

PLUMSTEAD TOWNSHIP BOARD OF SUPERVISORS

January 22, 2019

Meeting Minutes

The public meeting of the Plumstead Township Board of Supervisors was held on Tuesday, January 22, 2019 at 7:30 p.m. at the Plumstead Township Municipal Building, 5186 Stump Road, Plumsteadville, PA

Present:

Brian Trymbiski

Chair

Peter Busillo

Vice Chair

Nick Lykon (arrived at 8:20 p.m.)

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

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 Veterans Ad Hoc Committee meets on January 23. The Emergency Services Management Committee meets on January 31. The Board of Supervisors Worksession scheduled for January 31 is cancelled.

PUBLIC COMMENT: None

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

- 1. 3750 Curly Hill Road - Minor Subdivision:** Mr. Fulmer advised the Board this is a two-lot subdivision, stating there is one new lot and one lot with an existing dwelling already on it. He stated the applicant is seeking preliminary/final approval. Nick Rose, P.E. reviewed details of the plan, and noted all items in the 12/11/18 review letter from Mr. Fulmer's office are "will comply". Mr. Fulmer noted there are no proposed sidewalks, as the location is not identified on the Township-wide trail plan. The applicant is seeking a waiver to allow a driveway onto a collector street, and a waiver to defer the stormwater management design and erosion control until a building permit is applied for. Mr. Hilferty inquired about the shared driveway. Mr. Trymbiski asked about the required capital contribution in lieu of road improvements and the location as it pertains to the unnamed tributary of the North Branch. **Motion** by Mr. Carroll, seconded by Mr. Busillo to grant preliminary/final approval subject to compliance with the C. Robert Wynn Associates letter dated 12/11/18 and approval of the waivers requested, PENNDOT approval and authorizing the deferral of the stormwater management and erosion control plans with notes to be placed on the plan prior to recordation. With no additional comment, all voted in favor.
- 2. 6234 German Road - Minor Subdivision:** Mr. Fulmer advised the Board this is a two-lot subdivision with one building lot and one lot with an existing dwelling on 5.36 acres. Anthony Hibbeln, P.E. spoke to the Board on behalf of the applicant, reviewing details of the plan and the waivers requested. The plan was reviewed by the Planning Commission in December and recommended for preliminary/final approval. Both lots will be served by on-lot septic systems with no request for connection to public sewer. Discussion took place on the utilization of a conservation easement instead of a drainage easement to protect the natural resources in the area. **Motion** by Mr. Carroll,

seconded by Mr. Hilferty to grant preliminary/final approval subject to compliance with the C. Robert Wynn Associates letter dated 12/12/18, and providing a conservation easement in a form acceptable to the Township Solicitor to be recorded with the subdivision plan. With no additional comment, all voted in favor.

- 3. Central Bucks School District – Gayman Elementary School Project:** Mr. Fulmer explained his office has performed the required inspection as part of the 18-month maintenance period and found the improvements to be in satisfactory condition. **Motion** by Mr. Hilferty, seconded by Mr. Carroll to accept the completion of the 18-month maintenance period per the C. Robert Wynn Associates letter dated 01/08/19 and release the financial security once all costs incurred by the Township have been reimbursed. With no additional comment, all voted in favor.

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

- 1. Acquisition of Stump Road Property (Resolution 2019-05):** Mr. Reiss explained the purpose of the resolution before the Board, noting the eminent domain process in this case assumes a willing seller and will result in saving the seller from having to pay the real estate transfer tax. **Motion** by Mr. Lykon, seconded by Mr. Carroll to adopt Resolution 2019-05. Mr. Hilferty noted he does not see any good reason to acquire this particular property. Howard Schargel, 5367 Windtree Drive, inquired about the Township’s planned future use for the property. With no additional comment, the vote was 4-1 with Mr. Hilferty dissenting.
- 2. Proposed Zoning Ordinance Amendment:** Mr. Reiss reminded the Board they previously authorized his office to prepare the ordinance amendment concerning amusement halls and arcades, and send it to the Bucks County and Township Planning Commissions for review and comment. The Board discussed the recommendation of the County Planning Commission that the Township consider permitting these uses through the conditional use process to ensure the Township has discretion and flexibility in the proposed uses. The Board discussed the recommendation with Mr. Carroll stating he was concerned the ordinance could not address similar uses that were not developed but could come before the Board in the future. **Motion** by Mr. Carroll, seconded by Mr. Hilferty to revise the proposed ordinance amendment to change the permitted uses to being available through conditional use, and sending it to the Bucks County and Township Planning Commissions for review and comment, and authorizing the advertising of a public hearing before the Board of Supervisors on the proposed ordinance. With no additional comment, all voted in favor.
- 3. Proposed EAC Ordinance Amendment:** Mr. Reiss reviewed the details of the proposed amendment, noting it was prepared after Board discussion at two prior meetings. **Motion** by Mr. Busillo, seconded by Mr. Carroll to authorize the advertisement of the proposed ordinance amendment. With no additional comment, all voted in favor.
- 4. Proposed Subdivision and Land Development Ordinance Amendment:** Mr. Reiss advised the Board the Township’s hydrogeologist suggested amending the ordinance to ensure the well guarantee agreement is required at phase I of a project that is proposed to be done in phases. He noted phase I of the Tollgate Subdivision involves 2 lots of 14, and while these lots are not going to have construction on them if they did it would not have triggered the well guarantee agreement as the ordinance is currently written. Board consensus was for Mr. Reiss to draft the ordinance amendment.
- 5. Proposed Zoning Hearing Board Notice to Applicants:** Ms. McCreary shared a draft of a proposed notice prepared at the request of the Board at a prior meeting. She stated if approved it would be added to the applications in the office and on the website. Mr. Lykon suggested adding language

advising the applicant they may attend the Board of Supervisors' public meeting where the application is reviewed. Board consensus was to amend the language and distribute it.

6. **Zoning Hearing Board Application – 4529 Summerhill Drive:** Mr. Reiss advised the Board of this new application seeking a variance to construct an in-ground swimming pool. Board consensus was for the Zoning Hearing Board to render a decision based on the testimony provided with no input from the Township.
7. **Zoning Hearing Board Application – 854 N. Easton Road:** Mr. Reiss advised the Board of a new application for the Fred Beans Subaru dealership. He noted the applicant is seeking a variance for wall signage and shared renderings with the Board. Board consensus was for the Zoning Hearing Board to render a decision based on the testimony provided with no input from the Township.
8. **Tollgate Subdivision (Phase I):** Mr. Reiss informed the Board the record plans are ready for signature and need to be signed at the end of the public meeting.

DEPARTMENT AND FIRE COMPANY REPORTS: On File

Police: Chief Hasenauer reviewed the details of three speed studies conducted on Tollgate, Moyer and Township Line Roads. He asked the Board for authorization for the Township Solicitor to prepare an ordinance amendment to set the speed limit for each road at 35 MPH. **Motion** by Mr. Lykon, seconded by Mr. Carroll to authorize the Solicitor to prepare the ordinance amendment. With no additional comment, all voted in favor. Chief Hasenauer presented the 2019 events which the Fire Police are called to assist with, and sought Board authorization for their participation. **Motion** by Mr. Hilferty, seconded by Mr. Busillo to approve the list of events. With no additional comment, all voted in favor.

ADMINISTRATIVE REPORT: Carolyn McCreary, Township Manager

1. **Authorization Voucher-Donner Pass East Subdivision:** Ms. McCreary presented authorization voucher no. 21, dated 01/04/19 in the amount of \$272.66 payable to C. Robert Wynn Associates for construction observation and escrow administration. **Motion** by Mr. Hilferty, seconded by Mr. Carroll to approve the authorization voucher. With no additional comment, all voted in favor.
2. **Reappointment of Labor Attorney:** Ms. McCreary advised the Board the Township's labor attorney was not included in the motion to reappoint the Township professionals at the annual Reorganization Meeting. She sought Board approval for the reappointment. **Motion** by Mr. Hilferty, seconded by Mr. Carroll to reappoint Eckert Seamans as the Township's labor attorney. With no additional comment, all voted in favor.
3. **Blaze of Glory 5K Race:** Ms. McCreary informed the Board the race is proposed for Saturday, March 16. **Motion** by Mr. Carroll, seconded by Mr. Busillo to approve the date. Mr. Hilferty noted there are complaints from residents about the perceived short notice of the temporary road closure. He asked if more could be done. With no additional comment, all voted in favor.

Ms. McCreary stated she had two items for Executive Session involving personnel and land preservation.

PAYMENT OF BILLS: **Motion** by Mr. Carroll, seconded by Mr. Hilferty to approve the bills list dated 01/22/19 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 - \$141,623.71, Water Fund - \$91,934.75, Local Services Tax Fund - \$5,000.00, Capital Reserve Fund - \$51,997.46, Open Space Fund - \$15.50, State Liquid Fuels - \$2,930.66, Developers' Escrow Fund – \$15,855.47, Construction Escrow Fund - \$2,400.00, Zoning Hearing Board Escrow Fund - \$1,529.50

APPROVAL OF MINUTES: Motion by Mr. Carroll, seconded by Mr. Hilferty to approve the minutes of the 01/07/19 meeting. Mr. Hilferty noted Andy Jarin, a member of the Zoning Hearing Board responded to the Township concerning his attendance at meetings brought up prior to the annual Reorganization meeting, stating he had to recuse himself from the Doylestown II hearings and was traveling for business for some hearings, but wishes to remain a member. With no additional comment, all voted in favor.

OLD BUSINESS:

Southern Water System: Ms. McCreary provided an update on her meeting with Gia Raffaelli, general counsel for Metropolitan Development Group. She stated she informed Ms. Raffaelli of the majority of the Board's consensus to pursue the interconnection with the North Wales Water Authority. Ms. Raffaelli indicated she would report the details back to Mr. Tulio and their engineer. Ms. McCreary noted she expects an answer as to whether or not Metropolitan will be prepared to connect to this proposed system, and a timeframe for doing so by the next Board of Supervisors meeting on February 12. Mr. Hilferty expressed concern about the project, stating no formal study had been done on the impact of the cost to the ratepayers, and believes the addition of a properly placed water tank could rectify the problems the Township has experienced in the Summer Hill system. Mr. Trymbiski asked if a tank would improve quality, quantity and distribution, noting these are the three issues the Township's water engineer, operations consultant and Public Works Director all spoke to the Board about these issues at length.

Hanusey Park Outfield Advertising: Ms. McCreary asked the Board for consensus about the suggestion to offer advertising space on the outfield fence, noting it has been measured and the number of ads has been calculated. Mr. Hilferty expressed concerns about maintaining the aesthetics of the park, stating he doesn't see the need for the signs. Mr. Carroll suggested Ms. McCreary have a template developed with a dark green or black background for the Board to look at before any solicitations are done at local businesses, and to determine the cost of the signs based on the materials used. The Board also discussed what advertising revenue would be used for with Mr. Busillo stating he believed any revenue raised should to solely to field maintenance at Hanusey Park. Mr. Lykon stated he agrees with Mr. Carroll about seeing the template first.

Township Official Map: Ms. McCreary reminded the Board when this was discussed it was suggested the Board use one of its worksessions to more fully understand and develop the map. She asked if the February worksession (February 28) would be convenient for the Board, noting she expected to have the Township Engineer, Township Planning Consultant and Township Solicitor present. Mr. Reiss noted a conflict with his schedule but stated another attorney in his firm familiar with this subject could attend. Board consensus was to hold the meeting on February 28 with all identified professionals attending.

NEW BUSINESS:

Sanitary Sewer System Overflows: Mr. Lykon spoke about ongoing issues and the Bucks County Water & Sewer Authority's (BCWSA) past comments that the Township is the obstacle to solving their I&I problem. He stated he would like the Township Solicitor to send a letter to BCWSA asking them to identify all owners who have not responded to any correspondence, referencing an email from Ms. McCreary noting BCWSA identified 25 property owners.

Allohaken Park: Mr. Lykon addressed the Board about a resident's email sent to the Board and Ms. McCreary asked the Township to do more to prohibit foul balls from coming onto his property. Mr. Lykon stated he spoke to Art Ehlo about options available, and suggested the Township purchase portable netting possibly off of the state contract and contact Plumstead Baseball about sharing in the cost of the purchase.

PUBLIC COMMENT: None

ADJOURNMENT: Motion by Mr. Hilferty, seconded by Mr. Carroll to adjourn into Executive Session at 9:30 p.m. With no additional comment, all voted in favor.

Respectfully submitted,

Carolyn McCreary, Township Manager

Date Approved