

**MINUTES OF PLUMSTEAD TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR SCHEDULED MEETING  
AUGUST 9, 2022**

**1. Call to Order:** The August 9, 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 Board met in executive session prior to tonight's meeting to discuss personnel matters and potential litigation.

A zoning hearing will be held for the Froshour and N&J Excavation application the parcel located on Kellers Church Road on August 17th at 7:00 p.m. Immediately following this a hearing on the application of 4570 Old Easton Road will be held. These hearings will be held at the Township Building. The Planning Commission will meet on Thursday August 18th at 7:00 p.m. and the Veterans Committee will meet on Wednesday August 24th at 7:30 p.m. The Historic Advisory Committee's meeting scheduled for August 15th and the Board of Supervisors Work Session scheduled for August 23rd have been cancelled.

The Zoning Hearing for 4425 and 4291 Landisville Road has been continued to August 25th at 7:00 p.m. and will be held at the Plumsteadville Volunteer Fire Company Fire House located at Stump and Meetinghouse Roads.

**4. Public Comment:** Brett Young from Tohickon Hill Road stated he received a letter from the Township regarding the pump and haul program that has been created by the Township after Ordinance No. 2021-05, which amended the existing sewers and sewage disposal ordinance, was adopted. Mr. Young expressed his concern with the program and how it is an overstep of the Government. Mr. Reiss stated that the sewers and sewage disposal Ordinance was adopted about 20 years ago and that the pumping and reporting program has always been a part of the Ordinance. Mr. Reiss stated that this part of the program was not being enforced but now that the Township has the staff and correct program in place, the Township can move forward with enforcement of this section of the Ordinance. Additionally, Mr. Reiss stated that the Department of Environmental Protection requires all municipalities to have such a program and the Township could be in violation if we do not enforce the program. Mr. Young asked if public sewer was available for those who may have failed septic system. Mr. Hilferty stated that public sewer may be available to those in the Public Sewer District in the Township.

## 5. Appointments:

**5.1. Acceptance of the Environmental Advisory Council Chair's Resignation:** Ms. Benner stated Tovah Karl has resigned from being Chair of the EAC after 10 years. The Board expressed their gratitude for her service.

**MOTION:** Upon motion by Mr. Lichtenstein, seconded by Mr. Bankos, the Board unanimously accepted the resignation of Tovah Karl as the Environmental Advisory Council Chair, while remaining as a member of the EAC.

**5.2. Appointment of Environmental Advisory Council Chair:** Ms. Benner stated that the EAC nominated an existing member, Matthew Rossi, to serve as their new Chairperson. Mr. Rossi was in attendance and gave some background about his expertise.

**MOTION:** Upon motion by Mr. Busillo, seconded by Mr. Lichtenstein the Board unanimously appointed Matthew Rossi as Chair of the Environmental Advisory Council.

**5.3. Appointment of the Planning Commission Board Liaison:** Ms. Benner requested a Board member be appointed as the Planning Commission Liaison for the Comprehensive Plan Update.

**NOMINATION:** Mr. Lichtenstein nominated Mr. McComb to be the Planning Commission Board Liaison. Mr. McComb declined the nomination.

**NOMINATION:** Mr. Lichtenstein nominated Mr. Busillo to be the Planning Commission Board Liaison.

**NOMINATION:** Mr. McComb nominated Mr. Hilferty to be the Planning Commission Board Liaison. On a vote of 3-2. Mr. Hilferty was appointed as Chair. Mr. Lichtenstein and Mr. Busillo were opposed.

## 6. Zoning Hearing Board Applications:

**6.1. TMP #34-011-127 (4570 Old Easton Road):** Ms. Benner summarized the relief requested and stated that the applicant had been previously granted zoning relief, however they were unable to obtain their building permits within one year of the relief being granted and therefore is back with another application.

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

**6.2. TMP #34-015-081-005 (5486 Preston Way):** Ms. Benner summarized the relief requested by the applicant.

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

## 7. Grant Application:

**7.1. Resolution #2022-22 and Resolution #2022-23: RACP Grant for PVFC:** Ms. Benner stated that the Plumsteadville Fire Company has been placed in the State Budget for eligibility to apply for a Redevelopment Assistance Capital Program (RACP) Grant for Station 20 in the amount of \$600,000 and for Station 24 in the amount of \$800,000. Ms. Benner stated that there is a required 50% match, and that the mortgage's that PVFC has for Station 20 and Station 24 would account for that 50%. Ms. Benner added that

the RACP grant requires an applicant be either a redevelopment authority, an industrial authority, County, or municipality. Since the PVFC doesn't fall into those categories the Township can submit the applications on their behalf. Each fire station would require their own application.

**MOTION:** Upon motion by Mr. McComb, seconded by Mr. Busillo, the Board unanimously authorized the Township to submit two RACP grants for the Plumsteadville Volunteer Fire Company for Station #20 in the amount of \$600,000 and Station #24 in the amount of \$800,000; to pay the application fees for said applications to not exceed a total amount of \$1,000; and to authorize staff to work with the Fire Company to submit the applications on their behalf.

**MOTION:** Upon motion by Mr. McComb, seconded by Mr. Lichtenstein, the Board unanimously approved Resolution #2022-22 requesting a RACP Grant in the amount of \$600,000 for the PVFC to be used for Station 20 and to authorize the Township Manager to execute all documents and agreements between the Township and the Commonwealth.

**MOTION:** Upon motion by Mr. McComb, seconded by Mr. Lichtenstein, the Board unanimously approve Resolution #2022-23 requesting a RACP Grant in the amount of \$800,000 for the PVFC to be used for Station 24 and to authorize the Township Manager to execute all documents and agreements between the Township and the Commonwealth.

## **8. Land Development:**

**8.1. Holly Ridge Subdivision Final Plan:** Mr. Fulmer stated that the Holly Ridge Subdivision was granted preliminary approval by the Board at their November 9, 2021 meeting with conditions. Mr. Fulmer added that the Township Planning Commission recommended final approval be granted at their April 21, 2022, meeting. Mr. Fulmer stated added that the applicants are before the Board tonight seeking the two remaining waiver requests that were deferred at preliminary approval. The applicant is requesting waivers from Sections 22-907.1.M, cartway reconstruction/overlay and 22-907.3.B(1), cartway widening, along Curley Hill Road within the frontage of the site. Mr. Fulmer stated that the applicant is proposing to complete offsite pedestrian path improvements that will cost \$115,386.00 and the Board could consider accepting these offsite improvements if the requested waivers are granted. In attendance was the applicant's attorney, Rob Gundlach and engineer, Sam Costanzo. Mr. Gundlach presented an overview of the final plan and proposed offsite improvements.

**MOTION:** A motion was made by Mr. McComb and seconded by Mr. Bankos to grant waivers from Section 22-907.1.M and Section 22-907.3.B(1) related to drainage improvements, full width cartway reconstruction/overlay and cartway widening subject to completion of the offsite pedestrian path improvements. The motion did not carry.

Mr. Hilferty expressed his concern with there not being a pedestrian crossing signal on the plan and asked if the applicant would consider a \$5,000 contribution towards the pedestrian light to be installed in the future. After discussion on the pedestrian crossing signal, the applicants agreed to contribute \$5,000 that the Township could use towards the installation of a signalized pedestrian crossing sign at the proposed site inspection.

**MOTION:** Upon motion by Mr. McComb and seconded by Mr. Busillo, the Board unanimously agreement to amend the previous motion to grant waivers from Section 22-907.1.M and Section 22-907.3.B(1) related to drainage improvements, full width cartway reconstruction/overlay and cartway widening subject to completion of the offsite pedestrian path improvements and a \$5,000 contribution for the installation of a future pedestrian crossing signal.

Sheree Cote from River Road asked who would be responsible for maintaining the pedestrian bridge that is part of the off-site improvements. Mr. Hilferty stated that the pedestrian bridge and trail are on Township property, therefore the Township would be responsible to maintain them.

**MOTION: Upon motion by Mr. McComb, seconded by Mr. Busillo, the Board unanimously granted final approval of the Holly Ridge Subdivision Plan last amended July 29, 2022, subject to compliance with the Wynn Associates review letter dated August 3, 2022, and the Gilmore & Associates review letter dated June 15, 2022.**

**8.2. Tague Lumber – Authorization to approve and sign the Water Service Agreement and Water Line Development Agreement:**

**MOTION: Upon Motion by Mr. Busillo, seconded by Mr. Bankos, on a vote of 4-0, the Board authorized to approve and execute the Water Service Agreement and Water Line Development Agreement for Tague Lumber. Mr. McComb was not present for the vote.**

**9. Old Business**

**9.1. Trauger Conservation Easement – Authorization to Execute Donation Letter:** Ms. Benner stated at a previous meeting the Board approved moving forward with accepting the donation of the Trauger Conservation Easement and the Traugers have now executed an authorization to execute the donation letter.

**MOTION: Upon Motion by Mr. McComb, seconded by Mr. Bankos, the Board authorized execution of the Conservation Easement donation letter for TMP # 34-003-029 known as the Trauger Tract.**

**9.2. Land Preservation Committee:** Mr. Lichtenstein stated that he would like to move forward with creating the Land Preservation and Education Committee (LPEAC) that was previously approved by the Board by Resolution. Mr. Lichtenstein stated that he understands that there is currently no money for active preservation but that the LPEAC could still provide educational material, review any preservation applications received by the Township, provide alternate funding sources and participate in the comprehensive plan process. Ms. Benner stated she understands that there is concern about there not being any township funding available for active preservation but stated that the Board could put forward specific directions to the LPEAC on what it is they want them to focus on. Ms. Benner added that starting out with educational material and establishing a current list of alternate sources of funding for our website and social media outlets could be a good starting point until the comprehensive plan update is completed, as that could provide direction on how the committee moves forward.

Mr. Busillo and Mr. Bankos stated that we don't have the funds but acknowledged that there are opportunities for the committee. Mr. McComb stated is comfortable with the committee moving forward if they stay in their scope that was discuss tonight. Mr. Reiss stated that the Township has a Land Preservation Open Space Plan and stated that this is something the LPEAC could review and update where needed. Ms. Benner stated that she can work with staff to put an announcement out that the Township is moving forward with appointing members to the committee and schedule interviews for some time later in the fall. The Board provided a consensus to move forward with holding interviews in the fall. Mr. Lichtenstein asked about appointing a Board liaison to the committee and Ms. Benner recommended appointing a liaison at the same time when the committee is appointed.

**10. New Business:**

**10.1. Resolution #2022-24: Tax Collector PA Act 2022-57:** Ms. Benner stated this resolution would

require the Elected Tax Collector to waive additional charges for real estate taxes where notice of the real estate taxes was not received following the transfer of real property in accordance with PA Act 2022-57. Ms. Benner added that the resolution outlines what the taxpayer must do to have the additional charges waived.

**MOTION: Upon motion from Mr. McComb, seconded by Mr. Bankos the Board approved Resolution #2022-24 requiring the Elected Tax Collector to waive additional charges for Real Estate Taxes where notice of the Real Estate Tax was not received following the transfer of real property.**

**10.2. Resolution #2022-25: Opposing the sale of BCWSA Sewer System to Aqua:** Ms. Benner stated that this resolution would oppose the sale of the Bucks County Water and Sewer Authority (BCWSA) wastewater services to Aqua PA. Ms. Benner added that the resolution outlines the Township's concern with the proposed sale of the wastewater services and that the resolution will be sent to BCWSA as well as the County Commissioners.

**MOTION: Upon motion from Mr. Lichtenstein, seconded by Mr. McComb, the Board approved Resolution 2022-25 opposing the sale of the Bucks County Water and Sewer Authority's wastewater services to Aqua Pennsylvania.**

**10.3. Resolution #2022-26: Authorizing Execution of Signal Permit for a "Fire Apparatus Entering Road" Warning Sign at 5151 Stump Road:** Ms. Benner stated this Resolution would allow the Township's Public Works Director, Alan Blead, to execute and submit a traffic signal application to PennDOT for the installation of a Fire Apparatus Entering Road warning sign at 5151 Stump Road (Public Works pole barn) on behalf of the Municipality.

**MOTION: Upon motion from Mr. Bankos, seconded by Mr. McComb the Board unanimously approved Resolution 2022-26 authorizing the Township's Public Works Director, Alan Blead, to execute signal permit application for a Fire Apparatus Entering Road warning sign to be installed at 5151 Stump Road.**

**10.4. Resolution #2022-27: Authorizing Execution of Signal Permit for a "Fire Apparatus Entering Road" Warning Sign at 5032 Stump Road:** Ms. Benner stated this Resolution is the same as Resolution #2022-26, except the sign would be installed at a Plumsteadville Volunteer Fire Company (PVFC) property located a few parcels before the PVFC fire house.

**MOTION: Upon motion from Mr. Bankos, seconded by Mr. McComb the Board unanimously approved Resolution 2022-27 authorizing the Township's Public Works Director, Alan Blead, to execute the signal permit application for a Fire Apparatus Entering Road warning sign to be installed at 5132 Stump Road.**

**10.5. Service Award – Debbie DiAngelo for 15 Years of Service:**

**10.6. Service Award – Virginia Bowling for 25 Years of Service:**

**10.7. Service Award – Scott Bowling for 15 Years of Service:**

Ms. Benner publicly acknowledge the staff for their dedicated service to the Township and thanked them for all their hard work.

**10.8. Authorization to Place Vehicles on Municibid: 2008 Chevrolet Impala Police Sedan, 2013 Ford Police Interceptor Sedan, 2015 Ford Police Interceptor Utility:** Ms. Benner stated that all 3 vehicles have been replaced over the last year with newer vehicles and ready to be sold on Municibid.

**MOTION:** Upon motion from Mr. Busillo, seconded by Mr. Lichtenstein, the Board unanimously approved placing the following Police Vehicles on Muncibid: 2008 Chevrolet Impala Police Sedan, 2013 Ford Police Interceptor Sedan and 2015 Ford Police Interceptor Utility.

**10.9. Authorization to Amend the Township's Fireworks Ordinance bring it into compliance with Act 74 of 2022:** Mr. Reiss stated that the state enacted Act 74 of 2022, which amends the Fireworks Law to allow municipalities to enact certain conditions and limitations on the use and sale of consumer fireworks that do not conflict with state law.

**MOTION:** Upon motion from Mr. Busillo, seconded by Mr. McComb, on a vote of 4-1, the Board authorized the Solicitor's office to draft an amendment to the Fireworks Ordinance to bring it into compliance with PA Act 74 of 2022. Mr. Bankos recused himself.

Cassandra Brown from Cabin Run Road stated that she would like more regulations on consumer fireworks.

Diana Bereck from Live Oak Drive asked how fireworks in the Township are enforced. Chief Mettin stated that unless the police arrive to the property when fireworks are happening, it is hard to enforce.

**10.10. Resolution #2022-28: Amending Resolution #2022-06:** Ms. Benner stated that Resolution #2022-06 was adopted to approve an intermunicipal liquor license transfer request into Plumstead Township from Chalfont Borough for PJ Whelihan's but that there was an error in the address. It stated 4403 Swamp Pike when the actual address of the premises is 4403 Swamp Road and since the address was not correct, PLCB rejected the resolution, so a corrected resolution needs to be adopted.

**MOTION:** Upon motion from Mr. Lichtenstein, seconded by Mr. McComb, the Board unanimously approved Resolution #2022-28 amending Resolution #2022-06 reflecting the correct address of the subject property.

**10.11. Resolution #2022-29: Opposition of PA Water Quality Accountability Act (SB597):** Ms. Benner stated that the proposed Act would require public water systems with more than 750 customers to develop and provide an asset management plan including a schedule for identifying and replacing infrastructure, as well as the estimated cost of such projects and the projected rate increases needed to afford them, to the state. Then the State would oversee the program to ensure compliance. Ms. Benner stated that in her opinion this is another unfunded mandate and if the Township is meeting PADEP water quality requirements, then what would the need for this program be

**MOTION:** Upon motion from Mr. Lichtenstein, seconded by Mr. McComb, the Board unanimously approved Resolution #2022-29 opposing the PA Water Quality Accountability Act known as SB597.

**10.12. Change Order Request – Old Easton Road Bridge:** Ms. Benner stated that the previously award rehabilitation of the Old Easton Road stone arch culvert at Curly Hill Road has encountered an unforeseen problem where the interior elements of the stone wall had significantly deteriorated. Ms. Benner added that the only way the deterioration of the wall could have been found is if the wall would have been dismantled. Ms. Benner requested the Board authorize a change order to not exceed \$80,000.00 that would include the dismantling of a section of the wall and total rebuild.

**MOTION:** Upon motion from Mr. Bankos, seconded by Mr. McComb, the Board unanimously authorized the Township Manager to approve a change order for the Old Easton Road stone arch bridge rehabilitation project that would allow for the dismantling of a section of the wall and a total rebuild of that wall at a cost not to exceed \$80,000.00.

## **AGENDA AMENDMENT:**

At this time Ms. Benner requested the Board consider amending the agenda to add two additional items under New Business related to participating in a municipal consortium opposing the BCWSA sale of their wastewater system.

**MOTION:** Upon motion by Mr. Busillo, seconded by Mr. McComb, the Board unanimously amended the agenda to add Resolution #2022-30 and Resolution #2022-31 for consideration.

**10.13 Resolution #2022-30: Consortium of Municipalities opposing the sale of the BCWSA wastewater system:** Ms. Benner stated that this resolution would authorize the Township to join a consortium of municipalities opposing the sale of the BCWSA and cost share the hiring of an attorney to oppose this sale.

**MOTION:** Upon motion from Mr. McComb, seconded by Mr. Lichtenstein, the Board unanimously approved Resolution #2022-30 Approving joining other Municipal bodies in opposition to the sale of Bucks County Water and Sewer Authority's assets to Aqua Pennsylvania and agreeing to pay a pro rata share of the costs, based on population, of opposing such action.

**10.14 Resolution #2022-31: Consortium of Municipalities opposing the sale of the BCWSA wastewater system:** Ms. Benner stated that this resolution is essentially the same as Resolution #2022-30 except it would provide cost sharing based on the number of rate payers in a municipality instead of population. Ms. Benner stated that she will be proposing to the other municipalities that the cost sharing be based on the number of ratepayers.

**MOTION:** Upon motion from Mr. Bankos, seconded by Mr. Lichtenstein, the Board unanimously approved Resolution #2022-31: Approving other Municipal bodies in opposition to the sale of Bucks County Water and Sewer Authority's assets to Aqua Pennsylvania and agreeing to pay a pro rata share of the costs, based on number of rate payers, of opposing such action.

## **11. Consent Agenda**

**11.1. Bills List Dated July 21, 2022 in the amount of \$286,362.99, subject to audit**

**11.2. Bills List Dated July 12, 2022 in the amount of \$156,049.85, subject to audit**

**11.3. Minutes of Meeting of July 12, 2022**

**11.4. Fire Police Request for Sellersville Borough's Gallery of the Arts on September 18th 7am-7pm**

**MOTION:** Upon motion from Mr. Lichtenstein, seconded by Mr. Bankos, the Board unanimously approved the Consent Agenda.

## **12. Board of Supervisors Comments:**

Mr. Bankos stated that when the Bucks County Planning Commission attended the Board meeting and discussed Regional Planning, his understanding was that there were benefits to having shared Zoning requirements. Mr. Bankos added that he read an article from Upper Salford Township where they stated that

Regional Planning was beneficial to them. Mr. Bankos stated that he would like to tighten up the Township's Zoning to make it more difficult to develop and asked if the Board would consider looking into how regional zoning could work in the Township. There was consensus from the Board to allow Mr. Bankos to research regional zoning further as long as staff time was not required. Mr. Bankos stated he would report back when he has more information.

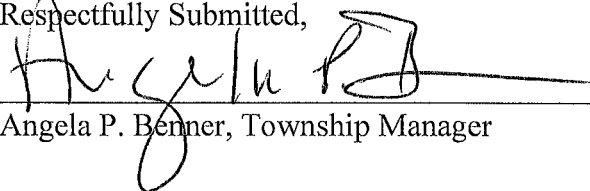
Mr. McComb stated that he is the liaison to the Police Pension Board and stated that if the Board is interested in seeing the quarterly police pension plan report, he would forward it around. The Board stated they would be interested in seeing it. Mr. McComb also stated that the Veterans Committee has recommended the Township move forward with the dedication of two bridges in the Township. Mr. McComb stated that a resolution will be required to dedicate the bridges. The Board agreed with moving forward and provided a consensus to have staff create a resolution.

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

**14. Adjournment:** Upon motion from Mr. Lichtenstein and seconded by Mr. McComb the meeting was adjourned at 8:55 pm.

Date Approved: 9/13/22

Respectfully Submitted,

  
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Angela P. Benner, Township Manager