

## PLUMSTEAD TOWNSHIP BOARD OF SUPERVISORS

June 12, 2018

### Meeting Minutes

The public meeting of the Plumstead Township Board of Supervisors was held on Tuesday, June 12, 2018 at 7:30 p.m. at the Plumstead Township Municipal Building, 5186 Stump Road, Plumsteadville, PA

#### Present:

**Brian Trymbiski**

**Peter Busillo**

**Nick Lykon** (arrived at 8:10 p.m.)

**Daniel Hilferty**

**Darren Carroll**

**Jonathan J. Reiss, Esq.**

**Timothy Fulmer, P.E.**

**Carolyn McCreary**

**Chair**

**Vice Chair and Treasurer**

**Secretary**

**Asst. Secretary/Asst. Treasurer**

**Member**

**Township Solicitor**

**Township Engineer**

**Township Manager**

Chairman Trymbiski called the meeting to order at 7:30 p.m. followed by a moment of silence and the Pledge of Allegiance. Judge Gary Gambardella administered the oath of office to Darren Carroll, who was appointed by the Board of Supervisors at their May 22 public meeting to fill the vacancy on the Board.

#### **CALENDAR AND ANNOUNCEMENTS:**

The EAC meets on June 13. The Historic Advisory Committee meets on June 18. The Planning Commission meets on June 21. The Trail Steering Subcommittee meets on June 25. The Board of Supervisors Worksession scheduled for June 28 is cancelled.

**PUBLIC COMMENT:** Kenny Bauer, 4970 Ryan Road, spoke to the Board about the Township ordinance requiring the Boy Scouts of America to execute a well depletion agreement before they can frack a well to determine its viability as a backup well for use at Camp Ockanickon. He asked the Board to consider allowing the fracking to occur as planned, perform the pump test and then enter into a well depletion agreement depending on the yield. This matter is scheduled to be on the June 26 Board of Supervisors public meeting agenda.

#### **PRESENTATION: Explorer's Post Scholarship Awards**

Lt. Richard Frederick spoke to the Board about the Explorer's Post origins, the development of the scholarship program in honor and memory of Joe Hanusey, and commended Officers Tom Rutecki and Joe Lastowka who are volunteer leaders in the post. Cadets Riley Guinan and Rileigh Thompson were introduced as this year's recipients of the scholarships.

**APPOINTMENT OF OFFICERS:** **Motion** by Mr. Busillo, seconded by Mr. Carroll to appoint Brian Trymbiski as Chair of the Board of Supervisors. With no additional comment, the vote was 4-1 with Mr. Hilferty dissenting. **Motion** by Mr. Trymbiski, seconded by Mr. Carroll to appoint Peter Busillo as Vice Chair. It was noted Mr. Busillo will remain the Treasurer because his bonding is already in place for 2018. With no additional comment, the vote was 4-1 with Mr. Hilferty dissenting.

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

- 1. Worth Sketch Plan – 5840 Easton Road:** John Koopman, Esq. and Kristin Holmes P.E. appeared before the Board on behalf of the proposed property owners. A revised sketch plan was presented based on the feedback received at a prior Board meeting, along with feedback received from the Planning Commission at their May meeting, and internal discussions. There are now 68 parking

spaces with the stacked parking being eliminated. They reviewed details of the variances they will need from the Zoning Hearing Board, noting most are dimensional. Waivers will be needed from some of the requirements in the Township's subdivision and land development ordinance. The Board inquired about the proposed uses on the first floor and the number of sewer EDUs needed for those uses. The Board indicated they were amenable to allocating 14-20 EDUs once a preliminary plan is approved, as that has been the past practice. Ms. Holmes stated she spoke to the Township's traffic engineer regarding access into and out of the site, and will also need to speak to PENNDOT.

2. **Plumstead Chase/Plumstead Preserve/Plumstead Wood:** Mr. Fulmer advised the Board he is recommending the Township accept completion of the 18-month maintenance period for the Plumstead Chase Subdivision and authorize the release of the financial security per the C. Robert Wynn letter dated 06/13/18, noting the developer shall reimburse the Township for all professional and administrative costs incurred and the Township shall retain a \$12,000 cash escrow until the health of the wetlands plantings within Basin 2 can be ensured. **Motion** by Mr. Hilferty, seconded by Mr. Carroll to approve the completion of the maintenance period with the conditions noted. With no additional comment, all voted in favor. **Motion** by Mr. Hilferty, seconded by Mr. Carroll to accept completion of the 18-month maintenance period and authorize release of the financial security for the Plumstead Woods Subdivision, subject to the developer reimbursing the Township for all professional and administrative costs incurred. With no additional comment, all voted in favor. **Motion** by Mr. Hilferty, seconded by Mr. Carroll to accept completion of the 18-month maintenance period for the Plumstead Preserve Subdivision and authorize the release of the financial security subject to the developer reimbursing the Township for all professional and administrative costs incurred, with the Township retaining a \$15,000 cash escrow until written verification is received from the U.S. Army Corp of Engineers that the required wetland mitigation has been completed to their satisfaction and the permit has been closed out. With no additional comment, all voted in favor.
3. **EDU Request – 5000 Township Line Road:** Mr. Fulmer reviewed details of the request to public sewer to replace the existing holding tank. He stated the property would be connected via the sewer line being run for the PENNDOT maintenance facility currently under construction. **Motion** by Mr. Hilferty, seconded by Mr. Lykon to grant the request for the EDU to be allocated to the property. With no additional comment, all voted in favor.
4. **EDU Allocation Report:** Mr. Fulmer reviewed his correspondence to the Township dated 5/29/18, stating that since a number of the Supervisors were not on the Board when the sewer settlement agreement was made he thought his letter explaining the allocation process and the accompanying capacity Summary chart would provide a better understanding of how many EDUs were provided, allocated at the time of the agreement and subsequently allocated. The chart will be amended to include the reservation of 50 EDUs for the Village of Plumsteadville. Mr. Lykon stated he believed some prior allocations were done that were not consistent with the settlement agreement.

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

1. **Park Rules Ordinance Amendment:** Mr. Reiss reminded the Board that this was presented at their last meeting and Ms. McCreary asked for time to obtain an opinion from the Township's insurance carrier concerning the use of drones in the parks. The Board discussed the possibility of restricting their use solely at Hanusey Park because of the higher volume of activity there. Mr. Reiss stated he would draft this change and circulate the revised ordinance amendment prior to seeking authorization to advertise it.

2. **Zoning Ordinance Amendment – Fireworks Sales:** Mr. Reiss advised the Board this amendment would bring the Township’s zoning ordinance into compliance with Act 43, noting it had been previously discussed by the Board. **Motion** by Mr. Hilferty, seconded by Mr. Busillo to authorize the Solicitor to forward the proposed ordinance amendment to the County and Township Planning Commissions for review. With no additional comment, all voted in favor.
3. **Well Ordinance Amendment:** Mr. Reiss reviewed details of the ordinance amendment, calling the Board’s attention to proposed changes recommended by the Township’s hydrogeologist concerning grouting requirements for Class I wells. **Motion** by Mr. Hilferty, seconded by Mr. Busillo to authorize the advertisement for a public hearing on the proposed ordinance amendment. With no additional comment, the vote was 4-1 with Mr. Lykon dissenting.

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

1. **Community Building Escrow Requirement:** Ms. McCreary presented Resolution 2018-21, which if adopted would increase the security deposit required to rent the community building from \$100 to \$200. This was discussed and received Board consensus at the May 22 public meeting. **Motion** by Mr. Hilferty, seconded by Mr. Carroll to adopt Resolution 2018-21. With no additional comment, all voted in favor.
2. **T Mobile Equipment Installation:** Ms. McCreary reviewed details of a request to install a generator at the Durham Ridge tank site. The Board discussed if the Township has a generator on site, and if this can replace it. Concern was expressed about the potential noise from it during a power outage versus the convenience of cell phones being operable.
3. **Request for Public Water Connection – 5854 Easton Road:** Ms. McCreary reviewed details of correspondence from Bohler Engineering requesting connection to the Northern water system, and seeking seven (7) EDUs. **Motion** by Mr. Hilferty, seconded by Mr. Carroll to approve the request conditioned on a professional services agreement being executed, escrow being remitted and all applicable connection fees paid to the Township. With no additional comment, all voted in favor.
4. **Public Works Bid Results:** Ms. McCreary reviewed the details of the public works bids opened on May 29 2018. She noted that all the bids were properly advertised and placed on PENNBID. **Motion** by Mr. Hilferty, seconded by Mr. Busillo to award the bid for ultra-thin bond wearing course to Asphalt Maintenance Solutions, the sole bidder for the project in the amount of \$191,739.50. Mr. Trymbiski questioned why only one bid was received. With no additional comment, the vote was 4-1 with Mr. Trymbiski dissenting. **Motion** by Mr. Busillo, seconded by Mr. Carroll to award the bid for the Allohaken Fence replacement to Pro Max Fence Systems, the lowest responsible bidder in the amount of \$23,075.00. With no additional comment, the motion failed 2-3 with Messrs. Trymbiski, Busillo and Lykon dissenting. **Motion** by Mr. Hilferty, seconded by Mr. Trymbiski to award the bid for unleaded regular gasoline to Suburban Heating Oil, the sole bidder, in the amount of \$2.396 per gallon. With no additional comment, all voted in favor. **Motion** by Mr. Hilferty, seconded by Mr. Carroll to award the bid for on-road low Sulphur diesel to Moyer & Sons, the lowest responsible bidder, in the amount of \$2.5013. With no additional comment, all voted in favor. **Motion** by Mr. Busillo, seconded by Mr. Hilferty to award the bid for the Silo Hill Road reconstruction project to Meco Constructors, the lowest responsible bidder, in the amount of \$288,999.00. With no additional comment, the vote was 4-1 with Mr. Lykon dissenting.
5. **CBAA Field Use:** Ms. McCreary informed the Board that the first invoices for the lighting of the sportsfields at Hanusey Park had been sent to CBAA and as of today had not been paid. She noted the first invoice was revised due to the amount of days the fields were not playable, but CBAA took a

larger credit than the Township calculated. Board consensus was to send a letter reminding them of the terms for payment. It was noted future reserving of the fields for fall could be held up until the invoices are paid in full.

Ms. McCreary stated there is a need for an Executive Session to discuss a land preservation matter and a litigation matter.

**PAYMENT OF BILLS:** Motion by Mr. Hilferty, seconded by Mr. Carroll to approve the bills list dated 06/12/18 and the Addendums dated 05/30/18 and 05/31/18 subject to audit. With no additional comment, all voted in favor. The amounts on the bills list are as follows: General Fund - \$135,177.07 and addendum of \$100.00, Water Fund - \$63,775.57, Local Services Tax Fund – \$9,310.00, Emergency Services Fund - \$60,331.36, State Liquid Fuels Fund - \$8,615.68, Developer’s Escrow Fund - \$2,072.20 and addendum of \$22,648.50, Construction Escrow Fund – 9,250.00, Zoning Hearing Board Escrow - \$30.90

**APPROVAL OF MINUTES:** Motion by Mr. Hilferty, seconded by Mr. Busillo to approve the minutes of the 05/22/18. With no additional comment, all voted in favor.

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**PUBLIC COMMENT:** Joseph Reinheimer, 3634 Ferry Road asked about the approval for the Wawa to connect to public water.

**ADJOURNMENT:** Motion by Mr. Lykon, seconded by Mr. Carroll, to adjourn into Executive Session at 9:55 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