

PLUMSTEAD TOWNSHIP BOARD OF SUPERVISORS

January 23, 2018

Meeting Minutes

The public meeting of the Plumstead Township Board of Supervisors was held on Tuesday, January 23, 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

Dan Hilferty

Assistant Secretary/Treasurer

Jonathan Reiss, Esq.

Township Solicitor

Timothy Fulmer, P.E.

Township Engineer

Carolyn McCreary

Township Manager

Ms. 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 Veterans Ad Hoc Committee meets on January 24. The Plumsteadville Village Ad Hoc Committee meets on February 6. The Parks & Recreation Advisory Committee meets on February 12. The EAC meets on February 14 at the Community Building in Hanusey Park. Ms. Mulholland announced that Kathryn Bray, chief Court Reporter for Bucks County will be recording the portion of the meeting pertaining to item d. under the Solicitor's report pertaining to Board discussion concerning drafting a zoning ordinance amendment related to regulating student housing. Chris Ullery, from The Intelligencer stated he is recording sections of the meeting to aid in his notes.

PUBLIC COMMENT: Tom Alvaré, 5733 State Park Rd. stated he is a 30 year resident of the Township, who picked Plumstead because of its rural nature. He stated that the Township is at a crossroads. He cited prior Boards' leadership with regards to preserving land to reduce development pressure and the improvements made in the zoning. He stated that the Township has strengthened its zoning and has a capable Zoning Hearing Board to defend it. Wendy Ullman, 5747 Ridgeview Dr. stated she has lived in the Township for 32 years, and she moved here for the rural character, and the peace and quiet. She said the Township has maintained much of the same characteristics.

PRESENTATION: Alan Bleam Director of Public Works introduced Bill Castle and Rich Parisi of W.J. Castle & Associates who attended to provide information relating to the proposed bridge replacement on Old Easton Road over the Pine Run in the Dyerstown area of the Township. Mr. Bleam noted that the Township's two recently completed bridge projects were engineered and overseen by Castle & Associates, and both were successfully completed and came in under the combined budget. Mr. Castle presented details to the Board, stating it is estimated that the project will cost between \$1 and \$1.1 million and take 6 to 9 months. He stated that by working with the original abutments the contractor would be able to avoid being in the water, resulting in lower cost, a shorter timeframe and less permitting required. The Board asked questions concerning drainage off the bridge decking, cost of the project compared to what was estimated originally, streambank work, and the timing of the project start date. Pat Siegle Eberle, 4435 Old Easton Road, asked if the bridge would be made of real stone. Bill Haas, owner of the Waterwheel Restaurant located at 4424 Old

Easton Rd. stated he would like to see a stepped up timeframe because of concerns regarding what a detour would do to the business. Mr. Lykon questioned if it would make more sense to delay the work until 2019. Tom Alvaré, 5733 State Park Rd., stated he would rather see the bridge with a stone face instead of a stamped concrete and supports revising the timeframe for construction. Board consensus was for Castle & Associates to continue with the design and engineering, applying for the necessary permits, but delaying putting the project out to bid until the fall of 2018 with construction to begin in Spring, 2019.

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

1. **JEHL Limited Partnership:** Mr. Reiss reviewed a request from Ed Wild, Esq., the developer's attorney requesting the release of financial security held to guarantee improvements as enumerated in the development/financial security agreement. Mr. Fulmer reviewed the details of his correspondence dated 01/17/18, noting that the buyer of lot no. 2 will provide the Township with escrow funds to guarantee the completion of the improvements required on lot no. 2. He recommended that the developer complete the installation of property monuments, driveway paving, and stabilization of the right-of-way for lot no. 1. **Motion** by Mr. Hilferty, seconded by Mr. Trymbiski to approve the request conditioned on compliance with the C. Robert Wynn Associates letter dated 01/17/18. With no additional comment, all voted in favor.
2. **Hellerick's Family Farm:** Mr. Reiss reviewed details of correspondence from Ed. Wild, Esq. concerning his clients' intention to install a laser tag course on the property as it is their opinion that this falls under the definition of *agritainment*. Mr. Trymbiski stated he takes issue with laser tag being included in the definition of agritainment. Mr. Reiss noted that while the state and the Penn State publication may consider it to be included, the question is whether or not the definition of agritainment in conservation easement includes laser tag and similar activities. He reminded the Board that the Hellerick request to include documentation previously provided by the Hellericks concerning the definition and examples of agritainment as part of the conservation easement was denied by a prior Board. Board consensus was that the installation of a laser tag course does not meet the definition of agritainment, per the conservation easement and is not permitted.
3. **Davis Zoning Hearing Board Application:** Kim Freimuth, Esq. appeared before the Board represented the property owners and was accompanied by Jason Smeland, P.E. She reviewed the history of the property and the prior Zoning Hearing Board application and decision from 2003. She explained that the plan has now been revised to move the new stormwater management facility outside of the riparian buffer. She noted that a portion of the dwelling is in the wetland margin, but the revised plan still meets the spirit of the ordinance with 2+ acre lots. Mr. Fulmer pointed out remaining issues to the Board, noting items that would still require a variance. **Motion** by Mr. Busillo, seconded by Mr. Lykon to withdraw the Township's opposition to the Zoning Hearing Board application. With no additional comment, all voted in favor.
4. **Zoning Ordinance Amendment-Student Housing:** Mr. Reiss reminded the Board that this item is on the agenda as a result of public comment at a prior meeting relating to a house in a residential area that is being rented to college students. He provided the Board with the zoning ordinance in place in Radnor Township as they previously requested. He stated he is seeking Board feedback and consensus to draft a zoning ordinance amendment. The Board discussed the Radnor ordinance, with Ms. McCreary identifying issues brought to her by the Zoning Officer concerning enforceability. Joe Porter, 37 John Dyer Way, stated he came to the Board on November 14 for assistance with the issue as the house in question is next door. He stated the Board should focus on rooming houses versus student housing, and pointed out some of the requirements for boarding houses in other

communities. Chuck Grezlak, 22 John Dyer Way, stated he is concerned with a broad precedent if this is not addressed and cited the Township's zoning ordinance, noting Buckingham has similar regulations about boarding houses. Mr. Reiss was asked to collect information from New Britain Borough and Township since they are likely affected by off-campus housing relating to Del Val University. Ms. McCreary stated she would poll the Consortium members to determine what, if anything, other municipalities in Bucks County have in place to regulate student housing, and tenant registrations and report back to the Board at a future meeting.

5. **Amendment to Township Ordinance-Fireworks Law:** Mr. Reiss informed the Board that recent legislation passed in Harrisburg and signed into law by the Governor will require the Township to amend its ordinance pertaining to display fireworks. **Motion** by Mr. Trymbiski, seconded by Mr. Hilferty to authorize the Solicitor to draft and advertise the ordinance amendment. With no additional comment, all voted in favor.
6. **Doylestown II (Proposed Wawa):** Mr. Reiss advised the Board that he had been contacted by the developer's attorney who indicated that her client was told that the Board was open to settling the land use appeal. Board consensus was for Bill Bolla, who is representing the Township in this matter to request a letter from the developer's attorney outlining what they would be proposing in the way of a settlement and continue with defending the Township in the land use appeal. Joseph Reinheimer, 3634 Ferry Rd., stated he would not entertain a letter from the developer. Pete Rothwein, 4851 Old Easton Rd., stated he attended all the Zoning Hearing Board meetings and implored the Board to see the appeal all the way through. Dan Ullman, 5747 Ridgeview Dr., stated he thinks the developer is trying to cloud the appeal, but the Board already decided to fight it. Tom, Stewart, 4984 Gayman Rd., stated the Board should continue opposing it. Tom Alvaré, 5733 State Park Rd., thanked the Board for investing the money to fight the case, stating he sat through hearings and believes the Township will prevail based on the testimony at the final hearing. Kathy Beljanski, 4550 Everview Dr. stated the developer should bring a plan in to a public meeting and the Township should not agree to discuss it unless the developer drops his appeal.
7. **Lantern Ridge-Proposed Settlement Agreement:** Mr. Reiss spoke to the Board about the provision Mr. Lykon referenced concerning a proposed German Road extension, and whether or not it was the intention of the Board to include this in the draft settlement agreement. Mr. Lykon explained his intent with the proposed road extension and allowing for an additional lot to accommodate any lost area caused by the proposed road construction. **Motion** by Mr. Lykon, seconded by Mr. Trymbiski to include the stipulation for a German Road extension in the draft settlement agreement with Granor Price. Ms. Mulholland expressed concern about other properties being involved, noting that the original motion is germane to what Granor Price was seeking with regard to an extended timeframe to build and settling the current litigation. Mr. Hilferty stated in addition to there being no previous Board consensus, there has been no community consensus about it and he supports pursuing the original design that received preliminary approval. With no additional comment, the vote was 2-3 with Ms. Mulholland, Mr. Hilferty and Mr. Busillo dissenting. The motion failed.

DEPARTMENT AND FIRE COMPANY REPORTS: On File

1. **Police Department:** Chief Hasenauer provided a list of known events in 2018 that will require the use of the fire police and sought Board approval for the events. **Motion** by Mr. Hilferty, seconded by Mr. Trymbiski to approve the list of events. With no additional comment, all voted in favor.

COMMITTEE MINUTES: On File

ADMINISTRATIVE REPORT: Carolyn McCreary, Township Manager

1. **Authorization Voucher – Donner Pass East Subdivision:** Ms. McCreary presented authorization voucher no. 17, dated 01/08/18 in the amount of \$676.21 payable to C. Robert Wynn Associates for construction observation and escrow administration. **Motion** by Mr. Hilferty, seconded by Mr. Trymbiski to approve the voucher. With no additional comment, all voted in favor.
2. **Authorization Voucher-Rite Aid Land Development:** Ms. McCreary presented authorization voucher no. 9 dated 01/08/18 in the amount of \$387.72 payable to C. Robert Wynn Associates for construction observation and escrow administration. **Motion** by Mr. Hilferty, seconded by Mr. Trymbiski to approve the voucher. With no additional comment, all voted in favor.
3. **Blaze of Glory 5K Race:** Ms. McCreary informed the Board that this year’s race is scheduled for Saturday, March 17, 2018 and sought Board approval for it, noting that Ms. Mulholland will need to sign a letter acknowledging that the Board is aware of the date and the use of Township roads, which will be submitted with the application to PennDOT. **Motion** by Mr. Hilferty, seconded by Mr. Trymbiski to approve the date for the race. With no additional comment, all voted in favor.
4. **Township Arborist Fees:** Ms. McCreary advised the Board that she had contacted the Township’s arborist concerning the \$150/hour fee that was proposed for 2018, and noted that while this was the firm’s standard consulting rate the rate for the Township would remain at \$100/hour. **Motion** by Mr. Hilferty, seconded by Mr. Trymbiski to accept the rate of \$100/hour. With no additional comment, all voted in favor.
5. **Length of Service Recognition:** Ms. McCreary presented Resolution 2018-05, which if adopted would recognize employee Linda Barratt for 25 years of service with the Township. **Motion** by Mr. Hilferty, seconded by Mr. Trymbiski to adopt Resolution 2018-05. With no additional comment, all voted in favor.
6. **Appointment of Zoning Hearing Board Alternate:** Ms. McCreary informed the Board that Mr. Reiss reminded her that the Board’s action at their Reorganization Meeting appointing Frank Froio must be done with a resolution. **Motion** by Mr. Hilferty, seconded by Ms. Mulholland to adopt Resolution 2018-06, appointing Frank Froio as the second alternate to the Zoning Hearing Board. With no additional comment, the vote was 4-1 with Mr. Lykon dissenting.
7. **T Mobile Lease/License Agreement:** Ms. McCreary presented the additional information requested by Mr. Hilferty concerning the current monthly rent the Township is receiving (\$2,800) and the nearest location of another T Mobile site (Oak Ave., Chalfont). She reviewed the details of the proposal from Black Dot Wireless on behalf of T Mobile relating to renegotiate the lease for the cell tower equipment located on the water tank in Durham Ridge to \$2,000 a month for a guaranteed period of 120 months. Board consensus was to not renegotiate the lease, pointing to the current term expiration of August 20, 2021.
8. **Finance Worksession:** Ms. McCreary proposed a worksession at the end of March to review various details relating to the 2017 audited financial statements, Township reserves, the 2018 budget, Township revenue and expenditure trends, and five year plan. Because of a conflict for Mr. Busillo the worksession will be held at the end of April.
9. **Doylestown Township Bike & Hike Committee:** Ms. McCreary advised the Board that she had been contacted by Stephanie Masson, Manager of Doylestown Township to find out if there would be a new representative for the Township to replace Peter Fernandez, who is no longer on

the Trail Committee. Mr. Lykon stated he would like to see if there is anyone on the Trail Committee who would be interested in attending these monthly meetings.

PAYMENT OF BILLS: **Motion** by Mr. Trymbiski, seconded by Mr. Hilferty to approve the bills list dated 01/23/18 and the addendums dated 01/11/18 and 01/23/18 subject to audit. With no additional comment, all voted in favor. The amounts reported on the bills list are as follows: General Fund - \$86,174.44 and addendum of \$56,353.52, Water Fund - \$62,228.14 and addendum of \$6,333.17, Local Services Tax Fund - \$7,215.00, Emergency Services Fund - \$3,907.25, Capital Reserve Fund - \$927.80, Open Space Fund - \$11,160.00, State Liquid Fuels - \$10,070.23, Flood Mitigation Grant Fund - \$2,067.60 and addendum of \$39,306.04, Developers' Escrow Fund - \$5,087.40, Construction Escrow Fund - \$1,693.67

APPROVAL OF MINUTES: **Motion** by Mr. Hilferty, seconded by Mr. Trymbiski to approve the minutes of the 01/02/18 Reorganization meeting. With no additional comment, all voted in favor.

OLD BUSINESS:

Plumsteadville Cemetery: Ms. Mulholland informed the Board that she spoke to Senator McIlhinney, and requested that legislation be introduced that would exempt municipalities from the regulations promulgated on cemetery companies, noting that the situation in Plumstead is likely to affect other Townships. She stated that he is drafting the legislation and expects no opposition.

Mountainside Inn: Mr. Trymbiski sought Board consensus to have the Township Manager meet with the stakeholders in the project and report back to the Board. He stated that if any of the Board has questions they could relay them to Ms. McCreary in advance of the meeting, and she could make sure they are addressed. Board consensus was for Ms. McCreary to contact Bill Collins, with DC21 and ask that he set up the meeting.

Owls Nest Park: Ms. McCreary reported to the Board that the Public Works foreman had contacted a third party to review the meadow area along the driveway based on the on-site meeting that was held with Land-Tech Associates. She stated that it was noted that in order to fully evaluate the area the Township's expectations must be determined. Mr. Hilferty asked how one would measure the success rate, and Mr. Lykon stated he did not believe that Land-Tech accomplished the scope of the work outlined in the plan that they bid to. The Board reviewed the documentation provided by Land-Tech as a follow up to the site meeting, which included invoices for additional spraying of the meadow area, a work report for the overseeding, and a photo of the meadow area from June. They also discussed the value of the seeding in the bid document, with an estimation that 75% of the \$44,933.00 pertained to the meadow area. **Motion** by Mr. Lykon, seconded by Mr. Trymbiski to authorize a letter to be sent to the bonding company demanding 100% restitution for removing invasive species and replanting the meadow. With no additional comment, the vote was 4-1 with Mr. Hilferty dissenting.

Field Use Fees: Ms. McCreary provided the Board with figures she received from Mr. Lykon relating to how the Parks & Recreation Advisory Committee determine their recommendations for the increased fees. She reviewed the details of maintenance costs at Hanusey Park provided by the Public Works foreman, the costs to light the sports fields, and the total revenue received in 2017 for use of the sports fields. Mr. Lykon stated that the Committee had reviewed the fees charged by both Buckingham and Doylestown Townships and chose a number in between them. **Motion** by Mr. Trymbiski, seconded by Ms. Mulholland to accept the fee recommendation for Hanusey Park sportsfields only with the lighting costs to be reimbursed by the sports organizations with the billing and collection to be determined by Township staff. With no additional

comment, all voted in favor. Ms. McCreary noted that a resolution will need to be adopted at the next meeting.

NEW BUSINESS: Ms. Mulholland announced the need for an Executive Session to discuss a matter concerning land preservation, noting there will be no formal action of the Board as a result of it.

PUBLIC COMMENT: None

ADJOURNMENT: **Motion** by Ms. Mulholland, seconded by Mr. Lykon to adjourn at 11:20 p.m. With no additional comment, all voted in favor.

Respectfully submitted,

Carolyn McCreary, Township Manager

Date Approved