

PLUMSTEAD TOWNSHIP BOARD OF SUPERVISORS

August 8, 2017

Meeting Minutes

The public meeting of the Plumstead Township Board of Supervisors was held on Tuesday, August 8, 2017 at 7:30 p.m. at the Plumstead Township Municipal Building, 5186 Stump Road, Plumsteadville, PA

Present:

Dan Hilferty

Stacey Mulholland

Nick Lykon

Brian Trymbiski

Frank Froio (left at 10:00 p.m.)

Jonathan J. Reiss, Esq.

Timothy Fulmer, P.E.

Carolyn McCreary

Chair

Vice Chair

Secretary

Treasurer

Assistant Secretary/Treasurer

Township Solicitor

Township Engineer

Township Manager

Chairman 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 EAC meets on August 9. The Emergency Services Management Committee meets on August 10. The Parks & Recreation Advisory Committee meets on August 14. The Planning Commission meets on August 17. The Board of Supervisors Worksession scheduled for August 31 is cancelled.

PUBLIC COMMENT: Lou Tenaglia, 5456 Old Easton Road addressed the Board about a dramatic increase in tractor-trailer traffic on a residential two lane road. He spoke about the noise, speed and weight of the trucks. He indicated he spoke to Rep. Marguerite Quinn, who advised that the Township would need to commission a traffic study. Mike Yahrting, 5450 Old Easton Road stated he was a resident of the Township since 1989 and concurs with Mr. Tenaglia's statements, noting he is concerned about speeding in excess of the 35 MPH posted speed limit particularly with two schools on Old Easton. Anthony Strouse, 5453 Old Easton Road spoke about the truck traffic, citing the quarry trucks and stating he can no longer walk along the road.

PRESENTATION: Officer Tom Rutecki informed the Board that Todd Whalen is this year's recipient of the Joseph E. Hanusey III memorial scholarship. He stated that Cadet Whalen is attending Liberty University and pursuing a degree in Criminal Justice. Officer Rutecki thanked the Board and supporters, particularly the local businesses for making the scholarship possible. He noted that the Explorers are comprised of a great group of young men and women who emulate the core values of Officer Hanusey, who was heavily invested in the community's youth. The Board congratulated Cadet Whalen and wished him all the best in his academic pursuits.

PRESENTATION: Michael Fitzpatrick, Esq. appeared before the Board representing Fieldstone Associates L.P. to discuss a concept plan for a proposed subdivision of the property located at 5280 Old Easton Road. He stated his clients Art and Debbie Corsini are residents of the Township and desire to develop the 15 acre property into a seven (7) lot subdivision. He advised the Board that they are proposing to preserve 5 acres that contain the historic home and outbuildings as a donated conservation easement. Mr. Fitzpatrick stated

his clients are seeking the allocation of 7 EDUs in order to connect to the sanitary sewer system. He referenced the Board's action on the Tait property, and how they allocated EDUs in order to reduce the potential for further development, and as part of the conservation easement on the property. He noted that the road would be a cul-de-sac and owned by an HOA, and his clients would seek a waiver of sidewalks and roadway improvements. Mr. Froio stated he would like to see one or two less lots being proposed, and that private roads create a problem when residents realize the cost of snow removal and maintenance, and come to the Township to take them over. Mr. Trymbiski asked for clarification on who would own the historic buildings if they were preserved. Mr. Hilferty asked about the idea of placing a deed restriction on the buildings in the event ownership would change, and he is concerned about the impact to a working farm with new houses being constructed so close. Ms. Mulholland spoke about the process of granting EDUs to the Tait property and also for houses on German Road that had sewer stubs, but were not included in the Act 537 plan and map when the court-ordered settlement was done in 2008. She stated there is precedent to grant EDUs. Mr. Froio stated he cannot support seven (7) EDUs for preserving five acres that contain substantial area of wetlands, which could not be built on anyway. **Motion** by Mr. Trymbiski, seconded by Ms. Mulholland to allocate seven (7) EDUs to 5280 Old Easton Road conditioned on a donated conservation easement for the five acres containing the house and outbuildings and a deed restriction for the facades of the house and outbuildings. With no additional comment, the vote was 3-2 with Messrs. Froio and Lykon dissenting.

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

- 1. MS4 Draft Pollution Reduction Plan:** Mr. Fulmer reminded the Board that at their last meeting, Bob Wynn had presented the draft document, and the purpose of this being on the agenda was to invite comment on the plan. He noted that the plan has been advertised as being available for public inspection at the Township office and also in its website. He stated there is a thirty day comment period and those comments can be made tonight at the meeting or written and forwarded to the Township. Mr. Fulmer suggested adding streambank restorations as an option to the plan, as he and Ms. McCreary accompanied by Alan Bleam, Public Works Director had inspected the site in Summer Meadow earlier that day and identified an additional area for restoration. Mr. Lykon suggested considering this same restoration on the Pine Run at Allohaken Park. He also referenced his prior comments on the EAC developing manure and pasture management education programs. Curt Genner, P.E., with C. Robert Wynn Associates stated that DEP wants to see options offered that they can measure and the manure and pasture management practices are not ones they recognize unless the Township can provide the science to support them. Mr. Fulmer emphasized that the Pollution Reduction Plan will need PADEP approval, and this is the first step in that process. Kathleen Quinn, Tollgate Road, asked if the Township is monitored during the process, noting she has sheep and a pony on her property.
- 2. Plumstead Christian School:** Mr. Fulmer reviewed the circumstances that led to the school requesting a modification to their approved land development. He explained that the exterior lighting in the parking lot is controlled for dusk to dawn operation, which does not comply with the notes on the approved plan. He also advised that the school buses are currently being parked on the school property which does not comply with the approved plan. Mr. Fulmer called the Board's attention to the correspondence dated 07/1/17 from the school's attorney which described the history of the project and why the buses remain on the property. The Board discussed details of both proposed modifications. **Motion** by Ms. Mulholland, seconded by Mr. Froio to table the matter of the exterior lighting modification to an upcoming meeting allowing the Board to view the lights on

at night. With no additional comment, the vote was 4-1 with Mr. Trymbiski dissenting. **Motion** by Mr. Froio, seconded by Mr. Lykon to approve the request to modify the land development to allow the buses to remain parked on the premises. With no additional comment, all voted in favor.

- 3. Capital Contributions-Proposed Policy:** Resolution 2017-17 was presented to the Board memorializing the capital contribution policy for waiving certain roadway improvements. This was previously discussed at the 7/11 public meeting. Mr. Lykon asked about how the new policy would affect a minor subdivision in the village area where sidewalks, roads and possibly trails would come into play. Mr. Reiss reminded the Board that the resolution gives them full discretion to accept or reject capital contributions in lieu of road improvements. Board consensus was to add the word "residential" in item a. to specify the type of minor subdivision. **Motion** by Mr. Trymbiski, seconded by Ms. Mulholland to adopt Resolution 2017-17 as amended. With no additional comment, all voted in favor.

SOLICITOR'S REPORT: Jonathan Reiss, Esq.

- 1. Zoning Ordinance Amendment:** Mr. Reiss advised the Board that the original draft of the ordinance amendment had previously been reviewed by both the County and Township Planning Commissions. The draft before the Board addressed all of the comments from the two Commissions; except that he added two comments requiring Board input based on the Township's Planning Commission's review. He explained that if the Board has no issues with the second draft, it could now be sent to both Planning Commissions. The Supervisors discussed retaining pools as impervious surfaces, decks being considered pervious surfaces less the footings, and details concerning the number of individuals who could live in a sober house. There was a lengthy discussion about transient use of residential properties with the increasing number of properties being listed on sites like Airbnb and the issue being raised in neighboring municipalities. Consensus of the majority of the Board was to remove the transient use from the draft and authorize the Solicitor to send it to the Planning Commission and Bucks County Planning Commission for final review.

ADMINISTRATIVE REPORT: Carolyn McCreary, Township Manager:

- 1. Recycling Grant Intergovernmental Agreement:** Ms. McCreary presented an ordinance for review to authorize the Township to enter into an intermunicipal agreement with other Bucks County municipalities for Hough Associates to collect 2017-21 recycling data and prepare and submit the necessary report to PADEP. She explained that in 2010 when DEP reduced the amount of the awards by 40% Hough Associates suggested submitting a pooled application for Plumstead, Hilltown and East Rockhill Townships and Dublin Borough in an effort to increase the amount of money each community was receiving. She stated that new regulations now require that arrangement to be formalized with an intermunicipal agreement. **Motion** by Mr. Trymbiski, seconded by Mr. Lykon to authorize the advertisement of the proposed ordinance. With no additional comment, all voted in favor 4-0.
- 2. Old Easton Road Bridge – Change Order:** Ms. McCreary presented change order no. 1 for the bridge by Penn Engineering in the amount of \$7,094.84 for additional work deemed necessary by the contractor and Township consultant to remove a section of existing wall, install metal dowels, steel reinforcement and place new concrete to match the remaining wall elevation. She noted the original approach was formulated in lieu of the complete removal and replacement of the wall, but a block of concrete was discovered to be attached and loose. She stated that based on communication with the bridge engineer the process will involve chipping down to solid material and

then drilling 25 to 30 holes in the 80 year old concrete to insert the rebar. Setting the rebar involves cutting, bending and tying it together then forming the area to be poured with the forms being custom made. She reminded the Board that the bid came in \$135,000 less than budgeted. Ms. McCreary stated that Mr. Lykon had emailed her, challenging the amount of the change order and asking if the Public Work Director agreed with the approach and description of the work. She explained that the work would involve three 8-hour days at prevailing wage and Mr. Bleam had reviewed the change order and agreed with the bridge engineer's review. Mr. Lykon stated he did not want to delay the work and could support the change order with a not to exceed of \$7,094.84 and a report of the actual hours spent on doing the work. **Motion** by Mr. Lykon, seconded by Mr. Trymbiski to approve the change order with the conditions noted above. With no additional comment, all voted in favor 4-0.

3. **Police Pension Plan – Actuarial Assumptions:** Ms. McCreary presented data and a recommendation from the plan's actuary to change the mortality table currently being used to more accurately reflect the lifespan of the participants and to lower the assumed interest rate from 7%. Mr. Trymbiski suggested that the Board table any action to allow him additional time to review the recommendations and consult with Ms. McCreary. Board consensus was to table any discussion until the next public meeting on August 22.
4. **Disposition of Township Records:** Ms. McCreary presented Resolution 2017-16, which if adopted would allow the Township to destroy records from 2009 per the schedule established by the Commonwealth in the Municipal Records Manual. **Motion** by Ms. Mulholland, seconded by Mr. Lykon to adopt Resolution 2017-16. With no additional comment, all voted in favor 4-0.
5. **Request for Fire Police:** Ms. McCreary informed the Board that the Township had received a request for available fire police from Haycock Township for the Steelman Triathlon scheduled for August 13. **Motion** by Ms. Mulholland, seconded by Mr. Trymbiski to approve the use of the fire police for the event. With no additional comment, all voted in favor 4-0.
6. **4945 River Road House Elevation:** Ms. McCreary informed the Board that the contract had been reviewed by the Solicitor and was ready to be executed by the Chairman. **Motion** by Ms. Mulholland, seconded by Mr. Trymbiski to approve the contract with ProCon Building Systems, Inc. and authorize the Chairman to sign it. With no additional comment, all voted in favor 4-0.
7. **2018 Budget Timeline:** Ms. McCreary reminded the Board that based on the timeline she prepared and previously reviewed with them, the planned infrastructure improvements would be presented at their next business meeting on August 22. She also reminded them that if there any specific projects or initiatives they would like included in the 2018 budget they should be brought up at the next meeting with an idea of the associated cost if available.

PAYMENT OF BILLS: **Motion** by Mr. Trymbiski, seconded by Ms. Mulholland to approve the bills list dated 08/08/17. With no additional comment, all voted in favor 4-0. The amounts on the bills list are as follows: General Fund - \$93,245.73, Water Fund - \$16,704.12, Local Services Tax Fund - \$8,081.99, Capital Reserve Fund - \$2,000.00, State Liquid Fuels Fund - \$5,299.13, Developer's Escrow Fund - \$7121.26, Construction Escrow Fund - \$18,100.00, Zoning Hearing Board Escrow - \$18.27

APPROVAL OF MINUTES: **Motion** by Ms. Mulholland, seconded by Mr. Lykon to approve the minutes of the 06/27/17 meeting. With no additional comment, all voted in favor 3-0.

OLD BUSINESS:

Act 712 Update: Ms. McCreary advised the Board that she had attended a meeting of municipal managers and local fire chiefs to discuss implementation of a process should the Board decide to enact an ordinance to provide an earned income tax (EIT) credit for active volunteer firefighters. She spoke to the Board about concerns expressed for those active firefighters who may be students, in the military or retired. Ms. McCreary presented the financial implications of an EIT credit based on the most recent rosters presented by the Plumsteadville Volunteer and Point Pleasant Fire Companies. She also shared the idea of paying the fire companies a stipend to be distributed to active firefighters who are not receiving earned income and the additional cost it would be to the General Fund. Board consensus was to continue moving through the process with some concern expressed about who would determine eligibility for the tax credit or stipend, and how this would be verified.

TAP Grant: Mr. Lykon spoke to the Board about his idea for a grant application to support the idea of a multi-use trail that would connect Groveland Elementary School thru Arbor Estates mobile home park, to Old Easton Road, to Tohickon Middle School and ending at Gayman Elementary School. He reviewed the details of proposals from the County Planning Commission in the amount of \$4,000 and Michael Baker International in the amount of \$4,925. He expressed reservations about using the County because they do not have engineers available who would ensure that the trail plan could be designed to meet ADA standards and comply with any permitting issues given the culvert along Old Easton Road. Mr. Lykon was asked about utilizing the services of the Township’s planning consultant and he stated that the original quote of \$1,500 he received only included the preparation of the application and did not include additional work that would need to be done, including field inspection, sketch design and attending at least three meetings. He had not received a modified quote to include these items. Mr. Lykon stated he believed based on Chris Stanford’s experience working for Michael Baker International with the Doylestown Bike & Hike Committee that he was the best qualified to take on a project of this scope, and he is recommending the Board appoint the firm for this project. **Motion** by Mr. Lykon, seconded by Ms. Mulholland to accept the proposal from Michael Baker International in the amount of \$4,925 for preparation of the 2017 Transportation Alternatives Program (TAP) grant application conditioned on the availability of right-of-way for the trail. With no additional comment all voted in favor 4-0.

NEW BUSINESS: None

ADJOURNMENT: **Motion** by Ms. Mulholland, seconded by Mr. Trymbiski, to adjourn the meeting at 11:10 p.m. With no additional comment, all voted in favor 4-0.

Respectfully submitted,

Carolyn McCreary, Township Manager

Date Approved