

PLUMSTEAD TOWNSHIP BOARD OF SUPERVISORS

March 26, 2019

Meeting Minutes

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

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 American Red Cross will hold a blood drive at the Township building on April 26 from 2:00 to 7:00 p.m. The Veterans Ad Hoc Committee meets on March 27. The Board of Supervisors Worksession scheduled for March 28 is cancelled. The Parks & Recreation Advisory Committee meets on April 8. Mr. Trymbiski announced the Board of Supervisors met in Executive Session via conference call on Friday, March 22 and met prior to the public meeting to discuss a matter involving potential litigation.

Mr. Trymbiski stated the Board was prepared to make a formal motion regarding the judge's decision concerning the Doylestown II land use appeal, as he recognizes the majority of the public present for the meeting were in attendance because of the decision. **Motion** by Mr. Carroll, seconded by Mr. Busillo to instruct the Township's attorney to file an appeal with the Commonwealth Court concerning the decision of Judge Shenkin (Bucks County Court of Common Pleas) relating to the Doylestown II-Rte 313 TVC-ARC land use appeal. Joe Reinheimer, 3634 Ferry Rd., stated he had planned to ask the Board not to make a decision on whether or not to appeal the decision in Executive Session. Tom Alvaré, 5733 State Park Rd., stated he appreciates the motion on the floor and hopes it will prevail. He noted the Township has a legacy of protecting the environment and its open space. John Calabrese, 6151 Ferry Rd., stated he believes Wawa does not look to be good steward to its neighbors. Victoria Halliday, 7249 Tohickon Hill Rd., thanked the Board for the decision to appeal, citing watershed concerns and negative impact to Lake Galena. Mindy Alvaré, 5733 State Park Rd., stated the Township needs to be proactive and not reactive, citing the Wawa MTBE issue in Plumsteadville Village. Susan Fletcher, 245 N. Chapman Rd., stated traffic would be unbearable. Sharon Vogt, New Galena Rd., thanked the Board for considering the appeal. Marcia Reinheimer, 3634 Ferry Rd., thanked the Board and urged them to continue with the appeal. Walter Straus, 4590 Wismer Rd., spoke about environmental and security concerns and the quality of life for residents. He urged the Board to aggressively appeal the decision. Susan Plotkin, 4650 Wismer Rd., stated she appreciates the Board considering an appeal to protect the rural life of the Township. Phil Beljanski, 4550 Everview Dr., cited light pollution if a Wawa goes in and referenced being at a meeting where a member of the public identified himself as a police officer and spoke about safety concerns. Paul Pasicznyk, 4923 Silo Hill Rd., asked if there was a way to limit Wawa locations in the future so there are not too many in one area. Steve Heacock, 3674 Ferry Rd., stated the judge's decision puts the Township in a bad position, but to not continue the appeal seems like a waste of taxpayer money already spent and sets a dangerous precedent not to fight it. Ken Lichtenstein, 3725 Christopher Day Rd., asked about the process, cited Mr.

Heacock's comments and suggested other municipalities in the area should consider sharing in the cost of the appeal. With no additional comment, the vote was 3-2 with Mr. Trymbiski and Mr. Lykon dissenting.

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

- 1. Public Hearing: Speed Limit Ordinance Amendment:** Mr. Reiss explained the proposed ordinance amendment had been previously reviewed by the Board and authorized for advertisement. He noted the ordinance amendment was properly advertised and made available for public inspection. Mr. Trymbiski opened and closed the hearing with no public comment. **Motion** by Mr. Hilferty, seconded by Mr. Carroll to adopt Ordinance 2019-03. With no additional comment, all voted in favor.
- 2. Proposed Ordinance – Township Seal:** Mr. Reiss explained the proposed ordinance was previously discussed with the Board, and would prohibit the unauthorized use of the Township seal. He stated he is seeking authorization for the advertisement of a public hearing to consider the ordinance. **Motion** by Mr. Hilferty, seconded by Mr. Carroll to authorize the advertisement of the proposed ordinance. With no additional comment, the vote was 4-1 with Mr. Lykon dissenting.
- 3. Proposed Ordinance Amendment-Solicitation:** Mr. Reiss explained the purpose of the proposed ordinance amendment, noting the Township's insurance trust had sent a memo to its members following a lawsuit being filed against one of its members. Mr. Lykon expressed concern about adding more language to specifically address yard sales, garage sales and other similar activities. Mr. Reiss stated he would look at the language further and bring it back to a future meeting for the Board to review.

DEPARTMENT REPORTS: On File

Public Works: The Board discussed the cost estimate, material options, and the best size for signs to be installed on the outfield fence at Hanusey Park. The Board previously discussed using these signs as a way to develop an additional revenue source to go towards the maintenance of the parks. Alan Bleam, Public Works Director, and Duane Freed, Asst. Foreman spoke to the Board about the number of signs that could be installed and the benefits of aluminum signs versus vinyl ones. Board consensus was soliciting local businesses would be a good task for the Parks & Recreation Advisory Committee. Mr. Freed was asked to obtain a firmer cost for an aluminum 3X6 sign with a basic business logo on it. Ms. McCreary was asked to find out what Northampton Township charges for signs on their ballfield fencing.

The Board discussed the draft of the proposed field use regulations presented at their March 12 public meeting, with Ms. McCreary stating Mr. Freed developed the working document as a result of continuing issues Public Works staff is addressing, specifically at Hanusey Park. Mr. Freed spoke to the Board about several issues including movement of Township equipment and club-owned equipment being left out, noting both were called out by the Township's risk management professionals with Delaware Valley Insurance Trust during their annual inspection. Mr. Hilferty suggested sharing the document with the sports organizations for input prior to any Board action, citing the decision to increase fees and the subsequent decision to rescind the increase after the organizations were notified.

COMMITTEE REPORTS: On File

ADMINISTRATIVE REPORT: Carolyn McCreary, Township Manager

1. **Doylestown II Plan Review Extension:** Ms. McCreary advised the Board the Township has received an extension of time until 06/30/19 to review the land development plan and render a decision.
2. **Length of Service Recognition:** Ms. McCreary presented Resolution 2019-09, recognizing Jim Hadland for 25 years of service in the Public Works Department. **Motion** by Mr. Hilferty, seconded by Mr. Carroll to adopt Resolution 2019-09. With no additional comment, all voted in favor.
3. **County Request for Mosquito Control:** Ms. McCreary informed the Board that the Township had received the annual request from the County seeking Township permission to spray Township property if it becomes necessary because of concerns about the West Nile Virus. **Motion** by Mr. Hilferty, seconded by Mr. Carroll to approve the request. With no additional comment, the vote was 4-1 with Mr. Trymbiski dissenting, citing concerns about the effectiveness of spraying being diminished in Florida because of overuse.
4. **Review of 2018 General Fund Financial Results:** Ms. McCreary reviewed the revenue and expenditure activity in the General Fund including what expenditures were postponed or came in under budget resulting in reductions in the budgeted transfer from reserves. The Board asked several questions about specific areas of the budget versus actual activity for 2018. Mr. Lykon pointed to the \$340,000 surplus and stated he believes the 1 mill tax increase for general purposes was not necessary, and the Township should not take a conservative approach with its revenue forecasting when the budget is prepared. Mr. Trymbiski spoke about the one-time expenditures that were postponed. Mr. Busillo asked if there is a systemic issue the Board should be concerned about because without the \$216,000 additional real estate tax revenue from the 1 mil increase and transfers of \$134,000 the General Fund would not have had a surplus even with the \$253,000 more in earned income tax than budgeted. Mr. Trymbiski stated one-time expenditures would have not been made if the reserves were not sufficient to make the transfer.
5. **Review of Ordinance:** Ms. McCreary sought and received Board consensus for the Cohen law Group to provide a proposal to review the Township's existing wireless ordinance to ensure it is in compliance with the recent FCC order concerning limits it placed on local governments' management of wireless poles and antennas in their rights-of-way.
6. **Fee Waiver Request – Central Bucks East High School:** Mr. Trymbiski advised the Board he was contacted by the coach of CB East Baseball requesting consideration to waive the fees associated with a single baseball game they are scheduling for Hanusey Park. He stated this was an excellent opportunity to showcase the park to the large crowd expected for this game. **Motion** by Mr. Busillo, seconded by Mr. Carroll to waive the \$75 application fee and the \$90 fee for the use of the ballfield and lights. With no additional comment, all voted in favor.

Ms. McCreary stated she had one item for Executive Session involving potential litigation.

PAYMENT OF BILLS: **Motion** by Mr. Hilferty, seconded by Mr. Carroll to approve the bills lists dated 03/26/19 and an addendum dated 03/26/19 subject to audit. With no additional comment, all voted in favor. The amounts reported on the bills list are as follows: General Fund - \$85,370.60 addendum of \$195.00, Water Fund - \$91,317.61, Capital Reserve Fund - \$185.14, Open Space Fund - \$16.00, State Liquid Fuels - \$4,134.93, Developers' Escrow Fund – \$11,586.09, Construction Escrow Fund - \$2,500.00, Zoning Hearing Board Escrow Fund - \$943.67

APPROVAL OF MINUTES: Motion by Mr. Hilferty, seconded by Mr. Carroll to approve the minutes of the 03/12/19 meeting. With no additional comment, all voted in favor.

OLD BUSINESS:

Allohaken Park: Mr. Lykon spoke to the Board about potential improvements to the park to prohibit foul balls from leaving the site and going on to a neighbor's property. Mr. Freed noted the ballfield is used for games about 80% of the time, with practices involving the other 20%. He stated the cost of a portable net structure would be at least \$5,000. Mr. Bleam stated staff could not find vendor willing to add netting to the existing structure because of potential product liability associated with the modifications. The Board asked Mr. Bleam and Mr. Freed to continue to investigate other options.

Fund Balance Policy: Ms. McCreary stated she believes this draft addresses the prior Board discussions and comments. She reminded the Board the most recent change was to clarify when the identified Township funds would be evaluated to ensure they continue to meet the parameters that will be established. **Motion** by Mr. Carroll, seconded by Mr. Lykon to adopt the Fund Balance Policy. With no additional comment, all voted in favor.

EDU Reservation Policy: Ms. McCreary reminded the Board this was tabled at the March 12 meeting in order to provide all five Supervisors an opportunity to review the document and provide their comments. **Motion** by Mr. Carroll, seconded by Mr. Lykon to adopt Resolution 2019-10. Mr. Trymbiski sought clarification on the land development process, and the impact a one-year period to convert a sketch plan into a preliminary plan and have it receive Board approval, would have on developers. He expressed uncertainty the policy would do what it is intended to do. With no additional comment, the motion failed 2-3 with Messrs. Trymbiski, Busillo and Hilferty dissenting. Mr. Reiss advised the Board since the policy was not adopted the EDUs "reserved" for Mr. Clinton's property at Stump and German Road will have no expiration.

Allocation of Real Estate Tax Revenue to EMS Squads: Ms. McCreary stated this matter was tabled at the March 12 meeting. Mr. Trymbiski again shared his rationale for this being on the agenda for consideration. It was noted Central Bucks EMS (CBEMS) covers between 14-16% of the Township, with Mr. Carroll stating residents covered in that area are having their taxes support an EMS squad that is not the primary squad for call responses. Concerns were expressed about Point Pleasant/Plumsteadville EMS (PPPEMS) already having a budget in place that factored receiving 100% of the dedicated millage as they have since it was put into place. Mr. Lykon stated the idea of reallocation was discussed in the last couple of years, most recently during the 2019 budget process. Mr. Trymbiski stated he could support a phased approach, so as not to adversely harm PPPEMS. Mr. Hilferty suggested sending funds to CBEMS using other sources in 2019, and start the formal reallocation beginning in 2020. Mr. Carroll suggested calculating what 15% of the projected tax revenue would be and sending 75% of it representing three quarters in 2019. **Motion** by Mr. Carroll, seconded by Mr. Hilferty to authorize the Township Manager to calculate the 2019 contribution using Mr. Carroll's suggested formula, determining the source of the contribution and preparing the check for CBEMS. With no additional comment, all voted in favor.

NEW BUSINESS: None

PUBLIC COMMENT: None

ADJOURNMENT: Motion by Mr. Hilferty, seconded by Mr. Lykon to adjourn into Executive Session at 9:55 p.m. With no additional comment, all voted in favor.

Respectfully submitted,

Carolyn McCreary, Township Manager

Date Approved