

**PLUMSTEAD TOWNSHIP BOARD OF SUPERVISORS**

**March 28, 2017**

**Meeting Minutes**

The public meeting of the Plumstead Township Board of Supervisors was held on Tuesday, March 28, 2017 at 7:30 p.m. at the Plumstead Township Municipal Building, 5186 Stump Road, Plumsteadville, PA

Present:

<b>Dan Hilferty</b>	<b>Chair</b>
<b>Stacey Mulholland</b>	<b>Vice Chair</b>
<b>Nick Lykon</b>	<b>Secretary</b>
<b>Brian Trymbiski</b>	<b>Treasurer</b>
<b>Frank Froio</b>	<b>Assistant Secretary/Treasurer</b>
<b>Patrick Armstrong, Esq.</b>	<b>Township Solicitor</b>
<b>Timothy Fulmer, P.E.</b>	<b>Township Engineer</b>
<b>Carolyn McCreary</b>	<b>Township Manager</b>

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 Board of Supervisors will hold a Worksession on March 30. The Plumsteadville Village Ad Hoc Committee meets on April 4. The Parks & Recreation Advisory Committee meets on April 10. Mr. Hilferty announced that there will be a Red Cross blood drive at the Township building on April 27 from 2:00 to 7:00 p.m. He also spoke about all electronic communications of the Board and Committees being subject to disclosure under the Right to Know law and that messages should be for informational purposes only, with no one using the *reply all* feature as it could be a violation of the Sunshine Law if it appears that the emails represent deliberations of the Board outside of a public meeting.

**PUBLIC COMMENT:** James Adair, 5500 Jillian Way, addressed the Board with his concerns about speeding on a stretch of Ryan Road in the North Branch subdivision. He requested that the Township do a traffic study to support installing traffic calming measures, stating the road is being used as a cut-thru for motorists. Jim Kirk, 5455 Richie Court stated he supports Mr. Adair's request and cited instances that he has witnessed involving speeding motorists. Chris Harrison, 5451 Richie Court, agreed with the previous statement and noted that the crossing marks across the roadway leading to the park are gone. Richard Bromburg, 5450 Richie Court agreed with the previous statements. Megan Monroe, 5487 Jillian Way agreed with the previous statements.

**PRESENTATION:** Darayus Gorimaar described his proposed Eagle Scout project to the Board which involves the construction of an English garden wall and sign bed in Jennifer Schweitzer Park. It included the project budget, what would be provided by donors and the Township, as well as the labor involved. Board consensus was the project was worthwhile and he should proceed under Alan Bleam's direction.

**PRESENTATION:** Ameer Farrell, Esq. with Kaplin Stewart spoke to the Board on behalf of Toll Bros. concerning their concept plan for a 160 unit 55+ active adult community proposed to be located on five parcels totaling 73 acres adjacent to Stump Road and Route 413. She indicated that this was a first step to see how the Board felt about the concept plan, noting it would require a text amendment or overlay for a 55+ cluster subdivision. Mr. Hilferty reminded Ms. Farrell of the settlement agreement with Bucks County

Water & Sewer Authority, stating that Toll Bros. was a party to the litigation and settlement agreement. Mr. Fulmer reviewed details of the original EDU allocation, noting that of the original 1125 EDUs there are 107 left with the last 50 being reserved for failing on-site septic systems. Mr. Froio asked how Toll Bros. arrived at 160 units, stating he had no interest in seeing a 55+ community, and while that might not always remain the case he is not interested in seeing this kind of density in this area. He indicated he would prefer to see a by-right plan presented. Mr. Trymbiski stated that he appreciates the work that Toll Bros. did to address issues with Gardenville Fields, but he does not think a 55+ community is appropriate in an open area of the Township like this. Ms. Mulholland stated that she concurs with Mr. Froio's statements about the desirability of a plan for 55+ housing with this type of density. Mr. Lykon asked if other plans were considered and suggested that they familiarize themselves with the sewer settlement agreement because of its limitations being out of the Board's control.

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

1. **EDU Request - 5272 Stump Road:** Mr. Fulmer reviewed the details of a request to connect to the public sanitary sewer system. He stated that the property owner's professional stated that the site cannot support an on-lot system because of the soils. He noted that adjacent properties are connected to public sewer. Mr. Lykon asked if it would be appropriate to make the approval conditioned on requiring the placement of a deed restriction on the property. **Motion** by Ms. Mulholland, seconded by Mr. Froio to allocate one (1) EDU for 5272 Stump Road. With no additional comment, the vote was 4-1 with Mr. Lykon dissenting.
2. **EDU Allocation Report:** Mr. Fulmer reviewed the details of his correspondence to Ms. McCreary dated 03/02/17 following up on their conversation concerning updating the internal EDU recordkeeping that Mr. Fulmer's office maintains for the Township. The Board discussed details of the EDUs that had not been used in the subdivisions including Plumstead Chase (5), Autumn Preserve (1), Garden Village (23) and Timberly Farms (2). Questions arose about the implication of placing the EDUs in the unallocated category, and EDUs that were purchased from the Sewer Authority and not used as part of these subdivisions. **Motion** by Mr. Hilferty, seconded by Mr. Froio to reallocate the 31 unused EDUs to the unallocated category subject to the Solicitor's review of the language in the 2008 sewer settlement agreement. Ed Clinton, owner of the property located at the corner of Stump and German Roads asked for clarification on the process for requesting an EDU for commercial versus residential properties. Charlie Rumble, 5437 Geddes Way, asked if EDUs that are allocated are either used or lost. With no additional comment, the vote was 4-1 with Mr. Lykon dissenting.
3. **EDU Request – 5413 Point Pleasant Pike:** Mr. Fulmer informed the Board that the Township had received a request for connection to the public sanitary system, citing a failing septic system as the reason for the request. He noted that letters from the resident's septic company and the County Health Department support the request. A question arose about the size of the property with it being noted that the property was just under 2 acres. **Motion** by Mr. Lykon, seconded by Ms. Mulholland to allocate one (1) EDU for 5413 Point Pleasant Pike. With no additional comment, all voted in favor.

**SOLICITOR'S REPORT, Jonathan Reiss, Esq.**

1. **Zoning Hearing Board Application – Old Easton Road (TMP 34-011-074):** Mr. Armstrong informed the Board that the Township had received an application from the Lighthouse Baptist Church seeking a variance to use the property as a C1 place of worship. He noted the variance is needed because the property does not have frontage on Route 611. Board consensus was for the Zoning Hearing

Board to make a decision on the merits of the application based on the testimony provided with no input from the Township.

2. **Subdivision and Land Development Ordinance Amendment:** Mr. Armstrong informed the Board that the Planning Commission had reviewed the proposed amendment at their March meeting and recommended it for adoption. He noted the Bucks County Planning Commission had completed their review with the same recommendation. He reminded the Board that the proposed amendment would add the definition for cluster mailboxes, which are being required by the U.S. Postal Service, and it would also apply the restrictions against further subdivision to minor subdivisions. **Motion** by Mr. Froio, seconded by Ms. Mulholland to authorize the advertisement for a public hearing on the proposed ordinance amendment. With no additional comment, all voted in favor.
3. **Zoning Ordinance Amendment:** Mr. Armstrong advised the Board that the Planning Commission had a number of comments and proposed recommendations concerning the proposed amendment. He stated that they had just recently requested and received a highlighted copy of the proposed changes to the ordinance, and requested more time to review it before making a recommendation to the Board of Supervisors. Mr. Armstrong advised the Board that the County Planning Commission expressed concerns about the term sober houses. The Board requested a copy of the highlighted version of the Zoning Ordinance amendment along with copies of the Planning Commission and County Planning Commission's comments.

Mr. Armstrong stated he had one item for Executive Session involving pending litigation. Mr. Lykon stated he had two items for Executive Session involving land preservation.

**DEPARTMENT AND FIRE COMPANY REPORTS:** On file

**Police Department:** Chief Hasenauer requested recognition of the appointment of Paul Zicuis as a fire police officer. **Motion** by Mr. Froio, seconded by Mr. Trymbiski to recognize the appointment. 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. 9 in the amount of \$368.98 payable to C. Robert Wynn Associates for construction observation and escrow administration. **Motion** by Ms. Mulholland, seconded by Mr. Froio to approve the voucher. With no additional comment, all voted in favor.
2. **Authorization Voucher – Rite Aid:** Ms. McCreary presented authorization voucher no. 2 in the amount of \$456.70 payable to C. Robert Wynn Associates for construction observation and escrow administration. **Motion** by Mr. Froio, seconded by Ms. Mulholland to approve voucher. With no additional comment, all voted in favor.
3. **Plumsteadville Volunteer Fire Co. – Escrow Status:** Ms. McCreary reviewed the amount of professional fees that had been billed to the project by the professionals so far totaling \$3,632.69 with the invoices presented for payment in this meeting's bills list, and noted that the original motion was to waive the escrow requirement up to \$2,500 with the Board then being apprised of the total once it exceeded that amount. Charlie Rumble, President of the fire company informed the Board that the fire company has spent \$33,000 on the process so far, but they do not have a firm cost for the building yet. He noted they will expend another \$55,000 for site work including borings that are scheduled for next week. He stated an estimate of the building is between \$600,000 and \$800,000. There was a discussion on funding the substation and how the

Township's distribution of tax revenue is currently being allocated between the two fire companies. Mr. Trymbiski expressed concern about the cost of the building project because of the Township's own financial commitments. **Motion** by Mr. Froio, seconded by Mr. Trymbiski to waive an additional \$2,500 for escrow relating to the substation project. With no additional comment, all voted in favor.

4. **Plumsteadville Volunteer Fire Co. – Waiver Request:** Ms. McCreary advised the Board that Mr. Rumble is requesting the Board consider waiving the \$1,000 escrow required for the holding tank at the property. **Motion** by Mr. Froio, seconded by Mr. Lykon to approve the request for the waiver. With no additional comment, all voted in favor.
5. **Plumsteadville Fire Co. – Request for Legal Review:** Ms. McCreary informed the Board that Mr. Rumble is requesting permission for the Township Solicitor to review the Engineering Design Agreement for the substation project. She stated that this would be billed to the project escrow, but sought Board consensus before forwarding it to Mr. Reiss' office. Board consensus was to authorize the Solicitor to review the document and charge all time to the established escrow.
5. **Hanusey Park – Proposed Fee Changes:** Ms. McCreary reviewed details of the costs to operate the lights for 2016, noting that there is more use in the fall. She also reported on what other municipalities are charging per Mr. Trymbiski's request, noting that Plumstead is the only community charging by season, with the others charging by day, week or month. She stated that based on actual costs staff is recommending a new fee structure that will also incorporate different rates for lights in the spring versus fall, and no longer charge by season. She also stated that based on increased costs relating to the maintenance of the community building she will be recommending increases in the rates for renting it for both residents and non-residents. Board consensus supported the changes with adoption of the fees being at a later date.
6. **Bucks County Senior Games:** Ms. McCreary informed the Board of a request from Bucks County Area Agency on Aging to consider waiving the fee for use of the track and field at Tohickon Middle School. She noted the fee is \$400. **Motion** by Mr. Froio, seconded by Mr. Trymbiski to waive the fee. With no additional comment, all voted in favor.
7. **Verizon Cable Compliance Review:** Ms. McCreary reviewed details of a proposal from the Cohen Law Group to conduct a cable compliance review in advance of the franchise negotiations. She stated that the members of the municipalities' negotiating committee had met and discussed the idea of weighing the cost for the compliance review based on population, as is being done with the legal fees for the negotiations. **Motion** by Mr. Trymbiski, seconded by Mr. Froio to authorize the Township to participate in the compliance review. With no additional comment, all voted in favor.
8. **Tax Collection Committee:** Ms. McCreary presented Resolution 2017-09 for consideration, which if adopted would replace Mr. Froio as the second alternate with Mr. Trymbiski, as he is the Treasurer. She noted that she would remain the primary delegate and Mr. Hilferty would be the first alternate. **Motion** by Mr. Froio, seconded by Mr. Trymbiski to adopt Resolution 2017-09. With no additional comment, all voted in favor.
9. **County Mosquito Control:** Ms. McCreary informed the Board that the Township had received the annual request from the County for permission to treat Township properties should West Nile be discovered. **Motion** by Mr. Froio, seconded by Mr. Trymbiski to approve the request. With no additional comment, all voted in favor.

**PAYMENT OF BILLS:** **Motion** by Mr. Froio, seconded by Mr. Trymbiski to approve the bills list dated 03/28/17 and the addendums dated 03/16/17 and 3/28/17 and ratify the bills list dated 03/14/17 subject to audit. Mr. Trymbiski called the Board's attention to invoices for High Swartz relating to the Wawa Zoning Hearing Board application in the amount of \$6,400 and the invoice from John Kirlaw for tree removal at Owls Nest Park for \$5,100. With no additional comment, all voted in favor. The amounts reported on the bills list are as follows: General Fund - \$147,795.14, \$93,049.15 and addendums of \$3,500.00 and \$100.00, Water Fund - \$41,914.81, \$13,822.85, Local Services Tax Fund - \$8.05, Open Space Fund - \$837.00, Capital Reserve Fund - \$424.92, State Liquid Fuels - \$4,232.23, \$3,787.35, Developers' Escrow Fund - \$775.34, \$21,818.39, Construction Escrow Fund - \$9,950.00, \$500.00, Zoning Hearing Board Escrow - \$1,861.38

**APPROVAL OF MINUTES:** Ms. McCreary noted a correction to the minutes, stating that Mr. Fulmer was not present. **Motion** by Ms. Mulholland, seconded by Mr. Trymbiski to approve the minutes of the 02/28/17 public meeting, as amended. With no additional comment, all voted in favor 3-0 with Messrs. Froio and Hilferty abstaining as they were not present at the meeting.

**OLD BUSINESS:**

Ms. McCreary asked the Board to consider making the appointments to the Parks & Recreation Advisory Committee, noting there are three residents who have expressed an interest and were interviewed by the Board at their February meetings. She noted that two of the terms are for four years and one is a two-year term. **Motion** by Mr. Lykon, seconded by Mr. Froio to appoint Ryan Adamson (four-year term), Lois Fedele (four-year term) and Chuck Lang (two-year term), and to also appoint Ryan Adamson to the Trails Steering Subcommittee. With no additional comment, all voted in favor.

Ms. McCreary followed up with the Board about the fact that the Plumsteadville Volunteer Fire Co. (PVFC) engages in an annual audit and Point Pleasant Fire Co. (PPFC) does not. Mr. Rumble reported that PVFC also submits an annual report to the state as a 501c3, which is quite involved in addition to their annual reporting to the IRS. Ms. McCreary noted that Dave Kerr, President of PPFC, stated in an email to her that PPFC reports to the IRS, but does not engage in an annual audit. Instead they have one done every 5 years with the next being due at the completion of 2017. Board consensus was to ask the auditors what their experience is with other volunteer fire companies.

**NEW BUSINESS:**

Bill Collins, representing Delaware Canal 21 (DC21) spoke to the Board about the acquisition process of the Mountainside and receiving the second appraisal. He stated that the total cost of the two appraisals is the same, but the value of the land in the second appraisal is lower so this needs to be negotiated. He reminded the Board that County Open Space Board recommended the County Board of Commissioners approval pending receipt of the second appraisal. He stated they are waiting on a negotiated price. Mr. Collins advised that he understands the project is still open for 2016 funding even though the Township was notified otherwise. He stated that DCNR is recommending that the grant application be resubmitted in the 2017 funding cycle, and DC21 will cover the cost of the resubmission, but he is seeking Board support to authorize the grant application as it is due on April 12. Ms. Mulholland asked about demolition costs since the application for a DCED grant was denied, and for details about the tax deferral shelter that was mentioned in a recent communication about the project, and how it impacted the financial information not being submitted on time to DCED. She asked if river access had been fully evaluated given the makeup of the area.

**PUBLIC COMMENT:** None

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

Respectfully submitted,

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Carolyn McCreary, Township Manager

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Date Approved