

PLUMSTEAD TOWNSHIP BOARD OF SUPERVISORS

January 24, 2017

Meeting Minutes

The public meeting of the Plumstead Township Board of Supervisors was held on Tuesday, January 24, 2017 at 7:30 p.m. at the Plumstead Township Municipal Building, 5186 Stump Road, Plumsteadville, PA

Present:

Dan Hilferty	Chair
Stacey Mulholland	Vice Chair
Nick Lykon	Secretary
Jonathan J. Reiss Esq.	Township Solicitor
Timothy Fulmer, P.E.	Township Engineer
Carolyn McCreary	Township Manager

Absent:

Brian Trymbiski	Treasurer
Frank Froio	Assistant Secretary/Treasurer

Mr. Hilferty 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 Plumsteadville Village Ad Hoc Committee meeting scheduled for February 7 is cancelled. The EAC meeting scheduled for February 8 is cancelled. The Parks & Recreation Advisory Committee meets on February 13. Mr. Hilferty announced that both Mr. Froio and Mr. Trymbiski were away on business.

PUBLIC COMMENT: None

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

- 1. Tague Lumber Land Development:** Ed Murphy, Esq. appeared before the Board on behalf of the applicant. Mr. Fulmer stated the proposed land development is comprised of the construction of three (3) nonresidential storage buildings on property as an accessory use. He identified the location of the property comprising a little under 13 acres and being off of Kellers Church and Easton Roads (Route 611). Mr. Murphy stated his client had received the letter from Mr. Fulmer's office dated 01/10/17, which was reviewed at the Planning Commission meeting. He noted some existing structures will be removed and the applicant intends to merge the lots into a single lot. The applicant plans to retain the residential dwelling on the one lot and seek Zoning Hearing Board relief to rent it. He noted that the applicant will comply with the parking requirements in a manner to be determined and will install a sidewalk along Kellers Church Road along with the required road improvements. He stated they were evaluating the sidewalk along Route 611 because of an adjacent parcel having a building close to the road. Board consensus was to install the sidewalk for increased walkability in the village area. Mr. Lykon inquired about fees in lieu of the waived improvements on Route 611. **Motion** by Ms. Mulholland, seconded by Mr. Lykon to grant preliminary approval for the land development subject to compliance with the C. Robert Wynn Associates letter dated 01/10/17, Zoning Hearing Board approval of the residential use, additional evergreen buffer plantings on Kellers Church Road to provide additional screening across from the Cabin Run residential

subdivision, the plan being reviewed by the Plumsteadville Volunteer Fire Co. or the Fire Marshal for emergency access opportunities for the site, completing all required roadway and sidewalk improvements on Kellers Church Road, sidewalk installation on Easton Road (Route 611) and remitting fees in lieu of for the waived roadway improvements, and granting the waivers outlined in the Planning Commission minutes from their 01/19/17 public meeting. With no additional comment, all voted in favor 3-0.

- 2. Frazier Minor Subdivision:** Mr. Fulmer advised the Board that the sketch plan is for a two-lot Subdivision located on German Road. Anthony Hibbeln, P.E. was present on behalf of the applicants. Mr. Fulmer noted that the major issue that must be addressed is the proposed connection to public sewer. Mr. Hibbeln noted that his clients purchased an EDU from Bucks County Water & Sewer Authority (BCWSA) and the sewer line was stubbed to the property. The Fraziers are proposing that the existing home remain on a septic system and the new lot be connected to public sewer. He stated that the proposed lot was tested for on-site septic, but only alternative systems could be constructed and those are not permitted by PADEP for primary septic systems. They can only be used as backups. The Board discussed how this request should be handled in light of the 2008 sewer settlement agreement with BCWSA. Mr. Reiss reminded the Board that the settlement agreement stated that public sewer cannot be approved to maximize density, and in this case the addition of a second lot and dwelling unit would result in increased density. Taylor Fox, 4728 Applebutter Road questioned the connection to sewer for the existing home with a septic system for the new lot. Board consensus was they cannot grant the request to connect the new proposed lot to public sewer.
- 3. Plumsteadville Volunteer Fire Co. Substation Land Development:** Susan Rice, of STA Engineering spoke to the Board on behalf of the fire company. Mr. Fulmer advised the Board that the Planning Commission had recommended the Board grant preliminary/final approval of the land development plan. Ms. Rice stated that the plan was submitted to PennDOT and the Bucks County Conservation District, and she had received a review letter back from PADOT and was working through the comments and preparing a revised submission. She acknowledged that the plan would need to be submitted to the County Health Department and PADEP. She stated that she received the review letter from the County Planning Commission, and the comments mimicked those in the Township Engineer's review letter. Ms. Rice responded to the items in Mr. Fulmer's review letter, noting they received Zoning Hearing Board approval for a variance to relocate the parking lot. Mr. Fulmer discussed the issue of stormwater management and the responsibility for maintenance of the pipe, stating that in the past the Township agreed to execute the stormwater maintenance agreement subject to executing an agreement with the applicant, with his office preparing an estimate of the required escrow to cover maintenance costs over a 10-year period. **Motion** by Mr. Lykon, seconded by Ms. Mulholland to grant preliminary/final approval of the land development conditioned on compliance with all outstanding items, subject to granting the waiver detailed in item no. 2 in the C. Robert Wynn Associates letter dated 12/21/16, a review of the proposed exterior building lighting being conducted by the Township's lighting consultant, and an executed agreement for the maintenance of the stormwater facility within the PADOT right-of-way excepting any requirement to post financial security to guarantee its obligations to maintain the stormwater facilities within the PennDot right-of way. With no additional comment, all voted in favor 3-0. Mr. Fulmer also advised that the fire company would like the Board to allocate an EDU should public sewer become available in the area with Mr. Reiss noting that properties with a holding tank are required by PADEP and Township Ordinance to connect to public sewer if it becomes available. **Motion** by Mr. Lykon,

seconded by Ms. Mulholland to allocate one (1) EDU to the parcel. With no additional comment, all voted in favor 3-0.

SOLICITOR’S REPORT, Jonathan Reiss, Esq.

- 1. Subdivision and Land Development Ordinance Amendment:** Mr. Reiss reviewed details of the proposed ordinance amendment with the Board. He stated that this was on the agenda for any additional discussion and authorization to send the ordinance amendment to the Bucks County Planning Commission and Township’s Planning Commission for review and comment. **Motion** by Mr. Lykon, seconded by Ms. Mulholland to authorize the document to be sent to the two Planning Commissions for review and comment. With no additional comment, all voted in favor 3-0.
- 2. Zoning Ordinance Amendment:** The Board discussed details of the ordinance with Ms. Mulholland raising concerns about several proposed uses and their locations. She expressed concern about locating hookah lounges and vape shops in any of the village areas of the Township. She also discussed locations for recovery houses and halfway houses, noting some issues that have arisen in other communities. Mr. Reiss advised the Board they could authorize the advertisement and the *Pending Ordinance Doctrine Law* would apply should anyone make application for any of the uses being addressed in the Zoning Ordinance amendment. **Motion** by Mr. Lykon, seconded by Ms. Mulholland to authorize the document with the discussed changes to be sent to the two Planning Commissions for review and comment. With no additional comment, all voted in favor 3-0.
- 3. Gardenville Fields Conservation Easement:** Mr. Reiss presented the conservation easement for the recreation facilities known as Gardenville Fields for approval. Mr. Hilferty asked if all parties had reviewed the final draft. Mr. Reiss stated that document will be put in final form with legal descriptions and plans attached. He noted that title insurance must be ordered and a baseline report completed and then settlement can take place. Board consensus was to approve the document and settlement to occur.
- 4. Zoning Hearing Board Application – Tollgate and Swagger Roads:** Mr. Reiss advised the Board that the Township had received an application for a use variance to allow for the manufacturing of ice cream to be permitted at the property. Board consensus was to have the Zoning Hearing Board make their decision based on the evidence presented with no input from the Township.

DEPARTMENT AND FIRE COMPANY REPORTS: On file

- 1. Public Works:** Mr. Blead spoke to the Board about the results of the recent bid opening for the mowing of Township open space. Six bids were received with the lowest bid being submitted by M&M Landscaping in the amount of \$63,840.00. **Motion** by Mr. Lykon, seconded by Ms. Mulholland to award the bid to M&M Landscaping, the lowest responsible bidder. With no additional comment, all voted in favor 3-0.
- 2. Police Department:** Chief Hasenauer presented a list of 39 proposed events in 2017 in and outside of the Township that the fire police would be likely asked to assist. He sought Board authorization for the fire police to be utilized at these events if they were available.

ADVISORY COMMITTEE MEETING MINUTES: On file

ADMINISTRATIVE REPORT, Carolyn McCreary, Township Manager

- 1. Professional Services Agreements:** Ms. McCreary presented the list of agreements she signed on behalf of the Township since the last meeting.

- 2. Volunteer Statements of Interest:** Ms. McCreary informed the Board that three residents had submitted statements of interest to serve on the Parks & Recreation Advisory Board. She reminded the Board that there are currently three vacancies. Board consensus was to schedule informal interviews at one of the February meetings.
- 3. Authorization Voucher – Donner Pass East Subdivision:** Ms. McCreary presented Authorization Voucher no. 7 dated 01/16/17 in the amount of \$922.90 payable to C. Robert Wynn Associates for construction observation and escrow administration. **Motion** by Mr. Lykon, seconded by Ms. Mulholland to approve the authorization voucher. With no additional comment, all voted in favor 3-0.
- 4. Blaze of Glory 5k Race:** Ms. McCreary sought Board authorization to hold the annual 5k race on Saturday, March 18 and noted that a letter needs to be sent to PennDOT informing them of the approval. **Motion** by Ms. Mulholland, seconded by Mr. Lykon to approve the date of the race. With no additional comment, all voted in favor 3-0.
- 5. Reappointment of Labor Attorney:** Ms. McCreary advised the Board that she had spoken to Chief Hasenauer, and they both are recommending the reappointment of Eckert Seamans as the Township’s labor counsel, with Ryan Cassidy, Esq. serving as the point of contact for the Township. **Motion** by Mr. Lykon, seconded by Ms. Mulholland to reappoint Eckert Seamans as labor counsel for the Township. With no additional comment, all voted in favor 3-0.
- 6. Parks & Recreation Programming:** Ms. McCreary advised the Board that the Township’s insurer had provided recommendations regarding contracts with vendors, applications for programs and waivers that participants need to sign. She noted that the municipalities in the area who are members of the insurance trust are using the same models. Board consensus was to use those models.
- 7. Gardenville Fields:** Ms. McCreary spoke to the Board about the proposed improvements funded in part with a DCNR grant. She stated that she was awaiting the grant agreement, but had been contacted by CBAA about reserving the fields for soccer practices in the spring. She noted that she was not aware of when the fields would be deemed ready for any use. Ms. McCreary stated that she believed staff needs to meet with the Township Engineer to review the process to prepare plans that can be bid, and constructed. She reminded the Board that they project will need to be submitted to the County Conservation District, but did not expect to need an NPDES permits because it appears there will be less than an acre of earth disturbance. Ms. McCreary advised that she had reviewed details of the project budget with Mr. Fulmer, and she is concerned about the budget for professional services being adequate. Mr. Lykon stated he would like to be involved in the project and work with the Township Engineer. Ms. McCreary asked if the matter could be discussed at the next meeting to discuss not only the project, but field use and fees.
- 8. Zoning Hearing Board – Proposed Wawa:** Ms. McCreary advised the Board that she and Mr. Fulmer had met with Bill Bolla, Esq., special counsel for this matter. She stated that Mr. Bolla is requesting to use the Township’s planning consultant in preparation for the hearing which is scheduled for March 1. She sought Board approval, as the budget for the planner did not include this work. Mr. Lykon expressed concern about using another professional in the matter because of financial constraints. Mr. Hilferty stated he believed if Mr. Bolla is recommending it then the Board should consider the recommendation. Ms. Mulholland asked if a decision could be tabled to the next meeting when the entire Board will be present. **Motion** by Ms. Mulholland,

seconded by Mr. Hilferty to table the matter to the February 14 public meeting. With no additional comment, the vote was 2-1 with Mr. Lykon dissenting.

Ms. McCreary stated she had one item for Executive Session involving a personnel matter.

PAYMENT OF BILLS: **Motion** by Mr. Lykon, seconded by Ms. Mulholland to approve the bills list dated 01/24/17 and the Addendum dated 01/10/17 subject to audit. With no additional comment, all voted in favor 3-0. The amounts reported on the bills list are as follows: General Fund - \$183,429.37 and addendum of \$37,562.84, Water Fund - \$166,360.99, Local Services Tax Fund - \$5,354.03, Open Space Fund - \$75.00, State Liquid Fuels - \$3,544.37, Explorers Troop 5708 - \$2,873.25, Developers' Escrow Fund - \$16,593.26, Construction Escrow Fund - \$39,875.00, Zoning Hearing Board Escrow - \$363.40

APPROVAL OF MINUTES: **Motion** by Mr. Lykon, seconded by Ms. Mulholland to approve the minutes of the 01/03/17 public meeting. With no additional comment, all voted in favor 3-0.

OLD BUSINESS:

- 1. Tax Collector Compensation:** Ms. McCreary presented Resolution 2017-05, which if adopted would memorialize the Board approval from their January 3 public meeting of the tax collector compensation and fees for the years 2018-2021. **Motion** by Mr. Lykon, seconded by Ms. Mulholland to adopt Resolution 2017-05. With no additional comment, all voted in favor 3-0.
- 2. Township Fee Schedule:** Ms. McCreary presented Resolution 2017-06, which if adopted would memorialize the increase in the Police billable rate for non-Township events, and reflect the appointment of Gilmore & Associates as the Township's planning consultant with accompanying fees. **Motion** by Ms. Mulholland, seconded by Mr. Lykon to adopt Resolution 2017-06. With no additional comment, all voted in favor 3-0.

NEW BUSINESS:

Ms. Mulholland asked for and received Board consensus to allow Township staff to research the possibility of providing property tax and/or earned income tax credits to residents who serve as volunteer firefighters. She cited a recent article about Tinicum Township considering this, as it is now permitted under Act 172 of 2016.

Mr. Hilferty reviewed the details of a letter he received from the President of the Point Pleasant Fire Company, which had been copied for the Board and his proposed response. He sought and received Board input on his letter and consensus to mail it.

PUBLIC COMMENT: None

ADJOURNMENT: **Motion** by Ms. Mulholland, seconded by Mr. Lykon to adjourn into Executive Session at 10:30 p.m. With no additional comment, all voted in favor.

Respectfully submitted,

Carolyn McCreary, Township Manager

Date Approved