

**MINUTES OF PLUMSTEAD TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR SCHEDULED MEETING  
APRIL 10, 2024**

**1. Call to Order:** The April 10, 2024, regular scheduled meeting of the Plumstead Township Board of Supervisors was held at Plumstead Township Municipal Building, 5186 Stump Road, Pipersville, PA. Chairman, James McComb, called the meeting to order at 7:00 p.m.

**ELECTED OFFICIALS PRESENT:**

James McComb	Chair
Daniel Hilferty	Vice Chair
Kenneth Lichtenstein	Member
Gregory Bankos	Assistant Secretary
Matthew Given	Assistant Treasurer

**APPOINTED OFFICIALS PRESENT:**

Township Manager:	Angela P. Benner
Township Solicitor:	William Oetinger, Esq.
Township Engineer:	Timothy Fulmer, PE

\* Not Present

**2. Moment of Silence & Pledge of Allegiance:** Mr. McComb led the Board and Audience in a moment of silence followed by the Pledge of Allegiance.

**3. Announcements:** Mr. McComb announced that the Planning Commission meeting scheduled for April 18<sup>th</sup> is cancelled; and that the Board met on April 10<sup>th</sup> for an Executive Session to discuss litigation.

Mr. McComb recognized and thanked the officers of the Plumstead Township Police Department who were in attendance for the meeting for their service to the Township and the Township residents.

Mr. McComb stated that the Board and others wanted to recognize and congratulate Plumstead Township Police Chief, David Mettin for receiving the American Legion of Pennsylvania Law Enforcement Officer of the Year award. State Representative Shelby Labs and Senator Steve Santarsiero's Deputy Chief of Staff Shannon Sticker were in attendance to present Chief Mettin with citations from the Pennsylvania House of Representatives and the Pennsylvania State Senate.

**4. Public Comment:** Stephen Morrison of 3781 Church School Road in Buckingham Township inquired about whether the Board was aware of a Land Development project involving a warehouse that is happening in Buckingham Township. Mr. Morrison expressed concern over truck traffic on Landisville Road, which is a shared road between Plumstead and Buckingham townships.

Elaine Pasqua of 63 John Dyer Way expressed concern over the Buckingham Township Land Development project, specifically how the traffic on Plumstead Township roads will be affected.

Mr. Oetinger explained that Land Development projects must follow a specific process that is mandated by the State and that there is not a way for Plumstead Township to legally intervene.

Carol Morrin of 31 John Dyer Way also expressed concerns over the Buckingham project and the possibility of added traffic on Plumstead Township roads.

## 5. Zoning Hearing Board Applications:

### 5.1. 3966 Sawmill Road (TMP# 34-011-138):

**RECOMMENDATION: Upon General Consensus, the Board agreed to stay neutral.**

### 5.2. 5113 Craigs View (TMP# 34-042-065):

**RECOMMENDATION: Upon General Consensus, the Board agreed to stay neutral.**

**5.3. 4961 River Road (TMP# 34-020-054):** Ms. Benner explained that the applicant is proposing to redevelop the property for a G11 Tavern Use. The applicant proposes to construct a micro-brewery with accessory food sales. Ms. Benner stated that the Use is allowed by Special Exception.

Mr. Oetinger explained that the applicant received DEP approval for a holding tank to be used for septic. Per the DEP approval, the DEP is restricting the number of patrons the establishment can have at one time. Mr. Oetinger stated that conditions should be put in place if the application is approved to restrict the number of patrons to 40. Mr. Oetinger and Mr. Fulmer spoke to the parking regulations and restrictions. Mr. Oetinger stated that the applicant is proposing to have six employees. Mr. Oetinger read some suggested conditions that should be placed on the property from a letter from the Solicitor's office dated April 10, 2024, which addressed noise, capacity and compliance with the Township Codes. Mr. Oetinger answered the Board's various questions regarding the suggested conditions.

Steven Trachtenberg, owner of 4935 River Road inquired about whether the proposed use would utilize both floors of the building or just the first floor. Additionally, Mr. Trachtenberg inquired about the parking on the front of the building. Mr. Oetinger explained that the applicant may use both floors. Mr. Fulmer explained that there is an ADA parking spot in the front of the building, but all other parking spaces are located in the rear of the building.

David Hand of 7460 Ferry Road stated that he would not like to see too many restrictions be put in place because Point Pleasant has been lacking social spots in the recent years, and this brewery would bring a second tavern into the neighborhood. Mr. Oetinger reiterated that it is the DEP putting the capacity restrictions on the property, not the Township.

Glen Stephan, the applicant, spoke to clarify some confusion regarding the holding tanks. Mr. Stephan stated that the waste from the beer production will go into its own holding tank, which is separate from the septic holding tank, resulting in two holding tanks on the property. Mr. Stephan expressed concern over the tavern next door allowing their patrons to encroach onto his parking lot. Mr. Given asked if 40 patrons would be enough to sustain the business. Mr. Stephan stated that 40 patrons would be sufficient because the tavern portion of the business is secondary to the brewing of the beer, which is the main portion of the business.

**MOTION: Upon motion by Mr. Hilferty, seconded by Mr. Lichtenstein, and amended by Mr. Hilferty, the Board unanimously voted to remain neutral, ask for the conditions outlined in the April 10, 2024 Township Solicitor Letter to be placed on the property, and with the amendment to restrict parking in the front of the building to allow only ADA parking spaces, to the extent that the Zoning Hearing Board sees fit to grant relief.**

**5.4. 5829 Easton Road (TMP# 34-004-049):** Ms. Benner explained that the applicant is proposing to construct a G23 Automotive Service Center (Mavis Tire and Auto) in the Plumstead Square Shopping Center. Ms. Benner noted that the G23 Use is not permitted by Right, Conditional Use nor Special Exception.

**MOTION: Upon motion by Mr. McComb, seconded by Mr. Given, the Board unanimously voted to oppose the ZHB Application for 5829 Easton Road (TMP# 34-004-049), also known as the Mavis Tire Application, and send the Township Solicitor to actively oppose this application.**

**5.5. 5131 Tollgate Road (TMP# 34-018-114-003):**

**RECOMMENDATION:** Upon General Consensus, the Board agreed to stay neutral.

**6. Land Development:**

**6.1. Air-Gas USA Land Development – Consideration of Acceptance of 18-Month Maintenance Period:**

**MOTION:** Upon motion by Mr. Hilferty, seconded by Mr. McComb, the Board unanimously extended the 18-month maintenance period for the Air-Gas USA Land Development project to May 8, 2024.

**6.2. Fred Beans Subaru Land Development – Consideration of Acceptance of 18-Month Maintenance Period:**

**MOTION:** Upon motion by Mr. Hilferty, seconded by Mr. Lichtenstein, the Board unanimously accepted completion of the 18-month maintenance period for the Fred Beans Subaru Land Development project subject to all engineering, legal and Township administrative costs incurred by the Township during the course of the project be paid in full by the developer, prior to release of remaining financial security.

**7. Old Business:**

**7.1. Omnibus Ordinance – Authorization to incorporate PC recommendations & send back to PCs for review:** Ms. Benner explained that the Plumstead Township Planning Commission has recommended that the elimination of the B18 Event Venue Use be a part of this Omnibus Ordinance Amendment. Ms. Benner explained that the Township residents had voiced their displeasure with this Use on the two occasions that it had been applied for. Ms. Benner and Mr. Oetinger explained that event venues are still permitted within certain commercial zoning districts. Additionally, the Township has two alternative Uses that are permitted in most rural residential zoning districts. Ms. Benner stated those Uses are the A5 Accessory Farm Business Use and the B14 Temporary Community Event Use. Mr. Oetinger stated that the A5 Use may be amended to make the Use less restrictive than it currently is.

**MOTION:** Upon motion by Mr. McComb, seconded by Mr. Bankos, the Board unanimously agreed to authorize the Planning Commission to discuss the A5 Accessory Farm Business Use and make a recommendation for amendments.

**7.2. Public Hearing: Consideration of Adoption of Ordinance# 2024-01: Police Pension:** Mr. McComb opened the Public Hearing at 8:08pm.

There was no Public Comment.

Mr. McComb closed the Public Hearing at 8:08pm.

**MOTION:** Upon motion by Mr. Given, seconded by Mr. Lichtenstein, the Board unanimously adopted Ordinance 2024-01 amending the Police Pension ordinance to reduce the DROP minimum requirement from 12-months to 1 month.

**7.3. Authorization to Execute Gardenville Fields Lease Agreement with Plumstead Softball:**

**MOTION:** Upon motion by Mr. Hilferty, seconded by Mr. Lichtenstein, the Board unanimously authorized execution of the Gardenville Fields Lease Agreement with Plumstead Softball.

**7.4. PPEMS Request for Financial Assistance with Litter System:** Ms. Benner explained that during the 2024 budget discussions, the PPEMS stated that they needed an additional litter system. At the time, the Board

agreed to budget 1/3 of the cost to be paid out of the Fire & EMS Capital Fund. Ms. Benner stated that PPEMS had submitted a formal request for financial assistance. The total cost is \$124,640.07 and PPEMS has elected to have a 3-year vendor supplied financing plan, which equals \$45,863.21/year. Ms. Benner stated that PPEMS has received \$5,000 from Dublin Borough and is still in talks with Bedminster, Hilltown and Tinicum for additional financial assistance.

**MOTION:** Upon motion by Mr. Bankos, seconded by Mr. Given, the Board unanimously agreed to cover \$40,863.21 of their first payment towards the litter systems that were purchased and installed in their ambulances subject to PPEMS providing the Township with either proof of payment to reimburse PPEMS or an invoice to pay the vendor directly.

## 8. New Business:

### 8.1. Authorization to Execute Component 1 of Sewage Facilities Planning Module – 3621 Curly Hill Road:

**MOTION:** Upon motion by Mr. Bankos, seconded by Mr. Hilferty, the Board unanimously authorized execution of Component 1 of Sewage Facilities Planning Module for 3621 Curly Hill Road conditioned upon compliance with the Wynn Associates review letter dated April 2, 2024.

### 8.2. Consideration of Award of Asphalt Bid to Eureka Stone Quarries:

**MOTION:** Upon motion by Mr. Hilferty, seconded by Mr. Lichtenstein, the Board unanimously awarded the 2024 Asphalt Bid to Eureka Stone Quarries for \$61.74/ton wearing course and \$55.93/ton binder course.

**8.3. AT&T Cell Tower License Agreement Extension Request:** Ms. Benner explained that AT&T is requesting a term extension as well as a price reduction. AT&T proposed to keep the monthly amount at \$3,554.88/month, with a 15% increase starting on 11/1/2031 and increasing 15% at the beginning of each extension term.

**MOTION:** Upon motion by Mr. McComb, seconded by Mr. Bankos, the Board voted 4-1 not to execute the First Amendment to the License Agreement with Cingular Wireless PCS, LLC (known as AT&T). Mr. McComb supported the execution. Mr. Hilferty, Mr. Bankos, Mr. Given and Mr. Lichtenstein were opposed.

**MOTION:** Upon motion by Mr. Given, seconded by Mr. Bankos, the Board voted 4-1 to authorize the Township Manager to make a counteroffer of an 18.5% increase at the beginning of each extension term. Mr. McComb was opposed.

**8.4. PVFC Request to have the Township Solicitor create and review documents related to RACP Grant:** Ms. Benner explained that there is some confusion regarding exactly what is being requested and how much time the Solicitor would have to devote to this, which as a result, could be expensive for the Township. Mr. Oetinger expressed concern over a possible perception of a conflict of interest by the Solicitor working on this project. The Board members expressed their concern over the amount of time and money this request could end up costing the Township.

**MOTION:** Upon motion by Mr. Hilferty, seconded by Mr. Bankos, the Board unanimously voted to postpone this discussion until such time that the Board is provided with adequate information to make a decision.

**8.5. PVFC and PPVFC Request for Field Use Fees to be waived:** Mr. Bankos stated that waiving the fees for the fire companies is different than waiving the fees for other organizations, as the fire companies provide a service to the Township. Mr. Lichtenstein stated that these games provide a great opportunity for team building and cooperation between the two fire companies.

**MOTION:** Upon motion by Mr. Hilferty, seconded by Mr. Lichtenstein, the Board unanimously waived the field use fees only for the Plumsteadville Volunteer Fire Company to use Hanusey Park for 3 games and for Point Pleasant Volunteer Fire Company to use Hanusey Park for 4 games in 2024.

**8.6. Authorization to Auction PW Equipment on Municibid:**

**MOTION:** Upon motion by Mr. Hilferty, seconded by Mr. Bankos, the Board unanimously authorized auctioning off a 2003 Chevrolet extended cab pickup truck and a 2023 98" mulch/lite duty 1.22 cubic yard bucket.

**8.7. Authorize Filing of Civil Complaint & Injunction for Zoning Enforcement – Thomas Trust (4425 Landisville):**

**MOTION:** Upon motion by Mr. McComb, seconded by Mr. Lichtenstein, the Board unanimously authorized the Township Solicitor to file a Civil Complaint & Injunction for Zoning Enforcement against the Thomas Trust at 4425 Landisville Road.

**8.8. PSATS Resolutions and Executive Board Nominations:**

**CONSENSUS:** Upon General Consensus, the Board unanimously accepted the PSATS Resolution List and Recommendations as-is.

**CONSENSUS:** Upon General Consensus, the Board unanimously accepted the Executive Board Nominations.

**9. Consent Agenda**

**9.1. Bills List Dated March 26, 2024, in the amount of \$130,841.32, subject to Audit.**

**9.2. Bills List Dated April 10, 2024, in the amount of \$374,151.98, subject to Audit.**

**9.3. Minutes of Meeting of March 13, 2024.**

**9.4. Fire Police Request for the following events in the Borough of Hatboro**

- 31<sup>st</sup> Annual Car Show, July 27<sup>th</sup>, 12:30pm – 11:00pm
- Skeleton Skurry 5K Run, October 26<sup>th</sup>, 8:00am – 12:00pm
- 64<sup>th</sup> Annual Holiday Parade, November 24<sup>th</sup>, 12:30pm – 5:00pm

**9.5. Fire Police Request for Dublin Borough's Community Day on June 1<sup>st</sup>, 12:30pm – 5:00pm**

**9.6. Fire Police Request for Sellersville Borough's Sesquicentennial/Memorial Day Parade on May 25<sup>th</sup>, 8:00am – 1:00pm**

**MOTION:** Upon General Consensus, the Board unanimously approved the Consent Agenda.

**11. Public Comment:** There was no public comment at this time.

**12. Board of Supervisors Comments:** Mr. Lichtenstein stated that he has been appointed as a voting member for the PSATS Committee for 10,000 and Above Residents. Mr. Lichtenstein stated that he is a voting delegate for BCATO at the PSATS Conference. Mr. Lichtenstein stated that on June 8, 2024, there is a BCATO meeting at the Northampton Township Fire Station for a conversation about the future of emergency services.

Mr. Bankos stated that he observed one of the classes that is held at the Community Center at Hanusey Park that is put on for people with special needs and stated that he was very impressed with the way the class is organized and run. Mr. Bankos stated that he would like the Board to send a letter to the Buckingham Board or Planning Commission to express Plumstead Township's trust that they are addressing all resident concerns. Ms. Benner requested that the Board send suggestions of things to be included in the letter to her and then it will be discussed at the Board's Work Session meeting on April 23<sup>rd</sup>. There was a General Consensus from the Board to send a letter to Buckingham.

Mr. Given reminded everyone that the Primary Election is on April 23, 2024.

Mr. Hilferty commended Mr. McComb for putting Chief Mettin up for the American Legion of Pennsylvania Officer of the Year Award and congratulated the Chief.

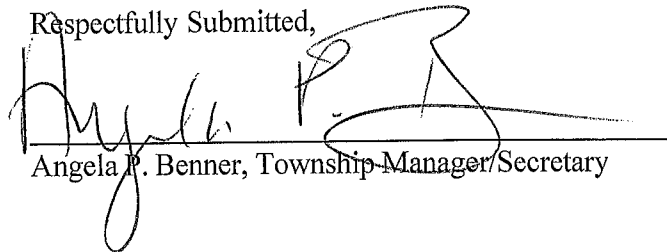
Ms. Benner stated that the next and final Comprehensive Plan Workshop takes place on Thursday April 25, 2024, at 7pm at the Community Center at Hanusey Park.

Mr. McComb stated that he observed large trucks having issues navigating a sharp turn on Landisville Road, near the proposed Buckingham Warehouse Land Development project. Mr. McComb announced that this week was Local Government Week and thanked Ms. Benner, Alan Bleam, Jonathan Reiss and Mr. Oetinger for their services. Mr. McComb announced that Susan Suber won the National Young Marine of the Year Award. Mr. McComb announced that Michael Nyari of the Point Pleasant Volunteer Fire Company was recognized by the VFW as Fire Fighter of the Year. Mr. McComb stated that the Township Veteran's Committee will dedicate two bridges this year to honor Vietnam Veterans: one in June and one in September. Mr. McComb expressed his desire to have a resolution made to mandate all Township Boards and Committees to do the Pledge of Allegiance prior to each meeting. All Board members agreed.

**13. Adjournment:** Upon General Consensus, the meeting was adjourned at 9:14 p.m.

Date Approved: 4/23/24

Respectfully Submitted,

  
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Angela P. Benner, Township Manager/Secretary