

PLUMSTEAD TOWNSHIP BOARD OF SUPERVISORS

October 7, 2008

Meeting Minutes

The public meeting of the Plumstead Township Board of Supervisors was held on Tuesday, October 7, 2008 at 7:35 p.m. at the Point Pleasant Fire Company, 6500 Point Pleasant Pike, Point Pleasant, PA.

Present:

Frank Froio

Stacey Mulholland

Housley Carr (left at 9:00 p.m.)

Thomas Alvaré

Carolyn McCreary

Jonathan Reiss, Esq.

Timothy Fulmer, P.E.

Chair

Vice Chair

Secretary

Member

Township Manager

Township Solicitor

Township Engineer

Absent:

Vince Formica

Treasurer

Chairman Frank Froio called the meeting to order at 7:35 p.m. asking for a moment of silence and leading the Pledge of Allegiance.

ANNOUNCEMENTS AND CALENDAR: The Board's next meeting is October 21. The October and November meetings will be held at the firehouse while the Township meeting room roof is replaced. The EAC meets October 9 at the Township building. The Planning Commission will meet on October 16 at the fire house. The Plumsteadville Fire Company is having their roast beef dinner on Saturday October 11.

PUBLIC COMMENT: **Sheree Cote, 4946 River Road**, spoke to the Board about rumors that the Township may purchase the vacant Mountainside Inn. She stated the neighbors would like to be consulted for input prior to any decision being made, as its potential use has ramifications for their quality of life.

Jay Leeb, 4782 River Road, expressed the same concerns voiced by Ms. Cote.

Mr. Carr suggested that the residents send letters expressing their concerns directly to the Township Manager.

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

Hostvedt Farms Major Subdivision – Request for Final Plan Approval: Rob Gundlach, Esq. and Keith Lieberman, P.E. appeared before the Board representing the applicants. Mr. Gundlach specified the waivers that were being requested and indicated they would comply with all other items in the C. Robert Wynn Associates letter of 08/27/08 and the EAC comments outlined in the minutes from their 09/11/08 meeting. It was noted that comments 4 and 5 in the traffic engineer's letter was no longer required per Mr. Horner's email to the applicant's engineer. Copies of the email were distributed to the Board.

Motion by Mr. Alvaré, seconded by Ms. Mulholland to approve the final subdivision plan for Hostvedt Farms Major Subdivision subject to all comments in the C. Robert Wynn Associates Inc. letter of 08/27/08 with an addendum that concrete posts will delineate lots 25 and 26 on each corner, and granting waivers for items 5a. and 5b., Horner & Canter Associates letter dated 08/14/08 with the exception of items 4 and 5 as these comments were amended by the Dave Horner email, Mercuri and Associates Inc. letter dated 08/08/08, and the CMX Engineering letter dated 10/07/08, which covers conditions to be met as a result of the EAC comments. Further, it is understood that any proposed phasing must come back before the Board of Supervisors, and the deposit for on-lot sewage management agreement for lots 2 thru 28 will be paid prior to plan recordation, which will be recorded after Township signature, occurring after PaDEP review and approval. With no additional comment, all voted in favor 4-0. Mr. Froio commended the Hostvedts for their patience with the prolonged process.

Mr. Fulmer recommended adoption of the Hostvedt Planning Module. He informed the Board that language for the model resolution was provided by PaDEP and included in the planning module documents. **Motion** by Ms. Mulholland, seconded by Mr. Alvaré to adopt **Resolution 2008-20** described as a resolution for plan revision for new land development. With no additional comment, all voted in favor 4-0.

Act 537 Plan Amendment: Mr. Fulmer advised the Board that if they accept the amendments they are in a position to authorize advertisement for a public hearing. He stated the document and amendments have been reviewed by the Planning Commission, and the Bucks County Planning Commission with both bodies recommending approval. He indicated he had received no response from the Bucks County Health Department. He explained the Health Department's role in dealing with failing septic systems. Mr. Alvaré made several suggestions including attaching the final court order pertaining to the Bucks County Water and Sewer Authority (BCWSA) stipulation and settlement agreement. He also asked why various older documents were included in the updated plan. Board consensus was to reconsider this item at the October 21 meeting as part of the Solicitor's report since the Township Engineer is not present at that meeting. The following substantive changes were noted: Correcting the map outlining the new sewer district, final and complete copy of the court order being included, amend the introduction to item 3 mentioning BCWSA Harvey Avenue EDUs and boundaries (per mapping), amend chapter 7 regarding the revised study area and alternatives for the revised study area.

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

Public Hearing: Amendment to Subdivision and Land Development Ordinance (2008-13)

Mr. Reiss explained that this ordinance has been drafted by the Township Engineer to make the subdivision and land development ordinance consistent with the Act 537 plan. It has been reviewed by both the Planning Commission and the Bucks County Planning Commission, who made comments that have been incorporated. Mr. Reiss advised the Board that the proposed ordinance has been advertised in The Intelligencer and available for inspection at their office. It was also filed at the County Law Library, and available at the Township building for public inspection. Mr. Fulmer summarized the proposed ordinance. Mr. Froio opened the hearing for questions from the Board and public.

Royal Doner, 5221 Valley Park Road asked if the Hellerick's Farm and his properties are included in the sewer district.

Motion by Ms. Mulholland, seconded by Mr. Froio to adopt **Ordinance 2008-13** amending the subdivision and land development ordinance relative to public sanitary sewers and private sewage disposal systems. With no additional comment, all voted in favor 3-0.

Public Hearing: Amendment to Zoning Ordinance (2008-14) Mr. Reiss explained that this ordinance has been drafted by the Township Engineer to make the zoning ordinance consistent with the Act 537 plan. Mr. Fulmer summarized the proposed ordinance. Mr. Reiss stated that this ordinance had been handled in the same manner as Ordinance 2008-13 with regards to advertisement and filing. **Motion** by Ms. Mulholland, seconded by Mr. Froio to adopt **Ordinance 2008-14** amending the Plumstead Township Code of Ordinances, Chapter 27, Zoning, relative to single family small flow treatment plants and community and municipal treatment facilities with additional language added to subsection 27-2316, item 2 "as shown on the map dated 01/24/08 delineating service area that was attached to the order of the Bucks County Court of Common Pleas approving the stipulation and settlement agreement dated 03/27/08". With no additional comment, all voted in favor 3-0.

Central Bucks Athletic Association (CBAA): Field Lighting Mr. Reiss reviewed the original agreement from July, 2005 allowing CBAA to develop the site and file an amended development plan in an expedited process if the Township was unable to supply them with additional fields. He reminded the Board that CBAA was grandfathered under the Zoning Ordinance that was in place at the time of the agreement it followed the procedures outlined in the Development Agreement. However since CBAA had not followed those procedures and unilaterally placed temporary lighting at the site, it was his opinion that they must comply with the current Zoning Ordinance. He recommended the Zoning Officer proceed with his investigation and send out the necessary notice. The Board asked Ms. McCreary to contact the

attorney for CBAA requesting a meeting with CBAA in Executive Session at an upcoming Board of Supervisor meeting, as this involves potential litigation and real estate acquisition.

Point Pleasant Pike – PennDOT Offer to Purchase: Mr. Reiss advised the Board that he had prepared the necessary resolution at the request of Ms. McCreary. Ms. McCreary advised the Board that the property PennDOT wished to acquire was at the entrance to the former Township quarry, and Alan Bleam stated it would not interfere with any of his operations at the site. Mr. Alvaré noted that of the .48 acres being acquired, .070 acres was for a temporary construction easement. Board consensus was the offer of \$8,300 was fair and acceptable. **Motion** by Ms. Mulholland, seconded by Mr. Alvaré to adopt **Resolution 2008-19** accepting an offer to purchase in-lieu-of condemnation submitted by the Commonwealth of Pennsylvania Department of Transportation for a right-of-way, temporary construction easement and drainage easement. With no additional comment, all voted in favor 3-0.

Zoning Hearing Board Application: Mr. Reiss advised the Board that an application had been filed by Costa for the property at the northeast corner of Durham and Stump Roads. The use is hybrid between the A 1 and G 13 uses. He stated it is seeking a special exception to expand a nonconforming use, and variances that are mostly required because the G 13 use requires frontage on Route 611. He indicated there are setback and other natural resource protection variance requests. The matter was tabled by the Board to obtain more information.

ADMINISTRATIVE REPORT: Carolyn McCreary, Township Manager

Professional Services Agreement– Stanley Forbes: **Motion** Ms. Mulholland, seconded by Mr. Alvaré to accept the professional services agreement for 5671 Point Pleasant Pike. With no additional comment, all voted in favor 3-0.

Plan Extension – Alan Simononis – 6338 Ferry Road: Ms. McCreary advised the Board that a 60-day extension has been granted for the plan review of this proposed subdivision.

Distribution of State Aid Check for Pension Plans: Ms. McCreary advised the Board that she prepared a motion to acknowledge receipt of the check from the state in the amount of \$152,943.83. **Motion** by Ms. Mulholland, seconded by Mr. Alvaré to acknowledge receipt of the check, and distribute it into the Uniform and NonUniform Pension plans in the amounts of \$89,217.23 and \$63,726.60 respectively. With no additional comment all voted in favor 3-0.

Residential Rental Inspections: Ms. McCreary asked the Board if they had the opportunity to review the memorandum prepared by Scott Leatherman, Zoning Officer outlining the process for the proposed inspections. Ms. Mulholland asked if sump pump hookups would be inspected, and asked for clarification on the plumbing and electrical issues noted.

2009 Budget Initiatives: Ms. McCreary asked the Board if there were any items they wished to see included in the budget. Mr. Alvaré stated he would like to see the Township look into doing a deer study to determine the success of any mitigation efforts by groups like Hunters for Habitat.

BCATO Dinner: Ms. McCreary reminded the Board that the annual dinner is scheduled for October 30 the same evening as the worksession. She reminded the Board that three members attended last year, and she would not have a quorum if this occurs. Board consensus was to cancel the meeting, allowing all Supervisors to attend if they wish.

Ms. McCreary stated she had two matters for Executive Session, one involving real estate and the other involving labor relations. She indicated neither would result in Board action.

PAYMENT OF BILLS: **Motion** by Ms. Mulholland, seconded by Mr. Alvaré to approve payment of the October 7, 2008 bills list subject to audit. Mr. Alvaré questioned the charges from Mercuri and Associates listed on the Water Fund's report relating to water system mapping, and inquired if the invoice for Earth Data represented the final payment. The Board asked Ms. McCreary to hold the check for Earth Data pending confirmation that the invoicing has not exceeded the \$36,000 quote for the project. He also asked if the Township had received the grant monies for the solar speed signs being paid out of the General Fund. With no additional comment, all voted in favor 3-0.

MINUTES: **Motion** by Mr. Alvaré, seconded by Ms. Mulholland to approve the minutes of September 16, 2008. With no additional comment, the minutes were approved 3-0.

OLD BUSINESS: None

NEW BUSINESS: Supervisors Issues

- Ms. Mullholland asked for the Board's thoughts on the renovation of the Gardenville Chapel in light of the cost to replace the Township meeting room. She sought Board consensus to ask the Historic Advisory Committee for their recommendation, so the Board could take that into consideration when making their final decision. She advised the Board that she had received complaints regarding portable lights at Camp Curiosity. The Board instructed Ms. McCreary to inform the Zoning Officer, and send him out to inspect and issue the appropriate violation notice. Ms. Mulholland asked for an update on the North Branch open space. She also asked if the Township should hold off on co-easing the McGinnis tract given that the Township does not own it at this time.
- Mr. Alvaré asked Ms. McCreary if the Township had received the loan proceeds, as the settlement was scheduled for October 1. He inquired about the next steps the Board will take now that they have the water study results, and how it would tie into the proposed upgrades identified for the Township's public water system. He also asked if everyone had read the County's proposal for updating the Township's Comprehensive Plan. **Motion** by Mr. Alvaré, seconded by Ms. Mulholland to accept the bid from the Bucks County Planning Commission for preparation/updating the Township's Comprehensive Plan not to exceed \$25,000. With no additional comment all voted in favor 3-0.

ADJOURNMENT

Motion by Mr. Alvaré, seconded by Ms. Mulholland to adjourn at 11:30 p.m. With no additional comment, all voted in favor 3-0.

Respectfully submitted,

Carolyn McCreary, Township Manager

Date approved: