

Upper Makefield Township Board of Supervisors
March 3, 2010 Meeting Minutes

The March 3, 2010 public meeting of the Upper Makefield Township Board of Supervisors was called to order by Chair Dave Kulig at 7:10 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 there was an Executive Session at 6:30 p.m., prior to the meeting, to discuss acquisition of real estate. He also announced that an Executive Session was held on Wednesday, February 24th at 5:00 p.m. to discuss ongoing litigation.

Mr. Kulig reported that the second meeting in March would be held on Wednesday, March 24th at 7:30 p.m.

SPECIAL ITEMS

Public Hearing for White Final Subdivision Plan, Stoopville and Washington Crossing Road

Chairman Kulig opened the public hearing to consider the White Final Subdivision Plan at 7:12 p.m. Mr. Rice provided a brief history of the plan, indicating that the Court of Common Pleas remanded the Plan back to the Board of Supervisors.

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

Toll 1 – The March 3, 2010 letter from Eastern States Engineering, providing a point-by-point response to the Gilmore and Associates, Inc. letter dated February 15, 2010.

Toll 2 – Series of approved Land Development Plans.

Toll 3 – JMZO – Ordinance 2008-5

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

Item 4 – JMZO 1005.B.2. Detention basins in Open Space areas. Mr. Murphy argued that applicable ordinances permit stormwater facilities in open space areas. He highlighted developments in the township that exist with stormwater facilities in either developed or undeveloped open space.

Item 15 – b and 15-c. Visual impact of lot grading. Mr. Murphy presented his position on these comments, indicating that they were recommendations not ordinance requirements.

Item 20 and 21 – Stormwater 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 submitted additional items for the record:

Toll 4 – ESE Memo of 3-2-10 regarding BMP measures employed at White Farm development.

Toll 5 – ESE Memo of 3-2-10 highlighting low impact development practices at White Farm development.

Mr. Rice advised the Board that an extension would be necessary. Mr. Murphy indicated that he would agree to an extension to the approval deadline of May 31, 2010.

Public Comment: Richard Myers, representing Delaware River Keepers, expressed concern regarding basins. He urged the township to require strict adherence to its storm water ordinance requirements.

Mr. Kulig requested a status update on the transfer of the White property. Mr. Murphy indicated that the homestead parcel has been transferred, but the second parcel to the west has not been transferred.

Public Comment: Jane Johnson, 3 Mountainview Court, expressed concern regarding impact of stormwater from the development on the adjacent farm. She asked Toll if they were planning to make provisions to assist the family should the development impact the farm.

The hearing was closed at 7:50 p.m.

Revolutionary Run Discussion

Bob Shaw and Scott Miller, representing the Upper Makefield Business Association, provided an update on the 2010 Revolutionary Run and requested the Township's assistance in providing seed money for the event. After discussion, a motion was made by Mr. Baldwin, seconded by Mr. Cino to authorize \$5,000 in seed money for the Revolutionary Run with the same terms and conditions as in 2009. Motion carried 4-0-1, with Mr. Silvers abstaining

Bowman's Hill Wildflower Preserve Presentation

Miles Arnott, Executive Director and Bill McDowell, Board Member, of the Bowman's Hill Wildflower Preserve, made a presentation to update the board on the status of the Bowman's Hill Wildflower Preserve and its efforts to obtain the Bowman's Hill Tower and surrounding property (presentation attached).

The following members of the public commented:

Lisa Worden of Lurgan Road expressed opposition to the transfer of the tower to the Wildflower Preserve.

Guy Polhemus of Washington Crossing Road, commended the Wildflower Preserve on its efforts, but encouraged the consideration of a long-term lease. He expressed opposition to any change in ownership.

Peggy Kennedy of Jericho Run highlighted that the Bowman's Hill Tower is a large revenue generator for the park.

Steven Deutsch of Washington Crossing commended the Wildflower Preserve for their exemplary efforts.

Dan Worden of Lurgan Road referenced HB 2621 that would transfer the ownership of land to the Wildflower Preserve. He opposed the transfer, indicating the language in the bill was not strong enough.

Ernest Sasso of Jericho Mountain Road expressed opposition to any change in ownership. He indicated a desire to have the federal government take over the park.

Dan Johansson of McConkey Drive requested clarification on actual revenues and expenditures for Bowman's Tower over a series of years.

Bill Trainer of Barton's Mill Drive expressed support of the Wildflower Preserve takeover of the property.

Bob Shaw of Woodside Lane, New Hope, requested information on the highest year's revenue for the Bowman's Hill Tower.

Nancy Beaubaire of Warminster expressed support of the Wildflower Preserve.

State Representative Scott Petri thanked the Board of Supervisors for hosting the meeting and providing a "town hall" atmosphere to exist.

Friends of Washington Crossing Park Update

Bill Haas, Chairman of the Friends of Washington Crossing Park, updated the Board on the work of the Friends group, highlighting the involvement of a variety of stakeholder groups. He commended the Wildflower Preserve on exemplary efforts, but asked that the process to transfer the Bowman's Hill Tower be slowed down. He advocated that the Tower remain part of the park.

Diana Kelly of Jericho Run made a statement to the Board emphasizing the importance of the park as a national treasure.

PUBLIC COMMENT:

There was no further public comment.

APPROVAL OF MINUTES AND BILLS PAYABLE:

A motion was made by Mr. Baldwin and was seconded by Mr. Rattigan to approve the February 20, 2010 minutes. Motion carried by unanimous vote.

Mr. Kulig introduced the bills for March 3, 2010. A motion was made by Mr. Baldwin and was seconded by Mr. Rattigan to approve the March 3, 2010 Bills Payable list in the amount of \$122,549.04. Motion carried on a unanimous vote.

PLANNING AND ZONING ISSUES:

Goulazian Stormwater Waiver Request, 3 Casey Court

Mr. Kuhns provided an overview of the waiver request. Following discussion, a motion was made by Mr. Rattigan and was seconded by Mr. Baldwin to approve the Goulazian Stormwater Waiver Request. Motion carried on a unanimous vote.

SOLICITOR'S REPORT

Mr. Rice announced an Executive Session, to be held after the meeting, regarding litigation.

MANAGER'S REPORT:

Sign and Post Bid

Ms. Teoli provided an overview of the 2010-2011 Sign and Post Bid. After brief discussion, a motion was made by Mr. Baldwin and was seconded by Mr. Rattigan to award the 2010-2011 Sign and Post Bid to Garden State Highway Products, Inc. Motion carried on a unanimous vote.

ENGINEER'S REPORT:

Engineer's Report

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

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

There was no new business.

ADJOURNMENT:

A motion was made by Mr. Silvers and was seconded by Mr. Baldwin to adjourn the meeting at 10:10 p.m. Motion carried.

Approved: March 24, 2010