

**MINUTES OF PLUMSTEAD TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR SCHEDULED MEETING  
JUNE 12, 2024**

**1. Call to Order:** The Jun 12, 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 for PVFC member Joe Kay, followed by the Pledge of Allegiance.

**3. Announcements:**

Mr. McComb announced that the Board of Supervisors Work Session meeting, scheduled for June 25, 2024, has been canceled; the Township offices will be closed on Thursday, July 4<sup>th</sup>, in observance of Independence Day; the Board of Supervisors held an Executive Session on June 12, 2024, to discuss litigation matters; June 12<sup>th</sup> is Women's Veterans Day, recognizing all women who have served in the armed forces, past or present, including Staff Sergeant Jessica Clymer of the USMC and Colonel Marlena Parker of the USAF; and that there will be a bridge dedication ceremony, honoring Clifford VanArtsdalen on Saturday, June 15, 2024, at 10am, at the bridge by the Water Wheel Tavern.

**4. Public Comment:**

Kathy Boell of 5372 Point Pleasant Pike expressed concern over a letter she had received from the Township regarding her alternative septic system and the associated O&M agreement and escrow.

Japhet Martinez of 6128 Ferry Road expressed the same concern over the letter regarding alternative septic systems.

**8.13. Authorization to file an injunction to prohibit business from operating at TMP# 34-004-031:**

**MOTION:** Upon motion by Mr. Lichtenstein, seconded by Mr. McComb, the Board unanimously voted to move Agenda Item 8.13 to the top of the agenda.

Nicole Mckeen of 5865 Durham Road, Andrea Granja of 5711 Stump Road, Shawn Samperi of 6200 Durham

Road, James Dykes of 5755 Stump Road, Brian King of 6030 Durham Road, Bronwyn Gafgen of 5906 Durham Road, Evelyn King of 6030 Durham Road, Patricia Dykes of 5755 Stump Road, Donald King of 6030 Durham Road, Terry Guld of 5748 Durham Road, and Tom Ott of 5732 Stump Road all made public comment to express their concerns over the odors coming from the property of Kingdom Provisions, as well as, the composting practices, vultures, and what the Township is doing to address their concerns. All residents expressed how this operation is effecting their quality of life and cannot enjoy the outdoors or have windows open.

Mr. Oetinger explained that the Board was voting to authorize his office to file an injunction in court for the violations involving the Conservation Easement and Stormwater Management. Mr. Oetinger answered the residents' questions regarding the timeframes and the process involved in these cases. The Board members addressed the residents to assure them that their concerns are being heard and the Township is doing everything they can to address their concerns.

**MOTION:** Upon motion by Mr. Hilferty, seconded by Mr. Lichtenstein, the Board unanimously authorized the Township Solicitor to file an injunction, after the 30-day time limit is up, to prohibit business from operating at TMP# 34-004-031 until compliance is reached regarding the Township's Conservation Easement Agreement and the Township's Stormwater Management Ordinance.

## 5. ZHB Applications:

### 5.1. 4044 Luke Circle – Variance Request to increase Maximum Impervious Coverage:

**MOTION:** Upon motion by Mr. McComb, seconded by Mr. Hilferty, the Board unanimously authorized the Township Solicitor to send a letter to the ZHB Solicitor opposing the application.

## 6. Land Development:

### 6.1. Adams Minor Subdivision – Request for Amended Final Plan Approval:

**MOTION:** Upon motion by Mr. Hilferty, seconded by Mr. Lichtenstein, the Board unanimously approved the amended Final Plan for the Adams Minor Subdivision, subject to compliance with the Wynn Associates review letter, dated May 22, 2024, and execution of a declaration of restrictions, covenants and conditions be prepared in a form acceptable to the Township Solicitor and executed and recorded.

### 6.2. Consideration of Accepting Completion of 18-Month Maintenance Period – Airgas LD:

**MOTION:** Upon motion by Mr. Lichtenstein, seconded by Mr. Hilferty, the Board unanimously extended the 18-month maintenance period for the Air-Gas USA Land Development project to July 10, 2024.

### 6.3. JJ Investments, LLC – Request for Preliminary/Final Plan Approval: In attendance for JJ Investments were Karl Janetka & Karin Holsinger from VanCleaf Engineering.

Mr. Fulmer gave the Board a brief description of the project and explained that the Planning Commission gave their recommendation for approval. Mr. Fulmer explained that his office is recommending that the Township require the applicant to analyze 20% of the existing site impervious surface area as meadow in the predevelopment condition, for the purposes of improving stormwater management for the site while addressing the increased impervious coverage constructed without approval since 2000.

**MOTION:** Upon motion by Mr. Hilferty, seconded by Mr. Given, the Board unanimously denied Waiver 4A as outlined in the Wynn Associates Review Letter, dated May 7, 2024.

**MOTION:** Upon motion by Mr. McComb, seconded by Mr. Bankos, the Board unanimously approved Waivers 4B & 4C as outlined in the Wynn Associates Review Letter, dated May 7, 2024.

**MOTION:** Upon motion by Mr. McComb, seconded by Mr. Bankos, the Board unanimously approved Waiver 4D as outlined in the Wynn Associates Review Letter, dated May 7, 2024, except for Sidewalk Improvements, which will require a capital contribution in lieu of construction of the required improvements.

**MOTION:** Upon motion by Mr. Bankos, seconded by Mr. McComb, the Board unanimously approved Waivers 4E & 4F as outlined in the Wynn Associates Review Letter, dated May 7, 2024.

**MOTION:** Upon motion by Mr. Bankos, seconded by Mr. Given, the Board unanimously approved a partial waiver for Waiver 4G as outlined in the Wynn Associates Review Letter, dated May 7, 2024, subject to the applicant analyzing 20% of the site as meadow in pre-development condition, and subject to an agreement between the applicant and the Township to allow the applicant to complete the project in phases.

**MOTION:** Upon motion by Mr. McComb, seconded by Mr. Bankos, the Board unanimously approved Waivers 4H & 4I as outlined in the Wynn Associates Review Letter, dated May 7, 2024.

**MOTION:** Upon motion by Mr. Bankos, seconded by Mr. Lichtenstein, the Board unanimously granted Preliminary Plan approval to the JJ Investments, LLC Land Development project (TMP#'s 34-011-033 & 34-011-034) subject to compliance with the Wynn Associates Review Letter dated May 7, 2024.

## **7. Old Business:**

### **7.1. Resolution# 2024-10: Fee Schedule Update:**

**MOTION:** Upon motion by Mr. Hilferty, seconded by Mr. Bankos, the Board unanimously approved Resolution# 2024-10 updating the Township's fee schedule.

### **7.2. Municibid Auction Awards:**

-2003 Chevy Silverado – Highest Bidder is David Stratton at \$7,734.00:

-2023 CAT Mulch Bucket 1.22 CY – Highest Bidder is Thomas Evers at \$2,005:

**MOTION:** Upon motion by Mr. Hilferty, seconded by Mr. Bankos, the Board unanimously awarded the 2003 Chevy Silverado bid to the highest bidder, David Stratton, at \$7,734 and to award the 2023 CAT Mulch Bucket 1.22 CY to the highest bidder, Thomas Evers, at \$2,005.

### **7.3. Omnibus Ordinance – Request for Authorization to send to Planning Commissions for Review:**

**MOTION:** Upon motion by Mr. McComb, seconded by Mr. Lichtenstein, the Board unanimously authorized the Township Solicitor to send the revised draft ordinance, to the Township and Bucks County Planning Commissions for review to change the D8 Use to permit 6 events with no mandatory interval between events, and removes the Patriots Ridge parking modifications.

**AMENDMENT:** Upon motion by Mr. Lichtenstein, seconded by Mr. Bankos, the Board unanimously amended the previous motion to include, as part of the draft omnibus ordinance, a revised Maximum Impervious Surface requirement of 35% for all Uses besides a B1 Use in the RO (Rural Residential) zoning district.

**8. New Business:**

**8.1. Proposed Ordinance for Limited Winery Operations:**

Mr. Oetinger gave a brief explanation to the Board and answered their various questions regarding kitchen space, parking, and impervious surface coverage.

**MOTION:** Upon motion by Mr. Given, seconded by Mr. McComb, the Board unanimously authorized the Township Solicitor to send the proposed ordinance to the Township and Bucks County Planning Commissions subject to the revisions discussed by the Board at the June 12, 2024, meeting.

**8.2. Resolution# 2024-11: Day of Honor for Clifford VanArtsdalen:**

**MOTION:** Upon motion by Mr. Hilferty, seconded by Mr. Lichtenstein, the Board unanimously approved Resolution# 2024-11 establishing June 15, 2024, as a day of honor for Clifford VanArtsdalen.

**8.3. Waiver Request of \$2,500 maintenance fee required with executed O&M Agreements for 3816 Sawmill Road & 4240 Short Road:**

**MOTION:** Upon motion by Mr. Bankos, seconded by Mr. McComb, the Board unanimously authorized the waiver of the \$2,500 maintenance fee associated with O&M agreements for 3816 Sawmill Road & 4240 Short Road.

**8.4. Verizon Wireless Request to go on Township Water Tower at Grandview Lane:**

**MOTION:** Upon motion by Mr. Hilferty, seconded by Mr. Lichtenstein, the Board unanimously authorized the Township Manager to negotiate with Verizon Wireless.

**8.5. Resolution# 2024-12: Non-Uniform Employee Benefits:**

**MOTION:** Upon motion by Mr. Hilferty, seconded by Mr. Given, the Board unanimously approved Resolution# 2024-12 outlining the Non-Uniform Full-Time Employee Benefits.

**8.6. Resolution# 2024-13: Setting Rules for Compliance with the PA RTKL:**

**MOTION:** Upon motion by Mr. Hilferty, seconded by Mr. Bankos, the Board unanimously approved Resolution# 2024-13 setting rules for compliance with the PA Right to Know Law, effective June 13, 2024.

**8.7. Consideration of Committee Appointments:**

**MOTION:** Upon motion by Mr. McComb, seconded by Mr. Hilferty, the Board unanimously appointed Jay Burgman to the Police Pension Committee.

**8.8. Authorization to Send Request for Opposition Letter of House Bill 1976 & House Bill 2045 to Governor, State Representative & State Senator:**

Mr. Lichtenstein stated that BCATO & PSATS are sending similar letters for opposition. Mr. Bankos encouraged residents to also send letters to their state representatives and senators.

**MOTION:** Upon motion by Mr. McComb, seconded by Mr. Hilferty, the Board unanimously

authorized Township staff to send a request for opposition letter of House Bill 1976 & House Bill 2045 to Governor, State Representative & State Senator.

**8.9. Authorization to Send Request for Support Letter of House Bill 1641 to Governor, State Representative & State Senator:**

**MOTION:** Upon motion by Mr. Hilferty, seconded by Mr. McComb, the Board unanimously authorized Township staff to send a request for support letter of House Bill 1641 to Governor, State Representative & State Senator.

**8.10. Authorization for Township Solicitor to Intervene on behalf of Township and to file an injunction to prohibit business from operating for TMP #34-004-033-006:**

**MOTION:** Upon motion by Mr. Hilferty, seconded by Mr. Lichtenstein, the Board unanimously authorized the Township Solicitor to intervene on behalf of the Township and to file an injunction to prohibit business from operating for TMP# 34-004-033-006.

**8.11. Authorization to file suit against PECO and its Contractor for water main break in Timberly Farms:**

**MOTION:** Upon motion by Mr. Hilferty, seconded by Mr. Bankos, the Board unanimously authorized the Township Solicitor to file suit against PECO and its contractor for the water main break in Timberly Farms.

**8.12. Authorization to file for a rule 27 conference for TMP #34-4-39, 34-4-41-4 & 34-4-41-5:**

**MOTION:** Upon motion by Mr. Hilferty, seconded by Mr. Lichtenstein, the Board unanimously authorized the Township Solicitor to file for a rule 27 conference for TMP# 34-004-039, 34-004-041-004 & 34-004-041-005.

**9. Consent Agenda**

**9.1. Bills List Dated May 28, 2024, in the amount of \$404,684.61, subject to Audit**

**9.2. Bills List Dated June 6, 2024, in the amount of \$248,872.44, subject to Audit**

**9.3. Minutes of Meeting of May 8, 2024**

**9.4. Dublin Borough Fire Police Request for DVFC Fireman's Fair July 12th – July 13th & July 16th – July 20th**

**CONSENSUS:** 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. Bankos recognized the Township Parks & Rec. Committee for a successful opening night of the summer movie series.

Mr. Lichtenstein thanked everyone who attended the BCATO emergency services meeting that was held in Northampton.

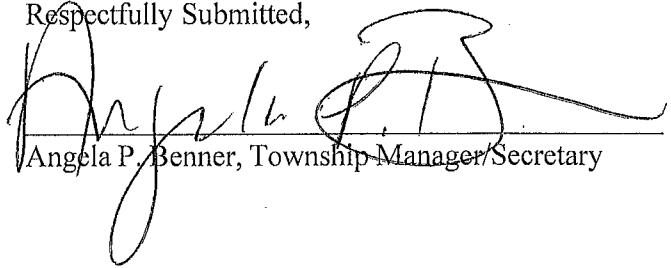
Mr. Hilferty stated that the EAC and the Parks & Rec. Committees have planted trees along Miriam Drive, and it has been an improvement in the aesthetics of that area, and he wanted to thank the committees for their work.

Mr. McComb stated that he would like to have a discussion at a future meeting regarding the noise ordinance and the enforceability of them.

**13. Adjournment:** Upon General Consensus, the meeting was adjourned at 9:41 p.m.

Respectfully Submitted,

Date Approved: 7/10/24

  
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Angela P. Benner, Township Manager/Secretary