

**TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – AUGUST 15, 2005**

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on Monday, August 15, 2005. Chairman Pete Stainthorpe called the meeting to order at 7:30 p.m. Mr. Garton noted the Board had been meeting in Executive Session since 7:00 p.m. to discuss matters of litigation and interview a prospective employee.

Those present:

**Board of Supervisors:** Pete Stainthorpe, Chairman  
Scott Fegley, Vice Chairman  
Grace Godshalk, Secretary/Treasurer  
Frank Fazzalore, Supervisor  
Steve Santarsiero, Supervisor

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

Mr. Stainthorpe stated that Nate DeTample, son of Glen DeTample a Lower Makefield Township police officer, was killed in Iraq last week. He asked for a moment of silence for Nate.

**PUBLIC COMMENT**

Mr. Stainthorpe asked if there was any public comment. None was noted from the audience.

**APPROVAL OF AUGUST 1, 2005 MINUTES**

Mr. Santarsiero noted one change in the minutes on page 4, 8<sup>th</sup> line down, change restricted to restrictive.

Mr. Santarsiero moved, Mrs. Godshalk seconded and it was carried to approve the August 1, 2005 minutes as amended. Mr. Fazzalore abstained from the vote.

**APPROVAL OF AUGUST 1 AND 15 WARRANT LISTS AND JULY PAYROLL**

Mrs. Godshalk moved, Mr. Santarsiero seconded and it was unanimously carried to approve the August 1, 2005 and August 15, 2005 Warrant Lists and July, 2005 Payroll as attached to the Minutes.

Mr. Fazzalore asked under Ms. Sheridan's report to the Board that the Township spent \$31,400.00 on Verizon Communications and wanted to ask the Solicitor and Manager why the Township does not bill Verizon for that money. He stated if Verizon had done their job correctly the Township would not have this expense. Mr. Fedorchak stated he would look into that. He stated Verizon has paid the Township to date, \$40,000 in fees towards the occupancy permit they were required to

secure. He stated Mr. Fazzalore is right that the Township had to go through additional aggravation, and as a consequence and expense to make sure they were doing their job correctly. Mr. Santarsiero stated that we talked about this in the past and would pursue this because of the time and effort the Township put into this.

Mr. Fazzalore noted how well the pool is doing and he attributes the increase to the new slides. Mr. Fedorchak stated this year shows \$50,000 higher in revenue receipts over previous years. Mr. Santarsiero stated the pool is 107% over budget and the Township usually clears \$125,000 from the pool. This year the revenue will be \$200,000 at the end of the year.

Mr. Fazzalore noted that although the real estate transfer tax is at 62.7% of budget for seven months. If real estate slows down the Township may have difficulty achieving the budget by the end of the year. Mrs. Godshalk said when you are talking about real estate you are talking about two different areas, new homes and re-sales. She stated re-sales don't slow down in Lower Makefield. Mr. Fazzalore stated the Township should watch the real estate transfer taxes carefully.

#### **DISCUSSION OF FEMA GRANT FOR THE PURPOSE OF ELEVATING HOMES IN LOWER MAKEFIELD TOWNSHIP**

Mr. Hoffmeister stated this a program that has been instituted by the federal government. Unfortunately back in April, he and two of the residents visited the field office in New Hope and were given some erroneous information about the program. He received information from Councilman Dan Moan in Yardley and he pursued some other avenues at Mr. Fedorchak's request. He stated the federal government through FEMA/PEMA has a program in which municipalities could opt into for their payment of approximately 75% of the total cost to elevate homes. He stated they have three possibly four homeowners who wish to have their homes elevated above recent flood levels. That can be considered a project of the municipality. He received information from FEMA/PEMA and returned the same to them stating the Township is interested and will have a designated contact. What the Board has in front of them is to designate him as the agent. Mr. Stainthorpe said the Township would appoint Mr. Fedorchak as the agent.

Mr. Stainthorpe asked what should be done next. Mr. Garton stated the motion would be to approve the designation of Terry Fedorchak as the appropriate representative of the Township and the application of funds.

Mr. Hoffmeister stated the Township has until October 30, 2005 to make a formal application, but he wants to make the application as soon as he can so if there are any problems he could work them out with his contact.

Mrs. Godshalk asked what position the Township will take in this project. Mr. Hoffmeister stated the Township would be the "go between" for the program to elevate homes of which 75% of the cost is covered by the government. He said the municipality would cover 25% of the cost. He said he is working with all four homeowners and gave them information for them to get back to him so that he will know the total number the Township will be submitting. He estimates the total cost to raise the homes will be \$250,000.

Mr. Fazzalore said he read in the paper that Yardley Borough passed an ordinance prohibiting any businesses or homeowners from building in the flood plain. He isn't sure if it applies to an existing business or home. Mr. Santarsiero said it is any new construction. Mr. Fazzalore said the Township should follow the lead and institute the same. Mrs. Godshalk stated she was part of an ordinance for resource protection where a homeowner would be required to have three acres to build and it has been consistently overturned. Mr. Garton said those were oversized lots. Mrs. Godshalk said people say you can't deny people their property. Mr. Garton said if someone has a non-conforming lot that existed before the ordinance changed the dimensional requirements, you can't preclude them from constructing a house. He said flood plains are different. Mrs. Godshalk said some of these houses being built are in a flood plain.

Mr. Hoffmeister stated if a homeowner has flood insurance, we can make an application through the flood insurance carrier for ICC money, however that is limited to \$25,000 to \$35,000, which may not cover the total, costs and this program will. Mr. Stainthorpe asked if money could come from the county. Mr. Hoffmeister said money must come from the local municipality. Mrs. Godshalk said she thought the County covered the creek flooding in Pennel. Mr. Stainthorpe said the County was buying out homes. Mr. Hoffmeister said the municipality could opt to buyout the property or assist with elevation. He stated the homeowner signs off that they are interested in this program but there is nothing that forces the homeowner to complete the program.

Mr. Santarsiero asked if we anticipate any other homeowners coming forward. Mr. Hoffmeister stated no. Mr. Santarsiero asked if the \$250,000 includes the four homeowners. Mr. Hoffmeister said that includes three.

Mr. Stainthorpe asked for a motion to approve Resolution No. 2091 designating Mr. Fedorchak as agent. Mr. Santarsiero moved and Mrs. Godshalk seconded the motion.

Mr. Stainthorpe asked if there was any comment from the public.

Ms. Virginia Torbert asked if there is a deadline for the homeowners to file. She asked if other homeowners see houses elevated could they opt into the program. Mr. Hoffmeister said until October 30<sup>th</sup>. Ms. Torbert suggested the Board look at the Yardley Borough ordinance and apply that to Lower Makefield. She stated taxpayers should not be continually financing rebuilding to homes in flood zones.

Mrs. Godshalk stated Lower Makefield has an ordinance but homeowners are going through the Zoning Hearing Board and variances to build in the flood zone are being granted. Mr. Garton stated he would bring a summary of the current Township provisions are to the next meeting.

Mr. Stainthorpe stated there is a motion on the table. The motion unanimously carried.

Mr. Hoffmeister asked Mr. Fedorchak to sign his name instead of Mr. Hoffmeister's as designee on the application.

Mrs. Godshalk asked how the height is determined to elevate a home. Mr. Hoffmeister stated it is determined by the mean flood elevations and what kind of first floor level the homeowner has already. He went out with his GPS and obtained longitude and latitude and first floor elevations recently and all that information because all of that has to be included with the application. Mrs. Godshalk said she understood there could be no living space under the stilts.

### **DISCUSSION OF MEMORIAL PARK PHASE I CONSTRUCTION PROGRESS**

Mr. Williams stated the Board has the July 28<sup>th</sup> letter from his office outlining costs for Memorial Park. The work is over 90% complete and the real items to be done are the basketball netting, backboards, volleyball net, picnic tables and finish moving additional boulders and excavated material. The site will be dressed up in certain areas and re-seeding. The drive and the parking area have been paved, there are two areas that have settlement over a sanitary run and the contractor will come back to excavate. The two big items left are the main electric service and water line at the property frontage.

Mr. Williams stated the total amount of the Phase I work was \$1,003,720.72 with an additional \$20,258.00 that was paid for final paving of the drive. He recommends paving of the drive be deferred because construction of the memorial still needs to be accomplished. He said there are some items that were not in the contract that were not authorized such as three additional berms, erosion control for the berms and an additional parking lot not on the original design plans. Mr. Santarsiero asked if the three additional berms are part of the six berms you are recommending. Mr. Williams said three are approved and three are not, but part of total six. He said if this is going to be done the dirt at the site could be used.

Mr. Stainthorpe stated the initial bid was supposed to include total work the Township was supposed to pay for. Mr. Williams said someone proposed that work and his firm received the estimate for it. Mr. Fazzalore asked what is the purpose of the three additional berms. Mr. Williams stated for aesthetic reasons. Mr. Fedorchak stated the three berms are part of the Garden of Reflection work. He stated the Township approved a budget of \$1,050,000 and only \$123,978.72 was spent on Phase I and may have \$20,000 left in the budget to work one of these items in. Mr. Fazzalore stated if you don't do the berms you don't need erosion control. Mr. Fedorchak said yes. Mr. Fazzalore said he thinks the parking lot should be done now. Mr. Stainthorpe asked if the parking lot was included in the Garden of Reflection bids. Mr. Fedorchak said no.

Mr. Fedorchak asked Mr. Williams when A.H. Cornell wants to leave the site. Mr. Williams stated most of their work is done and have moved out for the activities on 9/11. Mr. Fedorchak said we couldn't do any work on the berms before 9/11 because of the ceremony that day so the only piece that could be done is the parking lot. Mr. Fazzalore stated this project has been going on for four years now and if we have to spend a few more dollars to finish this project than the Township should finish it.

Mr. Stainthorpe said he is not clear on the three additional berms and asked if they were included in Garden of Reflection bid. Mrs. Godshalk said no. Mr. Williams stated earthwork in Phase I

included three berms. His understanding is the architect's view during the work was additional berms would enhance the memorial. Mr. Santarsiero asked would the Committee rather have the berms or the parking lot. Mrs. Godshalk said it is up to the Board. Mr. Williams said the berms entail moving the earthwork from one area to another and rough shaping them. He stated in his opinion the berms should be done now.

Mr. Santarsiero stated \$1,023,978.23 is the number for the site work and the Township budgeted \$1,050,000 and have \$26,000 leftover. He stated the berms could get done for \$24,000 with a little left over and the Township could hold off doing the erosion control now. Mr. Fazzalore stated the Township only budgeted \$1,000,000. Mr. Fedorchak stated the Township budgeted \$1,050,000.

Mr. Santarsiero moved and Mr. Fazzalore seconded to approve the additional berm work with hydro seeding. The motion carried. Mrs. Godshalk abstained from the vote.

Mr. Williams stated he would get the final numbers for the Board at the next meeting.

#### **DISCUSSION OF PROGRESS OF BIKE PATH REPAIR CONTRACT**

Mr. Williams stated the original amount of the contract with the contractor was \$174,341.35 for crack filling and sealing of the Yardley Hunt bike path. The estimate was done in the fall when the bike path had accumulated leaves, pine needles and other material on the surface. As work started and the bike path surface was cleared it was determined macadam base repair was required for this portion of the project, causing a significant increase in the cost of the project of \$39,213.75. Mr. Williams stated they went back to the contractor and negotiated a lower price from \$7.25 per linear foot to \$4.00 per linear foot, reducing the amount of the cost increase by \$9,993.75 to a total increase of \$29,220.00. He stated the Township is holding money back and have instructed the contractor to hold off repaving the Macclesfield Park bike paths, an area that needs to be done but could be deferred until next year.

Mr. Williams stated he is working to create a by-line for repair to work with in the future to save money in this type of situation in the future.

Mr. Stainthorpe asked for a motion that the Township stop any further work on repaving and place Macclesfield Park paving in the 2006 budget. Mr. Stainthorpe asked for a motion.

Mr. Santarsiero moved, Mr. Fegley seconded and the motion unanimously carried.

Mr. Fazzalore asked about a bike path on Woodside Road to Taylorsville Road. Mr. Fedorchak stated it was discussed but there is a concern about the steepness of the hill at the light. Mr. Fazzalore stated there is more traffic on Woodside Road and it is a danger to cyclists.

Mr. Williams stated the Township shouldn't spend any money on a bike path in that location until we know what will happen with the Bridge Commission.

**APPROVAL OF DEVELOPMENT AGREEMENT FOR THOMAS KURONYA**

Mr. Fegley moved and Mr. Santarsiero seconded to approve the development agreement for Thomas Kuronya, Tax Parcel No. 20-034-064-001, Manto Subdivision Lot No. 1 (located off of Roelofs Road). The motion unanimously carried.

**APPROVAL OF EXTENSION OF TIME FOR MINEHART PRELIMINARY PLAN**

Mr. Fazzalore moved and Mr. Santarsiero seconded to grant an extension of time to 11/30/05 for the Minehart Preliminary Plan. The motion unanimously carried.

**GRANT CERTIFICATE OF APPROPRIATENESS FOR NEW RITE-AID SIGN**

Mr. Stainthorpe asked if anyone was present from Rite-Aid or HARB was present. He noted the lettering on the sign looks smaller.

Mr. Santarsiero moved and Mr. Fegley seconded to grant a Certificate of Appropriateness for a new Rite-Aid sign. The motion unanimously carried.

**APPROVAL OF DEDICATION REQUESTS**

Mr. Santarsiero moved and Mr. Fegley seconded to approve Resolution No. 2092 for the Rolling Greene Estates Dedication (Rock Run). The motion unanimously carried.

Mr. Santarsiero moved and Mr. Fegley seconded to approve Resolution No. 2093 for the Valley Green Dedication (Santosa Estates). The motion unanimously carried.

**SIGNED LINENS**

The following linens were signed at the meeting: (1) 777 Township Line Road, and (2) Widmer subdivision.

**ZONING HEARING BOARD**

It was agreed to leave to the Zoning Hearing Board the matter of DeNyse Signs, variance request to erect entrance signs at both entrances of Polo Run Apartments on Langhorne-Yardley and Township Line Roads.

It was agreed to leave to the Zoning Hearing Board the matter of Joe and Melissa Hall, 494 Keating Drive, variance request to install and in-ground pool resulting in greater than permitted impervious surface.

It was agreed to leave to the Zoning Hearing Board the matter of Alan Lewis, 1355 Knox Drive, variance request to add a patio, shed base, walkway and driveway addition exceeding permitted impervious surface.

It was agreed to leave to the Zoning Hearing Board the matter of Steven Toto, 2112 Ashley Road, and variance request to construct a fence within a sanitary sewer easement.

It was agreed to leave to the Zoning Hearing Board the matter of McGovern & Sons on behalf of Charles Dixon and Ruth Kirk, 321 Yardley-Newtown Road, variance request.

It was agreed to leave to the Zoning Hearing Board the matter of Vito Gianuzzi, 921 Piper Lane, variance request to construct a porch resulting in an encroachment into the rear yard setback.

Mr. Garton asked the Board for a motion to ratify these matters. Mr. Santarsiero moved, Mr. Fazzalore seconded and the motion was unanimously carried.

### **SUPERVISORS REPORTS**

Mr. Fazzalore stated the Pension Committee met last week and reported the pension funds look good, but the Township may need to look at changing its allocations to earn more money. Mr. Stainthorpe stated he attended the meeting also and reported the investment firm handling the Township's pension funds is very good and conservative.

Mrs. Godshalk stated hopefully the bid for the memorial would be awarded at the second meeting in September.

### **OTHER BUSINESS**

Mr. Garton requested the Board authorize a motion for the advertisement of the Halfway House Ordinance related to an amendment to our Zoning Ordinance. That will be scheduled sometime in October. Mr. Fegley moved and Mr. Fazzalore seconded and the motion unanimously carried.

Mr. Fazzalore stated he read in the newspaper recently that the owner of the Magnet site is considering a 70,000 square foot freight manufacturing plant there. He stated he couldn't envision multiple axle trucks pulling into or out of Main Street and Afton Road in Yardley. Mr. Fazzalore moved to join Yardley opposing the development of the Magnet site in Yardley. Four acres of that land belongs to Lower Makefield. Mrs. Godshalk seconded the motion.

Mrs. Godshalk stated that property is funded by the county for land preservation and should not allow the site to be developed. Mr. Fazzalore stated that Lower Makefield should join with Yardley Borough to purchase the land to build a park. Mr. Santarsiero asked how many acres of land the site has. Mr. Fedorchak stated approximately thirty acres.

Mr. Stainthorpe stated the YMCA talked with the Township and Yardley Borough to put a facility at the Magnet site but it didn't work out. He stated there were issues with pollution. Mr. stated the site has only forty feet of frontage.

The motion unanimously carried.

Mrs. Godshalk moved to write to Bucks County and the industrial authority to notify them that the development of this site for industrial and commercial is against the wishes of the Borough and Lower Makefield and the land should be preserved and keep Bucks County bucolic. Mr. Santarsiero seconded and the motion unanimously carried.

**APPROVAL OF CANCELLING SEPTEMBER 5, 2005 MEETING IN OBSERVANCE OF LABOR DAY**

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to cancel the September 5, 2005 Public Meeting in observance of Labor Day.

There being no further business, Mr. Fegley moved, Mr. Fazzalore seconded and it was unanimously carried to adjourn the meeting at 8:25 p.m.

Respectfully Submitted,

  
Grace Godshalk, Secretary



# Township of Lower Makefield

## BOARD OF SUPERVISORS

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

**AUGUST 2005 WARRANT LISTS AND  
JULY 2005 PAYROLL COSTS FOR APPROVAL  
AUGUST 15, 2005 BOARD OF SUPERVISORS MEETING**

08/01/05 Warrant List	\$ 199,288.94	
08/05 Manual Checks	454,981.34	
08/15/05 Warrant List	684,083.79	
Total Warrants & Prepaids		1,338,354.07
<u>PAYROLL COSTS:</u>		
July 2005 Payroll	588,868.31	
07/05 Payroll Taxes, etc.	45,163.18	
Total Payroll Costs		<u>634,031.49</u>
TOTAL TO BE APPROVED		<u>\$ 1,972,385.56</u>

