

## PLUMSTEAD TOWNSHIP BOARD OF SUPERVISORS

October 11, 2016

### Meeting Minutes

The public meeting of the Plumstead Township Board of Supervisors was held on Tuesday, October 11, 2016 at 7:30 p.m. at the Plumstead Township Municipal Building, 5186 Stump Road, Plumsteadville, PA

#### Present:

**Dan Hilferty**

**Chair**

**Stacey Mulholland**

**Vice Chair**

**Nick Lykon** (arrived at 7:40 p.m.)

**Secretary**

**Brian Trymbiski** (arrived at 8:25 p.m.)

**Treasurer**

**Frank Froio** (arrived at 8:35 p.m.)

**Assistant Secretary/Treasurer**

**Jonathan J. Reiss, Esq.**

**Township Solicitor**

**Carolyn McCreary**

**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. He noted that Messrs. Lykon, Trymbiski and Froio would be late because of business commitments, and Mr. Fulmer was not present because there was nothing under his report.

#### CALENDAR AND ANNOUNCEMENTS:

The Planning Commission meeting scheduled for October 20 is cancelled. The EAC meets on October 12. The Historic Advisory Committee meeting scheduled for October 17. The Trail Steering Subcommittee meets on October 24. The Board of Supervisors Worksession scheduled for October 27 is cancelled. The *Fall Fresh Festival* is being held at the Plumsteadville Grange on Saturday, October 29 from 9:00 a.m. to 12:30 p.m.

PUBLIC COMMENT: None

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

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

- 1. Municipal Towing Ordinance Amendment:** Mr. Reiss presented the proposed amendment to the ordinance, noting it was prepared as a result of a recent Commonwealth Court decision and the input of Chief Hasenauer and Alan Bleam, Public Works Director to reflect how they handle the towing process. The ordinance has been properly advertised and was available for public inspection at the Township office and the Intelligencer office. Mr. Hilferty opened and closed the hearing with no public comment or Board questions. **Motion** by Mr. Lykon, seconded by Ms. Mulholland to adopt Ordinance 2016-05. With no additional comment, all voted in favor 3-0.
- 2. Real Estate Tax Appeal-5938 Worthington Road:** Mr. Reiss informed the Board that the owner had filed an appeal of the Board of Assessments denial of her tax appeal in the Court of Common Pleas. Board consensus was to not have the Solicitor enter an appearance on behalf of the Township.
- 3. Zoning Hearing Board Application-3931 Sawmill Road:** Mr. Reiss advised the Board that the application pertained to a request by the new owner to determine if the prior variances are still in existence. Board consensus was to have the Zoning Hearing Board render a decision on the application based on the evidence and testimony presented with no Township input.

4. **Zoning Hearing Board Application – 5672 Wismer Road:** Mr. Reiss advised the Board that the applicant had removed a nonconforming dwelling and wanted to rebuild in the same location. The application was denied by the Zoning Officer and appealed to the Zoning Hearing Board. Board consensus was to have the Zoning Hearing Board render a decision on the application based on the evidence and testimony presented with no Township input.
5. **Zoning Hearing Board Application – 6055C Kellers Church Road:** Mr. Reiss advised the Board that the applicant is seeking a Special Exception to establish a G1 commercial/trade school (School of Shiatsu) at the property. Board consensus was to have the Zoning Hearing Board render a decision on the application based on the evidence and testimony presented with no Township input.
6. **Zoning Hearing Board Application – 4739 Bishop Circle:** Mr. Reiss advised the Board that the applicant is seeking a variance for a proposed patio in the rear yard. Board consensus was to have the Zoning Hearing Board render a decision on the application based on the evidence and testimony presented with no Township input.
7. **Amendment to Stormwater Facilities Agreement – 6000 Twin Silo Road:** Mr. Reiss informed the Board that this amendment was necessary because there was a correction to the address of the property. Motion by Ms. Mulholland, seconded by Mr. Lykon to approve the amendment to the agreement and authorize the Chairman to sign. With no additional comment, all voted in favor 3-0.

**DEPARTMENT REPORTS:** On file. Mr. Trymbiski asked about several revenue and expenditure lines in the General Fund, expressing concern about the downward trend of building permit revenue. He also asked for explanations about the use of funds on hand (fund balance) in the Water and Local Services Tax Fund.

1. **Public Works:** Ms. McCreary reviewed the details of a memorandum from Alan Blead concerning the propane tank at the Community Building. She noted that the Township had taken over the contract from the developer and it is due to expire on October 31. She reminded the Board that the Township included the propane in its bids what were awarded by the Board in April. She noted that an inquiry to Liberty Propane, the current propane provider, about the ownership or removal of the tank resulted in several conversations with the option of paying to have the tank removed or purchasing the tank from them. She noted that state law prohibits the Township from having two separate vendors for the same item so the Township cannot continue with Liberty owning the tank with the bid for the propane having been awarded to Superior Plus Energy. **Motion** by Ms. Mulholland, seconded by Mr. Lykon to approve the purchase of the propane tank from Liberty Propane for the quoted price of \$3800. With no additional comment, all voted in favor 3-0.

**ADVISORY COMMITTEE MINUTES:** On File

Ms. Mulholland spoke about the most recent Plumsteadville Village Committee meeting and identified the short-term improvements the Committee would like to see the Township work towards in the next 12-18 months including period lighting, seasonal banners, painted crosswalks and the installation of a gateway sign at the new Rite Aid. She noted the Committee would work to identify the best location for a similar sign at the northern part of the Village and that stamped crosswalks with pedestrian friendly traffic signals would be a more long-term goal. She noted that Committee members who are also part of the Business Alliance have reported that business owners are concerned about any proposed connector road because of the impact it could have to their businesses by diverting vehicular traffic

away from the village center, so they are in opposition to it. She informed the Board that the official groundbreaking for the new Rite Aid is October 20 at 5:30 p.m.

Mr. Lykon addressed the budget recommendations of the Parks & Recreation Advisory Committee including dugout covers at Hanusey Park, making Camp Plumstead a full-day, and increasing fees for the camp to ensure costs are covered. He indicated he would forward the list to Ms. McCreary for review.

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

1. **Plumstead Christian School – Land Development Waiver:** Ms. McCreary introduced Bill Weaver, a parent involved with Plumstead Christian’s baseball program. She noted that Mr. Weaver is donating the proposed indoor batting practice facility and is making the request for waiver of land development. Mr. Weaver reviewed the details of the proposed structure and that the two gymnasiums in the school are scheduled out for November thru February. **Motion** by Mr. Lykon, seconded by Ms. Mulholland to approve the request for a waiver of land development conditioned on compliance with the review letter from C. Robert Wynn Associates dated 10/05/16. With no additional comment, all voted in favor 3-0.
2. **Zoning Hearing Board Application – Swamp & Ferry Roads:** Ms. McCreary reminded the Board that since the Zoning Hearing Board meeting for the proposed Wawa was scheduled for October 5 and fell between their public meetings she polled them individually to determine if the Township should send the Solicitor to oppose the application. She stated she is now seeking ratification of that decision. **Motion** by Mr. Lykon, seconded by Ms. Mulholland to ratify the decision to send the Solicitor to oppose the application of Doylestown II – Rt 313 TVC-ARC, LP. With no additional comment all voted in favor 4-0.
3. **Authorization Vouchers – Donner Pass East Subdivision** Ms. McCreary presented authorization voucher no. 4 dated 09/22/16 in the amount of \$16,494.30 for storm sewer, roadway and erosion control. **Motion** by Ms. Mulholland, seconded by Mr. Trymbiski to approve the authorization voucher. With no additional comment, all voted in favor 3-0 (Mr. Lykon had left the room). Ms. McCreary presented authorization voucher no. 5 dated 09/22/16 in the amount of \$1546.87 payable to C. Robert Wynn Associates for construction observation and escrow administration. **Motion** by Ms. Mulholland, seconded by Mr. Trymbiski to approve the authorization voucher. With no additional comment, all voted in favor 3-0 (Mr. Lykon had left the room).
4. **Professional Services Agreement – Plumstead Christian School:** Ms. McCreary presented a professional services agreement for the request relating to the land development waiver. **Motion** by Ms. Mulholland, seconded by Mr. Trymbiski to approve the agreement. With no additional comment, all voted in favor 4-0.
5. **Professional Services Agreement – 4218 Ferguson Drive:** Ms. McCreary presented a professional services agreement for a stormwater management review. **Motion** by Ms. Mulholland, seconded by Mr. Trymbiski to approve the agreement. With no additional comment, all voted in favor 4-0.
6. **Professional Services Agreement – 5960 Schlentz Hill Road:** Ms. McCreary presented a professional services agreement for a stormwater management review. **Motion** by Ms. Mulholland, seconded by Mr. Trymbiski to approve the agreement. With no additional comment, all voted in favor 4-0.
7. **Distribution of State Aid Check to Pension Plans:** Ms. McCreary reviewed the information concerning the allocation of the state aid check for 2016. The check is in the amount of \$196,859.07 with \$122,490.09 being allocated to the uniform plan and \$74,368.98 being allocated to the nonuniform plan. **Motion** by Ms. Mulholland, seconded by Mr. Trymbiski to acknowledge the

receipt of the 2016 Commonwealth allocation of the General Municipal Pension System State Aid check. With no additional comment, all voted in favor.

- 8. Adoption of County Hazard Mitigation Plan:** Ms. McCreary presented Resolution 2016-23, which if adopted would adopt the Bucks County 2016 Hazard Mitigation Plan as the official Hazard Mitigation Plan of the Township, and implement the recommended activities assigned to them. **Motion** by Ms. Mulholland, seconded by Mr. Trymbiski to adopt Resolution 2016-23. With no additional comment, all voted in favor.
- 9. Request for Staff Meeting:** Ms. McCreary advised the Board that she had received a letter from the attorney representing the developer of the proposed Wawa in Fountainville requesting a staff meeting with Township representatives to discuss their concerns about the project. Julie VonSpreckelsen, Esq. was present and spoke to the Board on behalf of the developer. Mr. Lykon expressed his continued opposition primarily because of concerns about exposing groundwater to possible contamination should there be a malfunction with the tanks, noting 100% of the Township's water for its public water system and private wells comes from groundwater. Ms. Mulholland and Mr. Trymbiski noted they expected the developer to come back to a Board of Supervisors meeting to address the concerns previously identified by the Board before they went to the Zoning Hearing Board. Mr. Hilferty also expressed concern about changing the area of Fountainville with a 24/7 lighted operation and the result of opening up the corridor for future commercial development. Mr. Froio pointed to the MTBE problem that occurred in Plumsteadville and noted it was a vapor release, and he is concerned about exposing this area to potential problems like this. He stated he does not believe it fits on the corner, or with the character of the area. Board consensus was to schedule a staff meeting with one or two of the Supervisors attending, who would report back at the next Board of Supervisors' public meeting.
- 10. Update on 2017 Budget Planning:** Ms. McCreary reviewed details of the proposed capital expenditures in the budget in addition to the infrastructure projects previously discussed. She reminded the Board that she would present the 2017 proposed budget at their public meeting on November 9. Mr. Lykon indicated that he had a list of items from the Park & Recreation Advisory Committee for consideration, and none involved a large amount of money.

Ms. McCreary stated she had one matter for Executive Session involving a personnel matter.

**PAYMENT OF BILLS:** **Motion** by Mr. Trymbiski, seconded by Ms. Mulholland to ratify the payment of the bills list dated 09/27/16 subject to audit. With no additional comment, all voted in favor. The amounts reported on the bills list are as follows: General Fund - \$139,794.99, Water Fund - \$19,383.97, Local Services Tax Fund - \$35.77, Open Space Disbursement Fund - \$270.00, Capital Reserve Fund - \$2762.83, , State Liquid Fuels Fund - \$4148.57, Explorers Troop 5708 - \$3453.72, Developers' Escrow Fund - \$22,887.57, Construction Escrow Fund - \$10,700.00 **Motion** by Mr. Trymbiski, seconded by Ms. Mulholland to approve the bills list dated 10/11/26 subject to audit. With no additional comment, all voted in favor. The amounts on the bills list are as follows: General Fund - \$391,623.95, Water Fund - \$163,332.69, Local Services Tax Fund - \$36,926.25, State Liquid Fuels Fund - \$3,688.95, Developer's Escrow Fund - \$1180.31, Construction Escrow Fund - \$1200.00

**APPROVAL OF MINUTES:** **Motion** by Ms. Mulholland, seconded by Mr. Froio to approve the minutes of the 09/13/16 meeting. With no additional comment, the vote was 4-0 with Mr. Trymbiski abstaining, as he was not present for the meeting.

**OLD BUSINESS:**

Gardenville Fields Easement: Ms. McCreary advised the Board that she had heard back from Heritage Conservancy’s Director of Resource Protection, who advised that the Board had reviewed the Plumstead Chase proposal at its October 5 meeting. She indicated the Board was generally supportive of accepting the easement at the revised cost of \$30,000. However, they want their legal counsel to review and approve the final document prior to making a decision. Ms. McCreary stated that Heritage’s Executive Committee would be in a position to approve instead of waiting for the next Board meeting on December 7 once they receive the Township’s adopted resolution.

**NEW BUSINESS: Supervisors’ Committee Reports and Issues**

Mr. Trymbiski spoke to the Board about having a member of the various advisory committees attend Board of Supervisors meetings so the Board can engage with them instead of just reading minutes about what occurred at meetings. He indicated they could come on a quarterly basis. Board consensus was to work on developing this and possibly have the Committees rotate the schedule. Ms. McCreary suggested the second meeting of the month when the Department reports are given.

Ms. Mulholland asked the Board if the Solicitor could add hookah and vape shops to the proposed zoning ordinance amendments his office is already working on. Mr. Reiss advised that these could be limited to commercial zoning districts, and his office would research further.

Mr. Lykon stated he stopped and spoke to the contractors hired by Bucks County Water & Sewer Authority, who are working on Stump Road. He advised that they are relining and re-patching the public line between Route 611 and Route 413. He stated the contractor indicated there are 65 repairs that have been identified.

**PUBLIC COMMENT:** Joseph Reinheimer, 3634 Ferry Road thanked the Board for their opposition to the proposed Wawa, and sending the specially appointed Township Solicitor to the Zoning Hearing Board.

**ADJOURNMENT:** **Motion** by Ms. Mulholland, seconded by Mr. Froio to adjourn into Executive Session at 9:35 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