

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – MARCH 2, 2011

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on March 2, 2011. Chairman Caiola called the meeting to order at 7:35 p.m. Mr. Smith called the roll.

Those present:

Board of Supervisors: Greg Caiola, Chairman
 Pete Stainthorpe, Vice Chairman
 Ron Smith, Secretary
 Dan McLaughlin, Treasurer
 Matt Maloney, Supervisor

Others: Terry Fedorchak, Township Manager
 David Truelove, Township Solicitor
 James Majewski, Township Engineer
 Kenneth Coluzzi, Chief of Police

ANNOUNCEMENT REGARDING PRELIMINARY/FINAL PLAN FOR PATTERSON
FARM MINOR SUBDIVISION/LOT CONSOLIDATION

Mr. Caiola stated the discussion on Patterson Farm has been taken off the Agenda. He stated the Planning Commission discussed this matter on Monday and sent a letter to the Board asking that they be given more time to make a more educated decision. This matter will be put on the Board of Supervisors' Agenda for April 6, 2011.

PUBLIC COMMENT

There was no public comment at this time.

APPROVAL OF MINUTES

Mr. Maloney moved, Mr. McLaughlin seconded and it was unanimously carried to approve the Minutes of February 16, 2011 as written.

RECOGNITION OF EAGLE SCOUT, ALEX KUHN, FOR CREATION OF TOWNSHIP WELCOME SIGNS

Mr. Caiola stated Mr. Smith had taken the lead last year when Mr. Kuhn was looking to do some work in the Township for his Eagle Scout project. Mr. Smith thanked Mr. Stainthorpe and the Economic Development group for their input on this, as well as the work done by the Historic Commission who came up with some designs for potential signage for welcome signs for the Township. Mr. Smith stated there had been concern expressed that people only know this area as Yardley, and they wanted there to be identification of this area being Lower Makefield Township. Mr. Smith stated they discussed having welcome signs into the community, but this item was cut from the Budget due to budgetary concerns. Mr. Smith stated it was suggested that the Boy Scouts may be interested in this; and he introduced Alex Kuhn who was present with his family this evening.

Mr. Kuhn stated he worked with Mrs. Helen Heinz of the Historic Commission. He discussed this matter with the Board of Supervisors several months ago and had indicated that he would be able to complete the project for under \$500; and the project was completed at a cost of \$420. He stated he created six welcome signs, and they have been placed at various locations around the Township so that when people travel into the area, they know that they are in Lower Makefield. Mr. Kuhn stated he worked with Mr. Smith, Mr. Fedorchak as well as Mrs. Heinz. He stated he also had help from members of Troop 230 and his family. He stated he also had donations from Home Depot and Lowe's. Mr. Kuhn stated Public Works actually installed the signs. He reviewed the process involved getting approval for the project from the Township and the Boy Scout Council. Mr. Kuhn thanked the Township for helping him complete requirements for his Eagle Scout.

Mr. Smith thanked Mr. Kuhn on behalf of the Board of Supervisors and the entire Township. Mr. Caiola stated they had talked about doing this for many years; and he stated that what Mr. Kuhn has done is very important for the Township.

APPROVAL OF RESOLUTION NO. 2228 AUTHORIZING ACTIONS IN CONNECTION WITH THE MANAGEMENT OF MAKEFIELD HIGHLANDS GOLF CLUB RELATING TO THE PLCB LIQUOR LICENSE

Mr. Truelove stated slightly more than a year ago, a new Golf Course Management Agreement was entered into with Applied Golf; and they have done a tremendous job with the Golf Course. He stated as a result in a change in structure, the Liquor Control Board required the Township to submit a new Management Agreement; and this was submitted in February, 2010. He stated they first heard back from the Liquor Control Board in October, 2010 as to their dissatisfaction with the proposed Agreement which

was almost identical with the Agreement entered into with Kemper which was the predecessor company several years ago. Mr. Truelove stated between October, 2010, and February, 2011, they were in discussions with Applied Golf on these issues. He stated Highlands Golf is a subsidiary of Applied Golf, and they will be the new official operator of the entity; but the public will see no change whatsoever in the personnel or the way the Golf Course is operated as it is just a revision of the corporate structure.

Mr. Truelove stated in order to satisfy the requirements of the LCB, they must have approval of the Resolution being presented this evening authorizing Highlands Golf to be the management company for these purposes.

Mr. Stainthorpe moved and Mr. Maloney seconded to approve Resolution No. 2228.

Mr. Maloney asked Mr. Mike Attara, Applied Golf, why there was a need for structural change at his organization. Mr. Attara stated for them the structure was in place as they had a Subsidiary Agreement with the Township for Highlands Golf Management which was operating under the realm of the original Contract. He stated the PLCB did not want there to be a layering effect of management between the Townships' Liquor License and the management company. He stated after many discussions, they felt it made sense that the subsidiary company that is already in place that has all the employees under that company name, would be the company that would be listed as the management company; and this satisfied the PLCB requirements. Mr. Maloney stated now the Contract only references Highlands Golf, and Mr. Attara agreed.

Motion carried unanimously.

Mr. Truelove asked the Board to sign the Resolution and the Agreements this evening. Mr. Truelove stated the good work done by Mr. Attara's company will continue in a seamless fashion.

UPDATE ON PENNSBURY WALK AND ISLAND WOODS BONDS

Mr. Majewski stated they checked through the Township's records and there does appear to be a bond in place for the Glen at Makefield/Woodfield Estates/Pennsbury Walk in the amount of \$98,000. Mr. Majewski stated Mr. Truelove had sent a letter to Mr. Garton to find out the nature of the litigation and for a status update and make sure whether or not that bond was still in place. He stated if it is in place, the Township will make a claim against the bond to finance any outstanding items that need to be corrected from the punch list.

Mr. Smith asked if there is any statute of limitations on this; and Mr. Truelove stated they are waiting to find out about the status of any litigation which may have been filed. He stated he will keep the Board apprised of this.

Mr. McLaughlin asked how long this goes back, and Mr. Majewski stated the development was started in 1994, and completed in the late 1990s. He stated they worked for several years to get dedication, and it went into litigation. Mr. McLaughlin asked if there are any additional requirements that the developer failed to fulfill, and Mr. Truelove stated there was an original punch list between the developer's counsel and the prior engineer. At one point, it was felt to be satisfied, but then additional items appeared; and this is why the bond was not released. He stated they are trying to follow up on this from that point on.

Mr. Majewski stated with regard to Island Woods there is a Letter of Credit that the Township has in their files so they can make a claim against that also to reimburse the Township of Falls Authority for the outstanding payment they had for closing out their project for the sewer portion. He stated they will also check the Township records to see if there is anything outstanding, although he believes almost everything has been satisfied.

APPROVAL OF EXTENSIONS - FIELDSTONE AT LOWER MAKEFIELD AND CAPSTONE TERRACE

Mr. Smith moved, Mr. McLaughlin seconded and it was unanimously carried to approve the following Extensions:

Fieldstone at Lower Makefield – June 30, 2011
Capstone Terrace - June 15, 2011

ZONING HEARING BOARD MATTERS

With regard to the Paul Belleza, 1 Twin Circle Court, Variance request to permit construction of a shed resulting in greater than permitted impervious surface, it was agreed to request additional details from the Applicant and to amend the Application to include additional relief regarding access to the garage.

With regard to the Dean & Karen Jefferys, 2118 Ashley Road, Variance request to construct a fence within the drainage easement, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the First Baptist Church of Newtown, Inc. t/a Grace Point, Variance request to increase the size of its parking areas at Route 532 and Stoopville Road, it was agreed that the Township should participate to insure that all issues are properly addressed.

SUPERVISORS' REPORTS

Mr. McLaughlin stated the Veterans Committee will hold a fundraising event at the Yardley Inn on April 7 from 7:00 p.m. to 9:00 p.m.; and it will be a Flyers theme. He stated the recent fundraising event which was a Texas Hold'em Tournament raised approximately \$4,000. He stated they are reaching the \$100,000 mark which is very close to where they need to be to launch the project recognizing that they will need additional funds to complete the project.

Mr. McLaughlin stated the Pool Discount period ends on Friday, March 4.

Mr. Caiola stated this Saturday the Bucks County Performing Arts Society will hold a concert by an Irish tenor at the Yardley Community Center.

AWARD BID FOR SIGN MATERIAL AND POST MATERIALS FOR THE 2011-2012 SEASON TO GARDEN STATE HIGHWAY THROUGH THE BUCKS COUNTY CONSORTIUM

Mr. McLaughlin moved, Mr. Stainthorpe seconded and it was unanimously carried to award the Bid for the Sign and Post Materials for the 2011-2012 season to Garden State Highway through the Bucks County Consortium.

OTHER BUSINESS

Mr. Caiola stated there was concern expressed at the last Board meeting about the potential closing of the Yardley Post Office, and he asked if the Township sent out a letter of concern; and Mr. Fedorchak stated they did.

APPOINTMENTS

Mr. McLaughlin moved and Mr. Smith seconded to appoint James McCartney to the Zoning Hearing Board in the Alternate position. Mr. Maloney stated he will be abstaining since he did not have time to review the resumes. Motion carried with Mr. Maloney abstained.

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Mr. Smith moved, Mr. Stainthorpe seconded and it was unanimously carried to appoint Lyn Buie-Carter as an Alternate to the Disabled Persons Advisory Board.

Mr. Smith moved, Mr. Stainthorpe seconded and it was unanimously carried to adjourn the meeting at 8:00 p.m.

Respectfully Submitted,

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a horizontal line extending to the right.

Ron Smith, Secretary