

PLUMSTEAD TOWNSHIP BOARD OF SUPERVISORS

May 9, 2017

Meeting Minutes

The public meeting of the Plumstead Township Board of Supervisors was held on Tuesday, May 9, 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

Jonathan J. Reiss, Esq.

Timothy Fulmer, P.E.

Carolyn McCreary

Chair

Vice Chair

Secretary

Treasurer

Assistant Secretary/Treasurer

Township Solicitor

Township Solicitor

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 May 10. The Historic Advisory Committee meets on May 15. The Planning Commission meets on May 18. The Trail Steering Subcommittee meets on May 22. The Board of Supervisors Worksession scheduled for May 25 is cancelled.

PUBLIC COMMENT: Susan and Charles Tutela, 6838 Point Pleasant Pike distributed a summary of information relating to the property located at 6800 Point Pleasant Pike. Ms. Tutela summarized the information to the Board, expressing her concern that the owner had created five condominium units without going through a subdivision process and the properties were foreclosed on, and are now owned and being marketed by the banks. She cited only one septic system and well for the entire property, and noted that the small lots are not permitted in the RO zoning district. She presented a petition signed by neighboring property owners asking the Township to enforce all ordinances pertaining to this property, noting she has already been in contact with the Bucks County Health Department. Steve Macri, 6768 Point Pleasant Pike stated his property is next to 6800 and the creation of the condominiums has a negative impact on his property as well as the residents and taxpayers in the area. Caroline Macri, 6768 Point Pleasant Pike stated what was done does not meet the traditional definition of a condominium in her opinion, and she believes the previous owner did this to avoid the subdivision and land development requirements of the Township.

PRESENTATION: Christine Ferrara, First Deputy with the Bucks County Recorder of Deeds thanked the Board for their support of the Bucks County Tour of Honor program, which takes veterans of the U.S. military to visit the memorials in Washington D.C. dedicated to their service. Jerry Fox, 3713 Swetland Drive, and a member of the Veterans Ad Hoc Committee, thanked the Board for their support of the program and also for their support of veterans programs. He noted there are six residents traveling to Washington in June to see the veterans' memorials.

PRESENTATION: Lighthouse Baptist Church, John VanLuvanee, Esq.

Mr. VanLuvanee distributed maps showing an overview of the site and a site plan. He spoke to the Board about the proposed land development located on Old Easton Road. He stated that his clients have made application to the Zoning Hearing Board and have received a variance to permit the church to have frontage on Old Easton Road. He noted that there is also a need for a Conditional Use hearing, but the applicant is seeking relief from the Board to submit impact studies and a detailed, engineered plan. Mr. VanLuvanee reminded the Board that since the church is nonresidential they will need to submit a land development application, at which time they will include the required impact studies and fully engineered plans. He noted the agreement of sale is conditioned on the church receiving zoning approval, which it has. He distributed copies of the Zoning Hearing Board's decision and reviewed the conditions of the approval. The Board discussed a number of issues, which will be further addressed at the Conditional Use hearing. **Motion** by Mr. Lykon, seconded by Mr. Froio to waive the water resource study, traffic impact study, and fully engineered plans for the Conditional Use hearing. Royal Doner, 5221 Valley Park Road urged the Township to cooperate with the applicant as much as it can. With no additional comment, all voted in favor.

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

- 1. Conover Minor Subdivision:** Mr. Fulmer stated that this proposed 2-lot subdivision involves a 12+ acre parcel on Moyer Road, which is in the RO Zoning District. This was reviewed by the Planning Commission at their March 16 meeting and received a recommendation to grant waivers requested and to grant preliminary/final approval subject to certain conditions. Mr. Fulmer noted his 04/26/17 review letter is in response to the revised plan submission. Adam Crews spoke to the Board on behalf of the applicant, who was also present. He stated that lot #2 was expanded to allow for the required setback for a spray irrigation system, and explained that once this received PADEP approval the applicant would actually install a micro-drip system. Mr. Fulmer stated that the applicant is seeking preliminary/final approval of the subdivision plan, and approval of waivers itemized in his 04/26 letter, including deferrals of some plan requirements to the time when a building permit application is filed with the Township. The Board discussed the amount of the capital contribution in lieu of roadway improvements, with Mr. Hilferty suggesting \$5,000 as that was previously approved for the Pope Minor Subdivision. **Motion** by Mr. Froio, seconded by Mr. Lykon to grant preliminary/final approval, grant requested waivers, and defer certain items to building permit application submission subject to the C. Robert Wynn Associates letter dated 04/26/17 along with a \$5,000 capital contribution in lieu of roadway improvements and a \$2,078 fee in lieu of recreation (identified in the letter). With no additional comment, all voted in favor.

SOLICITOR'S REPORT: Jonathan Reiss, Esq.

- 1. Public Hearing: Subdivision and Land Development Ordinance Amendment (Ordinance 2017-01):** Mr. Reiss reviewed the details of the proposed ordinance amendment, which adds a definition and design standards for centralized mailbox systems (cluster boxes) now required by the post office for new residential developments, establishes restrictions for further subdivisions involving minor subdivisions and lot line adjustments, and establishes form signature blocks and acknowledgments for all plans. He noted that the proposed amendment had been properly advertised and available for public inspection at the Township office and law library. Mr. Hilferty opened and closed the hearing with no public comment or comment from the Board. **Motion** by Mr. Froio, seconded by Ms. Mulholland to adopt Ordinance 2017-01. With no additional comment, all voted in favor.

2. **Plumsteadville Volunteer Fire Co. – Holding Tank and System Maintenance Agreement:** Mr. Reiss presented the agreement for approval and signature, advising that it is part of the land development approval for the substation. **Motion** by Mr. Froio, seconded by Ms. Mulholland to approve the agreement. With no additional comment, the vote was 4-1 with Mr. Lykon dissenting.
3. **Gardenville Fields Conservation Easement (Resolution 2017-10):** Mr. Reiss presented Resolution 2017-10 to the Board, which if adopted would authorize conveyance of the conservation easement to Heritage Conservancy. **Motion** by Ms. Mulholland, seconded by Mr. Lykon to adopt Resolution 2017-10. With no additional comment, all voted in favor. Mr. Reiss then presented the conservation easement for approval, authorizing the Chairman and Secretary to sign. **Motion** by Ms. Mulholland, seconded by Mr. Froio to approve the conservation easement for signature. With no additional comment, all voted in favor.
4. **Zoning Hearing Board Application – GLS Properties, LLC:** Mr. Reiss advised the Board that the Township received an application pertaining to 4818 Durham Road. The applicant seeks a number of variances for a stucco remediation business at the location. Consensus of the Board was to have the Zoning Hearing Board render a decision based on the testimony and evidence presented with no input from the Board of Supervisors.

Mr. Reiss stated that he had one item for Executive Session involving the Granor Price litigation.

ADMINISTRATIVE REPORT: Carolyn McCreary, Township Manager:

1. **Knox Boxes – Proposed Ordinance Amendment:** Ms. McCreary sought Board consensus to prepare an ordinance amendment that would require the installation of Knox boxes for all commercial properties within the Township. She noted that once it is put in proper format it will be presented to the Board for authorization for advertisement at an upcoming meeting. Board consensus was to move forward with the preparation of the ordinance amendment.
2. **Act 172 Update:** Ms. McCreary informed the Board that a joint meeting the Bucks and Montgomery Tax Collection Committees was recently held to review details of how an earned income tax credit for volunteer fire and EMS personnel would be administered. She informed the Board that the Township will need to determine the amount of the credit, adopt an ordinance and establish the certification process. She stated that the state is developing a model ordinance, which should be used for consistency. She discussed the amount of the credit with the Board, and recommended a % up to a flat dollar amount, so as not to create an income scenario for an individual who would actually get money back if he or she paid less than the credit being given.
3. **Proposed Changes to Fee Schedule (Resolution 2017-11):** Ms. McCreary reviewed details of proposed changes to the fee schedule for the community building and the sportsfields at Hanusey Park. She stated that the small increase in the rental rate for the community building is to ensure that costs are covered on weekends when two events are held, as this involves someone from Public Works checking on the condition of the building before the second rental. The new rate would be \$100 for up to 4 hours with each additional hour costing \$25. She reminded the Board that she had previously provided them information about the cost of the lights, and the fee structures other communities used including the fees and the timeframe associated with them. She stated that this new fee structure was developed to cover the costs of the maintenance and the lights, but the fees for single use would remain the same. She indicated that the cost of the lights was determined using the 2016 electric expense and the hours of use based on the software associated with control of the lights. Ms. McCreary reminded the Board that notice was provided to CBAA and Plumstead Baseball

about a change in fees and structure of the fees after it was first brought to the Board in March. She stated that if the resolution is adopted the new fees for the sportsfields would go into effect for the fall season. Mr. Lykon stated that because of the change in structure from season to hours, and the amount of the increase he would like to see them reviewed by the sports organization and receive feedback from them. He also indicated that they should go into effect in January, as he believes fall registration may have started. The Board discussed their directive that the fees cover the costs associated with the sports fields, so that residents are not subsidizing the use. **Motion** by Mr. Trymbiski, seconded by Mr. Froio to adopt Resolution 2017-11. With no additional comment, the vote was 4-1 with Mr. Lykon dissenting.

PAYMENT OF BILLS: **Motion** by Mr. Trymbiski, seconded by Mr. Froio to approve the bills list and addendums dated 05/09/17 subject to audit. With no additional comment, all voted in favor 4-0 with Ms. Mulholland abstaining due to her reimbursement for the PSATS conference being included in the bills. The amounts on the bills list are as follows: General Fund - \$101,616.85 and addendum of \$649.35, Water Fund - \$33,031.77, Local Services Tax Fund - \$1,474.40, Capital Reserve Fund - \$14,734.20, Open Space Fund - \$30,300.00 (addendum), State Liquid Fuels Fund - \$2,192.87, Developer's Escrow Fund - \$7,503.99, Construction Escrow Fund - \$4,650.00, Zoning Hearing Board Escrow - \$172.08

APPROVAL OF MINUTES: **Motion** by Mr. Froio, seconded by Mr. Hilferty to approve the minutes of the 04/25/17 meeting. With no additional comment, all voted in favor 4-0 with Mr. Trymbiski abstaining as he was unable to attend the April 25 meeting.

OLD BUSINESS:

Traffic Studies: Ms. McCreary reminded the Board that Chief Hasenauer is looking for direction or authorization with regard to the speed/traffic studies in response to a number of residents' complaints concerning speed on Tollgate Road, Moyer Road and in the North Branch subdivision. She stated that the estimated cost is about \$7,000 and no money was budgeted for traffic studies this year. Board consensus was to include this for consideration in the 2018 budget.

Fire Company Financial Audits: Ms. McCreary sought Board consensus about Plumsteadville Volunteer Fire Company's practice of engaging an accountant to perform an annual audit, resulting in \$5,000 of additional cost, noting that Point Pleasant Fire Company is not doing this annually. Board consensus was to require an audit every five years with annual financial reports being submitted by both fire companies. A resolution will be drafted for consideration at a future meeting.

Dyerstown Bridge Guiderail: Ms. McCreary sought Board consensus about the proposed guiderail for the bridge replacement on Old Easton Road. Board consensus was for the metal identified in the bid document as having an oxidized/bronzed appearance instead of stainless steel.

NEW BUSINESS:

Plumsteadville Volunteer Fire Co. Capital Budget: Mr. Lykon reviewed the details of the fire company's capital requirements schedule, which was provided to the Board with the 2017 approved operational budget. He expressed his concerns about the continuing sustainability of the fire company, and representations made previously about only needing some help from the Township and now it appears they

will need additional financial support for the next 30 years based on the capital plan on top of what they already receive annually from the Township. Mr. Lykon encouraged the Board to study the numbers, as he believes the Board will need to provide the leadership to create a sustainable model, relieve the fire company of some if its territory and not raise taxes. He stated he does not believe it makes sense to continue for the fire company to spend money on the land development process for the substation, and for the Township to continue to waive the costs associated with the professionals' reviews of the plans. Ms. Mulholland stated that the fire company did not request that 463 residential units be constructed in the service area of the substation. Mr. Froio stated that the additional amount requested needs to be evaluated by the Board, but if this helps the Township retain a volunteer fire company instead of a paid one then it needs to be considered. **Motion** by Mr. Lykon to rescind approval to waive the professionals' fees associated with the construction of the substation. The motion failed for lack of a second. Mr. Hilferty noted that this was being looked at by the Emergency Services Management Committee, and asked Scott Fleischer, Chief of the Point Pleasant Fire Co. and Chairman of the Committee who was in attendance, about the Committee's work with respect to the funding issues that were brought up at the Committee's last meeting. Chief Fleischer stated that speaking on behalf of Point Pleasant they do not want to see the current 50/50 allocation of fire tax revenue changed, as it would negatively impact them. He stated that Chief DuBree was asked to bring back additional information relating to the proposed capital budget, so the Committee could discuss further and be comfortable making any kind of recommendation to the Board of Supervisors.

PUBLIC COMMENT: None

ADJOURNMENT: **Motion** by Mr. Froio, seconded by Mr. Trymbiski to adjourn into Executive Session at 10:07 p.m. With no additional comment, all voted in favor.

Respectfully submitted,

Carolyn McCreary, Township Manager

Date Approved