

PLUMSTEAD TOWNSHIP BOARD OF SUPERVISORS
August 13, 2019
Meeting Minutes

The public meeting of the Plumstead Township Board of Supervisors was held on Tuesday, August 13, 2019 at 7:30 p.m. at the Plumstead Township Municipal Building, 5186 Stump Road, Plumsteadville, PA

Present:

Brian Trymbiski	Chair
Nick Lykon	Secretary
Dan Hilferty	Treasurer
Darren Carroll	Asst. Secretary/Asst. Treasurer
Jonathan Reiss, Esq.	Township Solicitor
Timothy Fulmer, P.E.	Township Engineer
Carolyn McCreary	Township Manager

Absent:

Peter Busillo	Vice Chair
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Mr. Trymbiski 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 August 14. The Planning Commission meets on August 15. Mr. Trymbiski announced there was an Executive Session of the Board via conference call on July 28 and on August 8 to discuss a personnel matter.

PUBLIC COMMENT: Olympia Pasicznyk, 4923 Silo Hill Rd., asked the Board about the developer, Metropolitan purchasing 11 acres near the Ulrich tract, and if the Township can influence what is developed. She stated they have surveyed the property and she does not believe it is correct.

PRESENTATION: Officer Joseph Lastowka spoke to the Board and the members of the public, providing a brief history of the Explorers Post 5708, noting it was established in 2013 in honor of the late officer Joe Hanusey and its purpose is to provide an opportunity for those young men and women interested in careers in law enforcement. He stated in 2017 a scholarship was established through outside donations and fundraising by the Explorers themselves. He stated he and Chief Hasenauer, along with Eric Hanusey were here tonight to announce the award of two (2) \$2,000 scholarships to Iaian Dadura and Daniel Lukens. The Board congratulated both on the award and wished them success in their future studies.

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

- 1. Hankin Major Subdivision:** Mr. Fulmer announced this matter was tabled to the September 10 public meeting at the request of the applicant.
- 2. Davis Minor Subdivision:** Jason Smeland, P.E. appeared before the Board accompanied by Mr. and Mrs. Davis. He reminded the Board the Davis' needed zoning relief before they could proceed and were before the Planning Commission at the July meeting where they received a recommendation for preliminary/final approval. Mr. Fulmer stated this is a proposed two-lot subdivision in the R2 residential zoning district. Mr. Smeland spoke to the Board about the bike trail identified to be on

their side of Meetinghouse Road. Mr. Lykon discussed his support for the Township's trail plan, and whether it is installed now or in the future requires Board consensus. Mr. Smeland reviewed the waiver requests with the Board, which were enumerated in the C. Robert Wynn Associates letter dated 07/08/19. The granting of requested waivers subject to a fee in lieu of and easement of sufficient width beyond the right-of-way to accommodate a future trail was discussed. Mr. Smeland noted his client is seeking a waiver of road improvements, as Meetinghouse Road was recently paved. He also asked for the Board to permit the erosion and sediment (E&S) controls and stormwater management design to be completed at the time of the building permit application. **Motion** by Mr. Hilferty, seconded by Mr. Carroll to grant preliminary/final approval subject to the C. Robert Wynn Associates letter dated 07/08/19; a pedestrian access easement of sufficient width being dedicated to the Township to permit future construction of a sidewalk/trail along the frontage of the site; a capital contribution of \$5,000 as a fee in lieu of road improvements being received by the Township prior to plan recordation; a unilateral declaration of covenants, conditions and restrictions being established in a manner satisfactory to the Township Solicitor that notes the requirement of the applicant for building permit to obtain approval of E&S controls and stormwater management design before a building permit may be issued; and authorization to permit connection to public water service for lot no. 1 conditioned on approval by Gilmore & Associates, the Township's Water Engineer, and execution of a public water service agreement with the Township. With no additional comment, all voted in favor 4-0. **Motion** by Mr. Hilferty, seconded by Mr. Carroll to adopt Resolution 2019-17 for inclusion in the sewage facilities planning module submission. With no additional comment, all voted in favor 4-0.

3. **DiPalma Land Development:** Mr. Fulmer reported all maintenance period punchlist items have been completed to the satisfaction of the Township's professionals, and the Board can consider accepting completion of the 18-month maintenance period and release the financial security once all the fees for the professionals have been remitted from it. **Motion** by Mr. Hilferty, seconded by Mr. Carroll to accept the completion of the maintenance period per the recommendation in the C. Robert Wynn Associates letter dated 07/17/19. With no additional comment, all voted in favor 4-0.
4. **Summer Hill Streambank Restoration Project:** Mr. Fulmer advised the Board the bid opening occurred on Monday, August 12 and he was still reviewing the bid documents, as there were eight (8) bidders. He stated he expected to have a recommendation for the Board for their August 27 meeting.

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

1. **Proposed Ordinance Amendment – Drones Prohibition:** Mr. Reiss advised the Board that during the Township's annual risk management evaluation the Township's insurer recommended the Solicitor review the ordinance regulating drone use in parks to ensure it complies with current federal law. He stated currently the Township prohibits drones from taking off or landing at Hanusey Park, and this must be amended. He stated he is seeking Board authorization to draft the ordinance amendment and advertise it for a public hearing at an upcoming meeting. **Motion** by Mr. Hilferty, seconded by Mr. Lykon to authorize the Solicitor to prepare and advertise the ordinance amendment. With no additional comment, all voted in favor 4-0.
2. **Proposed Ordinance Amendment-Well Depletion Agreement Funding:** Mr. Reiss stated he has prepared the ordinance amendment per the Board's direction and subsequently the Township's hydrogeologist reviewed the details and stated he believes the fee should be increased from \$675 to \$1,000. Mr. Reiss stated it was likely an applicant would still request this one-time contribution in

lieu of entering into a well depletion agreement and depositing the estimated cost of a new well, which would need to be replenished if used. He clarified the decision is the Board of Supervisors, not the applicant's decision. **Motion** by Mr. Hilferty, seconded by Mr. Lykon to authorize the advertisement of the ordinance amendment. With no additional comment, the vote was 3-1 with Mr. Carroll dissenting,

3. **Bucks County Water & Sewer Authority – Sewer Easement:** Mr. Reiss reviewed details of a request by the Authority to expand an easement in Township open space adjacent to the Durham Ridge subdivision to allow them to work to eliminate a 90-degree bend in the sanitary sewer line. **Motion** by Mr. Carroll, seconded by Mr. Lykon to grant the request for the easement, and authorize the Chairman to execute the document on behalf of the Township. With no additional comment, all voted in favor 4-0.
4. **Lantern Ridge Revised Settlement Agreement:** Mr. Reiss discussed details of the amendment to the Stipulation and Settlement Agreement, clarifying this would authorize Granor Price to proceed with the preparation of a preliminary/final subdivision plan based on the 04/11/19 plan prepared and discussed with the Board. He stated he is seeking the Board's authorization to allow him to agree to the proposed changes by plaintiff's attorney, John VanLuvanee. In response to a question from the Board Mr. Reiss stated the timeline expires in December 2020. **Motion** by Mr. Carroll, seconded by Mr. Hilferty to authorize the Solicitor to accept the proposed changes offered by plaintiff's counsel. With no additional comment, all voted in favor 4-0.

ADMINISTRATIVE REPORT: Carolyn McCreary, Township Manager

1. **Plan Extension Review – Lighthouse Baptist Church:** Ms. McCreary advised the Board the Township received an extension from the applicant, which is good for an additional 30 days from the expiration date of the required review period.
2. **Request for Fee Waiver – Looking Ahead Advance Care Planning:** Ms. McCreary presented a request to waive \$450 in zoning fees for this business located at 5033 Swamp Road. She stated they were seeking the waiver because they are a nonprofit organization. The Board discussed the request, noting they had waived fees for well-known nonprofits like the Boy Scouts. **Motion** by Mr. Trymbiski, seconded by Mr. Lykon to waive the fees. With no additional comment, all voted in favor 4-0.
3. **Request for Sewer and Water EDUs – 5544 Pt. Pleasant Pike:** Ms. McCreary presented a request from the property owners to connect to public water and public sewer. She stated the property is .79 acres and contains an existing single-family dwelling located on the south side of Pt. Pleasant Pike. She noted it would be connected to the Township's public water system via the main serving Plumstead Chase. She advised the Board the property is in the Township's Act 537 District and could be served by public sewer. The Board noted there was no supporting documentation from either the County Health Department or a contractor attesting to the property having a failing system, and asked Ms. McCreary to obtain supporting documentation from the property owner.
4. **Township Rental Property:** Ms. McCreary shared a request from the tenant in the rental property next to the Township building for the Board to consider reducing the monthly rent from \$1800 to \$1400 due to a change in circumstances. Mr. Lykon stated if the tenant were to leave the Township should raise the rent due to current market conditions. Board consensus was for Ms. McCreary to find out what term the tenant would be looking for if they were to consider the request, and report back to the Board.

5. **Old Easton Road Bridge Change Order:** Ms. McCreary presented a change order for additional engineering charges totaling \$5,000. She stated this represented the cost for review and field inspections of a mistake made by the contractor for which the Township would deduct from the next payment request. Mr. Lykon sought clarification that the change order would have zero effect on the overall cost of the engineering on the project. **Motion** by Mr. Carroll, seconded by Mr. Hilferty to approve the \$5,000 change order for W.J. Castle conditioned on the amount being deducted from the next payment application submitted by Doli Construction, Corp. contractor on the project. With no additional comment, all voted in favor 4-0.
6. **Lease Purchase of 2018 Peterbilt Truck:** Ms. McCreary presented Resolution 2019-16, which if adopted would authorize the Township to incur a lease/purchase obligation in the amount of \$297,211.50. She explained this truck was originally part of last year's budget and delivery was delayed. **Motion** by Mr. Carroll, seconded by Mr. Hilferty to adopt Resolution 2019-16. With no additional comment, all voted in favor 4-0.
7. **Update to Personnel Manual:** Ms. McCreary advised the Board the Delaware Valley Trusts, the Township's insurer, provided an updated model whistleblower policy to the Township as part of the annual risk management evaluation. She stated rather than cut and paste the language into the Township's policy it was simpler to adopt the new language. Mr. Reiss stated he reviewed the model policy. Ms. McCreary noted the current language was provided by DVT a few years ago because the Township did not have a policy. **Motion** by Mr. Hilferty, seconded by Mr. Carroll to update the policy. With no additional comment, all voted in favor 4-0.
8. **T Mobile Lease Extension Proposal:** Ms. McCreary informed the Board the Township received a proposal from Black Dot Wireless on behalf of T Mobile to renegotiate the current lease for the colocation of cell tower equipment on the Durham Ridge water tank. She reviewed the details of the proposed agreement and advised the Board the current agreement executed in 2001 currently generates \$2900 a month in revenue. Board consensus was to decline the offer presented.
9. **2020 Proposed Infrastructure Budget:** Ms. McCreary presented a schedule of proposed road improvements for 2020 through 2025, noting the last major road reconstruction project was completed with the work finalized at Silo Hill and Curly Hill Roads this year. She stated the proposed work for 2020 involves applying an ultra-thin wearing course to Summer Hill and the Estates of Brookside, which will extend the life of the roads. Mr. Trymbiski asked for an explanation of what involves in-house paving of \$50,000. Ms. McCreary pointed out there is over \$500,000 being proposed for the next three years, and identified the funding sources, noting with Liquid Fuels funding (net of other permitted charges) and Local Services Tax revenue (net of Police capital costs) the Township will need to utilize its reserves to make up the difference. Mr. Lykon spoke to the Board about the fund balance policy and the level of reserves in the General and Capital Funds. Board consensus was to include the identified infrastructure work in the 2020 budget.

PAYMENT OF BILLS: **Motion** by Mr. Hilferty, seconded by Mr. Carroll to approve the bills list dated 08/13/19 and addendums dated 07/25/19 and 08/13/19 subject to audit. With no additional comment, all voted in favor 4-0. The amounts reported on the bills list are as follows: General Fund - \$137,632.69, and addendum of \$2,212.60, Water Fund - \$34,784.85, Capital Reserve Fund - \$175,136.40 (addendum), State Liquid Fuels - \$114,761.69, Developers' Escrow Fund - \$3,437.22, Construction Escrow Fund -

\$2,750.00, Zoning Hearing Board Escrow Fund - \$264.85 and Flood Mitigation Grant Fund - \$649.17 (addendum)

APPROVAL OF MINUTES: Motion by Mr. Carroll, seconded by Mr. Hilferty to approve the minutes of the 07/23/19 public meeting, the 07/25/19 Worksession and the 08/06/19 Special Meeting. With no additional comment, all voted in favor 4-0.

OLD BUSINESS: None

NEW BUSINESS:

Emergency Management Coordinator: Ms. McCreary advised the Board that during the last Emergency Services Management Committee meeting the members were discussing succession planning because of Chief Hasenauer’s pending retirement and the expanded duties Scott Fleischer has with his employer, Doylestown Borough. She reminded the Board that Mr. Fleischer in addition to being the Chief of the Point Pleasant Fire Company, is the Township’s Emergency Management Coordinator (EMC). She stated Mr. Carroll attended the meeting, and the Committee asked if he would consider serving as the Deputy EMC. She explained if there would be a regional event like Superstorm Sandy it is important the Township has someone available to act as EMC. Motion by Mr. Lykon, seconded by Mr. Hilferty to appoint Darren Carroll as the Township’s Deputy Emergency Management Coordinator. With no additional comment, all voted in favor 4-0.

PUBLIC COMMENT: None

ADJOURNMENT: Motion by Mr. Carroll, seconded by Mr. Hilferty to adjourn into Executive Session at 8:25 p.m. With no additional comment, all voted in favor 4-0.

Respectfully submitted,

Carolyn McCreary, Township Manager

Date Approved