

**Upper Makefield Township Board of Supervisors**  
**January 20, 2010 Meeting Minutes**

The January 20, 2010 public meeting of the Upper Makefield Township Board of Supervisors was called to order by Chair Dave Kulig at 7:38 p.m. In attendance were the following members of the Board of Supervisors: Chair Dave Kulig, Vice Chair Bud Baldwin, Treasurer John Silvers, Member Tom Cino and Member Dan Rattigan. Also in attendance were Township Manager Stephanie Teoli, Township Solicitor John Rice, Esq., Township Engineer Larry Young, P.E. and Director of Planning & Zoning Dave Kuhns.

There were also members of the public and representatives of the press present.

**PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE:**

Mr. Kulig led in the recitation of the Pledge of Allegiance which was followed by a moment of silence.

**ANNOUNCEMENTS:**

Mr. Kulig announced that an executive session was held prior to the meeting to discuss pending litigation. He also announced an executive session that was held on Thursday, January 14, 2010 to discuss personnel matters, including appointments to boards and commissions.

Mr. Kulig then announced that the National Veteran's Cemetery recently commenced burials earlier in the day.

**PUBLIC COMMENT:**

Tom Kovacevich of 64 Woodhill Drive expressed outrage at the installation of the T-Mobile tower on the Dudley property. He requested the township's assistance in removal of the tower or reduction of its height.

Nancy Kovacevich of 64 Woodhill Drive spoke on the impact of the tower on surrounding properties and urged the Board to "fix" the problem.

Melissa Graham of 6 Keith Lane explained that she received no notification from the township regarding the installation of the tower.

Paul Anagnostakos of 1007 Colonial Drive expressed upset that he was never notified of tower. He requested the Board's assistance in rectifying the problem.

Maria Anagnostakos of 1007 Colonial Drive expressed her dismay regarding the tower installation and appealed to the township for assistance.

Danielle Moss of 22 Hayhurst Drive spoke on the fact that the tower installation was not consistent with Upper Makefield's history of protecting and preserving open space and natural resources.

David Cohen of 1063 Eagle Road expressed outrage at the process of notification. He shared concern that there were "closed door deals" regarding the approval.

Donald Fitch of 1009 Colonial Drive informed the group that he and his wife filed an appeal to the June 2008 Zoning Hearing Board approval of the Special Exception that permitted the tower. He asked the new Board to consider assisting the residents.

**BOARD AND COMMISSION APPOINTMENTS**

A motion was made by Mr. Baldwin and was seconded by Mr. Cino to approve the following appointments to Upper Makefield Township boards and commissions for the terms indicated:

- A. **Planning Commission – 4-Year Term (except as noted)**  
Karin Traina - Term Expires 12/31/13  
Ken Rubin - Unexpired Term Expiring 12/31/11
  - B. **Historical Advisory Commission – 5-Year Term**  
Erica Amour - Term Expires 12/31/14
  - C. **Historic Architectural Review Board – 5-Year Term**  
Jack Erickson - Term Expires 12/31/14
  - D. **Joint Planning Commission – 2-Year Term**  
Mary Ryan - Tem Expires 12/31/11
  - E. **Zoning Hearing Board – 5-Year Term**  
John Devlin - Term Expires 12/31/14
  - F. **Cable Advisory Board - 2-Year Term**  
Cliff Waldman - Term Expires 12/31/11
  - G. **Council Rock Senior Citizens Center – 1-Year Term**  
Doris Kennedy - Term Expires 12/31/10
  - H. **Environmental Advisory Council – 3-Year Terms (except as noted)**  
Catherine Magliocchetti - Term Expires 12/31/12  
Paul Greger - Term Expires 12/31/12  
Bill Fox - Unexpired Term Expiring 12/31/10
  - I. **Park and Recreation Board – 5-Year Term (except as noted)**  
Eileen Sichel - Term Expires 12/31/14  
Dawn Wyatt - Unexpired Term Expiring 12/31/10
  - J. **ADA Coordinator (Personnel Matters) – 1-Year Term**  
Stephanie Teoli - Term Expires 12/31/10
- ADA Coordinator (Code/Building Matters) – 1-Year Term**  
Dave Kuhns- Term Expires 12/31/10

**ADA Coordinator (Park/Street/Subdivisions) – 1-Year Term**  
Township Engineer - Term Expires 12/31/10

**PLANNING AND ZONING ISSUES:**

**Hritz Planning Module, 1004 Colonial Drive**

Mr. Kuhns outlined the proposed Planning Module. After discussion, a motion was made by Mr. Baldwin and was seconded by Mr. Cino to approve the Hritz Planning Module. Motion carried on a unanimous vote.

**Anderson, 757 Washington Crossing Road – Certificate of Appropriateness**

Mr. Kuhns provided an overview of the request for approval of a Certificate of Appropriateness to build a shed on the property. Following discussion, a motion was made by Mr. Baldwin and was seconded by Mr. Cino to approve the Anderson Certificate of Appropriateness. Motion carried on a unanimous vote.

**Barbera, 817 Dolington Road – Certificate of Appropriateness**

Mr. Kuhns provided an overview of the request for approval of a Certificate of Appropriateness to install a photovoltaic solar panel array to a garage. Following discussion, a motion was made by Mr. Rattigan and was seconded by Mr. Baldwin to approve the Barbera Certificate of Appropriateness. Motion carried on a unanimous vote.

**SOLICITOR'S REPORT:**

**Gray Tract Extension Request**

Mr. Rice provided an overview of the request to extend the five year period of protection from ordinance changes for the Gray Tract Preliminary Plan. Attorney John Van Luvence was present on behalf of Toll Brothers. After discussion, the Board of Supervisors agreed, by common consensus, to allow time to better understand the implications of the request and to then address the issue at its February 17, 2010 meeting.

**MANAGER'S REPORT:**

**Fund Balance Report**

Ms. Teoli provided highlights of the Fund Balance Report.

**Sale of Ultra Sonic Gun Cleaner**

Ms. Teoli reported on the bid, which was listed on the Municibid website from December 16, 2009 – January 14, 2010. A motion was made by Mr. Baldwin and was seconded by Mr. Cino to award the bid for sale of the Ultra Sonic Gun Cleaner to Klassy Karz LLC of Philadelphia, Pennsylvania at a price of \$35.00. Motion carried on unanimous vote.

**Open Space and Conservation Consultant Rate – Heritage Conservancy**

A motion was made by Mr. Baldwin and was seconded by Mr. Cino to approve the 2010 consultant rate for Heritage Conservancy as submitted in the board's packet. Mr. Kulig noted the proposal held constant the 2009 rates and clarified provisions for administration. Motion carried on unanimous vote.

**Brownsburg Park Use Request – Fitness Camp for Women**

Ms. Teoli provided an overview of the recommendation of the Park & Recreation Board to approve the request by Wendy Yazujian to hold a one hour Fitness Camp for Women at Brownsburg Park on Monday, Wednesday and Friday mornings from April-September at a cost of \$300/4-week use period, in addition to the \$200 refundable security deposit. A motion was made by Mr. Baldwin and was seconded by Mr. Rattigan to approve the request to hold a Fitness Camp for Women at Brownsburg Park on Monday, Wednesday and Friday mornings from 5:30-6:30 am from April-September. Motion carried on unanimous vote.

**Brownsburg Park Tree Purchase**

Ms. Teoli provided an overview of the recommendation of the Park & Recreation Board to accept a \$500 donation from Upper Makefield Newtown Soccer Club toward the purchase and installation of a shade tree and plaque in memory of Mike Vesey, a volunteer coach. A motion was made by Mr. Kulig and was seconded by Mr. Cino to accept the \$500 donation toward the purchase and installation of a 2" caliper shade tree and plaque at a cost not to exceed \$1,300, with the amount above \$500 to be covered by the Township. Motion carried on a unanimous vote.

**ENGINEER'S REPORT:**

**Diana Vincent, Inc. – Adjusted Final Escrow Release**

Mr. Young recommended approval of the Adjusted Final Escrow Release in the amount of \$1,500.00. After brief discussion, Mr. Baldwin made a motion which was seconded by Mr. Cino to approve Adjusted Final Escrow Release in the amount of \$1,500.00 Motion carried on unanimous vote.

**Ely Farm – Construction Escrow Release**

Mr. Young recommended approval of the Ely Construction Escrow Release in the amount of 107,013.62. After brief discussion, Mr. Baldwin made a motion which was seconded by Mr. Cino to approve the Ely Construction Escrow Release in the amount of \$107,013.62. Motion carried on unanimous vote.

**Engineer's Report**

Mr. Young reviewed highlights of the Engineer's Report.

**BOARD AND COMMISSION REPORTS:**

Mr. Kulig announced that the following reports were included in the Board packets:

- Parks and Recreation Board – December 14, 2009
- Historical Advisory Commission – December 7, 2009
- Environmental Advisory Council – October 21, 2009
- Planning Commission – November 19, 2009

**DEPARTMENT REPORTS:**

**Planning & Zoning Department**

Mr. Kuhns highlighted the monthly Planning & Zoning Department Report.

**Police Department**

Chief Mark Schmidt highlighted the Police Department Report.

Mr. Kulig announced that the following reports were included in the Board packets:

- Fire Department Report
- Fire Marshal Report
- Public Works Department Report

**OLD BUSINESS:**

There was no old business.

**NEW BUSINESS:**

There was no new business.

**PUBLIC COMMENT AND MEDIA QUESTIONS:**

There were no additional public comments or media questions.

**ADJOURNMENT:**

A motion was made by Mr. Baldwin and was seconded by Mr. Rattigan to adjourn the meeting at 9:55 p.m. Motion carried on unanimous vote.

Approved: February 3, 2010