

PLUMSTEAD TOWNSHIP BOARD OF SUPERVISORS

July 17, 2007

Meeting Minutes

The public meeting of the Plumstead Township Board of Supervisors was held on Tuesday, July 17, 2007 at 8:30 p.m. at the Plumstead Township Municipal Building, 5186 Stump Road, Plumsteadville, PA.

Present:

Frank Froio

Betsy Helsel (arrived at 8:05 p.m.-left at 2:30 a.m.)

Housley Carr (left at 2:10 a.m.)

Stacey Mulholland

Vince Formica

John B. Rice, Esq.

C. Robert Wynn, P.E. (arrived at 7:40 p.m.)

David R. Nyman (arrived at 7:35p.m.)

Chair

Vice Chair

Member

Member

Secretary/Treasurer

Township Solicitor

Township Engineer

Interim Township Manager

Chairman Froio called the meeting to order at 7:33 p.m. with a moment of silence followed by the Pledge of Allegiance.

CALENDAR AND ANNOUNCEMENTS: Mr. Froio announced that Thursday, July 26, 2007 is a work session and the next regular meeting is August 7, 2007. The Planning Commission meets Thursday, July 19, 2007. Mr. Froio will not be at the July 26, 2007 work session.

PUBLIC COMMENT:

- Hugo Budnich, 6450 Stump Road, shared concerns with speeding in the Township. Requested the Board continue to pressure PennDOT to reduce speeds on secondary roads.
- Douglas Colwell, 4540 McNeil Road, requested meeting with Mr. Nyman and Mr. Blear with regard to road repairs requested by the Township.
- Barbara Glassman, 4907 Cabin Run Road, presented a Save Water Plumstead petition requesting the Board to follow the advice of the EAC and not approve a settlement agreement until completion of the water study.
- Tom Alvare, 5733 State Park Road, stated that he had filed a petition to intervene in the proposed settlement with BCWSA. He noted that there was no valid reason to rush to judgement. Board should consider future impact on wells.

MINUTES

On motion by Mr. Carr, seconded by Mr. Formica, to approve the minutes of June 19, 2007. With no additional comment, all voted in favor.

PAYMENT OF BILLS:

On motion by Ms. Mulholland, seconded by Mr. Formica, to approve payment of the July 17, 2007 bills list and addendum, subject to audit. With no additional comment, all voted in favor.

COMMISSION/DEPARTMENT REPORTS

1. Police Department: Chief Hasenauer reviewed the Police report, which is on file. Noting the number of additional traffic details run this month.
2. Public Works: Mr. Blear's report is on file. Mr. Formica noted a complimentary letter from a resident to the Public Works crew.
3. Land Use & Code Enforcement: Mr. Fineberg's report is on file.
4. Finance: The Budget to Actual status of all Township Funds was presented to the Board for their review and comment.
5. EAC: No report available.

SOLICITOR'S REPORT: John B. Rice, Esq.

1. **Authorization to advertise Ordinance for Collection of Municipal Waste revision – On motion** by Mr. Formica, seconded by Ms. Mulholland, to authorize Solicitor to advertise the revised Ordinance for Collection of Municipal Waste for consideration at an upcoming meeting. With no additional comment, all voted in favor.
2. **Authorization to advertise Police Pension Ordinance – On motion** by Mr. Formica, seconded by Mr. Carr, to authorize Solicitor to advertise the Police Pension Ordinance for consideration at an upcoming meeting. With no additional comment, all voted in favor.
3. **Shapowal Sewage System Maintenance Agreements – On motion** by Ms. Mulholland, seconded by Mr. Formica, to execute the sewage system maintenance agreements for lots 1 & 2 of the Shapowal Minor Subdivision. With no additional comment, approved 4 – 0 with Ms. Helsel abstaining.
4. **Heffner on-lot Sewage Maintenance Agreement – On motion** by Ms. Mulholland, seconded by Mr. Formica, to execute the on-lot Sewage Maintenance Agreement for 5542 Township Line Road. With no additional comment, approved 4 – 0 with Ms. Helsel abstaining.
5. **Bucks County Water and Sewer Authority Agreement –** Mr. Rice reviewed the entire draft of the settlement agreement.

Ms. Helsel noted two decades of work on environmental issues. She highlighted to development of the current Act 537 plan, noting that we have an approved sewer district and hierarchy for approvals. She cited the economic hardship and disclosure issues at Timberly Farm. She noted approved plans only had public sewer proposed and couldn't be built if unavailable. She stated that BCWSA does not run a fiscally sound operation. She suggested that this agreement will only lead to another lawsuit, requesting a responsible agreement. She noted this issue as the most divisive since the CB middle school proposed for the Gronendahl Tract. She stated that the Solicitor was misleading the Board.

Mr. Carr shares Ms. Helsel's concerns about controlling growth in the Township and that BCWSA's mission is to promote development. He feels the agreement will be a turning point, opening the door to mass development. He proposed a list of changes to the agreement (see attached). He doesn't view this as a negotiation, but a capitulation by the Township. He requested public discussion of these proposed changes.

Mr. Froio noted the personal impact of dealing with BCWSA in the Landis Greene development. He believes that fighting will be brutally expensive with winning only getting two more treatment plants and same BCWSA coverage area, so it is wise to move ahead. He's willing to discuss and agree to the number of infill EDUs. The agreement provides certainty to the service area and eliminates the uncertainty of the 1978 agreement. He is not a fan of package treatment plants and doesn't believe the Township should be in the sewer business. He is concerned about the effluent being infiltrated and believes that working to increase stormwater infiltration can more than overcome water exported. He is concerned about increasing costs of increased effluent regulations. He thinks this boils down to about 100 EDUs and their possible infiltration.

Ms. Mulholland reviewed the reasons for the suit and highlighted the advantages of the agreement. She believes it will give the Township additional leverage for controlling extension of the development district. She considers package plants to be a liability, especially financially. She believes the groundwater impact is over stated. She too is concerned about future increases in effluent regulations. Groundwater efforts with increased stormwater recharge will be more effective.

Mr. Formica noted that he has continually re-evaluated his position and has boiled it down to three issues. First, BCWSA claim to most of the Township as a service area will be reduced and finalized by the agreement. Second, we will finally establish a limit to the number of connections, many already planned. Finally, he considers package treatment plants a disaster. We need to get out of the sewer business. He believes we should be emphasizing increased stormwater infiltration.

Ms. Helsel does not believe the agreement would change anything regarding Mr. Froio's Landis Greene concern. She noted the Act 537 plan is up for revision every ten years. She is concerned about losing the hierarchy. The BCWSA district is already in the Act 537 plan. She believes the Authority has no accountability and that we should already be doing the increase infiltration of stormwater.

Mr. Carr believes the lack of infiltration from the package treatment plants is merely a distraction and that loss of the hierarchy is more important. With public sewer as the only option, more EDUs can be demanded. All Board members have voted for the package treatment plants.

Mr. Froio noted that new knowledge changes one's position on the package treatment plants.

Mr. Carr is concerned that the agreement guarantees EDUs to developers who currently do not have such. He discussed the Plumstead Chase settlement and the impact this agreement will have on that. He reviewed his proposed additions. Mr. Rice will add the proposal to require BCWSA to retrofit the effluent basin in Timberly Farm if the plant is dismantled. He noted #8 can be added and will re-work # 3.

The Board recessed at 10:25 p.m. and reconvened at 10:43 p.m.

Mr. Carr reiterated that the hierarchy is gone with this agreement and noted we should insist on at least a limited hierarchy to limit future development. He suggested that BCWSA support the Act 537 revision establishing the hierarchy to have individual residential units explore on lot options first. He shared his proposal #11 to request \$25,000 from BCWSA toward legal and engineering fees to implement improved stormwater recharge provisions. Mr. Rice indicated #12 was not a reasonable request.

Ms. Helsel suggested a provision that this agreement does not travel to a possible future acquisition of the Authority by another entity, adding a provision to address future assignment.

Mr. Froio suggested adding a right of first refusal.

Ms. Helsel requested a provision requesting a Township representative on the Authority's Board. Mr. Froio agreed that it would work in the agreement, but agreed to personally approach the County Commissioners in regard to securing a Township representative.

Public Comment:

- Phil Ventresca, 5627 Timberly Lane, acknowledged frustration with the comment that we don't know what is coming our way. Ms. Helsel noted BCWSA's history of rate changes and poor response rate and level of service. He wanted to know how the quality of water was being addressed by the system we have.
- Tom Lurz, EAC member, read the EAC comments. He added statements from various commission members, especially noting Andy Thomas. He believes a package treatment plant to be more desirable than a sewer line that has no recharge. He stated that BCWSA has an abysmal track record. He proposed working together on a compromise, but waiting for the water study to be completed.
- John Kalamon, 5133 Craig's View, stated that he expected to get public sewer when he purchased his home, but got a septic system. He supports the proposed agreement which he believes does limit growth.
- Mike Walker, 5117 Craig's View, noted appreciation for all five Board members. He accused Mr. Carr and Ms. Helsel of strenuously stonewalling at the last minute.
- Bob Morse, 5113 Craig's View, stated that he assumed the Planning Commission was familiar with the Act 537 plan and they have voted to recommend accepting the settlement agreement.
- John Wolstenholme, 5634 Timberly Lane, noted appreciation for the entire Board. He is concerned about the package treatment plant and wants it dismantled.
- Paul McMillan, 5615 Timberly Lane, attended a meeting five months ago because of his big bill and got little empathy. He can't afford the big costs. He doesn't believe the wetlands are viable. He noted that Timberly Farm is not a bunch of rich people who want their own way. He believes this should have been resolved back in February or March and has been poorly handled.
- Tim Forsthofel, 5097 Barn Owl Road, doesn't feel this Board has served the residents of the Township. He proposed the need for ratification of this agreement. He considers the Board to be dysfunctional. He offered to provide a mediator/facilitator to make the Board more functional. He stated that he was angry.
- Scott Nimmo, 5623 Timberly Lane, noted developments approved under current Act 537, but was cautioned by the Board regarding the source of his "facts". He indicated the Planning Commission supports the agreement and so does he.

- Barbara Glassman, 4907 Cabin Run Road, requested a response to the petition. Wondered why the rejection of the EACs comments and why the rush?
- Helen Mitchell, 4979 Gayman Road, questioned why some areas were included in the service area and some not? It was noted that most changes were tied to approved developments.
- Mindy Alvare, 5733 State Park Road, asked how long before the Timberly Farm development could hook up?
- Tom Alvare, 5733 State Park Road, stated he was glad to see some true deliberation. Why not perform the water study first? Is there a legal deadline? He is concerned about residents being forced to connect in the future as in Doylestown Township.
- Kim Troup, 4345 Curly Hill Road, empathized with the Timberly Farm residents. She indicated concern about private wells being protected and demanded a guarantee from the Board for her well. Mr. Rice will incorporate a well guarantee clause in the agreement.
- Chuck Lutz, 4345 Curly Hill Road, is concerned that we are tying numerous problems into one settlement. Concerned about decision-making in the face of uncertainty.
- Dan Hilferty, 4151 Craig's View, indicated that he has no problem with the agreement. Asked when relief will come to the Timberly Farm residents? Mr. Rice indicated maybe 60 days. Asked if the agreement fails, will the Board absorb increased rate costs?
- Clayton Griffin, 5104 Craig's View, reiterated the 3 to 1 Planning Commission recommendation and the Solicitor's recommendation.

Mr. Rice reviewed the proposed amendments as: requiring BCWSA to pay for the retro-fit of the Timberly Farm basin; no additional EDUs from any source including Harvey Avenue; BCWSA would unconditionally oppose any expansion of the service area; BCWSA will reimburse Plumstead Township for stormwater recharge ordinance amendments; deletion of portion of preliminary agreement language on p.3; revise par. 15 to note that new units have to exclude on lot ability to qualify to connect to public sewer; revise par. 21 to note that assignment to a future entity would require a modification of the agreement and court order; include a well guarantee clause tied to the approved developments EDUs; and include 1125 EDUs, 125 of which are subject to the water study.

On motion by Mr. Formica, seconded by Ms. Mulholland, to approve the stipulated agreement with these proposed amendments. Ms. Helsel commented that the lack of representation on the Authority and only 125 of the EDUs being conditioned on the water study results is not responsible. Mr. Carr re-iterated that Mr. Froio follow through with his commitment to seek representation on the Authority through the County Commissioners. With no additional comment, the motion was approved 3 – 2.

The Board recessed at 2:10 a.m. and reconvened at 2:20 a.m.

ADMINISTRATIVE REPORT: David R. Nyman, Interim Township Manager

1. **Ferguson subdivision well location information** – Mr. Nyman noted, in Ms. Northrop's absence, that she indicated a willingness to comply with the Mercuri and Associates recommendation regarding the Wasser well.
2. **DCG request to release open space restoration cash escrow** – **On motion** by Mr. Formica, seconded by Ms. Mulholland, to authorize the release of the \$9800 cash escrow to the David Cutler Group, less the amount owed for outstanding bills. With no additional comment, all voted in favor.
3. **Route 413 and Stump Road signal plan review** – discussion delayed until work session.
4. **Public Works revised road construction fund approval** – **On motion** by Ms. Mulholland, seconded by Mr. Formica, to authorize the expenditure of \$55,000 road work/maintenance projects. With no additional comment, all voted in favor.
5. **Water Study RFPs – direction** – Mr. Nyman shared a summary of the four RFPs received for completion of a water study. He distributed copies of the RFPs for the Board to review and discuss at the work session.
6. **Plan extensions** – Mr. Nyman advised the Board that an extension had been granted for the Autumn Preserve (Leatherman Tract) (SA2001-11) to August 31, 2007.
7. **PA Fish and Boat Commission fine (\$3500)** – no discussion took place

OLD BUSINESS: None.

NEW BUSINESS:

Supervisor's Issues: None

PUBLIC COMMENT: None

ADJOURNMENT:

On motion by Mr. Formica, seconded by Mr. Froio, to adjourn at 2:46 a.m. With no additional comments, all voted in favor.

Respectfully submitted,

Virginia Bowling, Recording Secretary
David R. Nyman, Interim Manager

Date approved: August 7, 2007