

**PLUMSTEAD TOWNSHIP BOARD OF SUPERVISORS**  
**December 2, 2008**  
**Meeting Minutes**

The public meeting of the Plumstead Township Board of Supervisors was held on Tuesday, December 2, 2008 at 7:45 p.m. at the Point Pleasant Fire Company, 6500 Point Pleasant Pike, Point Pleasant, PA.

Present:

<b>Frank Froio</b>	<b>Chair</b>
<b>Stacey Mulholland</b> (left at 11:15 p.m.)	<b>Vice Chair</b>
<b>Housley Carr</b>	<b>Secretary</b>
<b>Vince Formica</b>	<b>Treasurer</b>
<b>Thomas Alvaré</b>	<b>Member</b>
<b>Carolyn McCreary</b>	<b>Township Manager</b>
<b>Jonathan Reiss, Esq.</b>	<b>Township Solicitor</b>
<b>C. Robert Wynn, P.E.</b>	<b>Township Engineer</b>

Chairman Frank Froio called the meeting to order at 7:45 p.m. asking for a moment of silence and leading the Pledge of Allegiance. Mr. Froio apologized for the delayed start, stating the Board had just come from a meeting with the Plumsteadville Volunteer Fire Company.

**ANNOUNCEMENTS AND CALENDAR:** The Board's next meeting is December 16 at the Township Building. The EAC meets December 11. The Planning Commission meets on December 18, but this may be cancelled due to no new business matters before them.

**PUBLIC COMMENT:** **Dr. Thomas Barnes, 5560 Potters Lane**, took issue with his most recent sewer bill from Bucks County Water and Sewer Authority (BCWSA), advising the Board that he was told the Township regulated the rates. Mr. Reiss advised Dr. Barnes that the BCWSA Board determined the rates and the Township merely provided the water usage readings for those customers connected to its water system. **Robert Kemock, 4541 Old Oak Road**, provided photographs to the Board depicting an area by his property that people are using as a shortcut. He asked about posting a No Trespassing sign. The Board advised him that as long as he owned the property he could post it.

**PUBLIC HEARING: Conditional Use Application-Church of Scientology Mission of Bucks County** Mr. Froio turned the hearing over to Mr. Reiss who stated this was a public hearing for an application seeking conditional use approval under the Township's Zoning Ordinance filed by A. Rhodes Wilson, the owner of a property located at 5571 Easton Road, parcel number 34-034-012. Mr. Reiss outlined the procedure and the role of the Board of Supervisors. He advised everyone present that a Court Reporter would be making an official record of the proceedings. Mr. Reiss asked if there was anyone present who wished to seek party status, giving them the right to question witnesses and make a statement at the conclusion of the hearing. Six residents stated their desire to be granted this status. They supplied their names and addresses for the record. Mr. Reiss described the Board exhibits including the proof of advertisement for the hearing in The Intelligencer. He then turned the hearing over to Mr. Gundlach, attorney for the applicant who called his witnesses. After the testimony of three witnesses including the applicant the hearing was continued until 12/16/2008.

**ENGINEER'S REPORT: C. Robert Wynn, P.E.**

**Act 537 Plan Amendment:** Mr. Wynn opened the public hearing stating it had been advertised in The Intelligencer. He explained that the amendment was prepared to implement the conditions of the Court Order Stipulation and Settlement Agreement to settle lawsuits between Bucks County Water and Sewer Authority (BCWSA), Plumstead Township, Commonwealth of Pennsylvania Department of Environmental Protection and other parties. Mr. Wynn described the major terms of the Agreement and Sewage Facilities Plan Amendment. The Plan received a recommendation of approval from both the Township Planning Commission and Bucks County Planning Commission. He stated there was no

response from the Bucks County Health Department to two pieces of correspondence soliciting input. (The second sent certified mail/return receipt.) In response to Mr. Alvaré's question as to whether or not this prohibits the Township from acting on this amendment, Mr. Wynn stated this did not preclude the Board from acting on the proposed amendment. Mr. Wynn also advised that the Plan was advertised for a 30 public comment period which ended on 11/28/08. No public comment was received during the comment period. He stated the hearing was for public comment, consideration by the Board of Supervisors for adoption of the amendment, and subsequently submission to Pennsylvania Department of Environmental Protection. Robert Gundlach, Esq. stated he was speaking on behalf of the following clients, outlining his reasons for contesting the proposed amendment on their behalf:

**Doris Hellerick, 5500 North Easton Road:** Property being removed from the public sewer service area within the Act 537 plan presents a material and adverse financial impact to the owner. Plan fails to identify the property as a proposed major residential development. Requirements to first demonstrate the lack of feasibility of individual in-ground on-lot sewage disposal systems is vague and open to interpretation. It was noted to Mr. Gundlach that there is no approved plan for development of this site.

**Royal Doner, 5221 Valley Park Road:** Plan fails to identify the property as a proposed major residential development. Requirements to first demonstrate the lack of feasibility of individual in-ground on-lot sewage disposal systems is vague and open to interpretation. It was noted to Mr. Gundlach that there is no pending application for development of this site, recognizing that there have been two sketch plans discussed with the Planning Commission since 2005.

**Stanton Properties, Route 611 and Meetinghouse Road:** fails to identify the property as a proposed major residential development. Requirements to first demonstrate the lack of feasibility of individual in-ground on-lot sewage disposal systems is vague and open to interpretation.

**Ari VanWingerden, Durham and Stump Roads:** Property being removed from the Act 537 plan presents a material and adverse financial impact to the owner. Requirements to first demonstrate the lack of feasibility of individual in-ground on-lot sewage disposal systems is vague and open to interpretation. It was noted to Mr. Gundlach that the Van Wingerden site was NOT removed from a public sewer service area, as the site is not included within the area proposed for public sewer under the 2002 Plan. Mr. Gundlach presented documentation and correspondence relating to the above properties to Mr. Reiss for the record. Mr. Reiss stated the electronic communications had been forwarded to him after business hours, and he had not had the opportunity to read them.

**Tom Hebel, 1057 North Easton Road** stated his concerns relating to the Act 537 plan amendment and how it would affect his property.

**Motion** by Mr. Formica, seconded by Ms. Mulholland to adopt **Resolution 2008-27** amending the Township's Act 537 Plan.

**Bob Morse, 5113 Craigs View** stated he believes this is taking away the leverage of the affected property owners. With no additional comment, the vote was 4-1 with Mr. Froio dissenting.

**Plumstead Christian School:** Mr. Wynn stated this land development plan was recommended for approval by the Planning Commission at their November 20 meeting. Scott Meese and Jeffrey Drake were present on behalf of the applicant. **Motion** by Mr. Alvaré, seconded by Mr. Carr to grant final land development approval for the Plumstead Christian School. With no additional comment, all voted in favor 4-0.

**Fred Beans Nissan:** Mr. Wynn recommended acceptance of the commencement of the 18 month maintenance period. **Motion** by Mr. Formica, seconded by Mr. Carr to accept the commencing of the 18 month maintenance period. With no additional comment, all voted in favor 4-0.

**John Werner, Inc. Subdivision:** Mr. Wynn advised the Board that the current timeline to complete the public improvements expires on December 7 for the property located at Stump Road and Route 413. Mr. Wynn's office is recommending the Township grant the developer a one year extension of the timeframe to complete the improvements. **Motion** by Mr. Formica, seconded by Mr. Alvaré to grant a one year extension for the completion of the public improvements in conjunction with the approved subdivision plan. With no additional comment, all voted in favor 4-0.

**Timberly Farm:** Mr. Wynn updated the Board on the status of the public improvements, indicating that the majority of the items have been satisfactorily addressed. He showed the Board photographs of open space areas and trees on the streetscape. Mr. Wynn recommends a \$3,500 cash escrow with the Township for the trees planted late that may not make it, accept the end of the maintenance period and a review of the trees on or before April 15, 2009 giving the developer 10 days to replace any trees necessary after the notification. **Motion** by Mr. Formica, seconded by Mr. Alvaré to accept the end of the maintenance period for public improvements at Timberly Farm except for the enumerated trees in Mr. Wynn's letter to the developer, and authorizing the Township to release maintenance bond. With no additional comment, all voted in favor 4-0.

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

**Heritage Land Use Appeal:** **Motion** by Mr. Carr, seconded by Mr. Alvaré to ratify the appeal decision authorization given to the Township Solicitor. With no additional comment, all voted in favor 4-0.

**Agricultural Security District Applications:** Mr. Reiss informed the Board that the Township has received applications for the following properties:

- Woodling, 5255 Moyer, parcel 34-15-39-7
- Conover, 5205 Moyer, parcel 34-15-39-8
- Mangapit, 5262 Moyer, parcel 34-15-36-3

Other items on the agenda under the Solicitor's Report were tabled until the December 16 meeting.

**ADMINISTRATIVE REPORT: Carolyn McCreary, Township Manager**

**2009 Proposed Budget:** Ms. McCreary advised the Board that per their motion at the November 17 special budget meeting the proposed budget has been advertised as being available for public inspection. She asked the Board if they had any additional questions, reminding them that they would need to adopt a balanced budget and set the real estate tax for 2009 at their next meeting. The Board discussed the proposed budget indicating they believed it to be sound. Discussion also took place relating to the projected deficit and the options for eliminating it. The manager's original proposal included drawing \$100,000 from the Local Service Tax Fund reserves to offset public safety expenses in the General Fund, increasing the debt service millage by .562 mils for the \$2.7 million borrowed in 2008 for open space preservation, and increasing the millage for general purposes by 1.255. Board consensus was to increase the real estate tax rate to cover the \$2.7 million borrowed for open space as voted for in a 2005 referendum. The Board acknowledged that drawing down from the Township reserves could result in a higher tax increase for the 2010 fiscal year if the economic climate does not improve in 2009 or worsens. Mr. Alvaré stated he would be willing to increase taxes for 2010 if warranted, but believes there is a sufficient level of reserves to draw down from at this time to cover the projected deficit for 2009. Mr. Carr stated he cannot support a tax increase to cover the deficit, but he does support the increase for the open space borrowing because it was voter approved. Mr. Formica expressed his reservations about drawing down from the reserves if in fact the economic outlook does not improve and the Township is faced with a similar deficit. Mr. Froio suggested an additional tax increase for future open space acquisitions or land preservation given that \$5.3 million remains from the \$8 million referendum, and the Township would need funds to pay any additional debt service. In response to the Manager's original proposal from the November 17 special budget meeting Mr. Carr and Mr. Alvaré proposed as an alternative adding .188 to the proposed millage increase of .562 for the open space to equal .75 mills, and an additional .25 mills for general purposes.

**Dan Hilferty, 5141 Craigs View,** told the Board he sought feedback on the budget from neighbors after attending the budget meeting on November 17. He indicated many were against any kind of tax increase because of their own financial circumstances.

**Steve Rush, 5000 Wismer Road,** stated the pursuit of open space and conservation easement opportunities may seem like an amenity at a time when people can least afford it.

**Royal Doner, 5221 Valley Park Road,** spoke to the Board about past economic downturns in the country including the depression.

**Plan Extensions:** Extensions for subdivision plan reviews were granted by the following applicants:  
**Simononis, 6338 Ferry Road** for seventy (70) days and **Stanton Properties, Easton Road** to 03/31/09.

Other items on the agenda under the Administrative Report were tabled until the December 16 meeting.

**PAYMENT OF BILLS:** Postponed to December 16 meeting

**MINUTES:** Postponed to December 16 meeting

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**PUBLIC COMMENT:** None

**ADJOURNMENT**

**Motion** by Mr. Formica, seconded by Mr. Carr to adjourn at 12:50 a.m. With no additional comment, all voted in favor 4-0.

Respectfully submitted,

Carolyn McCreary, Township Manager

Date approved: