESTORATION OF THE ELM LOWNE SPRINGHOUSE

Mr. Fazzalore stated he will abstain from voting on this matter as he is Chairman of the Board of Trustees of the College.

Mr. Garton stated he has prepared the Agreement based on comments made during previous discussions. The College has approved the Agreement.

Mr. Hackman moved and Mr. Stainthorpe seconded to approve the Agreement with the Bucks County Community College for restoration of the Elm Lowne springhouse.

Mr. Stainthorpe noted the \$2,000 to be paid to the Community College Foundation and asked if this is to be paid per semester. Mr. Fedorchak stated it is not - it is a flat rate for this project. Mr. Hackman stated it appears this is just for the fall and spring semesters. Mr. Lyle Rosenberger, representing the College, was present and stated they will try to get the project done during the fall and spring semesters although it may extend further. Mr. Fedorchak stated it is the understanding that the payment to the College is to be \$2,000 in total even if it extends further than the spring semester, and Mr. Rosenberger agreed.

Motion carried with Mr. Fazzalore abstained.

LINDENHURST ROAD DISCUSSION

Ms. Sue Herman was present and stated the light at Lindenhurst Road and 532 is now working well, and she thanked Mr. Williams for working on this.

Ms. Herman introduced her son, Alex, who has produced a film on the problems at Lindenhurst Road which was shown this evening. She stated this shows why they are imploring the Board to do everything they can to correct this dangerous situation. She showed on a map the areas shown in the film. She stated there are 800 quarry trucks a day traveling on Lindenhurst road co-mingling with other commercial vehicles, cars, and school buses.

Ms. Herman stated they are asking that the Board reinstate the Street Hierarchy Map in the Comprehensive Master Plan. Mr. Stainthorpe stated this Map will be put back in and they will probably use the same map that was used in the 1992 Master Plan.

Ms. Herman stated the lower section of Swamp Road is not shown on any PennDOT maps and this needs to be rectified so truckers do not use residential roads.

Mrs. Godshalk asked if Ms. Herman showed this video when she went to Harrisburg. Ms. Herman stated while this video was not yet available, they did show the KYW video clip. She stated they do intend to take this new video "on the road." Mrs. Godshalk stated the Township took a similar video to Harrisburg years ago relating to Route 1/Oxford Valley and did get positive results. Ms. Herman stated possibly they could include this new video when discussing the traffic calming measures for Lindenhurst Road. She stated she also feels there should be traffic calming measures considered for Dolington Road. She stated they will next do a persuasive video that shows the big picture in the area. She stated they would like to get the Township officials/politicians involved in the form of a CD.

Mrs. Godshalk stated possibly they could get approval for limiting trucks of a certain length or which carry certain materials from using the road. Chief Coluzzi stated those trucks do get permits to travel on these roads. Ms. Herman stated she does feel they can request limitations in writing as this has been approved in other areas. Chief Coluzzi agreed to look into this matter.

Mr. Fedorchak stated at a prior meeting, Mr. Williams presented recommendations on traffic calming measures; and the Board directed him to contact PennDOT to get them involved. It was also discussed that since this is a State road, PennDOT should pay for the traffic calming measures. Mr. Fedorchak stated he contacted Andy Warren the next morning and explained what had been discussed and advised him that it would cost approximately \$300,000. He had hoped that he would immediately assign a Project Manager to handle this on PennDOT's behalf and that individual could work directly with the Township. He also suggested that PennDOT could take the funds out of petty cash since it was a minimal amount of money. Mr. Warren agreed to immediately assign a Project Manager, which he has done but he did not agree to the funding and indicated he wanted to wait until his engineer looked at it. Mr. Fedorchak also had discussions later that day with Mr. Steil, and they considered possible sources of funding for such a project. While TIP was discussed, this could be time-consuming. Last week he discussed the matter again with Mr. Steil who followed up with possible funding sources and has made application for this project through the Community Revitalization Grant Program in the amount of \$350,000. Mr. Steil is optimistic funding will be obtained and it is part of a House Bill that is currently being discussed in Harrisburg. Last week, Mr. Fedorchak and Mr. Williams met with the PennDOT representatives who have been assigned to work with the Township on this project.

Mr. Williams stated he has worked with these individuals previously and they seem willing to entertain ideas. They discussed the design elements on the plan and the PennDOT representatives did have some reservations. They did go out to Lindenhurst Road to discuss the details. They indicated concern with the traffic calming measures over the entire length of the roadway, and Mr. Williams did note the specific residential areas where there are pedestrian/biker concerns. Once they went to the site, the PennDOT representatives did recognize the areas of concern. They did express reservations with traffic calming measures in non-residential areas of Lindenhurst Road. Mr. Williams stated he advised them of the proposed Township Park in the area. He stated the PennDOT representatives will now conduct their own studies and today they did speed profiling at various points along the roadway. They did have concerns about off tracking particularly at Steeplechase. Studies will be on-going. The PennDOT representatives indicated that since they last took counts in this area, the situation has dramatically changed. Mr. Williams asked that they consider a decrease in the speed limit to 35 miles per hour.

Ms. Herman stated there are areas all along Lindenhurst Road where children might cross the street as residential developments have been approved all along Lindenhurst Road.

Mr. Fedorchak stated they hope through these new surveys that it will give the PennDOT engineers a higher comfort level with approving the traffic calming measures the Township has recommended. Mr. Williams stated this is why they took them out to the road so they could see people trying to pull out onto Lindenhurst Road.

Ms. Herman stated she is still not comfortable with waiting for District 6 to see things her way. She asked how they could use the video to go above District 6. She stated she feels she would have a better chance at the TIP level where she could embarrass the Bucks County officials. Mr. Hackman stated he feels they should give PennDOT the opportunity to review and comment on it. Mr. Fedorchak stated they have until September 2 to put this into the TIP Program, and he was planning on doing this anyway just to be safe. Ms. Herman stated she does not want them to widen and straighten the road which would encourage more heavy trucks to use the road. Mr. Fedorchak stated the PennDOT representatives they spoke to did seem to be receptive to their concerns, and he would like

to give them time to review this and come back to the Township. Mr. Williams stated possibly they will have the studies completed and have had discussions with them again in about three weeks. He stated they did also recommend that before they install anything "hard," they do it first in paint so everyone gets a visual sense.

Mrs. Godshalk stated they will not be having the first meeting in September as it falls on Labor Day, and they should consider this again at their meeting on September 15.

Mr. Fazzalore stated there was a memo received from a resident in Dolington Estates who indicated trucks were pulling into the development, and Chief Coluzzi stated they are going to send an officer out to advise the truckers that they should not go into the residential developments. Mrs. Godshalk stated they could put up signs as well stating "no trucks except local deliveries."

Mr. Fedorchak noted with regard to the Street Hierarchy Map in the Comprehensive Master Plan that Lynn Bush indicated they did not include the Map since it is in Zoning Ordinance which carries the weight of law. He stated they could include it in the Master Plan as well.

DISCUSSION OF FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE I-95/ PA TURNPIKE INTERCHANGE

Ms. Herman stated there has been no acknowledgment of a potential problem with quarry trucks in Lower Makefield. She stated she intends to submit the video shown this evening and the KYW video at the meeting when public comment is to be heard. She asked that the Board and Mr. Garton look at the Turnpike Commission's response and craft a letter. She stated she is not against the project but is concerned about the potential for the stone going through the Township for the next ten years. She stated if the Township does not provide written comment, they will assume that Lower Makefield does not feel they need to be considered in the environmental impact. Mr. Fedorchak and Mr. Garton will work on such a letter.

APPOINT BOUCHER & JAMES, INC. TO PERFORM ENGINEERING SERVICES FOR MEMORIAL PARK

Mr. Fedorchak stated at the May 19th meeting the Board discussed hiring architectural and engineering services to design and construct the 9-11 Memorial to be constructed at Memorial Park. The Board approved hiring Liuba Lashchyk to design the Memorial and Garden of Reflection. That contract was for a variety of services including the complete final design and creation of bid specs for the construction of the Memorial, contract administrative and inspection services, and other miscellaneous work. In the fee schedule, they established a time line as far as what it would take to complete the tasks and they advised it would take approximately six and a half months to complete the final design and develop specs before they could get into the actual construction. The total project they estimated to be around ten months. Mr. Fedorchak stated the Township made application to Senator Spector's office for Federal funding to be applied toward the construction of the project. They requested approximately \$100,000 to cover architectural and engineering services. On May 17, 2003, they received notification from Senator Spector's office and the US Department of Housing and Urban Development that Congress set aside \$89,415 to build the Memorial. Once they received notification of the award they could take the next

step which was to enter into contracts with architects and engineers; and on May 19, the Board of Supervisors approved the Architectural Services Agreement with Ms. Lashchuk in the amount of \$47,300. Mrs. Godshalk made the clarification that the \$89,000 Grant from the State is for the design of the 9-11 Memorial - not the Park.

Mr. Fedorchak stated the Board did not move forward with the approval for engineering services; and on June 2, after discussion, the Board directed him to seek at least three proposals for the engineering services for a Land Development Plan for the entire Memorial Park of 65 acres. He advertised and also sent out a request for proposals to ten engineering firms. Seven proposals were received from local engineering firms, and the low bid was submitted by Boucher & James in the amount of \$58,060. He met with a representative of Boucher & James and they discussed the history of the project, the firm's background, similar projects they have worked on, and went over the proposal submitted to make sure they fully understood the scope of work involved. Mr. Fedorchak stated they are very excited about getting involved in the project, and Mr. Fedorchak would recommend that the Board award the bid to Boucher & James. This would then complete the technical team necessary to begin to develop Memorial Park and work on the construction of the 9-11 Memorial.

Mrs. Godshalk stated in February of 2002, they went out and chose a site and asked for proposals from engineers to work with the Memorial Committee and Mr. Fedorchak. They hired Pennoni in August, 2002 and they came up with a Master Plan to bring the utilities up to the Memorial and to service the Memorial. She stated they then held up the work because they were waiting to hear from Senator Spector since those funds could only be used for soft goods. Mrs. Godshalk stated there was discussion that this would only be used for the Memorial and not for Memorial Park. She stated Pennoni then submitted for the next phase which was bringing the utilities in. Mr. Fazzalore then indicated he would not proceed with this as there was only one bid and he wanted at least three bids. Mrs. Godshalk stated they had been working with Pennoni for some time and now they are not proceeding with Pennoni since the Board decided to engineer the entire Park and not just the Memorial. She stated nowhere in the proposal is the 9-11 Memorial mentioned. Mr. Fedorchak stated he did discuss the contents of the Park with all the engineering firms who submitted proposals and they recognized that part of the Development Plan was the placement of the Memorial within Memorial Park. He also sent out the March Associates Master Plan of Memorial Park and indicated within that Master Plan, which was approved by the Board, precisely where the Memorial was to be located. Mrs. Godshalk stated she feels they have been misled and they are now going to be held up. She stated they were going to have a cornerstone laid on September 9, and it now appears it will take seven more months.

Mr. Fazzalore stated he is not in favor of approving bids that come in singly.

Ms. Tara Bane stated the Committee has been working hard to raise funds; and if they have to wait another seven months to begin, people are going to start questioning the project. Mr. Fedorchak stated if the Board of Supervisors approves the Contract with Boucher & James this evening, they will then begin the design phase on both the projects. He stated they could start meeting with Ms. Lashchuk on the Memorial itself and have the "kick-off" meeting. Mrs. Godshalk stated every meeting Ms. Lashchuk had was with Pennoni for one and a half years. Mr. Fedorchak stated approximately one and a half years ago Pennoni was hired to assist Ms. Lashchuk who was working with the Memorial Committee to come up with design elements of the Memorial itself. Pennoni assisted her in developing cost estimates for the Memorial. Mr. Stainthorpe stated Pennoni was paid for their initial

work and then came to the Board of Supervisors indicating the next step would cost a certain amount of money. Mr. Fedorchak stated this was just looking at what they had roughed out to deal with the Memorial only. Mr. Stainthorpe stated Mr. Fazzalore then asked for competitive bids; and they indicated at that time that rather than do it only for the Memorial area, they should do it for the entire Park which they felt would save the taxpayers money in the long run. Mr. Fedorchak stated proceeding in this fashion will not slow up the Memorial itself. Mr. Hackman stated the reason he indicated they should engineer the entire site was that he did not believe they could just engineer a corner of the Park, and they should instead look at the entire Park. Mr. Stainthorpe stated Pennoni's bid for this work was \$167,000 as opposed to Boucher & James' bid which is \$58,060. He feels this will save the taxpayers money and still not slow down the process. Mr. Hackman stated to put a full set of plans together for the entire Park, it could take six to nine months. Mr. Stainthorpe stated it would not take any less time if Pennoni were awarded the bid.

Ms. Ellen Saracini stated they wish this would have been brought to their attention when they first started fundraising. Mr. Hackman stated there was never a meeting with all of the Supervisors other than public meetings when they came to advise the Board of specific fundraising activities. He stated the Committee was only working with Mrs. Godshalk and not the full Board. He stated he did not know anything about the date for the cornerstone ceremony.

Mr. Fazzalore moved and Mr. Stainthorpe seconded to appoint Boucher & James, Inc. to perform engineering services for Memorial Park at a cost of \$58,060.

Mrs. Godshalk moved to table. There was no second.

Mrs. Godshalk stated she feels her Committee is prepared to pay for the engineering fees themselves.

Ms. Saracini stated they are concerned that every time they do something another problem comes up and it takes an additional six months. Mr. Fedorchak stated they could not do anything until they received notification from HUD about the funding. They received this notification in mid-May and then the Board immediately hired Ms. Lashchyk. They are now prepared to go ahead with the Land Development Plan for the entire Park. Mr. Fegley stated the only issue he sees is that at one point they were considering just the engineering for the Memorial itself and not the entire Park. He asked if it creates that much of a problem for a future engineer of the entire Park if they simply do the engineering for the first phase and then proceed with the entire Park at some future time. Mr. Williams stated it is easier and more cost effective to do everything at once although it is possible to engineer it in phases. Mr. Fegley asked if Pennoni has already provided them with any drawings, documents, etc. which would allow the Township to go out to bid for the Memorial portion alone at this time, and it was noted they did not.

Ms. Bane asked if they proceed with Boucher & James, will they change the location of the Memorial, and it was noted they will not. Mr. Fedorchak stated there may be some changes with regard to the entranceway, etc. Ms. Bane asked if the Committee will be kept abreast if there are any major changes that effect the Garden, and it was noted they will. Mr. Hackman stated Ms. Lashchyk needs to design the Memorial in such detail that they can then go out to bid.

Ms. Virginia Torbert stated she recalls in 2002 when this matter was first discussed, Mr. Fazzalore was concerned that the Memorial was going to be used as a way to develop the entire Park. Mr. Fazzalore stated while this is correct, doing the engineering does not mean they will develop the rest of the Park. Mr. Fazzalore stated his Motion at a prior meeting was that he wanted to see more than the one bid submitted by Pennoni. A decision was then made to engineer the entire Park. Ms. Torbert stated there are a number of parks that the Board can develop before they develop Memorial Park. Mr. Stainthorpe stated he feels it is more cost effective to engineer the entire Park. Mr. Fegley stated it would cost \$39,000 for Pennoni to engineer the Memorial portion alone as opposed to \$58,000 for Boucher & James to engineer the entire Park. Mr. Hackman stated the original estimate to develop what was then known as North Park according to the Plan that was approved was \$4 million. He stated he has no intention at this time to develop the whole Park. He feels it is proper to engineer the entire Park at this time and part of the engineering plan will section out the area that must be done for the Memorial which is the part that they intend to move ahead with when the funds are raised. He does not feel they can engineer only one section and feels they must look at the entire tract. He stated this is what is required of all developers who come to the Township.

Mr. Fazzalore called for the question, and the Motion carried with Mrs. Godshalk opposed.

Mr. Hackman stated he would like to know the details of the cornerstone ceremony they are considering. Ms. Saracini stated they had hoped that by the anniversary date they could have a celebration. Mr. Fazzalore asked if they could not get a block and still have some kind of ceremony. Mr. Fegley stated he did not feel they were going to proceed with any kind of construction until the funds had been raised for the Memorial. Mrs. Godshalk stated she has announced at many meetings how much has been raised. Ms. Saracini stated they felt the infrastructure was going to need to be started before they could proceed with the Memorial. Mr. Fegley asked how much has been raised, and Ms. Bane stated they have raised more than \$250,000.

Mrs. Godshalk stated she would like to have a meeting with Boucher & James as soon as possible. Mr. Mark Eisld of Boucher & James was present and stated they are willing to do whatever is necessary. Mr. Eisld stated the Plan approval time previously noted of six to nine months is probably realistic. Mr. Fedorchak stated the Township could agree to review the Plans as Preliminary/Final which could speed up the process. Mrs. Godshalk asked if the bid includes overseeing construction, and Mr. Eisld stated it does not. They will review the bids and make recommendations. Mr. Williams stated the Board could elect to retain them to oversee construction as well.

Mr. Fegley advised the Committee members present that if they have any concerns in the future, they should come back before the Board.

Mrs. Godshalk asked that a meeting be held tomorrow at 3:00 p.m. with the Committee, Boucher & James, and Ms. Lashchyk.

UPDATE ON GOLF COURSE FINANCING

Mr. Chris Monaghan of Penn Capital was present with Mr. William Taylor. Mr. Monaghan stated in October of 2003 when financing for the Golf Course was finalized, a decision was made to utilize variable rate financing. Since that time they have

enjoyed very good rates with total cost of 1.29% which includes the fees. They had projected that the costs would have been approximately 3 1/2%. Interest paid to date is \$140,000 and the projected estimate would have been \$350,000. On an annual basis this is a savings of \$350,000 per year. If they had used a fixed rate it would have been 4 1/4%; and although fixed rates have come down, they are now going back up. If they were to fix the rate on the entire loan to the term of the bond, the rate would be 4.3%. He has provided a number of options for shorter periods of time. He stated they are still recommending that they maintain the variable rate which he does not feel will create any financial problems. He stated variable rates have not changed significantly even though other rates have gone up.

Mr. Fazzalore stated while he agrees they should maintain the variable rate at this time, he asked when they would need to decide to change to a fixed rate. Mr. Monaghan stated the Delaware Valley Pool does provide flexibility and they could leave some variable and fix the rate for another portion of the funds. He stated the variable rate is a one week rate and is usually the lowest possible rate you can get.

Mr. Zachary Rubin asked if the price per acre for the Golf Course has been determined and what the Township's last offer was. Mr. Garton stated there were two Hearings but the attorney for the property owner is now ill. The Township paid \$25,000 per acre in 1996 for 166 acres.

Mr. Richard D'Avino asked when they make a decision on how much of the money they would put at a fixed rate, will they base this on the projections as to how long it will take for the Golf Course to turn a profit. It was noted this would be considered in the decision. Mr. D'Avino provided a copy of an article from Barron's and stated he feels they may want to consider lengthening the time it will take for the Golf Course to be profitable. Mr. Fazzalore stated he did discuss this article with someone who is knowledgeable about these matters, and that individual indicated this article was based on resort areas.

Mr. Sam Spear, Tomlinson Lane, stated he is an avid golfer and golfs at a number of local courses and feels the Course is very much needed and he is very much appreciative that the Board is constructing the Course.

ZONING HEARING BOARD MATTERS

With regard to the Malmsbury matter, Mr. Garton stated their attorney has advised that her client can reduce the increase in impervious surface to 2.99 percent. The Board indicated they would not settle for the 2.99 but would insist on .5.

With regard to the Charles & Gloria Huber, 221 Valley Drive, Variance request to the "Natural Resource Protection Requirements, Natural Resource Protection" and "Floodplain" Ordinances to construct a sunroom within the floodplain, it was decided to leave this matter to the Zoning Hearing Board.

With regard to the Dave & Lynn Alexander, 374 Lang Court, Variance requires to "Lot Area and Yard Requirements for Dwellings" Ordinance to construct an addition encroaching in the rear yard setback, it was decided to leave this matter to the Zoning Hearing Board.

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With regard to the John and Maryrose Wolodzko, 1025 Lafayette Drive, Variance request to the impervious surface requirements to construct an addition, it was decided to leave this matter to the Zoning Hearing Board.

With regard to the William Ross, 704 Wynnewood Drive, Variance request to "Lot Area and Yard Requirements" Ordinance to construct an addition encroaching in the front yard setback, it was decided to leave this matter to the Zoning Hearing Board.

Mrs. Godshalk left the meeting at this time, and the meeting was turned over to Mr. Hackman.

SUPERVISORS' REPORTS

Mr. Hackman stated in two weeks, they will start to plant grass on the Golf Course.

APPROVE EXTENSION OF PROFESSIONAL SERVICES AGREEMENT WITH RAINMAKER

Mr. Hackman stated this is a six-month extension which should get them through the construction of the Course and half-way through the construction of the clubhouse.

Mr. Stainthorpe moved and Mr. Fazzalore seconded to approve the extension of the Professional Services Agreement with Rainmaker.

Mrs. Godshalk re-joined the meeting. Motion carried with Mr. Fegley abstained.

There being no further business, Mr. Hackman moved, Mr. Fazzalore seconded and it was unanimously carried to adjourn the meeting at 9:45 p.m.

Respectfully Submitted,



Frank Fazzalore, Secretary

