

# BUCKINGHAM TOWNSHIP

P.O. Box 413, Buckingham, Pennsylvania 18912  
Phone (215) 794-8834 • Fax (215) 794-8837

Website - [www.buckinghampa.org](http://www.buckinghampa.org)



## BOARD OF SUPERVISORS BUSINESS MEETING

## AGENDA

February 27, 2008

### Call to Order 7:30 p.m.

1. Public Comment (Maximum 30 minutes)
2. Board's Announcements:
  - **"Family Fun Friday"** sponsored by the Buckingham Township Park and Recreation Commission continues with the following upcoming event:  
**Star Watch** at GMB Park on Friday, March 7<sup>th</sup> at 7:30 p.m.
  - **Board and Commission Vacancies:** Sewer & Water Commission, Historic Commission, Historic Architectural Review Board, Agricultural Security Area Advisory Commission and the Telecommunications Advisory Committee. Submit your letter of interest to the township.
  - Volunteers are needed year-round to sell tickets at various events for the 1957 White Thunderbird being raffled during the Annual Concours D'Elegance. Contact Al Pincus or Ralph Tompkins for information.
3. Consideration of approving the Payroll for the week ending February 17, 2008 and the Bill List for the meeting of February 27, 2008.
4. Consideration of approving Supervisor's Minutes of the January 7, 2008 Reorganization Meeting, January 23, 2008 Regular Business Meeting and February 13, 2008 Regular Business Meeting.
5. Consideration of approving **Resolution No. 2039**, A Resolution of the Board of Supervisors of Buckingham Township, Bucks County, Pennsylvania, Determining that it is advisable to increase the debt of the township with the assent of the electors and calling an election for such purpose; Approving the content and substantial form of the notice of election; Authorizing the due advertisement of such notice of election; Authorizing and directing the certification to the County Board of Elections of copies of this Resolution and the form of ballot question to be submitted to the electors; Authorizing incidental actions; and Rescinding inconsistent Resolutions.

*Explanation: This resolution is to put before the voters a referendum to authorize the Township to borrow 20 million for the purpose of providing funds for the Township to acquire agricultural conservation easements, open space, recreational land and transferable development rights.*

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6. Consideration of accepting **Request for Extension** to the allowable review time under the provisions of the PA Municipalities Planning Code to December 31, 2008, as submitted by Andrew S. Levine of Stradley Ronon Stevens & Young, LLP, for **“Our Lady of Guadalupe Church”**, Township File LD 2006-01.  
**OR** Consideration of approving Revised (latest revision 1/17/08) Final Land Development Plan of **“Our Lady of Guadalupe Church”**, Township File LD 2006-01, submitted by Gilmore and Associates on behalf of the Archdiocese of Philadelphia, T.P. 6-6-6, Durham Road and Cold Spring Creamery Road, 30.565 acres, located in the R-1 Zoning District. 90-day Review Period expires March 4, 2008.
7. ~~Consideration of approving Preliminary/Final Plan of Lot Line Change (plan dated “Rev. 1/7/08”) of the “First Baptist Church of Wyeombe”, Township File SA 2007-05, submitted by Tri-State Engineers, Inc. on behalf of the First Baptist Church of Wyeombe, T.P. 6-24-11 & 6-24-7, Township Line Road, 3.49 Acres, in the VC-1 Zoning District, with an extended review period expiration of August 5, 2008. Removed from agenda per applicant’s request.~~
8. Consideration of approving Final Major Subdivision Plan (rev. plan dated 1/29/08) of the **“Estates at Forest Grove (Smith Pfeiffer) aka Mill Creek”**, Township File SA 2001-05B, submitted by Gilmore & Associates, Inc. on behalf of Toll Brothers, Inc., T.P. 6-23-1, 6-23-4, 6-23-13, 6-23-13-5, 6-23-14 & 6-23-17, Dark Hollow Road / Smith Road / Forest Grove Road, 183.1 Acres, 71 Lots, in the AG-1 Zoning District. Extended 90-day Review Period Expiration date March 15, 2008. (Note: Wastewater Planning Modules were approved by PA DEP 12/22/05.)
9. Consideration of approving **Resolution 2040**, Replacing Resolution No. 2034, Establishing a Fee Schedule of Subdivision and Land Development, Zoning, Building and Other Fees for 2008.
10. Consideration of accepting the Agreements to Extend the Residential Development Contract and Water and Sanitary Sewer Development Agreements to March 23, 2009, covering **“Arbor Point, Phase II” and “Arbor Point, Phase III”**, Township File SA 99-02A.
11. Consideration of accepting the Agreement to Extend the Land Development Contract to March 22, 2009, covering **“4059 Doylestown Acquisition, L.L.C. (aka EMC)”**, Township File LD 2000-03.

12. **ESCROW RELEASES:**

4059 Doylestown Acquisition LLC (aka EMC), Township File LD 2000-03	ER # 4, Site	\$2,987.19 recommended for release
Heritage Center, Township File SA 2001-02 & LD 2001-01	ER #15, Residential, Site	\$10,610.25 recommended for release
Heritage Center, Township File SA 2001-02 & LD 2001-01	ER #11, Commercial, Site	\$59,822.36 recommended for release

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13. Additional Business / Manager's Items:

- Consideration of request from Township Roadmaster to participate in annual sodium chloride bid contract through the Pennsylvania Department of General Service Costars program.

**Buckingham Township Board of Supervisors**  
**Meeting Minutes**

The regular meeting of the Buckingham Township Board of Supervisors was held February 27, 2008 in the Township Building, 4613 Hughesian Drive, Buckingham, Pennsylvania.

Present:	Maggie Rash	Chairman
	Jon Forest	Vice-Chairman
	Henry Rowan	Member
	Craig A. Smith, Esquire	Township Solicitor
	Dana S. Cozza	Acting Township Manager
	Daniel Gray	Township Engineer
	Lynn Bush	Bucks County Planning Commission
	Thomas Kelso	Township Water/Wastewater Consultant

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Mrs. Rash called the regular meeting to order at 7:32p.m. and led The Pledge of Allegiance.

**PUBLIC COMMENT**

Ms. Robin Rosenthal, 2920 Valley View Drive, asked if the Board had yet considered passing the resolution for voter marked paper ballots and introduced Ms. Madeline Grawley, an expert on the voting machine issue. Mr. Forest inquired about a public information session to be held the following week at the County Courthouse. Ms. Lynn Bush responded that the session was scheduled for March 4, 2008 at 2:00pm; representatives from the Coalition for Voting Integrity would be presenting specific concerns to the Commissioners and members of the public. Mr. Forest noted that he would like to attend the meeting prior to making a decision. Ms. Bush recommended that the resolution be tailored specifically for the machines in Buckingham. Ms. Grawley explained that the machines used in Buckingham Township were specifically mentioned in the resolution. Ms. Grawley summarized that the problem with direct recording machines is that they do not provide independent proof of a voter's intended vote and that the machines could be programmed to give false results. Discussion followed regarding the merits of the current voting machines and the proposal in the resolution. Mrs. Rash asked whether passing this resolution would have an impact for the primary in April to which Ms. Rosenthal responded the aim was to correct the problem in time for the November election. Mrs. Rash agreed with Mr. Forest that she would rather wait until after the information session to decide on the resolution. Ms. Rosenthal noted that the intention of the resolution was to help the Commissioners push to get Federal funds. Mr. Rowan expressed concern about the ease with which the machines could be manipulated and agreed that they did not allow for a recount. Ms. Bush described the process for recounting (as specified in the machine manual and by the General Accounting Office). Mr. Rowan expressed a desire to move forward on the resolution. Mr. Forest reiterated that he was not prepared to vote. Mrs. Rash agreed to put the resolution on the agenda.

Mr. Joel Nace, Hampton Drive, thanked the staff for posting the approved minutes on Internet. Mr. Nace asked for an update on the Board decision to contact the Bucks

County District Attorney regarding the resignation letter of Mr. Ron Myers that appeared on a web site. Solicitor Smith responded that Mr. Stepnoski had sent a letter to the Attorney General. Ms. Cozza noted that the Township had received a response letter and it said they were not investigating the matter. Mrs. Rash asked Ms. Cozza to find the response and report back at the next meeting. Mr. Rowan asked for a copy of the letter to be sent to Board members.

Mr. Paul Martissa, Hampton Drive, thanked Mr. Tom Kelso for his presentation at the Sewer and Water Commission meeting. Mr. Martissa volunteered to work toward an equitable solution for the Toll-Feeney project and asked if the Supervisors would agree to discuss the Toll-Feeney development in public and have it advertised as such. Mrs. Rash responded that they would review plans in public. Mr. Martissa inquired about some of his comments that were not included in the November 28, 2007 minutes. Mrs. Rash explained that the minutes were a summary of the meeting and that the Recording Secretary was not a stenographer. She further explained that the minutes were always reviewed by Board members and staff and corrections were made when necessary.

Mr. John Roesinger, Watson Drive, asked for an update on Verizon and FIOS. Mr. Forest responded that the Township was collecting copies of surrounding Township contracts with Verizon. Mr. Forest added that he and Ms. Cozza had met with Comcast the week before to work on renewing their contract. Mr. Roesinger expressed concern that the Township was subverting the competition. Mr. Rowan explained that the franchise ordinance passed was identical to that for Comcast, but Verizon refused to accept it.

Ms. Alyssa Nace, Hampton Drive, asked if ambulance service was covered for the year or if she needed to pay a subscription. Mrs. Rash responded that she would need to buy a subscription. Ms. Nace commented that she felt a letter should go out explaining the situation because she had received another notice from the ambulance but there was not a letter included indicating that her subscription was not being paid by the Township. Mrs. Rash agreed it was a good point.

Mr. Clemens, asked about the status on the Levechia property. Solicitor Smith explained that the Zoning Hearing Board (ZHB) had turned down their application to rebuild a restaurant on those premises. They filed a notice of appeal to Bucks County Court of Common Pleas and there has been no further action. Mr. George Michel, ZHB member noted that he was a dissenting vote.

#### BOARD'S ANNOUNCEMENTS

- **“Family Fun Friday”** sponsored by the Buckingham Township Park and Recreation Commission continues with the following upcoming event:  
     **Star Watch** at GMB Park on Friday, March 7<sup>th</sup> at 7:30 p.m.
- **Board and Commission Vacancies:** Sewer & Water Commission, Historic Commission, Historic Architectural Review Board, Agricultural

- Security Area Advisory Commission and the Telecommunications Advisory Committee. Submit your letter of interest to the township.
- Volunteers are needed year-round to sell tickets at various events for the 1957 White Thunderbird being raffled during the Annual Concours D'Elegance. Contact Al Pincus or Ralph Tompkins for information.

### PAYROLL AND BILL LIST

**Consideration of approving Payroll for the week ending February 17, 2008 and the Bill List for the meeting of February 27, 2008.**

*Mrs. Rash made a motion, seconded by Mr. Forest, to approve Payroll for the week ending February 17, 2008 and the Bill List for the meeting of February 27, 2008 in the total amount of \$495,627.70. Mr. Forest noted that he would not vote for the McCormick Taylor bill. The motion carried unanimously.*

### MINUTES

**Consideration of approving Supervisor's Minutes of the January 7, 2008 Reorganization Meeting, January 23, 2008 Regular Business Meeting and February 13, 2008 Regular Business Meeting.**

*Mrs. Rash made a motion, seconded by Mr. Forest to approve the Supervisor's minutes of January 23, 2008. The motion carried unanimously.*

*Mrs. Rash made a motion, seconded by Mr. Forest to approve the Supervisor's minutes of February 13, 2008. The motion carried unanimously.*

Mrs. Rash explained that regarding the January 7, 2008 Reorganization meeting minutes, Ms. Wicen had sent out the revised minutes on February 15, 2008 and did not receive any comments. She distributed them again on February 25, 2008 and she received no edits but Mr. Rowan commented that, "The Reorganization minutes are a slight improvement but are grossly incomplete and remain unacceptable to me." Mrs. Rash noted that she and Mr. Forest had not responded. Mrs. Rash commented that it has been a tradition in the Township to provide minutes and not transcripts and noted that it was an important distinction. Mrs. Rash noted that because people have expressed concern about these minutes, she felt it was important to come to a unanimous decision. After discussion, Mrs. Rash asked Mr. Rowan to take responsibility for overseeing the revisions to the minutes. Mr. Rowan noted that he did not believe it was sufficient to lump a group of residents together and indicate that they either supported or opposed the action taken regarding Mr. Stepnoski. Mr. Rowan noted that he did not believe public comment had ever been recorded in this manner. Mr. Rowan asked Ms. Cozza to ask Ms. Wicen to add the nature of each person's comments to the minutes.

Mr. Forest asked if the minutes as revised met the legal requirements of the Sunshine Act to which Solicitor Smith responded that they did as the law specified that the minutes include the names and subject matter of the testimony.

Mr. Joel Nace commented that all minutes prior to the January 7, 2008 Reorganization meeting were not stenographed but did include the basics of what each person had said. Mrs. Rash responded that there was no agenda here and that no one had told Ms. Wicen to do the minutes the way she did them.

Ms. Nace asked if the tapes were available. Mrs. Rash responded that the meeting minutes had not yet been approved so the tapes were available. Solicitor Smith noted that tapes and drafts of minutes were not public information.

Mr. Kevin Corrigan, thanked the Board for their work and agreed that the minutes were not a verbatim record. However he was concerned that two hours of testimony were condensed into one sentence. He asked why this happened. Mrs. Rash responded that it happened because a staff member sent the minutes around three times and each time did not receive specific comments. Mr. Corrigan questioned why Mrs. Rash and Mr. Forest found the minutes acceptable. Mrs. Rash responded that she felt it was about point of view and the point of view was represented.

*Mrs. Rash made a motion, seconded by Mr. Forest to table consideration of the January 7, 2008 Reorganization Meeting Minutes in order to allow for inclusion of more specific comments from meeting participants regarding Mr. Stepnoski's termination per Mr. Rowan's instructions to Ms. Cozza for Ms. Wicen. The motion carried unanimously.*

Mr. Rowan noted that Ms. Wicen could contact him if she had any questions. Ms. Cozza asked the Board to provide Ms. Wicen with comments as soon as she circulates the minutes.

## BUSINESS

**1. Consideration of approving Resolution No. 2039, A Resolution of the Board of Supervisors of Buckingham Township, Bucks County, Pennsylvania, Determining that it is advisable to increase the debt of the township with the assent of the electors and calling an election for such purpose; Approving the content and substantial form of the notice of election; Authorizing the due advertisement of such notice of election; Authorizing and directing the certification to the County Board of Elections of copies of this Resolution and the form of ballot question to be submitted to the electors; Authorizing incidental actions; and Rescinding inconsistent Resolutions.**

*Explanation: This resolution is to put before the voters a referendum to authorize the Township to borrow 20 million for the purpose of providing funds for the Township to acquire agricultural conservation easements, open space, recreational land and transferable development rights.*

Mrs. Rash read the resolution and the explanation.

Mr. John Cunningham, Carversville Road, asked why the resolution did not specify its purpose clearly. Solicitor Smith responded that the resolution (a four page document) does say what the resolution does as does the ballot question. Mr. Cunningham commented that he felt the title should be more specific.

Mr. George Michel, Pineville, asked Solicitor Smith whether anything was needed in the verbiage regarding funding for the campaign. Solicitor Smith responded that if the Board wanted to consider additional money for the purpose of the campaign it would have to be a separate discussion.

Mr. Joel Nace asked if the Township could purchase existing TDRs with this bond to which Mrs. Rash answered yes. Mr. Nace asked for the criteria for selecting properties to be saved. Mrs. Rash responded that there was a process through the Agricultural Security Areas. Ms. Bush added that the Township would use the open space plan that prioritizes areas for preservation.

Mrs. Rash asked for residents to support land preservation and the bond issue and asked everyone to spread the word. She noted that it was the County and not the Township that had just been on the ballot for open space funding.

Mr. Paul Martissa asked for elaboration on the proposed tax burden on residents. Mrs. Rash responded that the average tax bill would increase by \$185/yr/tax parcel if the total amount were borrowed.

Mr. John Cunningham asked how many years the tax increase would be in effect to which Solicitor Smith responded that it would be 25-30 years. Mr. Cunningham felt it was important that the public be informed about this information.

Ms. Jan Thompkins, Buckingham Car Show, suggested that people from the political parties working the polls make residents aware of the resolution on the ballot. Mrs. Rash responded that she would be contacting the parties.

Mr. Al Becker asked if passing this referendum would impact the Township in terms of County open space funds. Mr. Rowan and Ms. Bush responded that they thought it would be helpful and noted that Buckingham was a pioneer in leveraging money with the County and State.

*Mrs. Rash made a motion, seconded by Mr. Forest to approve Resolution No. 2039, A Resolution of the Board of Supervisors of Buckingham Township, Bucks County, Pennsylvania, Determining that it is advisable to increase the debt of the township with the assent of the electors and calling an election for such purpose; Approving the content and substantial form of the notice of election; Authorizing the due advertisement of such notice of election; Authorizing and directing the certification to the County Board of*

*Elections of copies of this Resolution and the form of ballot question to be submitted to the electors; Authorizing incidental actions; and Rescinding inconsistent Resolutions. The motion carried unanimously.*

Mrs. Rash announced that the Board planned to hold a public meeting regarding the referendum on April 2, 2008. A conflict with the Planning Commission was acknowledged. Ms. Bush suggested combining the two meetings in order to also discuss the Comprehensive Plan. Ms. Andrea Mehling, Chair Planning Commission, agreed to look at the agenda for that meeting to see if the proposal could work.

**2. Consideration of accepting Request for Extension to the allowable review time under the provisions of the PA Municipalities Planning Code to December 31, 2008 as submitted by Andrew S. Levine of Stradley Ronon Stevens & Young, LLP for “Our Lady of Guadalupe Church”, Township File LD 2006-01.**

*Mrs. Rash made a motion, seconded by Mr. Forest to accept the Request for Extension to the allowable review time under the provisions of the PA Municipalities Planning Code to December 31, 2008 as submitted by Andrew S. Levine of Stradley Ronon Stevens & Young, LLP for “Our Lady of Guadalupe Church”, Township File LD 2006-01. The motion carried unanimously.*

**3. Consideration of approving Final Major Subdivision Plan (rev. plan dated 1/29/08) of the “Estates at Forest Grove (Smith Pfeiffer) aka Mill Creek”, Township File SA 2001-05B, submitted by Gilmore & Associates, Inc. on behalf of Toll Brothers, Inc., T.P. 6-23-1, 6-23-4, 6-23-13, 6-23-13-5, 6-23-14 & 6-23-17, Dark Hollow Road / Smith Road / Forest Grove Road, 183.1 Acres, 71 Lots, in the AG-1 Zoning District. Extended 90-day Review Period Expiration date March 15, 2008. (Note: Wastewater Planning Modules were approved by PA DEP 12/22/05.)**

Mr. Rowan asked Solicitor Smith to provide an explanation as to why this item was on the agenda. Solicitor Smith explained that there had been a court agreement between the Township and Toll Brothers for a review of the final plan application by March 20, 2008 pursuant to the 2004 Preliminary Plan approval. Solicitor Smith summarized that the Township was in no better or worse position than they were before. The applicant was asked to make a presentation regarding the revised final plan. The Solicitor advised that the Township could decide how to proceed. Mr. Rowan noted that he felt the time limits imposed on the Township were inappropriate.

Representing the applicant were Mr. Steve Harris, Attorney and Mr. Tom Imperato – Toll Brothers, Mr. Mike Palilonis – Toll Brothers and Mr. James Matticola – Gilmore and Associates, Inc.

The following issues were discussed:

Cul-de-sac on Hillcrest Drive

Mr. Harris reported that after discussion at a work session with the Board and in keeping with the Planning Commission recommendation, they had submitted a plan set and

provided an alternate sketch to show Hillcrest ending in a cul-de-sac rather than entering onto Forest Grove Road. Mr. Harris asked if the Board wanted the applicant to proceed with the cul-de-sac plan.

Ms. Andrea Mehling, Chairperson of Planning Commission, commented that local residents had vehemently opposed the exiting or entering of traffic onto Forest Grove Road because of traffic speeds and sight distance. She noted that they did want emergency vehicles to be able to enter the cul-de-sac. Mr. Harris responded that emergency access had been provided. Mr. Harris noted that when Hillcrest Road went out to Forest Grove Road there had been a sidewalk included, but with the road removed, the sidewalk was also removed from the plan.

Mr. Rowan noted that the cul-de-sac was a Subdivision and Land Development Ordinance (SALDO) issue to which the Board could grant a waiver and asked if there were any zoning issues arising from the change to which Mr. Harris responded there were not.

Knights Engineering Review letter dated February 22, 2008

Mr. Harris noted that all items not specifically discussed were will comply. The following items were discussed:

Revised Preliminary Subdivision and Land Development Plan Review – April 26, 2002, Additional Comments 7. Mr. Harris questioned whether the Board was comfortable with the path being macadam instead of wood chip as was approved in the preliminary plan. Ms. Mehling commented that the Planning Commission agreed that wood chips would be difficult to maintain, not practical for wheelchairs and baby carriages and would be more destructive in construction than macadam. Board consensus was to go with the asphalt path.

Mr. Harris explained that they could not design the path to meander around Wet Pond #2 because of problems with passing over wetlands, woodlands and protected trees. The path is now going along lot lines. Mr. Rowan asked if the path would be owned by property owners to which Mr. Harris responded that it would be owned by the Homeowners' Association.

Mr. Harris explained that the applicant would like to eliminate the raised crosswalks and intersections because they were difficult/more expensive to install and they created problems for snow plowing and other additional maintenance problems. He also cited noise problems. Mr. Harris recommended the use of stop signs. Solicitor Smith asked if stop signs would go in at pedestrian crossings to which Mr. Harris responded they would not (they were intended for intersections).

Discussion followed about raised crosswalks, speed humps, stamped crosswalks and stop signs. Mr. Gray and Ms. Cozza noted that they had not heard of problems with maintaining existing raised crosswalks and intersections. Mr. Harris commented that stamped crosswalks were reasonable but they did not support raised crosswalks. Ms.

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Bush commented that she felt stamped crosswalks (like on Hansell Road) were a reasonable solution. Mr. Rowan expressed support for raised intersections. Mr. Harris summarized that this was not a dead end issue and that he wanted to present alternatives. There was no decision made on this issue.

Regarding extension of the path across the Robin Run dam, Mr. Harris noted that they had not received a letter from the County.

Revised Preliminary Subdivision and Land Development Plan Review – June 6, 2003

61. The new name “Mill Creek Ridge” was presented. No opinion was expressed by the Board.

68. Mr. Harris commented that the Disclosure ordinance in question was adopted after this plan submission and that Toll Brothers was not willing to comply. After discussion wherein the Board explained that confusion about easements with property owners was one of the biggest problems in the Township and it has been a problem for developers (including Toll Brothers), Mr. Harris agreed to take this comment back to Toll Brothers for consideration. Mr. Tom Imperato commented that the problem was not with disclosing information to the purchaser, but was with the time it took to circulate the Disclosure Statement to the Township. Ms. Cozza commented that she had never heard a complaint from a developer regarding the time it took to return a disclosure. Solicitor Smith summarized that the applicant would be happy to comply with the disclosure requirement and have it signed by the purchaser and happy to provide the Township with a copy, but they did not want to wait for the Township to sign off on it before an agreement were effective. Mr. Rowan noted that the requirements of the existing ordinance would need to be fulfilled.

78. Mr. Harris noted that they did not necessarily agree with all issues raised in the other review letters, but they would be dealt with individually.

Revised Subdivision and Land Development Review – May 24, 2005

1.15. Mr. Harris noted that he expected all topsoil to stay on site, but he was not sure about subsurface material. Mr. Gray noted that the intention was to ensure that large amounts of material were not being trucked off site. Solicitor Smith noted that they could not dispose of topsoil by digging a pit. Mr. Rowan questioned why there was not a Cut and Fill Analysis. Mr. Harris responded that the cul-de-sac would result in changes.

Revised Final Subdivision and Land Development Review – February 22, 2008

2.1 Mr. Harris explained that the Hockley parcel was shown on the plan as an outparcel. Toll Brothers contends that the Hockley parcel was not included in the Preliminary Plan and the Township maintains that it was included, while it was not owned or controlled by the developer. Mr. Harris noted that a Solicitor’s letter referred to the Hockley parcel as the adjacent outparcel. Solicitor Smith responded that he understood Mr. Harris’s position but did not agree with it. Mr. Harris noted that the parcel was not figured into any calculations and that all improvements shown on the original and revised plan along

Smith Road have always been in legal right of way (Hockley parcel will not be disturbed). Mr. Harris summarized that the issue would be resolved at some point.

Mr. Hockley asked what the legal right-of-way was on Smith Road. Mr. Gray responded 16.5 feet from center. Mr. Hockley noted that the plans show 56.5 feet as the existing right-of-way. Mr. Gray explained that it likely included 40' that might have been previously dedicated.

Mr. Rowan asked what an outparcel was to which Mr. Harris responded that it was a parcel not included in the plan.

Mr. Hockley asked what would be done with the 50' buffer along Hillcrest Drive. Mr. Harris responded that there would be a slight taper to 48.5 feet and the road would be shifted slightly. Mr. Hockley noted that there was not a complete buffer in the plans to which Mr. Harris responded that the plans would be revised to show a complete 50' buffer in all required areas.

Mr. Hockley noted a drainage line coming down his side of the right-of-way. Mr. Harris responded that the drainage that goes across the front of his property was in the legal right-of-way. Mr. Hockley asked about a 20' easement that was needed to which Mr. Harris responded that it was in the right-of-way and not in the easement. Mr. Gray noted that the Township had asked that the drainage be moved away from the Hockley's property as they did not want the Hockley property disturbed in any way. Mr. Harris responded that it could not be done because there were utilities (water and sanitary lines) on the other side with which the drainage would interfere. Mr. Gray questioned the depth of the lots on the other side of the road to which Mr. Harris responded 400 feet deep. Mr. Gray suggested shifting the utilities several feet and moving the right-of-way back so that drainage could go on that side of the road. Mr. Gray noted that there were many trees on the other side of the road and the Township had asked applicant to move the utilities. Mr. Harris responded that everything had been approved on the Preliminary Plan.

After additional discussion, Solicitor Smith asked if Toll Brothers would be willing to take the drainage across the street. Mr. Harris responded not at this point in time, but that it could be put on the list for further discussion.

2.2 Mr. Gray noted that he could review the plans by the beginning of the following week. He noted that if the Township wanted the cul-de-sac design, then he would need to have a revised plan for review.

Mr. George Michel, Smith Road, asked about improvements for Smith and Forest Grove Roads. Mr. Gray responded that because of the cul-de-sac design, there should be an updated traffic study. Mr. Harris responded that Toll Brothers was doing the cul-de-sac at the request of the Township and would not take on additional projects/responsibilities because of the change. He noted that they would correct the Highway Occupancy Permit to eliminate the intersection but the rest would stay exactly the same. Mr. Gray noted that there were no improvements to Smith and Forest Grove Roads other than during

construction. Mr. Michel noted that years ago there were many suggestions for Smith Road, but he understood they were not part of preliminary approval.

2.3 Mr. Harris acknowledged that the cul-de-sac plans had not been reviewed

4.21 Will comply.

4.22 Discussion followed regarding whether the water tower lot in particular met zoning requirements (particularly setback requirements). Mr. Harris commented that they could provide the lots as requested but would not create zoning problems to do so. Mr. Harris noted that the lots were approved in the preliminary plan. Mr. Rowan asked Mr. Gray to go back and find out why the Township approved easements without proper setbacks within the easements and whether township did approve them. Mr. Rowan asked whether utilities would have to stay with easements if there were zoning problems. Mr. Gray responded that the Township preferred to have the land fee simple. Mr. Rowan questioned whether the pump station could be moved to which the applicant responded it would have to be moved about 40' because of a lot line. Solicitor Smith explained that even if the Board granted preliminary approval, they did not have the authority to grant zoning variances.

15.15 Mr. Harris explained that they did not know how to determine the location of the Hockley drainfield unless there was something on file at the Board of Health. Mr. Gray recommended doing a field investigation to determine the location of field. Mr. Hockley commented that he would think about whether he would allow Toll Brothers to enter his property. Mr. Imperato noted that he did not think it was necessary because they were not disturbing it. Mr. George Michel suggested that the location could be identified using the same method as a septic inspection with a tamp rod. Mr. Harris cautioned that such a field investigation would not be certified. Mr. Gray responded that if the drainfield exists within a few feet of their proposed improvements, he would ask for something certified. Mr. Imperato noted that Toll Brothers did not want to do testing on the Hockley lot.

Mr. Hockley noted a possible site distance problem with his embankment and Hillcrest Drive. Mr. Gray responded that the plan did meet requirements, but if there were a concern, he would look at it.

18.12 Mr. Harris explained that their legal position was that those were approved lot lines and they were not going to change them, but their practical position is that they will try to comply.

52.3 Mr. Harris commented that they were not prepared and did not think they were required to address these path improvements.

53.8 Mr. Harris agreed that they would consider this recommendation, but noted that the swale had been approved.

54.13 Mr. Harris agreed to look into the wetland vegetation. Mr. Gray asked to be called so that he could send his wetlands expert out to the site.

80.5 Mr. Harris asked the Board to consider reducing the fencing requirements (as there were almost three miles of fencing) in places where there is a manmade barrier, a planted buffer and the cattle shoots (two fences on the path).

Mr. Jim Barlow expressed support for the fence and did not want encroachment on his property.

Ms. Dana Cozza expressed support for fences noting that people who live next to paths want a fence.

Mr. Imperato expressed concern about the amount of fencing and felt that the fences diminished the sense of community Toll Brothers was trying to create in the neighborhood.

Ms. Muriel Gordon, asked if her fence would be eliminated to which Mr. Harris responded it would not.

Ms. Carol Manicone agreed with Ms. Cozza noting that she hears complaints from residents all the time. Ms. Manicone felt fencing was needed at corridors, around conservation easements and anything close to yards. She supported removal of the fence at the planted buffer.

Mr. Rowan disagreed and felt that all terrain vehicles could get past the planted buffer and enter the spray field.

Mr. Tom Kelso recommended the use of an agricultural fence along the planted buffer. Mr. Rowan was comfortable with the recommendation. Mr. Harris will meet with Mr. Kelso to discuss agricultural fencing.

85.4 The applicant will show ADA curb cut detail.

89.1 The Board did not want Forest Grove Road closed and they wanted the plan changed to reflect their request. Mr. Harris agreed to add the issue to the PennDOT review discussion.

102.13 The applicant will comply.

102.15 Mr. Gray explained that the comment was from a prior review and it would be removed.

Mr. George Michel asked about horse trailers. Mr. Gray responded that it had been discussed, but consensus was still to go with paving.

103-104 – Some of these items will be reworked because of the change of Hillcrest Drive to a cul-de-sac.

108.1 Mr. Harris noted that the plan was approved.

110.1 Mr. Harris recognized that 2"x8" joists would not be sufficient. Toll Brothers acknowledged that they would need a shop drawing at the time of permit and it would need to be approved by the Code Enforcement Officer.

#### Fee in-lieu of Contributions

Mr. Harris explained that he had provided the Board with a break-down of the costs of improvements agreed to that are not SALDO required improvements (\$844,000.00) and cost of the improvements which are required but are being waived (\$658,000.00) Mr. Harris noted that Toll Brothers' position was that they had done \$200,000 more than was required by the ordinance and felt they were entitled to some credit for that. Consensus was to discuss this issue in two weeks.

#### Additional Public Comment

Mr. George Michel commented that he wanted to make sure that neighbors had an opportunity to comment.

Mr. Hockley inquired about having his well monitored. Mr. Kelso responded that it could be done and that there was a procedure in place should problems be encountered.

Ms. Muriel Gordon asked about a list of items that it appeared Toll Brothers was not going to do including a buffer for headlights. Mr. Harris explained that they had created a list to show the improvements done over and above those required by SALDO and a list of the required improvements, some of which they will request waivers from (i.e. fencing and raised intersections). Mr. Harris assured Ms. Gordon that the headlight buffer would be done.

Mr. Rick O'Brien asked about the increased traffic onto Smith Road that would result from the removal of Hillcrest Road onto Forest Grove Road and whether anything would be done about it. Mr. Harris categorized the situation as an unintended consequence but reiterated that Toll Brothers would not engage in making additional changes because they agreed to provide the cul-de-sac as requested by the Township. Solicitor Smith suggested sign changes could be considered. Mr. Rowan asked Mr. Gray to examine the previous traffic study and transfer the number of trips from the eliminated road and apply them to the Smith road exit to see if there were any disastrous consequences. Mr. Gray agreed to do so.

Mr. Hockley asked if there would be a print showing the landscaping buffering to which Mr. Harris responded there would be.

Mr. John Cunningham expressed concern about the March 15, 2008 deadline and the lack of response from the Board about it. Solicitor Smith explained that other than the time restriction, this application was following the normal process. Solicitor Smith added that this may or may not go to the Judge. Mr. Rowan noted that it had to go to the Judge if for no other reason than they did not have a Highway Occupancy Permit.

Mr. Joel Nace asked why the March 15, 2008 deadline was imposed. Solicitor Smith responded that they could have gone to trial in January or set a deadline and so they chose to set a deadline.

Mr. Rowan disagreed that there was a preliminary plan to act upon.

Mr. Chris Powell, Wycombe, expressed concern about the extra traffic. He supported the cul-de-sac option, but felt the intersection needed attention.

Mr. George Michel noted that Mr. Knight had provided detail with corrective action for the intersection. Mr. Rowan noted that the 2002 traffic study was inaccurate and the problem was denied to have existed. Mr. Harris responded that the road had been closed for years and it was the circumstance that existed at the time. Mr. Michel questioned whether the trail could be made of porous pavement; Mr. Harris made a note of the request. Mr. Michel questioned whether any of the fencing was for snowdrift mitigation on Forest Grove Road to which Ms. Manicone responded no. Mr. Gray noted that there would be a significant buffer along Forest Grove Road that does not exist now. Mr. Michel questioned the nomenclature for the development and the roads and whether neighbors were happy with the names; he expressed a preference for names that reflected the history of the region. Mrs. Rash questioned whether people would want to be associated with this development. Mr. Michel questioned whether a phase one archeological study had been done. Ms. Bush responded that it was usually part of the process before preliminary approval. Mr. Gray added that if there were a major hit, it would have been pulled up. Ms. Muriel Gordon asked for follow-up on the archeological study. Mr. Gray agreed to find out if the study was done and if it was required. Mr. Harris explained that the developer has an obligation to report any findings of archeological interest during excavation. Mr. George Michel added that because of the location of the property there was a high probability of finding something. Mr. Gray reiterated that he would look for the report.

Solicitor Smith asked if any of the project would be phased. Mr. Steve Smith responded that it would be done in two phases and showed the dividing line (point where the trail passes Hillcrest) on the plan.

*Mrs. Rash made motion, seconded by Mr. Forest to table consideration of approving Final Major Subdivision Plan (rev. plan dated 1/29/08) of the "Estates at Forest Grove (Smith Pfeiffer) aka Mill Creek", Township File SA 2001-05B, submitted by Gilmore & Associates, Inc. on behalf of Toll Brothers, Inc., T.P. 6-23-1, 6-23-4, 6-23-13, 6-23-13-5, 6-23-14 & 6-23-17, Dark Hollow Road / Smith Road / Forest Grove Road, 183.1 Acres,*

*71 Lots, in the AG-1 Zoning District. Extended 90-day Review Period Expiration date March 15, 2008. The motion carried unanimously.*

Ms. Muriel Gorden, Wycombe, noted there was no sidewalk only a trail. Mr. Harris agreed it was a trail.

**4. Consideration of approving Resolution 2041, A Resolution of the Board of Supervisors of Buckingham Township Supporting the Usage of Voter Marked Paper Ballots for Election Purposes in Bucks County, Pennsylvania.**

*Mr. Rowan made a motion, seconded by Mrs. Rash to adopt Resolution 2041.*

Mr. John Cunningham commented that he did not think the Board should approve the Resolution until the cost to the public was known. Ms. Bush responded that the estimate for Bucks County was \$6 million but that there was a federal bill that would appropriate a portion of the cost.

Ms. Grawley commented that the total cost would be about \$3 million and added that she felt there was nothing more precious than protecting voting and it must be done.

Ms. Bush commented that the cost was unknown because an optimal system was not available. Ms. Grawley responded that there were problems with the optical scanning machines but there is a paper-marked ballot with that system. She added that the system would have been cheaper to buy in the first place and added that the system notifies voters when they have not voted for something.

Mr. Joel Nace, commented that he had used the paper-marked ballot with an optical scanner in Wisconsin and it was easy to use.

Mrs. Rash summarized that the Resolution being considered by the Board would urge the County to consider another choice (paper voting system).

Ms. Grawley added that the machines were not calculators as some have suggested but instead they were computers that can be hacked.

*The motion carried with Mr. Rowan and Mrs. Rash voting aye and Mr. Forest voting nay.*

Mr. Rowan left the meeting at 11:35pm.

**5. Consideration of approving Resolution 2040, Replacing Resolution No. 2034, Establishing a Fee Schedule of Subdivision and Land Development, Zoning, Building and Other Fees for 2008.**

*Mrs. Rash made a motion, seconded by Forest to approve Resolution 2040, Replacing Resolution No. 2034, Establishing a Fee Schedule of Subdivision and Land Development, Zoning, Building and Other Fees for 2008. The motion carried unanimously.*

**6. Consideration of accepting the Agreements to Extend the Residential Development Contract and Water and Sanitary Sewer Development Agreements to March 23, 2009, covering “Arbor Point, Phase II” and “Arbor Point, Phase III”, Township File SA 99-02A.**

*Mrs. Rash made motion, seconded by Mr. Forest to accept the Agreements to Extend the Residential Development Contract and Water and Sanitary Sewer Development Agreements to March 23, 2009, covering “Arbor Point, Phase II” and “Arbor Point, Phase III”, Township File SA 99-02A. The motion carried unanimously.*

**7. Consideration of accepting the Agreement to Extend the Land Development Contract to March 22, 2009, covering “4059 Doylestown Acquisition, L.L.C. (aka EMC)”, Township File LD 2000-03.**

*Mrs. Rash made a motion, seconded by Mr. Forest to accept the Agreement to Extend the Land Development Contract to March 22, 2009, covering “4059 Doylestown Acquisition, L.L.C. (aka EMC)”, Township File LD 2000-03.*

Mr. John Cunningham asked what the property was. Solicitor Smith responded that it was an industrial building next to Sky Run. Mr. Gray noted that the Township had received the request for dedication.

*The motion carried unanimously.*

**RELEASE OF FUNDS**

**ESCROW RELEASES:**

4059 Doylestown Acquisition LLC (aka EMC), Township File LD 2000-03	ER # 4, Site	\$2,987.19 recommended for release
Heritage Center, Township File SA 2001-02 & LD 2001-01	ER #15, Residential, Site	\$10,610.25 recommended for release
Heritage Center, Township File SA 2001-02 & LD 2001-01	ER #11, Commercial, Site	\$59,822.36 recommended for release

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*Mrs. Rash made a motion, seconded by Mr. Forest to approve the above listed escrow releases pending receipt of outstanding fees. The motion carried unanimously.*

### ADDITIONAL BUSINESS / MANAGER'S ITEMS

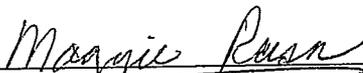
**1. Consideration of request from Township Roadmaster to participate in annual sodium chloride bid contract through the Pennsylvania Department of General Service Costars program.**

*Mrs. Rash made a motion, seconded by Mr. Forest to participate in annual sodium chloride bid contract through the Pennsylvania Department of General Service Costars program. The motion carried unanimously.*

*Mrs. Rash made a motion, seconded by Mr. Forest to adjourn the meeting at 11:40pm. The motion carried unanimously.*

**Approved by the Board of Supervisors on the 26th day of March, 2008.**

**Buckingham Township Board of Supervisors**

  
 \_\_\_\_\_  
 Maggie Rash, Chairman

  
 \_\_\_\_\_  
 Jon Forest, Vice-Chairman

  
 \_\_\_\_\_  
 Henry Rowan, Member

Attest:

  
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 Dana S. Cozza, Secretary