

**MINUTES OF PLUMSTEAD TOWNSHIP
BOARD OF SUPERVISORS
REGULAR SCHEDULED MEETING
NOVEMBER 7, 2022**

1. Call to Order: The November 7, 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. Hilferty led the Board and Audience in a moment of silence followed by the Pledge of Allegiance.

3. Announcements: Mr. Hilferty stated that the Parks & Recreation Advisory Committee will meet Monday November 14th at 7:00 p.m., the Planning Commission will meet Thursday November 17th at 7:00 p.m., the Historical Advisory Committee will meet Monday November 21st and the Veterans Committee will meet on Wednesday November 23rd at 7:30 p.m. The Board of Supervisors Work Session scheduled for Tuesday November 22nd has been cancelled.

Hearings will be held by the Zoning Hearing Board on Wednesday November 16th at 7:00 p.m. for 830, 834 & 838 North Easton Road (Fred Beans VW Dealership Application) and at 7:30 p.m. for 5711 Stump Road (Granja Application).

Election Day is tomorrow Tuesday November 8th.

Veterans Day is November 11th and Veterans Appreciation Day is November 12th. The Veterans Committee will be holding a Veterans Day Ceremony on Saturday November 12th at Veterans Park starting at 9:00 a.m.

The Township's Annual Tree Lighting will be held on Friday December 2nd at Hanusey Park starting at 6:30 p.m. with Santa arriving around 7:00 p.m..

Mr Hilferty stated that the Board met in executive session on November 2nd and November 3rd to hold interviews for the Land Preservation Education Advisory Committee and discuss potential litigation and met in executive session prior to tonight's meeting to discuss potential litigation.

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

5. Swearing in of:

5.1. John Lake – Fire Police: Chief Mettin provided background on John Lake and thanked him for his service. District Justice Gary Gambardella swore in John Lake. In attendance was Paul Feraco, PVFC Fire Police Captain, and Diane Breiner, PVFC Fire Police.

5.2. Officer Thomas A. Habgood: Chief Mettin provided background on Officer Habgood and thanked the Officers who were present to support the swearing in of Mr. Habgood. District Justice Gary Gambardella swore in Officer Habgood as his mother, held the bible.

5.3. Officer Patrick S. Raubenstine: Chief Mettin provided background on Officer Raubenstine and thanked the Officers who were present to support the swearing in of Mr. Raubenstine. District Justice Gary Gambardella swore in Officer Habgood as his mother, held the bible.

6. Zoning Hearing Board Applications:

6.1. TMP #34-022-001-002, 34-011-117-001, and 34-011-117-002 (Fred Beans WV): Ms. Benner stated that the Applicant proposes a nonresidential land development project at the properties located at 830, 834, and 838 N. Easton Road to accomplish the consolidation of the 2 parcels where the existing Volkswagen dealership is operated and the adjacent property where a bank formerly operated. Ms. Benner stated that the proposal is phased into 2 projects consisting of Phase 1 which proposes the demolition of the existing bank building and construction of the new Volkswagen facility, and Phase 2 being the demolition of the existing Volkswagen facility and completing the accompanying site improvements.

There was a consensus among the Board to stay neutral and leave the matter to the Zoning Hearing Board.

6.2. TMP #34-004-033-003 (5711 Stump Road): Ms. Benner stated that the Applicant proposes to construct an inground swimming pool, and construction of a covered patio at the property located at 5711 Stump Road which is located in the R-1 (Rural Residential) zoning district and is currently improved with an existing detached single-family dwelling and accompanying residential improvements. Ms. Benner stated that the Property is considered a “lane lot” and gains access to Stump Road by way of a 325 ft. strip of land, so the existing dwelling’s front entrance faces the Property’s rear yard, therefore, the Applicant is proposing to construct the pool and covered patio within the front yard and within the required setbacks.

There was a consensus among the Board to stay neutral and leave the matter to the Zoning Hearing Board.

7. Land Development:

7.1. CBAA Land Development Waiver (Herbst Field): Mr. Fulmer stated that the Central Bucks Athletic Association (CBAA) submitted a request for a waiver from Land Development to construct a 20 feet by 28 feet pavilion for use as part of an existing private recreational facility, Herbst Field, which is a 16.72-acre parcel along the western side of Route 413. Additionally, Ms. Benner stated that a few years ago, CBAA applied for a class II well which required a well depletion agreement to be executed and escrow to be submitted before any permits could be obtained but at that time, the Township staff issued a permit without obtaining the well depletion documentation and the escrow, in the amount of \$16,600.

MOTION: Upon motion by Mr. Lichtenstein, seconded by Mr. McComb, the Board unanimously granted the Waiver of Land Development for the Central Bucks Athletic Association for 20 feet by 28 feet non-residential structure (pavilion) on TMP #34-004-103-001 subject to the following: compliance with the Wynn Associates review letter dated September 19, 2022, execution of a well depletion agreement for their previously installed well class II and payment of the associated well depletion escrow in the amount of \$16,600.

7.2. JR Maxwell Builders (Applebutter Road) – Request for Extension of EDU Reservation: Ms. Benner stated an EDU reservation was granted by the Board on November 9, 2021, for the JR Maxwell Builders land development project located on Applebutter Road, TMP #34-004-005-006 to construct a flex use building which has been submitted and the preliminary/final plan has been reviewed by Township staff and the Planning Commission. Ms. Benner stated that the applicant is requesting a 3-month extension of their reserved EDU reservation which will expire on November 9, 2022.

MOTION: Upon motion by Mr. McComb, seconded by Mr. Lichtenstein, the Board unanimously granted a 3-month extension of the reservation of 1 EDU for the JR Maxwell Builders Land Development project on Applebutter Road (TMP #34-004-005-006).

7.3. DiaVac BioTech – Amended Final Concept Plan: Mr. Fulmer stated the amended concept plan consists of a building on the existing 3.51 acres in the LI District which is proposed to be developed for a warehousing (H3) use, consisting of a 27,000 SF building, 65 parking spaces and driveway access along Kellers Church Road. Mr. Fulmer added that the parcel currently contains an existing manufacturing building/storage building with associated parking and shared access along Kellers Church Road. Mr. Fulmer stated that the applicant is requesting approval from the Township to consider the current proposal as a revised final land development plan to the original Hanover Brands Tract West Land Development and if the Township agrees that the plan may be submitted as a revised final plan and allow the plans certain vested rights with Township Ordinances in effect at the time of the original plan application.

The Board expressed their concerns with the proposed amended plan and improvements encroaching the riparian buffer / unnamed watercourse.

In attendance was Herb Sudfeld, Green Street PA, Joseph Katter, DiaVac Managing Director, and Tom Borghetti from Holmes Cunningham Engineering. Mr. Sudfeld gave some background on the company and stated it is a highly advanced biotech company that plans to research and create a vaccine for Avian influenza, also known as the Bird Flu. Additionally, he stated that DiaVac is a startup affiliated with a larger pharmaceutical company whose goals are to develop diagnostic technologies and vaccines for human and animal diseases and to deploy the products to serve the general public in the United States. Mr. Katter stated that DiaVac got validation from the USDA and was awarded \$3 million in state funds from the Redevelopment Assistance Capital Program (RACP) thanks to the support of State Senator Steve Santarsiero and Representative Shelby Labs. Additionally, Mr. Kratter mentioned there would be economic value to having a biotech company in the Township.

The Board stated that it was unclear to them what their company would actually be doing on site and requested more detail on what the Biotech company would consist of. Mr. Kratter stated that he could bring his scientific team in to a future meeting to further explain what the company will be doing at this location.

MOTION: Upon motion by Mr. Bankos, seconded by Mr. Lichtenstein, the Board unanimously approved the Land Development plan for 6256 Kellers Church Road to be submitted as a revised land development plan, conditioned upon the revised land development plan being prepared in compliance with all requirements of the current Township Code of Ordinances, except as follows: requirements of Section 27-2401.10 pertaining to the riparian buffer preservation requirements need not be applied to the drainage channel contained within an existing drainage easement on the lot noting that the proposed building and associated site improvements do not encroach any closer to the drainage channel than was shown on the original approved plan; Section 27-2504 pertaining to the minimum number of required parking spaces for the warehousing/manufacturing use need not apply to the current proposal, such that the number of required parking spaces shall be based on the original requirements of the original approved land development plan; and Section 22-917.1.A. need not be applied to twenty existing parking spaces located along the northwest side of lot.

7.4. Widmeier Subdivision Sketch Plan and EDU Reservation Request: Mr. Fulmer stated that the property consists of 12.79 acres located along the southwest side of Meetinghouse Road within the R-2 Zoning District and is proposed to be subdivided into two single family detached dwelling lots. Mr. Fulmer stated that Lot 1, which is 4.69 acres, is proposed for construction of a new single family detached dwelling and a separate accessory dwelling, with proposed driveway access along Meetinghouse Road and Lot 2, which is 7.68 acres, contains an existing single family detached dwelling, barn, swimming pool, shed, ground-mounted solar panels, and two driveway accesses along Meetinghouse Road. Additionally, he added that the shed on Lot 2 is proposed to be converted into an accessory dwelling with the existing manmade improvements to remain. Mr. Fulmer added that both lots are proposed to be served by on-lot wells, and public sewer.

Jason Smeland from Lenape Valley Engineering was in attendance to represent his clients and stated that they are requesting 4 EDUs be reserved for this project. Mr. Smeland stated that 4 EDUs would be the maximum amount required but if the amount is reduced to 2 EDUs after PADEP performs their review of the project, the remaining 2 would not be needed.

MOTION: Upon motion by Mr. McComb, seconded by Mr. Bankos, the Board unanimously approved the reservation of 4 EDUs for the Widmeier Minor Subdivision of TMP #34-004-057.

7.5. Airgas Plant Expansion: Authorization to accept completion of the public improvements and commencement of the 18-month maintenance period with authorization to reduce the amount of financial security to 15% of the cost to install the improvements: Ms. Benner stated that all remaining site improvements have been completed and required water bill of sale has been executed and returned to the Township.

MOTION: Upon motion by Mr. Lichtenstein, seconded by Mr. McComb, the Board unanimously accepted completion of the public improvements and commencement of the 18-month maintenance period for the Air Gas USA, LLA Plan Expansion Land Development with authorization to reduce the amount of financial security to 15% of the cost to install the improvements.

8. Old Business:

8.1. Authorization to Execute RACP Grant Award in the amount of \$1,666,030 for the Plumsteadville Volunteer Fire Company

MOTION: Upon motion by Mr. Lichtenstein, seconded by Mr. McComb, the Board unanimously accepted the RACP Grant in the amount of \$1,666,030 for the Plumsteadville Volunteer Fire Company and authorized execution of the letter accepting the grant funding.

8.2. Preliminary Budget Presentation: Ms. Benner presented the 2023 Preliminary Budget.

MOTION: Upon motion by Mr. Lichtenstein, seconded by Mr. McComb, the Board unanimously adopted the 2023 preliminary budget and to authorize advertisement of the 2023 budget for consideration of final approval at the Board's December 13th meeting.

The Board thanked Ms. Benner for a job well done.

8.3. Interconnection of Patriot's Ridge & Carriage Hill – Authorization to include project in NWWA's construction bid for the NWWA Interconnection: Ms. Benner stated that there is a possibility that North Wales Water Authority can include the interconnection of Patriots Ridge with Carriage Hill in their bid for their interconnection project into Carriage Hill.

MOTION: Upon motion by Mr. Lichtenstein, seconded by Mr. Bankos, the Board unanimously authorized the Township water interconnection project of Carriage Hill and Patriots Ridge be included in the North Wales Water Authorities construction bid for their Interconnection project that will be constructed from the Forest Park Treatment Plant to Carriage Hill to be included as an option.

8.4. Authorization to Execute Conservation Easement with Plumstead Acquisition: Ms. Benner stated that the Township goes to settlement on November 14th for this Conservation Easement in which the Township is paying \$2,000 per acre on 4 parcels, totaling 68-acres.

MOTION: Upon motion by Mr. Busillo, seconded by Mr. McComb, the Board unanimously authorized execution of the Conservation Easement on TMP #34-004-031, 34-004-031-002, 34-004-03-004 and 34-031-012.

8.5. Resolution #2022-43: Ratifying the Established Historic Advisory Ad Hoc Committee: Ms. Benner stated that the Historical Advisory Ad Hoc Committee was never formally created, and that this Resolution would do that.

MOTION: Upon motion by Mr. Lichtenstein, seconded by Mr. Bankos, the Board unanimously approved Resolution #2022-43 ratifying the established Historic Advisory Ad Hoc Committee.

8.6. Resolution #2022-44: Amending the LPEAC

MOTION: Upon motion by Mr. Lichtenstein, seconded by Mr. McComb, the Board unanimously approved Resolution #2022-44 Amending the Land Preservation Education and Advisory Committee to allow for 7 members.

8.7. Appointment of LPEAC Board Liaison and Announcement of Members to be Appointed

MOTION: Upon motion by Mr. Busillo, seconded by Mr. McComb, the Board unanimously to appointed Mr. Lichtenstein as the Board Liaison to the Land Preservation Educational and Advisory Committee.

MOTION: Upon motion by Mr. Bankos, seconded by Mr. Lichtenstein, the Board unanimously to appointed James Stark, Chance Worthington, Brian Trymbiski, Gary Talbot, Tom Lurz, Michael May, and Kimberly Troup as members of the Land Preservation Educational and Advisory Committee effective January 2023.

8.8. Authorization to Advertise the Zoning Ordinance Amendment regulating Firework Sales

MOTION: Upon motion by Mr. Bankos, seconded by Mr. McComb, the Board unanimously authorized advertisement of the Zoning Ordinance Amendment regulating Fireworks Sales.

9. New Business:

9.1. Third Amendment to the Conservation Easement for TMP #34-003-057.001 (Hostvedt): Ms. Benner stated that it was found that when the 2nd Amendment of the Conservation Easement was recorded, it inadvertently failed to include the revised legal description for the area subject to the Conservation Easement even though it correctly included the revised plan showing the area subject to the Conservation Easement.

MOTION: Upon motion by Mr. McComb, seconded by Mr. Bankos, the Board approved execution of the Third Amendment to the Conservation Easement for TMP #34-003-057.001.

9.2. Resolution #2022-45: Authorization to execute Traffic Signal Modification Agreement:

MOTION: Upon motion by Mr. McComb, seconded by Mr. Lichtenstein, the Board approved Resolution #2022-45 Authorizing the Township Manager to execute the attached Traffic Signal Maintenance Agreement.

9.3. Resolution #2022-46: Authorization to execute Traffic Signal Modification Agreement for ALPR at Easton Road and Silo Hill Road)

MOTION: Upon motion by Mr. Lichtenstein, seconded by Mr. McComb, on 4-1 vote, the Board approved Resolution #2022-46 Authorizing the Township Manager to execute the attached Traffic Signal Maintenance Agreement for the traffic signal at Easton Road and Silo Hill Road for the installation of the Automatic License Plate Reader.

9.4. Resolution #2022-47: Authorization to execute Traffic Signal Modification Agreement for ALPR at Swamp Road (Rt. 313) and Easton Road.

MOTION: Upon motion by Mr. Busillo, seconded by Mr. McComb, on 4-1 vote, the Board approved Resolution #2022-47 Authorizing the Township Manager to execute the attached Traffic Signal Maintenance Agreement for the traffic signal at Swamp Road (Rt. 313) and Easton Road for the installation of the Automatic License Plate Reader.

9.5. Resolution #2022-48: Authorization to execute Traffic Signal Modification Agreement for ALPR at Swamp Road (Rt. 313) and Rt. 611 On-Ramp

MOTION: Upon motion by Mr. Busillo, seconded by Mr. Lichtenstein, on a 4-1 vote, the Board approved Resolution #2022-48 Authorizing the Township Manager to execute the attached Traffic Signal Maintenance Agreement for the traffic signal at Swamp Road (Rt. 313) and Rt. 611 On-Ramp for the installation of the Automatic License Plate Reader.

9.6. Resolution #2022-49: Authorization to Execute Traffic Signal Modification Agreement for ALPR at Swamp Road (Rt. 313) and Rt. 611 Off-Ramp.

MOTION: Upon motion by Mr. Lichtenstein, seconded by Mr. McComb, the Board approved Resolution #2022-49 Authorizing the Township Manager to execute the attached Traffic Signal Maintenance Agreement for the traffic signal at Swamp Road (Rt. 313) and Rt. 611 Off-Ramp for the installation of the Automatic License Plate Reader.

10. Consent Agenda:

10.1. Bills List Dated November 7, 2022 in the amount of \$143,397.32, subject to audit

10.2. Minutes of Meeting of October 24, 2022

10.3. Tollgate Phase II Escrow Release #6 in the amount of \$83,252.02.

10.4. Authorization to execute amendment to Chief Mettin's employment agreement

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

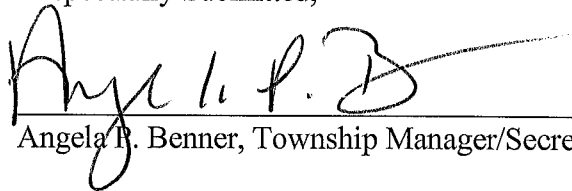
11. Board of Supervisors Comments: Mr. Busillo stated he is happy with the budget and the level of transparency in the interfund transfers as well as the projects revenue, expensed and ending fund balances. Mr. Lichtenstein thanked Ms. Benner for bringing to the Boards attention that the Historic Advisory Committee was never formally created by resolution.

Mr. Bankos stated that Central Bucks School District (CBSD) completed a study which determined the use of the schools in the areas and stated that both Groveland Middle School and Gayman Elementary School are underutilized. He stated that this survey could be beneficial to the Township's Comprehensive Plan update.

12. Public Comment:

13. Adjournment: Upon motion by Mr. McComb and seconded by Mr. Bankos, the meeting was adjourned at 9:08 p.m.

Respectfully Submitted,



Angela P. Benner, Township Manager/Secretary

Date Approved: 12/13/22