

**Upper Makefield Township Board of Supervisors**  
**March 24, 2010 Meeting Minutes**

The March 24, 2010 public meeting of the Upper Makefield Township Board of Supervisors was called to order by Chair Dave Kulig at 7:05 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 the township launched its first E-newsletter earlier in the week. He encouraged residents to visit the website to sign up to receive future E-newsletters. Ms. Teoli demonstrated how to find the E-news on the website.

Mr. Kulig announced that a joint meeting between the Board of Supervisors and the EAC was held at 6:30 p.m., prior to the Board meeting, to discuss the Riparian Restoration Grant Program.

**SPECIAL ITEMS**

**Public Hearing for Melsky Final Subdivision Plan, Stoopville Road**

This item was initially deferred as the applicant was waiting for the arrival of the stenographer.

**PUBLIC COMMENT:**

Paul Greger of the EAC presented an overview of the upcoming Earth Day event which will be held on Saturday, April 24<sup>th</sup>.

**APPROVAL OF MINUTES AND BILLS PAYABLE:**

A motion was made by Mr. Baldwin and was seconded by Mr. Cino to approve the March 3, 2010 minutes. Motion carried by a unanimous vote.

A motion was made by Mr. Baldwin and was seconded by Mr. Cino to approve the February 17, 2010 minutes of the joint meeting of the Board of Supervisors and the Environmental Advisory Council. Motion carried by a unanimous vote.

Mr. Kulig read into the record the bills for March 24, 2010. A motion was made by Mr. Baldwin and was seconded by Mr. Silvers to approve the March 24, 2010 Bills Payable List in the amount of \$177,967.26. Motion carried by a unanimous vote.

**PLANNING AND ZONING ISSUES:**

**PHMC Visitors Center Conditional Use Hearing**

A motion was made by Mr. Baldwin and was seconded by Mr. Cino to advertise the PHMC Visitors Center Conditional Use Hearing for April 21, 2010. Motion carried by a unanimous vote.

**Fernandez Zoning Hearing Board Application, 835 Dolington Road**

Mr. Kulig provided an overview of the application for setback relief to allow for the construction of a garage. After discussion of the application, it was agreed to allow the application to stand on its merits before the Zoning Hearing Board without Board intervention.

**SOLICITOR'S REPORT:**

**Ordinance No. 291 - Amending Police Pension to Provide for Changes Mandated by Act 51 of 2009**

Mr. Rice provided an overview of proposed Ordinance No. 291, which would amend the Policy Pension Plan in consideration of Act 51 of 2009. After discussion, a motion was made by Mr. Baldwin and seconded by Mr. Cino to advertise Ordinance No 291. Motion carried on unanimous vote.

**MANAGER'S REPORT:**

**Fund Balance Report**

Ms. Teoli provided highlights of the Fund Balance Report.

**Stone and Asphalt Bids**

Ms. Teoli provided an overview of the 2010-2011 Stone and Asphalt Bids. Following discussion, a motion was made by Mr. Baldwin and was seconded by Mr. Cino to award the 2010-2011 Stone and Asphalt Bid to Eureka Stone Quarry, Hanson-Penns Park, Barrett's Asphalt and Miller & Son. Motion carried by a unanimous vote.

At 7:20, the normal meeting was adjourned to hold the Public Hearing for the Melsky Final Subdivision Plan.

**SPECIAL ITEMS**

**Public Hearing for Melsky Final Subdivision Plan, Stoopville Road**

Mr. Kulig opened the public hearing to consider the Melsky Final Subdivision Plan at 7:21 pm. Mr. Rice then provided a brief history of the plan.

Attorney Ed Murphy represented the applicant. Mr. Murphy offered the following Exhibits for the record:

**Applicant 1** – The March 17, 2010 Gilmore and Associates, Inc. review letter.

**Applicant 2** – The March 22, 2010 letter from Eastern States Engineering, providing a point-by-point response to the Gilmore and Associates, Inc. letter dated March 17, 2010.

**Applicant 3** – Series of approved Land Development Plans.

**Applicant 4** – ESE Memo regarding BMP measures employed at Melsky development.

**Applicant 5** – ESE Memo highlighting low impact development practices at the Melsky development.

Mr. Murphy presented the applicant's response to the March 17, 2009 Gilmore review letter, indicating that the developer "will comply" with all items in the letter with the exception of certain specific comments. Mr. Murphy then led discussion on those items as follows:

**Item 4** – JMZO 1005.B.2. Detention basins in Open Space areas. Mr. Murphy argued that applicable ordinances permit storm water facilities in open space areas.

**Items 13, 14, 15, 16, 17, 18, and 19** - All dealing with Storm water Management. Mr. Murphy indicated that the applicant is willing to take on additional testing to determine if infiltration is possible.

Mr. Murphy concluded by indicating that the applicant is prepared to revise the plans and come back to the Board of Supervisors. He further indicated that he would agree to an extension to the approval deadline of May 31, 2010.

Mr. Kulig reiterated a request that the applicant provide a table summarizing infiltration results.

### **Public Comment**

Jane Johnson, 3 Mountainview Drive, requested and was granted party status. She then expressed concern regarding storm water management.

Carol Stuckley, 852 Washington Crossing Road, requested and was granted party status. She urged compliance with all township ordinances. She read into the record a letter from Newtown Township engineer, Michelle Fountain. The letter was added as Exhibit Resident 1. Mr. Murphy objected to the addition of the exhibit, arguing that it went beyond the Remand Order.

Pam Fitzpatrick, Newtown Township, expressed concern regarding storm water management.

Andrew Abruzzi, 375 Pineville Road, thanked the Board for their time and dedication and asked all present to keep in mind the positive economic impact that the development would have on the community.

Otto Schneider, 856 Washington Crossing Road, asked the Board to make sure that all zoning regulations were enforced.

The Hearing was closed at 8:10 p.m.

The Board of Supervisors meeting was reconvened at 8:11 p.m.

**ENGINEER'S REPORT:**

**Vintage Farm at Highland – Construction Escrow Release No. 3**

Mr. Young recommended approval of the Vintage Farm at Highland Construction Escrow Release in the amount of \$76,374.50. After some discussion, Mr. Rattigan made a motion which was seconded by Mr. Baldwin to approve Escrow Release No. 3 in the amount of \$76,374.50. 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 – February 8, 2010
- Environmental Advisory Council –December 8, 2009

**DEPARTMENT REPORTS:**

**Planning and Zoning Department**

Mr. Kuhns highlighted the monthly Code Enforcement 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:**

Ms. Teoli provided an overview of a recommendation from the Capital Improvements Oversight Committee to apply for \$117,040 in funding from the Delaware River Joint Toll Bridge Commission for the Washington Crossing Gateway Park. After discussion, the Board of Supervisors agreed to a ten percent match of \$5,400 toward a reduced \$54,000 application.

**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 8:48 p.m. Motion carried on unanimous vote.

Approved: April 7, 2010