

PLUMSTEAD TOWNSHIP BOARD OF SUPERVISORS

February 26, 2019

Meeting Minutes

The public meeting of the Plumstead Township Board of Supervisors was held on Tuesday, February 26, 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

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 February 27. The Emergency Services Management Committee meets on January 31. The Board of Supervisors will hold a Worksession on February 28. The Parks and Recreation Advisory Committee meeting scheduled for March 11 is cancelled. The EAC and Parks & Recreation Advisory Committee will hold a joint meeting on March 13 at the Community Building at Hanusey Park. The Board of Supervisors met in Executive Session to discuss a matter involving potential litigation.

PUBLIC COMMENT: Joe Reinheimer, 3634 Ferry Road, asked the Board if there was any update on the Doylestown II land use appeal.

INTRODUCTION: Nicole Raphial introduced herself to the Board and spoke to them about her interest to fill the vacancy on the Parks & Recreation Advisory Committee. **Motion** by Mr. Carroll, seconded by Mr. Hilferty to appoint Nicole Raphial to the Parks & Recreation Advisory Committee. With no additional comment, all voted in favor. The Board thanked her for her willingness to serve on the committee.

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

- 1. Highland Hills Subdivision:** Mr. Fulmer advised the Board the inspection of the public water facilities has been completed by Gilmore & Associates, noting this is the only public improvements in the project. The maintenance period can now be concluded. **Motion** by Mr. Hilferty, seconded by Mr. Carroll to accept completion of the maintenance period per the Gilmore & Associates review letter dated 02/04/19 and return any financial security once all professionals' charges have been paid. With no additional comment, all voted in favor.
- 2. EDU Allocation Policy:** Ms. McCreary and Mr. Fulmer sought Board direction for recent inquiries from developers about obtaining EDUs from the Township. They reviewed the interpretation of past Board's concerning the details of the sewer settlement agreement, noting the infeasibility portion had been more liberally considered in recent requests. Ms. McCreary reminded the Board two resolutions were adopted addressing the reservation of 50 EDUs for failing systems and 50 EDUs for the Plumsteadville Village. She stated based on the most recent report there are 11 unallocated

EDUs with ten having been reserved for the Clinton tract at Stump and German Rds. She stated this was the first time the Board agreed to do this, as when Mr. Worth came forward with a proposed land development plan the Board only gave their consensus in support of the plan and indicated EDUs would be allocated if the plan moved forward and received formal approval. The Board discussed internally reserving EDUs based on a sketch plan versus allocating them and notifying Bucks County Water of the allocation when a preliminary plan is approved. They also spoke about establishing a timeframe for having to convert a sketch plan to a preliminary plan to avoid reserved EDUs being returned to the pool of available EDUs. It was noted if EDUs are reserved based on sketch plans there could be a point where a preliminary plan submitted cannot receive EDUs because they are internally spoken for. The Board discussed what would be an appropriate timeframe given the review and approval process for subdivision and land development plans. Mr. Busillo asked questions about the fees associated with preparation of a sketch plan and a fully engineered plan. Mr. Trymbiski suggested tabling the matter in order to get more information for the Board before making any decisions concerning policy. Mr. Lykon stated he believes staff and the professionals have provided sufficient information for the Board to consider drafting a policy concerning reservation of EDUs. Mr. Hilferty stated a policy is not needed if the Board continues to follow the original interpretation of the sewer settlement agreement and doesn't reserve EDUs based on a sketch plan. **Motion** by Mr. Lykon, seconded by Mr. Busillo to authorize staff to draft a policy in the form of a resolution for EDU reservations for sketch plans with the reservation expiring after 12 months if a preliminary plan is not received or an extension granted by the Board of Supervisors. Ed Clinton, 707 Dublin Rd., asked if he would have latitude to amend his sketch plan if the village overlay is approved by the Board so he could consider building manor houses on the parcel located at Stump and German Rds. Paul Pasicznyk, Silo Hill Road, asked if once the EDUs are used up does development in the Township come to an end. With no additional comment, the vote was 3-2 with Mr. Hilferty and Mr. Trymbiski dissenting.

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

- 1. Public Hearing: Proposed Environmental Advisory Council Ordinance Amendment:** Mr. Reiss explained the ordinance amendment was properly advertised and made available for public inspection. Mr. Trymbiski opened and closed the public hearing with no comments from the Board or public. **Motion** by Mr. Hilferty, seconded by Mr. Busillo to adopt Ordinance 2019-01. With no additional comment, the vote was 4-0 (Mr. Carroll was out of the room).
- 2. Proposed Zoning Ordinance Amendment-Subdivision and Land Development Ordinance:** Mr. Reiss reviewed details of the proposed ordinance amendment, noting they were recommended by the Township's Hydrogeologist concerning phased subdivision plans. **Motion** by Mr. Hilferty, seconded by Mr. Lykon to authorize the proposed amendment to be sent 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, the vote was 4-0 (Mr. Carroll was out of the room).
- 3. Proposed Ordinance Amendment-Speed Limits:** Mr. Reiss reviewed the details of the proposed amendment, noting it was prepared after Board discussion with Chief Hasenauer at a prior meeting. **Motion** by Mr. Carroll, seconded by Mr. Busillo to authorize the advertisement of the proposed ordinance amendment posting a speed limit of 35MPH on Moyer, Tollgate and Township Line Roads. With no additional comment, all voted in favor.

4. **Stump Road Property Acquisition:** Mr. Reiss sought approval for an Agreement of Sale for the purchase of a 5 acre flag lot on Stump Road (TMP 34-003-083-005) for the amount of \$160,000 and authorize the Chairman to sign. **Motion** by Mr. Lykon, seconded by Mr. Trymbiski to approve the agreement of sale. Jacob Loux, 4790 Stump Road inquired about the Township possible future uses for the parcel. With no additional comment, the motion failed 2-3 with Messrs. Hilferty, Busillo and Carroll dissenting.
5. **Tait Tract Major Subdivision:** Mr. Reiss advised the Board the developer is seeking their approval to replace the cash security being held for the well guarantee to a Tri-Party Set Aside Agreement with Penn Community Bank. **Motion** by Mr. Hilferty, seconded by Mr. Carroll to approve the request. With no additional comment, the vote was 4-0 with Mr. Trymbiski abstaining.
6. **Airgas Inspection Fee Agreement:** Mr. Reiss asked the Board for consideration to approve the inspection fee agreement, noting the escrow check has already been received by the Township. **Motion** by Mr. Hilferty, seconded by Mr. Carroll to approve the Inspection Fee Agreement. With no additional comment, all voted in favor.
7. **Zoning Hearing Board Application – 21 John Dyer Way:** Mr. Reiss advised the Board the applicant is seeking a dimensional variance for an addition to their home that will violate the rear-yard setback. Board consensus was for the Township to take no action, and allow the Zoning Hearing Board to render a decision on the testimony provided.
8. **Land Use Appeal-Bedminster Building Co. Inc.:** Mr. Reiss informed the Board a land use appeal was filed by the property owner, and the Zoning Hearing Board authorized their Solicitor to defend their decision. Board consensus was to not have the Township Solicitor become involved since the Zoning Hearing Board has already authorized their Solicitor to defend the decision. Joe Reinheimer, 3634 Ferry Road urged the Board to support the Zoning Hearing Board.
9. **6000 Twin Silo Road Conservation Easement:** Mr. Reiss reviewed a request from the property owner to have the farm lane shown on the stormwater management plan submitted to the Township for review and approval, to be permitted for access to allow agricultural activity in the area protected by a conservation easement on the property. He noted the conservation easement was acquired from the prior property owner, Scott Magill. **Motion** by Mr. Carroll, seconded by Mr. Hilferty to approve the request. With no additional comment, all voted in favor.

There will be a need for an Executive Session to discuss two matters, both involving potential litigation.

DEPARTMENT REPORTS: On File

Public Works: Mr. Bleam sought Board consensus to rent an electronic temporary sign to add to the notification his Department already provides to residents about short-term road closures during the Blaze of Glory 5k race. The Board discussed and consensus of the majority was to maintain the current notification practices including signs, social media and the Township website.

COMMITTEE REPORTS: On File

ADMINISTRATIVE REPORT: Carolyn McCreary, Township Manager

1. **Request for Waiver of Fees:** Ms. McCreary presented a request by the Executive Director of Worthwhile Wear, a non-profit organization, to waive fees of \$450 related to their planned relocation to the Plumstead Square Shopping Center. **Motion** by Mr. Trymbiski, seconded by Mr. Carroll to waive the fees. With no additional comment, all voted in favor.

- 2. Volunteer Fire Company Stipend:** Ms. McCreary shared a request from the Chief of the Midway Fire Company to consider providing the \$500 volunteer stipend to three Plumstead residents who serve as volunteer firefighters with Midway. Mr. Carroll stated other municipalities have provided stipends for their residents who serve as Point Pleasant volunteers. **Motion** by Mr. Carroll, seconded by Mr. Hilferty to send the stipend to the Midway Fire Company for distribution to the three residents identified in their letter dated 01/21/19. With no additional comment, all voted in favor.
- 3. Public Works Truck Purchase:** Ms. McCreary presented Resolution 2019-06, which if adopted would authorize the purchase and lease obligation for a 2019 Ford F550 truck in the amount of \$83,248.00 for the Public Works Department. **Motion** by Mr. Hilferty, seconded by Mr. Carroll to adopt Resolution 2019-06. Mr. Trymbiski stated he cannot support a truck purchase for use in the parks. With no additional comment, the vote was 4-1 with Mr. Trymbiski dissenting.
- 4. Request for EDU Allocation-4877 W. Swamp Rd.:** Ms. McCreary reviewed details of a request for connection to public sewer. She stated the on-lot septic system is not failing, but due to its age the property owner is requesting the connection. **Motion** by Mr. Hilferty, seconded by Mr. Carroll to approve the allocation of one (1) EDU to 4877 W. Swamp Road, and authorize the Township Engineer to send a letter to Bucks County Water & Sewer Authority advising of the allocation. With no additional comment, all voted in favor.
- 5. Request for Water Connection-4307 and 4309 Dillon Rd.:** Ms. McCreary reviewed details of a resident's request to connect two homes to the Summer Hill public water system. She noted the two homes currently share a private well. **Motion** by Mr. Hilferty, seconded by Mr. Carroll to approve the request to connect to public water. With no additional comment, all voted in favor.
- 6. Metropolitan Development – Proposed Water Connection:** Ms. McCreary informed the Board the developer has reviewed the proposed interconnection with North Wales Water Authority and determined a cost for public water to be brought to the sites. She stated they have represented they are committed to the plan in spite of the estimated \$1.491 million cost compared to past representations of having a \$1.3 million budget. Paul Pasicznyk, Silo Hill Road, asked if this plan would include a water tower located at the Plumsteadville Volunteer Fire Co. substation.
- 7. Multi Modal Grant Application:** Ms. McCreary advised the Board the Township has received official notification of its grant award and must formally accept the grant in order to receive the agreement for review. **Motion** by Mr. Carroll, seconded by Mr. Busillo to accept the grant award of \$607,175. With no additional comment, all voted in favor.
- 8. Part Time Employees:** Ms. McCreary asked the Board to consider granting additional paid time off to part-time employees, capping it at 3 weeks for those employees with 10 or more years with the Township. She stated this would apply to two employees, but not increase the cost because currently these employees work extra hours to make up for paid time off in excess of the one week they currently receive. **Motion** by Mr. Busillo, seconded by Mr. Hilferty to approve the additional vacation time with no carry over and no payouts for the time accrued. With no additional comment, the vote was 4-1 with Mr. Lykon dissenting.

PAYMENT OF BILLS: **Motion** by Mr. Hilferty, seconded by Mr. Carroll to approve the bills lists dated 02/12/19 and 02/26/19 and an addendum dated 02/26/19 subject to audit. With no additional comment, all voted in favor. The amounts reported on the bills list are as follows: General Fund - \$121,398.46 and \$126,103.26 and addendum of \$258.39, Water Fund - \$20,662.43 and \$25,069.21,

Emergency Services Fund - \$7,146.18, Capital Reserve Fund - \$829.85, Open Space Fund - \$32.00, State Liquid Fuels - \$8,315.21 and \$27,376.87, Developers' Escrow Fund - \$9,536.05 and \$24,387.43, Construction Escrow Fund - \$3,250.00, Zoning Hearing Board Escrow Fund - \$113.14 and \$621.21

APPROVAL OF MINUTES: Motion by Mr. Hilferty, seconded by Mr. Carroll to approve the minutes of the 01/22/19 meeting. With no additional comment, all voted in favor.

OLD BUSINESS:

Fund Balance Policy: Ms. McCreary reviewed details of a spreadsheet originally shared by Mr. Lykon, which she revised to provide the Board with options concerning minimum and maximum levels in the General Fund Open Space Fund, Capital Reserves Fund, Park & Recreation Fund, and Water Fund. She stated these levels could be adjusted at any time at the direction of a future Board, and noted some designated reserves within the General Fund are a result of developer contributions (fees in lieu of) and the balances are determined by the level of development activity in the Township. The Board discussed whether such a policy is necessary. Mr. Lykon stated he would like to see a formal policy put in place to provide this Board and future Board with identified guidelines they can utilize when making decisions during the budget preparation concerning spending and before raising taxes.

NEW BUSINESS: None

PUBLIC COMMENT: None

ADJOURNMENT: Motion by Mr. Carroll, seconded by Mr. Hilferty to adjourn into Executive Session at 9:40 p.m. With no additional comment, all voted in favor.

Respectfully submitted,

Carolyn McCreary, Township Manager

Date Approved