

**PLUMSTEAD TOWNSHIP BOARD OF SUPERVISORS**

**April 10, 2018**

**Meeting Minutes**

The public meeting of the Plumstead Township Board of Supervisors was held on Tuesday, April 10, 2018 at 7:30 p.m. at the Plumstead Township Municipal Building, 5186 Stump Road, Plumsteadville, PA

Present:

**Stacey Mulholland**

**Chair**

**Brian Trymbiski**

**Vice Chair**

**Nick Lykon**

**Secretary**

**Peter Busillo**

**Treasurer**

**Daniel Hilferty**

**Asst. Secretary/Asst. Treasurer**

**Jonathan J. Reiss, Esq.**

**Township Solicitor**

**Timothy Fulmer, P.E.**

**Township Engineer**

**Carolyn McCreary**

**Township Manager**

Chairperson Mulholland called the meeting to order at 7:30 p.m. followed by a moment of silence and the Pledge of Allegiance.

**CALENDAR AND ANNOUNCEMENTS:**

The EAC meets on April 11 at the Community Building in Hanusey Park. The Historic Advisory Committee meets on April 16. The Planning Commission meets on April 19.

Ms. Mulholland announced that the Board of Supervisors had met in Executive Session earlier in the evening to discuss a matters relating to personnel and real estate.

**PUBLIC COMMENT:** Jonathan Scott, 6540 Groveland Road, spoke to the Board about the ongoing conditions at 6535 Groveland Road, stating the structure continues to collapse and he wants the property cleaned up. Hank Goldberg, 6516 Groveland Road, asked why the Township has not followed up on this after he has filed several resident concerns. He stated the property is unhealthy, unsafe and unsightly. He stated he has followed the procedures for bringing this to the Township's attention and has not seen any action. Olympia Pasicznyk, 4923 Silo Hill Road stated she attended the Zoning Hearing Board for the Metropolitan proposed development and received information that evening that she did not have time to review. She opposes the developer's request for public water. Andy Lykon, 6535 Groveland Road, advised the Board that the Township has contacted him about the complaints it received about his property and he has done what he can to clean it up, while protecting his legal rights as he waited for the Zoning Hearing Board decision. Susan Goodrich, 6516 Groveland Road, stated that no one wanted the trees on the Lykon property taken down, and noted that the building was not posted as condemned. She asked if grandfathering was possible so the structure could be demolished now.

**DISCUSSION – Conceptual Land Development Plan (5840 Easton Rd.):** Ralph Fey, AIA presented a plan to develop the property that previously was Carroll's Seafood and Produce on behalf of Stephen and Ann Worth. The land development plan would involve 16 one and two bedroom apartments and commercial space. He referenced the April 5 letter from Holmes Cunningham which identified potential zoning relief needed for the project. He estimated that 18 EDUs would be needed to service the property with public sewer. He also stated there is a question as to whether this project would be required to show infeasibility

for on-lot septic since it involves apartments and commercial space. The Board asked questions concerning the rental market in the area, the price point of the commercial and residential rents, the feasibility of successful commercial/retail tenants, proposed density, impervious coverage, and architectural details. Mr. Lykon shared photos he took of commercial buildings on Sycamore Street in Newtown Borough as examples of attractive architecture he thinks would fit in the Plumsteadville Village. Gary Talbot, Vice President of the Township's Planning Commission, stated that this is exactly what the Planning Commission members had been hoping to see in the village. He noted that when the Township's Comprehensive Plan was last updated they had a mixed use development like this in mind, noting moving buildings towards the road with the parking in the rear would create the desired effect. Tom Alvaré, 5733 State Park Road, stated he is eager to see this type of improvement to the Village area and reminded the Board to listen to the Township Solicitor concerning the infeasibility test for onsite sewer.

**ENGINEER'S REPORT: Timothy Fulmer, P.E.**

1. **Applebutter/German Rds. Planning Module:** Mr. Fulmer explained that this involves a two-lot subdivision to be served by on-lot septic systems. The resolution is required as part of the planning module materials that must be forwarded to PADEP by the Township. **Motion** by Mr. Lykon, seconded by Mr. Hilferty to adopt Resolution 2018-17 approving the planning module. With no additional comment, all voted in favor.

**SOLICITOR'S REPORT: Jonathan Reiss, Esq.**

1. **Zoning Hearing Board Decision-6535 Groveland Road:** Mr. Reiss explained that the applicant can appeal the decision to the Bucks County Court of Common Pleas, and he is seeking Board consensus as to whether his office should defend the Zoning Hearing Board's decision if it is appealed by the applicant or the neighbors. He explained that the Board's main concern dealt with encroachment into the riparian buffer, and a judge could allow it if the Township is not represented. **Motion** by Mr. Hilferty, seconded by Mr. Trymbiski to authorize the Solicitor to enter an order of appearance should an appeal be filed. Andy Lykon, the property owner discussed the details of the decision with the Board and asked that they not contest an appeal if it is filed. With no additional comment, the vote was 4-0 with Mr. Lykon abstaining as the property owner is his brother.

Mr. Reiss stated that he had several items for litigation involving a real estate matter and potential litigation.

**ADMINISTRATIVE REPORT: Carolyn McCreary, Township Manager:**

1. **5280 Old Easton Road Plan Review:** Ms. McCreary advised the Board that she received an extension for the review of the preliminary subdivision plan until 08/13/18.
2. **TCDI Grant Application:** Ms. McCreary presented Resolution 2018-15, which if adopted would authorize the Township's application to the 2018 Delaware Valley Regional Planning Commission for a planning grant. She pointed out that the required match for this grant would be the \$40,000 DCNR grant awarded to DC21, on whose behalf the Township was making this grant application. **Motion** by Mr. Trymbiski, seconded by Mr. Busillo to adopt Resolution 2018-15. With no additional comment, all voted in favor.
3. **Camp Ockanickon Review Letter:** Ms. McCreary reminded the Board that at a prior meeting they authorized her to contact Pennoni Associates, the Township's Conflict Engineer, to review the details in the documents submitted by the Boy Scouts' professional concerning the proposed hydrofracturing of a Class III well located at the camp. She stated that she forwarded all the

information onto their hydrogeologist accompanied by a copy of the Township's well ordinance. The Board discussed the letter from Pennoni Associates dated 04/04/18. Mr. Reiss informed the Board that he received a call from the Boy Scouts attorney, stating that a settlement agreement is underway between her client and the neighbors without a well depletion agreement being included. He noted that the agreement and escrow are a requirement of the ordinance, and could only be waived by the Board. Mr. Lykon suggested that the recommendations of the EAC outlined in their March meeting be forwarded to Pennoni. Tom Alvaré, 5733 State Park Road, described the spirit of the settlement agreement and stated that the letter from Pennoni to the Township describes the minimum steps dealing solely with the hydrofracking of the well. He stated that the neighbors are counting on the Board to enforce all the requirements of the well ordinance, and thinks the ordinance is broader than the letter. Andy Thomas, 7262 Shad Lane and a member of the EAC, stated that he sent out several emails to the Township concerning the EAC's recommendations. He questioned the well diameter, noting 10 inches is required and he believes this well is 6 inches. He indicated that he believes a hydro investigation is needed to evaluate the risk to neighboring wells. **Motion** by Mr. Busillo, seconded by Mr. Lykon to authorize the Township Manager to submit the EAC recommendations to the hydrogeologist at Pennoni Associates to determine if they comply and are in the scope of the Township ordinance. Holly Madison, 7326 Shad Lane spoke about the proposed well hydrofracking and its impact to her well which is only 77 ft. deep. Mr. Alvaré requested that the Board amend the motion to include all the required steps of the ordinance that need to be complied with. The motion was amended by Mr. Busillo. With no additional comment, all voted in favor.

4. **Public Water Systems Planning:** Ms. McCreary informed the Board that based on their last discussion when the Metropolitan proposed water plan to serve their subdivisions was presented she and the Public Works Director had met with Township professionals to discuss alternatives and options available for improvements to the public water systems in the southern part of the Township. She reviewed the details of an option to obtain water from North Wales Water Authority and sought and received Board consensus to pursue this option and determine the cost, relaying both to the developer as warranted.
5. **Covered Bridges Bicycle Ride:** Ms. McCreary advised the Board that the Township received a request from the Central Bucks Bicycle Club to hold their annual Covered Bridges Bicycle Ride on Sunday, October 14. **Motion** by Mr. Hilferty, seconded by Mr. Trymbiski to approve the date. With no additional comment, all voted in favor.
6. **Doylestown II Plan Review:** Ms. McCreary advised the Board that she had received an extension for the review of the preliminary land development plan until 06/30/18.

**PAYMENT OF BILLS:** **Motion** by Mr. Hilferty, seconded by Mr. Busillo to approve the bills list dated 04/10/18 subject to audit. With no additional comment, all voted in favor. The amounts on the bills list are as follows: General Fund - \$147,674.46, Water Fund - \$12,760.01, Capital Reserve Fund - \$30,062.15, State Liquid Fuels Fund - \$1,969.09, Developers' Escrow Fund - \$9,250.00, Zoning Hearing Board Escrow - \$487.88

**APPROVAL OF MINUTES:** **Motion** by Mr. Hilferty, seconded by Mr. Lykon to approve the minutes of the 03/27/18 meeting. With no additional comment, all voted in favor 4-0 with Mr. Trymbiski abstaining as he was not in attendance at the meeting.

**OLD BUSINESS:**

**Carriage Hill Secondary Access:** Ms. McCreary reviewed the details of the proposed work that would be done by the Township’s Traffic Engineer to determine the feasibility of modifying the emergency access to become a second point of access to this residential subdivision. She stated that the cost is estimated to be between \$2,000 and \$2,400. David Cohan, 3751 Christopher Day Road, introduced himself as the HOA President and spoke about the study and bringing the cost to the HOA Board for approval. Joe Reinheimer, 3634 Ferry Road, asked if Mr. Busillo and Mr. Trymbiski will recuse themselves from the matter since they are residents of the development. Steve Rush, a member of the Township’s Planning Commission, advised the Board to check past Planning Commission and Board of Supervisor records concerning the access to determine if making it an emergency access only was a condition of the subdivision approval. Linda Cohan, 3751 Christopher Day Road, stated she is concerned about safety because of the one lane stretch in and out of the development, noting motorists have used the wrong side of the island when there is a backup. Board consensus was they would support a study of the HOA paid for it.

**Plumsteadville Village EDUs:** Ms. McCreary presented Resolution 2018-16, which if adopted would reserve fifty (50) EDUs for properties within the Village. She noted that based on previous Board discussions she had amended the resolution to involve all areas of the Township that were zoned VC and in the Act 537 sewer service district, but after the last meeting was asked to bring back the original draft of the resolution. **Motion** by Mr. Lykon, seconded by Mr. Busillo to adopt Resolution 2018-16. Joseph Reinheimer, 3634 Ferry Road asked what happens when all the EDUs are used up. With no additional comment, the vote was 4-1 with Mr. Hilferty dissenting.

**NEW BUSINESS:** Ms. Mulholland announced that due to her recent decision to accept a position with a regional government commission she must resign as a Supervisor effective April 26, 2018. She read a letter expressing her gratitude for the opportunity to serve the residents of the Township and thanked the other Board members and Township staff. **Motion** by Mr. Hilferty, seconded by Mr. Busillo to regretfully accept Ms. Mulholland’s resignation from the Board of Supervisors. With no additional comment, all voted in favor 4-0 with Ms. Mulholland abstaining.

**PUBLIC COMMENT:** None

**ADJOURNMENT:** **Motion** by Mr. Hilferty, seconded by Mr. Trymbiski, to adjourn into Executive Session at 10:55 p.m. With no additional comment, all voted in favor.

Respectfully submitted,

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Carolyn McCreary, Township Manager

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Date Approved