

**MINUTES OF PLUMSTEAD TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR SCHEDULED MEETING  
DECEMBER 13, 2022**

**1. Call to Order:** The December 13, 2022, regular scheduled meeting of the Plumstead Township Board of Supervisors was held at Plumstead Township Municipal Building, 5186 Stump Road, Pipersville, PA. Chairman, Daniel Hilferty, called the meeting to order at 7:00 p.m.

**ELECTED OFFICIALS PRESENT:**

Daniel Hilferty	Chair
James McComb	Vice Chair
Kenneth Lichtenstein	Assistant Secretary
Pete Busillo	Member
Greg Bankos	Assistant Treasurer

**APPOINTED OFFICIALS PRESENT:**

Township Manager:	Angela P. Benner
Township Solicitor:	Jonathan J. Reiss, 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 stated that the Planning Commission will meet on Thursday, December 15 at 7:00 p.m. and that all other meetings for the month of December have been cancelled.

**4. Public Comment:** Michael John from Wismer Road stated he was in attendance to represent the Plumstead Historical Society and wanted to thank the Board of Supervisors for their support.

**5. Land Development:**

**5.1. Trucksess:** Ms. Benner stated that the applicant is requesting to permit reconstruction of 54 feet by 58 feet accessory structure that was destroyed by a fire. Since the applicant failed to file their permit before the 1-year time limit was up, the applicant is required to go through the Land Development process and therefore is asking for a waiver of land development. Edward Wild, Esq., Jason Smealand, P.E, and Corey Trucksess were in attendance to discuss the Land Development Application.

**MOTION:** Upon motion by Mr. Busillo, seconded by Mr. Lichtenstein, the Board unanimously granted the Waiver of Land Development for reconstruction of 54 feet by 58 feet accessory structure at 5519 Old Easton Road, TMP # 34-034-022, conditioned upon the Wynn Associates letter dated September 30, 2022.

**5.2. J.R. Maxwell Builders (Applebutter Road) – Request for Preliminary & Final Approval:** Ms. Benner stated that the applicant is requesting preliminary/final approval for the three adjoining flex space buildings, 77 space parking facility and a driveway access along Applebutter Road. Ms. Benner stated that the site is currently vacant, and a portion of it is encumbered by an existing Texas Eastern Gas Pipeline Easement. In attendance was the applicant, James Maxwell, Dan Lyons, Esq. of Fox Rothschild, LLP, and Tom Borghetti, P.E of Holmes Cunningham Engineering. Mr. Lyons stated that this plan is based on a prior approved plan for a project that was never completed, and that the new plan is generally consistent with the initial submission,

and the only change being the removal of Easton Road entrance. Mr. Lyons added that the applicant has been granted the necessary variances to accomplish the project as currently presented. Mr. Lyons also stated that the Township arborist reviewed the proposed landscaping and finds it to be acceptable as they have added planting to the frontage and incorporated rain gardens in the buffer areas to manage stormwater in a natural way.

Mr. Hilferty and Mr. McComb commented asked about the size of the trucks coming in and out and wanted to make sure the plan addressed the traffic on Applebutter Road. Mr. Borghetti stated that the traffic engineering review was completed and that the traffic impact assessment concluded that the largest truck will be WB-40s and that the truck turning template shows that turns can occur without trucks going into the opposite lane on Applebutter Road. The Board also discussed that the size of trucks can be a condition of the approval and then enforceable by the Zoning Officer. Mr. Hilferty asked if there was still a need for the 77 parking spaces. Mr. Maxwell stated he has a desire to reserve the construction of a portion of the required parking spaces.

**MOTION: Upon motion by Mr. Bankos, seconded by Mr. McComb, the Board unanimously granted waiver requests A – L of the Wynn Associates review letter dated December 6, 2022 subject to the following: A capital contribution in lieu of constructing the improvements listed under D, E and F; capital contribution shall be 50% of the cost to construct said improvements; and cost estimate shall be provided to the Township’s Engineer for review and approval.**

**MOTION: Upon motion by Mr. Bankos, seconded by Mr. Busillo, the Board unanimously granted a waiver from Section 22-917.3.A.1 to allow for 14’x40’ loading areas where 14’x60’ loading areas are required subject to the plan being revised and identifying the movements of the WB-40 tractor trailer entering, exiting and positioned at each loading area within the plan set to be reviewed and approved by the Township’s Traffic Engineer to ensure that the loading area length is sufficient and a note to be added to the plan, which limits the maximum size of vehicles to be a WB-40 tractor trailer within the site.**

**MOTION: Upon motion by Mr. Busillo, seconded by Mr. McComb, the Board unanimously granted a waiver from Section 22-936.3.1 which required improvements for an intersection operating below Level of Service C, is approved, subject to the applicant performing the exercise of identifying improvements, if any, at the intersection of Applebutter Road and Eaton Road (Route 611) to eliminate the deficiency as the Ordinance requires.**

**MOTION: Upon motion by Mr. Busillo, seconded by Mr. McComb, the Board unanimously granted preliminary plan approval subject to compliance with the Wynn Associates letter dated December 6, 2022, the Gilmore & Associates letter dated December 7, 2022, and the Horner & Canter Associates review letter dated December 9, 2022.**

**MOTION: Upon motion by Mr. Lichtenstein, seconded by Mr. McComb, the Board allocated one (1) EDU of public sewer capacity to supplement an existing EDU already assigned to the project.**

## **6. Old Business:**

### **6.1. Public Hearing on Ordinance #2033-02: ZO Amendment – Fireworks Sales Use:**

Mr. Hilferty called the Public Hearing to order at 7:49 p.m.

Mr. Reiss stated that the Board previously authorized advertisement of this ordinance at the November 7, 2022, meeting, which amends Chapter 27 of the Township’s Code of Ordinances by adding the definition of the National Fire Protection Association (NFPA) Standard 1124. Additionally, this ordinance amends Chapter 27, increasing the distance between facilities licensed to sell consumer fireworks, requiring facilities licensed to sell consumer fireworks to comply with NFPA 1124, fire rated separation between storage and sales areas and

requiring compliance with Act 74 of 2022, and changing the hours of operations for firework stores to be 9:00 a.m. to 8:00 p.m. Being that there was no public comment, Mr. Hilferty closed the Public Hearing at 7:50 p.m.

**MOTION: Upon motion by Mr. Lichtenstein, seconded by Mr. McComb, the Board unanimously adopted Ordinance #2022-02 amending Chapter 27 of the Township Code of Ordinances.**

**6.2. Public Hearings on Ordinance #2022-03: Fireworks Ordinance Amendment (Chapter 10):**

Mr. Hilferty called the Public Hearing to order at 7:51 p.m.

Mr. Reiss stated that this ordinance amends Chapter 10 of the Township's Code of Ordinances (a standalone fireworks ordinance) and that this amendment adds definitions for an animal housing facility, APA 87-1, Consumer fireworks, display fireworks and vehicle; it adds restrictions on all fireworks; it amends Display fireworks and adds a section for agricultural purposes. Mr. Bankos asked if there was a way to restrict the use of fireworks for specific holidays. Mr. Reiss stated there are restrictions, but the state would need to allow for it. Being that there was no public comment, Mr. Hilferty closed the Public Hearing at 7:53 p.m.

**MOTION: Upon motion by Mr. Lichtenstein, seconded by Mr. McComb, the Board unanimously adopted Ordinance #2022-03 amending Chapter 10 of the Township Code of Ordinances.**

**6.3. Resolution #2022-50: Final Budget Adoption:** Ms. Benner presented the Board with the 2023 Budget and stated it did not reflect a tax increase.

**MOTION: Upon motion by Mr. Lichtenstein, seconded by Mr. McComb, the Board unanimously approved Resolution #2022-50 adopting the 2023 Final Budget.**

**6.4. Resolution #2022-51: 2023 Real Estate Tax:**

**MOTION: Upon motion by Mr. Bankos, seconded by Mr. Lichtenstein, the Board unanimously approved Resolution #2022-51 establishing the Real Estate Tax Rates for the Calendar year 2023.**

**6.5. Approval of list of Preserved Properties in Plumstead Township:** Ms. Benner stated that the Township Ordinance #2021-01 authorizes a real estate millage rate freeze for eligible open space real estate pursuant on the PA Conservation Act 153 of 1996 and that annually, the Township needs to approve the list of Preserved Properties.

**MOTION: Upon motion by Mr. Lichtenstein, seconded by Mr. Bankos, the Board unanimously approved the list of preserved properties as of December 13, 2022, eligible for a millage freeze as submitted by the Township Manager.**

**6.6. Plumstead Pedestrian Improvements – Change Order Request #1:** Ms. Benner stated a change order has been submitted for the pedestrian improvement project in the amount of \$6,404.56. Ms. Benner added that \$844.56 is for pavement marking revisions that PennDOT requested after construction began and the remaining \$5,560 is for replacement of the signal heads due to the fact that the contractor discovered that the new backplates, which are required, cannot be installed on the existing signal heads.

**MOTION: Upon motion by Mr. Lichtenstein, seconded by Mr. McComb, the Board unanimously approved Change Order Request #1 for the Plumstead Pedestrian Improvement Project & Signal Modernization at Easton Road and Plumstead Square Shopping Center in**

the amount of \$6,404.56 for a new contract price of \$1,224,927.02.

#### **6.7. Comprehensive Plan Update – Final Survey**

**MOTION:** Upon motion by Mr. Lichtenstein, seconded by Mr. McComb, the Board unanimously approved the Comprehensive Plan Update – Final Survey.

#### **7. New Business:**

##### **7.1. BCATO Resolution Request:**

**MOTION:** Upon motion by Mr. Lichtenstein, seconded by Mr. McComb, the Board unanimously moved to request BCATO adopt a resolution requesting the Pennsylvania legislature to pass legislation and the governor sign the legislation repealing Act 12 of 2016 which allowed for private profit utilities to acquire municipal owned water and sewer systems at prices higher than the fair market value of the systems rather than before Act 12 when for profit private utilities could only purchase distressed municipal systems.

**MOTION:** Upon motion by Mr. Lichtenstein, seconded by Mr. McComb, the Board unanimously moved to request BCATO adopt a resolution to urge the Pennsylvania legislature to include for profit privately operated water and sewer utility companies in any statutes that place mandates upon municipal owned systems, which do not operate for a profit, such as requirements for capital plans that include how they will be financed and other such mandates that will be costly and time consuming on the municipal system so that the privately operated systems must satisfy the same mandates as the municipal systems so as not to make it harder for municipal owned systems to operate when the private systems do not have to meet the same standards and therefore, make it more likely that the for profit private utilities will acquire municipal owned systems; and to ensure that the public is protected regardless of whether the system is municipal or privately owned and operated.

**MOTION:** Upon motion by Mr. Bankos, seconded by Mr. Busillo, the Board unanimously requested BCATO to amend legislation to permit municipalities to have the ability to restrict non-agricultural use of fireworks on July 4<sup>th</sup> and Labor Day.

**MOTION:** Upon motion by Mr. Bankos, seconded by Mr. McComb, the board unanimously requested BCATO to adopt a resolution to amend legislation for authorities serving multiple municipalities when they have a desire to sell its assets that each municipality served by the Authority must approve the sale.

**7.2. Resolution #2022-52: Indemnification Agreement for Well Permit 5372 Point Pleasant Pike:** Ms. Benner stated H&K Quarry has to replace the well at 5372 Point Pleasant Pike and in order to do so the new well has to be installed within the required 100 feet minimum isolation distance from the well to an on-lot sewage disposal system so H&K is requesting that Plumstead Township reduce the minimum to 24 feet from the sand mound at 5380 Point Pleasant Pike and reduce the minimum to 74 feet from the sand mound at 5366 Point Pleasant Pike.

**MOTION:** Upon motion by Mr. Hilferty, seconded by Mr. McComb, the Board unanimously approved Resolution #2022-53 reducing the minimum distance requirement between the well on 5372 Point Pleasant Pike and the sand mound at 5380 Point Pleasant Pike to 24 feet and the sand mound at 5366 Point Pleasant Pike to 74 feet subject to execution of an Indemnification Agreement and Covenant be executed and recorded.

**7.3. Review of the Duties and Tasks of Township Committees:** Ms. Benner stated she is looking for feedback from the Board on the tasks and duties of the Environmental Advisory Council, Park and Recreation Committee and the Land Preservation Education and Advisory Committee.

The Board came to a consensus that they would utilize the information from the Comprehensive Plan to have future conversations with the committees. Ms. Benner stated that the Board appointed liaisons to each committee should provide information and the status of projects at Board meetings and that the committees could present to the Board on an annual basis.

**7.4. 3-Way Stop Sign at Burnt House Hill and Landisville Road – Authorization to Advertise Ordinance:** Ms. Benner stated that a traffic study was completed at the intersection of Burnt House Hill and Landisville Roads by Heinrich & Klein Associates, Inc. and that the result of the traffic study was that a 3-way stop sign is needed at Burnt House Hill Road & Landisville Road. Additionally, Ms. Benner stated she has requested the installation of temporary signage at the intersection to make motorist aware of the new stop signs.

**MOTION:** Upon motion by Mr. Bankos, seconded by Mr. McComb, the Board unanimously authorized the advertisement of an Ordinance establishing a three-way stop intersection at Landisville Road and Burnt House Hill Road and providing for the placement of a stop sign at the intersection of Landisville Road and Burnt House Hill Road for consideration at a future meeting.

**7.5. Resolution #2022-53: Authorization to submit application to PA Small Water & Sewer Grant:** Ms. Benner stated the State announced a PA Small Water & Sewer Grant available for water and sewer projects whose cost does not exceed \$500,000 and that after reviewing the grant requirements with the Township's water engineer and looking at future anticipated and planned projects, an agreement that the water interconnection project between Carriage Hill Road and Patriots Ridge would be a project that would be ideal for the grant. Ms. Benner added that the total cost of the project is \$492,000 and the grant requires a 15% match therefore the Township's match would be \$73,800.

**MOTION:** Upon motion by Mr. Lichtenstein, seconded by Mr. McComb, the Board unanimously approved Resolution #2022-54 authorizing an application be submitted to the PA Small Water & Sewer Grant project in the amount of \$492,000 for a water main extension interconnecting the Carriage Hill and Patriots Ridge water systems and authorizing the Board Chair and Township Manager to execute related documents.

## **8. Consent Agenda:**

- 8.1. Bills List Dated November 18, 2022 in the amount of \$229,681.75, subject to audit**
- 8.2. Bills List Dated December 13, 2022 in the amount of \$481,926.94, subject to audit**
- 8.3. Minutes of Meeting of November 7, 2022**

**MOTION:** Upon motion by Mr. McComb, seconded by Mr. Lichtenstein, the Board unanimously approved the Consent Agenda as presented.

## **9. Board of Supervisors Comments & Committee Updates:**

Mr. Bankos stated that the Park & Recreation Committee had a lot of attendance at the annual Christmas tree lighting and that the committee is currently discussing upcoming events. Mr. McComb stated that Police Pension Board had their meeting where they are tracking with DOW and are about 2 points off SMP 500. He also stated that he would like to streamline the upcoming reorganization meeting. Mr. Hilferty stated the

Veterans Day event was a success and that all the volunteers are great and mentioned to look out for the bridge dedications in the new year. Mr. Lichtenstein stated that the EAC previously presented to the Board and are acting on what they were asked to do and added that the Township is lucky to have the EAC.

Mr. Bankos asked about the lawn signs at Lantern Ridge and stated they are very large and are more like development signs. Ms. Benner stated she would tell the zoning officer and see if the Township needs to take enforcement action.

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

**11. Adjournment:** Upon motion by Mr. Lichtenstein and seconded by Mr. McComb, the meeting was adjourned at 8:50 p.m.

Respectfully Submitted,

Date Approved: \_\_\_\_\_

1/10/23

  
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Angela P. Benner, Township Manager/Secretary