

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – JUNE 7, 2004

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 7, 2004. Chairman Fazzalore called the meeting to order at 7:30 p.m. calling for a Moment of Silence in honor of President Ronald Reagan and in Observance of D-Day.

Those present:

Board of Supervisors: Frank Fazzalore, Chairman
 Pete Stainthorpe, Vice Chairman
 Grace Godshalk, Supervisor
 Steve Santarsiero, Supervisor

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

Absent: Scott Fegley, Secretary/Treasurer Board of Supervisors

RECOGNITION OF SERVICE BY G. ALLEN HOUPT III TO FARMLAND PRESERVATION, INC.

Members of the Farmland Preservation Corporation were present to witness the presentation to the Houpt Family made by Mr. Fazzalore recognizing the years of service by G. Allen Houpt III to the Farmland Preservation Corporation, Inc. Mr. Sam Conti, member of the Farmland Preservation Corporation thanked the Houpt family on behalf of the Corporation noting that the members of the Corporation unanimously agreed to name one of the farms on Woodside Road the Houpt Farm. Mrs. Godshalk stated during the years she was liaison to the Farmland Preservation Corporation she observed that Mr. Houpt always had the best interest of the Township and the Farmland Preservation Corporation at heart and did an exceptional job as a volunteer.

COMMUNITY PRESERVATION AWARDS

Ms. Ann Langtry was present representing the Historic Commission to present the Community Preservation Awards to Stephen Heinz, AIA, and Leon and Edith Frenier. She stated these individuals will be profiled in the Yardley News. She reviewed the contributions each has made to the community. Mr. Frenier thanked Mrs. Godshalk and the Township for saving his property. Mr. Heinz thanked the Township on behalf of the

Historical Architectural Review Board for working on the plan for Edgewood Village and asked that they continue to follow through with those plans.

PUBLIC COMMENT

Ms. Sue Herman stated she wishes Mr. Williams well during his time of service. She thanked the Board of Supervisors for their recent comments to the DVRPC. She stated her organization submitted both oral and written testimony regarding Stoopville Road.

APPROVAL OF MINUTES

Mrs. Godshalk moved and Mr. Santarsiero seconded to approve the Minutes of May 17, 2004 as corrected. Motion carried with Mr. Stainthorpe abstaining.

APPROVAL OF AGREEMENT TO ACQUIRE A CONSERVATION EASEMENT FROM DR. KAREN GATES FOR MOONTIDE FARM ON BIG OAK ROAD

Mr. Garton stated the document has been executed by Dr. Gates. The appraiser concluded that the value of the land in question was diminished by the amount of \$222,300, and the staff would recommend approval of the Agreement for the six acres.

Mrs. Godshalk moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Agreement to acquire a conservation easement from Dr. Karen Gates for the property at 955 Big Oak Road in the amount of \$222,300 for six acres.

APPROVAL OF RESOLUTION NO. 2051 – ACQUIRING LAND OWNED BY CYRIL AND RITA BANKO AND RESOLUTION NO. 2052 – ACQUIRING LAND OWNED BY MICHAEL AND MARY BANKO

Mrs. Godshalk moved, Mr. Stainthorpe seconded and it was unanimously carried to approve Resolution No. 2051 Acquiring Land Owned by Cyril and Rita Banko (Tax Parcel No. 20-32-43), Big Oak Road adjacent to the Five Mile Woods; and Resolution No. 2052 – Acquiring Land Owned by Michael and Mary Banko (Tax Parcel No. 20-32-43-1), Big Oak Road adjacent to the Five Mile Woods.

AWARD BID FOR 2004 PAVING PROGRAM CONTRACT #1

Mr. Stainthorpe moved and Mr. Santarsiero seconded to award the bid for the 2004 Paving Program Contract #1 to Miller & Son in the amount of \$329,858.74.

Ms. Virginia Torbert asked how many bids were received and Mr. Fazzalore stated four were received, and they are awarding the bid to the low bidder.

Motion carried unanimously.

AWARD BID FOR 2004 PAVING PROGRAM CONTRACT #2

Mr. Stainthorpe moved, Mrs. Godshalk seconded and it was unanimously carried to award the bid for the 2004 Paving Program Contract #2 to Asphalt Industries in the amount of \$60,893.14.

AWARD BID FOR CURB RAMP CONSTRUCTION

Mr. Majewski stated three bids were received. Mr. Fazzalore asked how many more of these will be necessary. Mr. Fedorchak was asked to look into this. Mr. Fedorchak stated he will discuss this with Mr. Coyne and advise the Board of Supervisors during the fall Road Tour.

Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to award the bid for the Curb Ramp Construction to Giovannone Construction in the amount of \$22,940.

PRESENTATION OF INFORMAL SKETCH PLAN FOR UNIVEST NATIONAL BANK

Mr. Michael Macaninch, Fox Rothschild LLP, Ms. Diane Moyer, Union National, Mr. Rhett Chilibati, engineer, Mr. John Pyne, Traffic Engineer, and Mr. Dominic Marziani were present.

Mr. Garton stated this is an Informal Sketch Plan and there is no legal validity although the Board of Supervisors may comment if they choose to do so. No vote will be taken.

Mr. Macaninch stated they went before the Planning Commission who recommended that they go to the Board of Supervisors. They have not been before the Historic Commission

or the Historical Architectural Review Board although they did receive comments from them. They do have the Edgewood Village Design Guidelines.

Mr. Chilibati showed the property located at the intersection of Yardley-Langhorne and Edgewood Roads which is within the H/C District. There are two main buildings and some outbuildings on the property. Mrs. Godshalk stated all the buildings are on the National Register.

Mr. Macaninch stated they are proposing a 3,100 square foot bank branch for the property. They were asked by the Planning Commission to try to preserve both of the main buildings; however, it was not possible to preserve the building in the rear of the tract. They will preserve the building in the front. They would like to rehabilitate this structure and allow the Township to make use of the first floor. They would not be able to develop this site if they are required to maintain the rear building.

Mr. Fazzalore stated the Planning Commission was concerned with the potential for people cutting through the property to avoid the intersection. Mr. Macaninch stated they do not feel this will occur because of the structures that will be on the site and visual and turning obstructions which would make a cut-through difficult. Mr. Pyne stated they did make revisions to the Plan to reduce the potential for a cut-through. He stated the site has been turned around, and they have pulled the driveway further over which reduces the ease of the movement through the site. They feel the easier route would be to travel through the intersection. The peak times they considered were 4 p.m. to 6 p.m. on Friday and 10 a.m. to Noon on Saturday.

Mrs. Godshalk asked about the possibility of making the driveways one-way. Mr. Pyne stated this would then force many of the vehicles to come south on Yardley-Langhorne Road and then turn at the intersection to come in off Edgewood Road if this were made the only access into the site. Mrs. Godshalk stated the only way they are guaranteed the larger setbacks is if the building remains; otherwise, they would have to abide by the new laws. Mr. Macaninch stated they are aware that there are Zoning issues with this property. Mrs. Godshalk stated she feels there must be a plan for the existing historic building submitted at the same time. Mr. Macaninch stated they will discuss this with the Historic Commission and HARB. It was noted that a tenant lives in the building that they plan to take down.

Mr. Santarsiero stated until they have everything set for the Historic District and the Zoning changes in place, he is hesitant to proceed with this type of development since it is development done on a piecemeal basis which will make it difficult later on to create a Historic Village. He stated they are trying to get the Zoning changes in place so they can move the Village concept forward faster.

Mrs. Helen Heinz stated the Historic Commission would object to the removal of the Heacock Tenant House. She stated she is also not in favor of the internal driveway which does not go along with the Plan to share parking and mass the Village uses.

Mr. Fazzalore stated he feels they need to meet with the Historic Commission and HARB before they proceed any further.

Mrs. Godshalk asked if they need to have three drive-throughs, and Ms. Moyer stated one is a drive-up ATM and the other two are windows. Mrs. Godshalk stated she does not feel they will be able to have three windows since it will swallow up anything they have to work with as far as design.

Mr. Heinz stated he feels they are putting too much on the lot that is residential in nature despite the fact that it is a permitted commercial use. He noted the ideas discussed in the March Associates Master Plan. He stated he did bring up massing and juxtaposition to the street edge when he met with Mr. Marziani. He noted an area in Newtown which does follow this plan. He stated he feels the Zoning changes will benefit those wishing to work in the Village, and he agreed that they should table this and try to get the Village Plan pushed forward and have the planner work with them on this.

Mr. Stainthorpe stated there have been a number of requests from banks wishing to come to Lower Makefield Township, and there is very little land zoned for this use. He agreed that this should be done in a larger context.

Mr. Macaninch asked the Township's timeframe to proceed with the Edgewood Village Plan. Mr. Santarsiero stated they are trying to set up a workshop with the Historic Commission, HARB, and the Planning Commission; and they hope to do this in June so that it will expedite the changes that need to be made. Mr. Fazzalore stated there are also no public sewers in the area at the current time. Mr. Macaninch asked if they feel a bank is something the Board would be in favor of at this location. The consensus was that provided it fits within the Plan for Edgewood Village, they would not have a problem with this use at this location.

Mrs. Godshalk stated Lower Makefield Township has restricted hours of operation including the fact that ATMs cannot be accessed twenty-four hours a day. Mr. Fazzalore stated the developer should also be aware that the consensus is that the Board does not want the two buildings removed.

APPROVAL OF ORDINANCE NO. 34.1 – AMENDING THE ZONING ORDINANCE TO PROVIDE REGULATIONS FOR SIGNS PLACED ON TOWNSHIP RECREATIONAL LAND

Mr. Garton stated this matter was advertised for consideration this evening as required. He stated the issues raised by the Planning Commission should not be included in the Ordinance but instead should be considered at the time of the Agreement with the individual users who are erecting the signs.

Mr. Stainthorpe moved and Mr. Santarsiero seconded to approve Ordinance No. 340 – Amending the Zoning Ordinance to provide regulations for signs placed on Township recreational land.

Mr. Santarsiero noted one word to be changed in the third line which Mr. Garton agreed to review.

Mrs. Godshalk stated she objects to advertisement signs on Township property since it could impact a number of areas including tennis courts, baseball fields, etc. Mr. Santarsiero stated this is what Mr. Garton was referring to previously and indicated it would be dealt with on a case-by-case basis. Mr. Garton stated an Agreement would be required to be approved by the Board of Supervisors and they could dictate how long the signs could be erected and whether or not they would have to be removed at the end of the individual season, etc. This gives the Township flexibility to deal with this on a case-by-case basis.

There was no public comment, and Motion carried with Mrs. Godshalk opposed.

ZONING HEARING BOARD MATTERS

It was decided to leave to the Zoning Hearing Board the Aaron and Jodi Venables Variance request to permit an addition encroaching into the front and side yard setbacks.

It was decided to leave to the Zoning Hearing Board the Vincent Piacente, AIA of Inside Architecture, PC, Variance request to permit an addition resulting in encroachment into the rear yard setbacks at 1040 Harvard Drive.

It was decided to leave to the Zoning Hearing Board the George and Sue Heinze, 2041 Farmview Drive, Variance request to construct a porch roof encroaching in the front yard setback.

It was decided to leave to the Zoning Hearing Board the April Stiles and Craig Puszczko, 26 Fairway Drive, Variance request to construct a landing and steps to a driveway resulting in encroachment into the side yard setback.

Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to oppose the Everett and Denise Pettiecord, 1099 Country Hills Road, Variance request to construct a deck encroaching into the side yard setback unless they are 8' off the property line.

Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried with regard to the Todd and Gloria Cross, 1935 Woodside Road, Variance requests to permit four horses and a five foot fence in the front yard to not oppose the number of horses but oppose the fence in the front yard.

SUPERVISORS' REPORTS

Mr. Fazzalore stated the Sewer Authority is concerned about the main pipes in the lower end of the Township, and they will do some flushing and TV videoing because of the recent breakdown. Mr. Fazzalore stated there is 1,750 feet of pipe involved. The engineer has been asked to put together the project in phases if they have to repair the entire pipe. Mr. Fedorchak stated he feels it is 14,000 feet of pipe going from Lower Makefield to Morrisville. Mr. Fazzalore stated some of that pipe is new. He stated there is discussion going on between the Philadelphia sewer system and the Bucks County sewer system of which Lower Makefield is a part, and it appears that there will be a rather substantial increase because of the amount of money they will have to pay Philadelphia.

Mr. Fazzalore stated the Newsletter is completed and ready to go out.

Mr. Stainthorpe stated they have decided to open the Golf Course on July 1 although there are a few fairways where they will need to do hydro-mulching. They relied on Kemper as to how to proceed. Mr. Stainthorpe stated he did walk the Course and the two areas of concern are coming in well. There will be an Open House for the public to look at the Course on June 26 and refreshments will be served. They have pushed back the Grand Opening Celebration to July 22 just to make sure that all the fairways look as good as they can. Mr. Stainthorpe stated he feels the residents can be proud of this Course. He stated they are doing target marking and are also communicating through e-mail. Mrs. Godshalk stated the 9-11 Memorial Committee will have a Golf Tournament at the new Course on October 4. Mr. Kevin Skelly is the Director of Events for the Golf Course.

Mrs. Godshalk noted the TAG Luncheon to be held on Wednesday at Noon to which the Board is invited. She also noted that the Bucks County TMA of which Lower Makefield is a member will have their meeting at 11:30 on June 18.

Mr. Santarsiero stated he is trying to put together a workshop to include the Historic Commission, the Planning Commission, and representatives from HARB to try to expedite the process for the Historic Village at Edgewood Village. They hope to do this some time this month.

APPOINTMENT TO REPRESENT LOWER MAKEFIELD TOWNSHIP AT STATE REPRESENTATIVE'S REGIONAL TRAFFIC PLANNING MEETINGS

Mr. Fazzalore moved to appoint himself and Mr. Stainthorpe to represent the Township at the State Representative's Regional Traffic Planning Meetings.

Mr. Stainthorpe stated he would like to be part of this as he would like to continue to be involved. He stated he has not stepped up to serve on some of the other inter-Governmental committees so that he would be able to continue to work on this committee.

Mrs. Godshalk stated she would like to be appointed to this position as she would like to continue to work on this as well since she was one of the people who initiated the original meetings fifteen years ago. She stated she has also gone to a number of the meetings.

Mr. Stainthorpe seconded Mr. Fazzalore's Motion.

Ms. Herman stated RRTS would like to request that Mr. Santarsiero be appointed as one of the Township's representatives because he is well versed in the traffic issues and had a hand in opening up the two culverts. She stated he would also be able to advise those in Yardley Borough of the proceedings. She stated Mr. Santarsiero was elected because the people wanted a change, and RRTS is very concerned about the past transportation planning procedures in the area and the conflict of interest of those in the traffic coalition. Ms. Herman stated Mr. Stainthorpe does have a personal relationship with Mr. Steil, and Mr. Fazzalore is a long-time member of the Bucks County Community College Board of Trustees which is also a conflict of interest. Mr. Fazzalore stated the reason he did not name Mr. Santarsiero was because he is already involved in the Inter-Governmental Regional Meeting which involves a lot of work. Mr. Fazzalore stated the Bucks County Community College Board of Trustees has taken a hands-off position on this issue.

Mrs. Godshalk stated she was the one who alerted everyone about the lowering of the roadway in Yardley Borough which has allowed eighteen-wheelers on Main Street.

Motion was called by Mr. Fazzalore but did not carry as Mr. Fazzalore and Mr. Stainthorpe voted in favor and Mrs. Godshalk and Mr. Santarsiero were opposed.

Mr. Santarsiero asked if these would be public meetings, and it was noted they will. He stated participation of the entire Board would not violate the Sunshine Act. He stated if Mr. Stainthorpe and Mr. Fazzalore were appointed as the Township representatives, the other Board members could still attend at any time. He stated he is gratified that RRTS is interested in having him represent the Township; and he does feel that he could make the time necessary, but he would suggest as a way of compromise that they officially appoint Mr. Fazzalore, Mrs. Godshalk, and Mr. Stainthorpe but that they state that other Board members could attend.

Mr. Stainthorpe stated some Townships have appointed one person and some have appointed two. Mr. Garton stated it does not state how many they can appoint. He stated final decisions would still have to be brought back to the individual Townships.

Ms. Torbert asked if there is any legal reason why three people could not go, and Mr. Garton stated there is not. She stated she would like Mrs. Godshalk to be in attendance since she feels she has a different point of view that is not usually heard at these meetings.

Mr. Stainthorpe stated Lower Makefield does have a reputation among other Townships as being arrogant, and it may come across this way if Lower Makefield brings three people when all other Townships have only one or two representatives. He suggested that he and Mrs. Godshalk act as the two representatives.

Mr. Stainthorpe moved and Mrs. Godshalk seconded that he and Mrs. Godshalk be the representatives.

Mr. Santarsiero moved to amend the Motion that when they communicate these appointments that they advise them that other Board members may wish to participate at any given meeting and will do so not because we feel we have a disproportionate voice but rather out of heightened awareness that the residents are put in jeopardy every day because of the trucks.

Mr. Stainthorpe accepted the amendment, and the Motion as amended carried with Mr. Fazzalore opposed.

APPROVAL OF RESOLUTION NO. 2059 – AUTHORIZING A LEASE PURCHASE AGREEMENT TO OBTAIN GOLF CARTS

Mr. Stainthorpe moved and Mr. Santarsiero seconded to approve Resolution No. 2059 – Authorizing a Lease Purchase Agreement to Obtain Golf Carts from Golf Cart Services.

Mr. Sam Spera, Tomlinson Road, asked if they are gas or electric carts, and it was noted they are electric.

Motion carried unanimously.

APPROVE CANCELLATION OF JULY 5 PUBLIC MEETING IN OBSERVANCE OF INDEPENDENCE DAY

Mr. Stainthorpe moved and Mr. Santarsiero seconded to cancel the July 5 Public Meeting in Observance of Independence Day.

Mr. Santarsiero asked that they put on the next Agenda, or discuss this evening, the decision to move the meetings to Wednesday night after the first of the year. It was agreed to put this on the Agenda for the next meeting.

Motion to cancel meeting carried unanimously.

MOTION TO AUTHORIZE SOLICITOR TO PARTICIPATE IN LITIGATION REGARDING DUMPING AT THE HARRIS FARM

Mr. Santarsiero moved and Mr. Stainthorpe seconded to authorize the Solicitor's office to participate in litigation regarding dumping at the Harris Farm so as to secure an injunction with respect to the dumping and also that the Township Manager and Solicitor be authorized to proceed with enforcement proceedings against the property owner and/or persons committing the illegal dumping.

Ms. Torbert asked what is being dumped. Mr. Garton stated dumping has been resumed at this property by someone at the Harris Farm which has involved chemicals and opening up a trench and allowing sanitary sewer materials to go into the trench.

Mr. Santarsiero stated "a number of us took a site walk on Friday and there are a number of things being dumped there including slag. There is a cesspool that apparently had a ditch dug out so it could drain out to the Brock Creek. That has been filled in subsequently but apparently presumably raw sewage was being discharged into Brock Creek and a number of things like that."

Motion carried unanimously.

June 7, 2004

Board of Supervisors – page 11 of 11

APPOINTMENTS TO BOARDS AND COMMITTEES

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to re-appoint Andrew Newbon to the Park & Recreation Board.

There being no further business, Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to adjourn the meeting at 9:15 p.m.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Frank J. Fazzalore". The signature is written in a cursive style with a long horizontal stroke extending from the top of the name.

Frank Fazzalore, Chairman

