

**BUCKINGHAM TOWNSHIP**

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**BOARD OF SUPERVISORS  
 BUSINESS MEETING**

**AGENDA**

**March 12, 2008**

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

*Presentation of Proclamation honoring Parker McWilliams Rushworth for achieving the rank of Eagle Scout.*

1. Public Comment (Maximum 30 minutes)
2. Board's Announcements:
  - The Buckingham Township Civic Association's **Annual Easter Egg Hunt** will take place Saturday, March 15<sup>th</sup>, 2008 at 11:00 a.m., at Holicong Park, raindate Sunday, March 16<sup>th</sup> at 11:00 a.m.
  - "**Family Fun Friday**" sponsored by the Buckingham Township Park and Recreation Commission continues with the following upcoming event: **John Cassidy Magic and Balloon Show**, Friday, April 4<sup>th</sup>, 7 p.m., Buckingham Friends School – tickets are required – they are free and available starting March 17th at the township building.
  - "**Keep Buckingham Beautiful**" – April 26 & 27, from 8 a.m. to 4 p.m. bring your household trash to the Township Maintenance Building located at 4991 Upper Mountain Road.
  - Bucks County's **Household Hazardous Waste and Old Computer Collection** will be July 19, 2008 at the Middle Bucks Institute of Technology located at 2740 Old York Road.
  - 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 **Resolution No. 2042** affirming a proposed settlement contribution by Buckingham Township of \$75,000.00 toward a \$400,000.00 settlement negotiated by the Township's insurer and special counsel to the Township of all claims of Max Weisman against Buckingham Township, The Buckingham Township Board of Supervisors, Raymond Stepnoski, Henry Rowan and Janet French, which claims were brought by Weisman in the United States District Court for the Eastern District of Pennsylvania at number 04-CV-4719.
4. Consideration of approving the Payroll for the week ending March 2, 2008 and the Bill List for the meeting of March 12, 2008.
5. Consideration of approving Supervisor's Minutes of the February 27, 2008 Regular Business Meeting.
6. Consideration of accepting various Departmental Minutes and Advisory Body Minutes.

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**BOARD OF SUPERVISORS  
REGULAR MEETING  
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7. Consideration of approving Revised Preliminary/Final Plan of Major Subdivision (plan dated "Rev. 3/7/08") of "**Victoria Park**", Township File SA 2001-16, submitted by Gilmore and Associates, Inc., on behalf of DeLuca Enterprises, T.P. 6-23-8, New Hope and Smith Roads, 112 + acres, 3 Lots, located in the AG-1 Zoning District, with a 90-day review expiration date of June 3, 2008.  
AND  
Consideration of approving Act 537 Plan Revision for "Victoria Park", Township File SA 2001-16, T.P. 6-23-8, 112+ Acres, 3 Lots, in the AG-1 Zoning District.
8. Consideration of approving Revised Preliminary Major Subdivision Plan (plan dated Rev. 1/10/08) of the "**McKernan Tract**", Township File SA 2007-01, submitted by Andersen Engineering Assoc., Inc. on behalf of Joseph McKernan and Chance Worthington, T.P. 6-18-91-2, New Hope Road / Durham Road, 16.35 acres, 3 lots, in the AG-1 Zoning District, with an extended 90-day Review Period Expiration Date of May 3, 2008.
9. Consideration of accepting **Request for Extension** to the allowable review time under the provisions of the PA Municipalities Planning Code to May 31, 2008, as submitted by Timothy Barnard on behalf of Natural Lands Trust, Inc., for "**Natural Lands Trust**", Township File LD 2007-02.  
OR  
Consideration of approving Revised Preliminary Plan of Land Development (plan dated Rev. 11/14/07) of "**Natural Lands Trust**", Township File LD 2007-02, submitted by Horizon Engineering on behalf of Natural Lands Trust, Inc., T.P. 6-6-48 and 6-6-57, Holicong Road, 99.23+ acres, proposed Conservation Resource Center and One Single Family Residence, in the AG-2 Zoning District, with an extended 90-day Review Period Expiration Date of April 1, 2008.  
AND  
Consideration of approving Resolution No. \_\_\_\_ Act 537 Plan Revision for "**Natural Lands Trust**", Township File LD 2007-02 **AND** Consideration of accepting On-Lot Sewage Management Agreement.
10. Consideration of accepting the Agreement to Extend the Residential Development Contract to March 26, 2009, covering the "**Funk Tract**", Township File SA 2001-13.
11. Consideration of accepting the Agreement to Extend the Residential Development Contract and Water and Sanitary Sewer Development Agreement to April 9, 2009 from William C. Briegel of Orleans Corporation, for the "**Devonshire Estates, Phase IV**" Subdivision, Township File SA 97-01.
12. Additional Business / Manager's Items:
- Consideration of request submitted by Loretta Jenkins, on behalf of Doylestown Athletic Association, to waive the George M. Bush Park usage fee set forth in Resolution 2002 for the second "season" of field usage.
  - Consideration of request submitted by Anne Irwin, on behalf of Bucks County S.P.C.A., to waive the Holicong Park pavilion usage fee set forth in Resolution 2002.

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

The regular meeting of the Buckingham Township Board of Supervisors was held March 12, 2008 in the Township Building, 4613 Hughesian Drive, Buckingham, Pennsylvania.

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

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Mr. Forest called the regular meeting to order at 7:30pm and Eagle Scout **Parker McWilliams Rushworth** led The Pledge of Allegiance.

The Board of Supervisors presented **Parker McWilliams Rushworth** with an official proclamation, honoring his achievement in becoming an Eagle Scout.

**PUBLIC COMMENT**

Mr. Joel Nace, Hampton Drive, asked why the Board decision to contact the District Attorney regarding the resignation letter of Mr. Ron Myers was not on the agenda for this meeting. Mr. Forest responded that the Attorney General had indicated that it was a dead issue and it would not be pursued. Ms. Cozza responded that she did not believe that it was to be an agenda item, but that it would be discussed at the meeting. Ms. Cozza reported that she looked in the Township files for the response letter from the Attorney General's office to the former manager but was not able to find it. Ms. Cozza said she told the Board that she was unable to find the actual letter but remembered it said they were not investigating and asked the Board if they wanted her to take further action. Mr. Forest commented that he did not think further action was warranted. Mr. Nace asked if personnel files were available to the public to which Solicitor Smith and Mr. Forest responded they were not. Mr. Rowan apologized to Mr. Nace because no one called him as was promised at the previous meeting.

Mr. Jerry Forest, 1489 Rte. 413, asked the Board to reconsider the health plan offered to Supervisors who are serving a community service position for the Township. He explained that the Township paid over \$38,000 for insurance for two part-time Supervisors and their families. He noted that the plan had no contribution, a \$2 co-pay and also covered dental and vision. Mr. Forest responded that he had asked about the \$2 co pay and was told that it would cost the same amount regardless of co-pay but questioned whether that was true. Mr. Rowan and Mr. Forest disagreed on whether Mr. Forest had asked. Mr. Forest requested information about the cost difference if the co-pay were increased. Ms. Cozza explained that the health insurance was researched each year and that the Board was part of the employee policy.

Kevin Corrigan, Macclesfield Road, noted that there were no speed limit signs on Dark Hollow Road and asked what was the speed limit. Solicitor Smith responded that the speed limit on a state road was dependent on how the road was characterized by PennDOT. Discussion followed on the different speed limit requirements. Mr. Gray agreed to pull the speed limit off the plans for the Knipe tract. Mr. Corrigan requested that speed limit signs be posted, but if it is 55mph that the speed limit be reduced. Mr. Rowan explained that all the Township could do was request PennDOT lower the speed limit. Ms. Cozza agreed to check on how Warwick reduced the speed limit to 45mph in one section of Rte 263. Mr. Rowan noted that the Board had requested that PennDOT reduce the speed limit at 413 and Mechanicsville Road. PennDOT did not agree to the speed limit reduction but they did agree to a no passing zone.

Mr. Paul Calderaio, Sugar Bottom Road, noted that there was a tree down on Indian Spring Road since Saturday. Ms. Cozza responded that the Township had called PECO repeatedly because the tree took down PECO wires. Mr. Calderaio agreed with Mr. Jerry Forest and thought the Township should examine healthcare costs for part-time elected officials.

### BOARD'S ANNOUNCEMENTS

Mr. Forest announced the following items:

- The Buckingham Township Civic Association's **Annual Easter Egg Hunt** will take place Saturday, March 15<sup>th</sup>, 2008 at 11:00 a.m., at Holicong Park, raindate Sunday, March 16<sup>th</sup> at 11:00 a.m.
- **"Family Fun Friday"** sponsored by the Buckingham Township Park and Recreation Commission continues with the following upcoming event: **John Cassidy Magic and Balloon Show**, Friday, April 4<sup>th</sup>, 7 p.m., Buckingham Friends School – tickets are required – they are free and available starting March 17<sup>th</sup> at the township building.
- **"Keep Buckingham Beautiful"** – April 26 & 27, from 8 a.m. to 4 p.m. bring your household trash to the Township Maintenance Building located at 4991 Upper Mountain Road.
- Bucks County's **Household Hazardous Waste and Old Computer Collection** will be July 19, 2008 at the Middle Bucks Institute of Technology located at 2740 Old York Road.
- 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 March 8, 2008 and the Bill List for the meeting of March 12, 2008.**

*Mr. Forest made a motion, seconded by Mr. Rowan to approve payroll for the week ending March 8, 2008 and the Bill List for the meeting of March 12, 2008 in the amount of \$336,247.80. The motion carried unanimously.*

## MINUTES

### **Consideration of approving Supervisor's Minutes of the February 27, 2008 Regular Business Meeting.**

*Consideration of approving the Supervisor's Minutes of the February 27, 2008 Regular Business Meeting was tabled.*

### **Consideration of accepting various Departmental Minutes and Advisory Body Minutes**

*Mr. Forest made a motion, seconded by Mr. Rowan to accept the various Departmental Minutes and Advisory Body Minutes. The motion carried unanimously.*

## BUSINESS

**1 Consideration of approving Resolution No. 2042 affirming a proposed settlement contribution by Buckingham Township of \$75,000.00 toward a \$400,000.00 settlement negotiated by the Township's insurer and special counsel to the Township of all claims of Max Weisman against Buckingham Township, the Buckingham Township Board of Supervisors, Raymond Stepnoski, Henry Rowan and Janet French, which claims were brought by Weisman in the United States District Court for the Eastern District of Pennsylvania at number 04-CV-4719.**

Mr. Forest introduced Mr. Robert Baldi, Special Counsel to Buckingham Township hired to investigate and represent the Township in the Max Weisman case. Mr. Baldi noted that his advice to the Board was confidential but summarized that he recommended the Township settle the case. Mr. Baldi explained that he had negotiated a settlement on behalf of the Township with Weisman and General Star Management Company (the Township's insurer) whereby Mr. Weisman would receive \$400,000.00 in settlement of all of his claims of which the Township would pay \$75,000.00 and General Star Management Company would pay \$325,000.00.

Mr. Rowan asked about the costs involved in trying the case. Mr. Baldi explained that the legal fees to the Township to try the case would approximate the amount to be paid by the Township toward the settlement and more if there was a later dispute with the insurance carrier. Mr. Rowan noted that Mr. Baldi thought the Township had a defensible case (though there were problems), but the cost to do so would be as much as this settlement and there was the risk of losing. Mr. Jon Forest noted that the plaintiff was asking for substantially more.

Solicitor Smith asked if Mr. Baldi had seen the resolution. Mr. Baldi responded that he had seen it and recommended the Township adopt it.

Mr. John Cunningham, Carversville Road, asked for an explanation of why the Township was spending \$75,000. Mr. Baldi explained that there was litigation pending in court regarding a suit filed by a former Township Manager. Mr. Cunningham asked for information regarding the nature of the claims. Mr. Baldi responded that there were nine Counts including claims for: violations of the Family Medical Leave Act, violation of the Americans with Disabilities Act,

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violations of the Pennsylvania Human Relations Act, Invasion of Privacy, Breach of Contract, Tortious Interference with a Contractual Relationship and a violation of the Sunshine Act.

Mr. Paul Calderaio asked about potential adverse impacts for the Township. Mr. Baldi explained that there was a pretrial ruling with an issue involving evidence that the Township was not able to produce. Mr. Baldi further explained that the Judge ruled that there would be a jury instruction over e-mails that were not produced from the Township records.

Mr. Rowan noted that the accusation is that the former Township Manager did something wrong. Mr. Rowan asked if the decision to not produce the e-mail was made by the former Township Manager or the insurance company's counsel. Mr. Baldi responded that he had not spoken with the former Township Manager. Mr. Baldi noted that he had conversations with insurance counsel for the Township and understood the strategy as to what happened. Mr. Baldi noted that he was not going to discuss trial strategy.

Mr. Sam Loserelli asked if the Township approved the settlement was there a guarantee it would be accepted by the other party. Mr. Baldi responded that they had already signed off on a release and it would be accepted. Mr. Forest noted that the Judge wanted the resolution signed by this meeting.

Mr. Paul Calderaio asked how much the attorney's fees have been to date. Mr. Baldi did not have that information available.

Kevin Corrigan, asked if the e-mails actually did exist or if they were alleged to have existed. Mr. Baldi responded that they were alleged to have existed as they were not able to be found. Mr. Baldi explained that an expert was brought in by the Township's insurer to follow a protocol in order to search for the e-mails in question and none were found.

*Mr. Forest made a motion, seconded by Mr. Rowan to approve Resolution No. 2042 affirming a proposed settlement contribution by Buckingham Township of \$75,000.00 toward a \$400,000.00 settlement negotiated by the Township's insurer and special counsel to the Township of all claims of Max Weisman against Buckingham Township, the Buckingham Township Board of Supervisors, Raymond Stepnoski, Henry Rowan and Janet French, which claims were brought by Weisman in the United States District Court for the Eastern District of Pennsylvania at number 04-CV-4719.*

Ms. Cozza read a statement written by Mrs. Maggie Rash in support of approving Resolution 2042. Her statement is attached to the minutes.

Mr. Rowan commented that he was baffled by the legal system that would allow this situation. He explained that the employee left one day and did not come back.

Mr. Forest read his prepared statement in support of Resolution 2042. His statement is attached.

Mr. Rowan commented that Mr. Forest's statement was insulting.

*The motion carried unanimously.*

**2. Consideration of approving Revised Preliminary/Final Plan of Major Subdivision (plan dated "Rev. 3/7/08") of "Victoria Park", Township File SA 2001-16, submitted by Gilmore and Associates, Inc., on behalf of DeLuca Enterprises, T.P. 6-23-8, New Hope and Smith Roads, 112 + acres, 3 Lots, located in the AG-1 Zoning District, with a 90-day review expiration date of June 3, 2008.**

**AND**

**Consideration of approving Act 537 Plan Revision for "Victoria Park", Township File SA 2001-16, T.P. 6-23-8, 112+ Acres, 3 Lots, in the AG-1 Zoning District.**

Representing the applicant were Mr. Ed Murphy, Attorney and Mr. Greg Glitzer, Project Engineer. Mr. Murphy summarized that they were presenting a subdivision plan that was consistent with the terms in the Agreement of Sale with the Township for a conservation easement. He explained that they were looking to secure the approval of the Board. Mr. Murphy indicated that they would comply with all issues raised in the March 12, 2008 Knight Engineering Review letter and the March 12, 2008 Landscape Review Consultants letter.

Mr. Murphy explained that because of extreme wet weather the percolation tests in the two building lots had not yet been completed. He noted that the applicant had done deep hole testing and they as well as Mr. Tom Kelso believed they would be able to get approvals from the Board of Health. Mr. Murphy indicated that they would agree to appropriate safeguards. Mr. Murphy noted that the applicant would comply with all issues raised in the March 12, 2008 Knight Engineering review letter. Mr. Murphy added that they would post appropriate escrows for lots 3 and 4 as part of the building permit process (not proposing to do the more standard construction escrow like done with development and financial security agreements) as a condition to obtaining building permits.

Mr. Gray asked for perimeter pins and/or monuments to be put in over the next week or for funds to be put in escrow to cover those costs. Mr. Murphy agreed to the request.

Mr. Tom Kelso asked about the closure of the wells. Mr. Murphy responded that Mr. Kelso was to let the applicant know which of the production wells should be closed. Consensus was that all the wells would be closed other than the two closest to the road; however Mr. Forest asked the applicant to work with Mr. Kelso to resolve this issue.

Mr. Murphy provided an overview of the plan. Ms. Sharon Dotts, Gilmore & Associates, went over the potential improvements on the building envelopes.

Mr. Al Kashinski asked how far the proposed driveway was from his driveway to which Ms. Dotts responded it was 155 feet. Mr. Kashinski noted that it was supposed to be 200 feet away. Mr. Gray noted that the driveway separation waiver request should be for existing and proposed driveways. Mr. Forest noted that the waiver request did address both.

Mr. Francis Canon, Tax Map Parcel 6-23-24, located directly across the road from the two building lots, noted that he intended to develop a home on that site and he had a concern with

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headlights from the proposed driveways. Mr. Canon asked if the applicant could do a combined driveway. Mr. Murphy responded that it was considered but the preference for marketing purposes was to keep two separate driveways but buffering could be done to address the headlight situation. Discussion followed about planting pine trees along the front of Mr. Canon's parcel to shield from headlights, but Mr. Canon decided he did not want pines planted. Mr. Forest noted that the applicant was preserving a large parcel of land and since Mr. Canon did not have a plot plan, the issue could not be properly addressed. Mr. Rowan noted that the driveways did not conform to the Subdivision and Land Development Ordinance (SALDO); however because it was not known how the Canon parcel would be developed he could not see asking the applicant to move the driveway. Ms. Mehling noted that the Planning Commission always addresses the issue of headlights going onto someone's property.

Mr. George Michel, Pineville, asked neighbors to understand that this subdivision plan was going to be approved that night and encouraged them to make any comments they wanted to make. Mr. Michel thanked the applicant for their effort in listening to concerns of residents and consultants. Mr. Michel noted that many of his concerns were addressed in Ms. Manicone's letter. Mr. Murphy noted that they were complying with the March 12, 2008 Landscape Review Consultants letter. Mr. Michel asked whether the spillway was addressed in the Knight Engineering letter to which Mr. Glitzer responded it was.

Ms. Manicone asked whether there was anything in the plan to protect the spruce grove. Solicitor Smith explained that there was general language that they could not change uses, configuration etc. without coming to the Township to get approval. Mr. Rowan asked whether the planting of 30 trees constituted a change, to which Solicitor Smith responded it did. Mr. Murphy pointed out note 27 on the plan, which dealt with trees within a conservation easement and 50 foot buffer yards. The Board was satisfied with the note.

Mr. John Long, Pineville, asked if the production wells would be closed noting that one of the biggest concerns with residents over Victoria Park was the use of those wells for development. Solicitor Smith explained that there would be an easement around them and the Township may want to use them in the future. Mr. Kelso explained that the Township wanted to get control over the wells in order to provide a level of protection. Mr. Rowan added that under private ownership someone could allow access to the wells.

Mr. George Michel noted that VP2 required arsenic abatement.

Mr. Rowan asked which ordinance they would develop under. Mr. Murphy responded that they would utilize the prior ordinance and not the current ordinance. Mr. Murphy pointed out that the Bucks County Planning Commission review indicated that under the new ordinance they could have gone to a minimum lot size of 1.8 acres. Mr. Murphy noted that the building lots could not be further subdivided.

Ms. Beverly Kates, New Hope Road, commented that because of a limited sight distance with the two driveways and nonconformance to SALDO, that she felt there should be only one driveway. Mr. Murphy explained that the driveways were located at a location of maximum visibility.

Mr. Rich Washburn, Smith Road, asked what would be done with the large pines trees that were blown over in the previous weekend's storm. He believed that additional exposure to the elements as a result of clearing for a path to the wells had weakened the trees. Mr. Forest explained that a property owner had the right to remove any trees that fall on their property. Solicitor Smith clarified that the Township was buying an easement to protect the land, but that they were not the owners. After discussion it was determined that a note on the plan specified that dead trees remain unless they pose a safety hazard. Mr. Washburn asked about the status of the corncrib and noted that at a previous meeting he was told he would be granted an easement to use the corncrib. Mr. Murphy explained that when the property was to be developed and the corncrib was to be in open space, the applicant intended to legally ease it to Mr. Washburn; however now that property was being sold he thought the decision should be deferred to the new owner. After discussion it was decided that Mr. Washburn would try to move the corncrib to his property or else work something out with DeLuca.

Mr. George Michel asked if the tax parcel number had been corrected to which Mr. Murphy responded yes.

Discussion of March 7, 2008 Waiver Request Letter

9.20.C Mr. Rowan recommended running some trees along the back of the property at the western most edge of the common border along lots 2 and 3. Ms. Manicone, the Weis's and the applicant were comfortable with the recommendation.

9.23.A.6 & C.2.a Release rate waiver. Ms. Dotts noted that they were projecting between 8-9% impervious, but that the post-development runoff would be 1% less than predevelopment. After discussion, the Board was comfortable with the waiver request. Mr. Gray noted that if the plan for the home went beyond the projected impervious surface ratio, the developer/builder would have to return to the Board of Supervisors and provide additional stormwater management.

February 25, 2008 Health Department Letter

Mr. Murphy indicated that they would comply with the Health Department letter. Mr. Kelso added that if they could not get the systems they were proposing, they would be able to get a drip irrigation system (tests already done). Mr. Rowan inquired about the wells. Mr. Kelso explained that under the ordinance they were not required to do wells until the time of building permits.

March 6, 2008 Castle Valley Consultants Letter

The applicant agreed to properly abandon the wells and comply with all other issues raised. Ms. Dotts noted that she had added a note to the existing features plan.

*Mr. Forest made a motion, seconded by Mr. Rowan to approve the Revised Preliminary/Final Plan of Major Subdivision (plan dated "Rev. 3/7/08") of "Victoria Park", Township File SA 2001-16, submitted by Gilmore and Associates, Inc., on behalf of DeLuca Enterprises, T.P. 6-23-8, New Hope and Smith Roads, 112 + acres, 3 Lots, located in the AG-1 Zoning District and grant all waivers in the March 7, 2008 waiver request letter (with the modifications described above - running some trees along the back of the property at the western most edge of the*

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*common border along lots 2 and 3 and buyer will return to Board with a revised stormwater management plan if impervious surface ratio is increased) with the following contingencies:*

- *Will comply with directions from the February 25, 2008 Bucks County Department of Health letter*
- *Will comply with all issues raised in the March 12, 2008 Knight Engineering review letter*
- *Will comply with all issues raised in the March 6, 2008 Castle Valley Consultants review letter*
- *Will comply with all issues raised in the March 12, 2008 Landscape Review Consultants letter*

Mr. Rowan asked if the plan included deed restrictions on the preserved land to which Mr. Glitzer responded that there was a reference in the conservation easement. Mr. Rowan asked if the Agreement of Sale was firm after this approval. Solicitor Smith and Mr. Murphy responded that the agreement was firm now.

Mr. Murphy noted that Township currently held an escrow for the Bangert subdivision and that they would like to have it returned. Mr. Gray noted that it was in the amount of \$38,000. Mr. Rowan suggested that they contact either Ms. Cozza or Ms. Jill Pistory.

Mr. George Michel thanked Mrs. Rash and Mr. Murphy for making this happen.

Mr. Joel Nace thanked the residents who carried on a nine-year grassroots effort.

*The Township Solicitor was directed to prepare the written approval as required by the MPC. The findings, terms and conditions of that written approval shall be controlling.*

*The motion carried unanimously.*

*Mr. Forest made a motion, seconded by Mr. Rowan to approve Act 537 Plan Revision for "Victoria Park", Township File SA 2001-16, T.P. 6-23-8, 112+ Acres, 3 Lots, in the AG-1 Zoning District. The motion carried unanimously.*

**3. Consideration of approving Revised Preliminary Major Subdivision Plan (plan dated Rev. 1/10/08) of the "McKernan Tract", Township File SA 2007-01, submitted by Andersen Engineering Assoc., Inc. on behalf of Joseph McKernan and Chance Worthington, T.P. 6-18-91-2, New Hope Road / Durham Road, 16.35 acres, 3 lots, in the AG-1 Zoning District, with an extended 90-day Review Period Expiration Date of May 3, 2008.**

Representing the applicant were Mr. William Benner, Attorney, Mr. Joseph McKernan and Mr. Chance Worthington, owners and Mr. Kevin Wolf, Project Engineer.

The applicant agreed to comply with all issues raised in the February 22, 2008 Knight Engineering Review letter other than those discussed below:

I. 2.1 Mr. Gray noted that New Hope Road floods in all storm events other than the two-year storm. Mr. Rowan commented that he felt flooding needed to be addressed at the Township level. Mr. Rowan suggested a fee in-lieu-of and put aside money for a flood relief program.

I. 12.1 Mr. Benner explained that there was a site meeting on November 27, 2007 attended by Dan Gray, Carol Manicone and Kevin Wolf wherein the existing swale was inspected and its condition was discussed. Mr. Benner noted that this project proposes no improvements to the swale. It was decided that the chunks of concrete along the west side of New Hope Road would be removed. Mr. Gray interrupted to note that this was an old comment from a prior review and asked all parties to disregard it.

March 7, 2008 Waiver Request Letter

Mr. Benner noted that if the Board granted the requested SALDO waivers, than many of the other points in the engineering review letter would be addressed. Discussion was held regarding the following requests:

3. Mr. Benner noted that this waiver would be addressed with a fee in-lieu of improvements. He noted that the plan showed the bike path, but it would be removed if the waiver was approved. Mr. Gray noted that the Township had the rights to the intersection at Durham Road and New Hope Road across the street.
4. Mr. Benner explained it was a waiver to the location and not the number of trees. Mr. Benner noted that the PC wanted to soften the look of the common driveway. They suggested taking the street trees that were to go on New Hope Road and plant them on the common drive. Ms. Manicone supported the recommendation. Mr. Rowan asked about a note on the plan that said proposed 100 yr. Floodplain. Mr. Wolf responded that it showed what it is and what it will be when drainage on the site is addressed. Mr. Rowan asked about the split rail fence. Mr. Gray responded that it was used to protect the wetlands and keep property owners out of protected areas. Ms. Manicone noted that the plan would be tweaked in terms of species. After discussion, the Board supported the waiver request.
66. Mr. Wolf noted that the crossing would be an open bottom arch culvert. Mr. Gray noted that the Zoning Hearing Board decision limited the disturbance to 500 square feet.
7. Ms. Manicone recommended that the applicant either do a complete tree inventory or continue the split rail fence to mark off the trees. Mr. Rowan asked about the nature of the ground between lot 1 and houses on Durham Road. Mr. Gray responded that they were being maintained by existing property owners and there was a pool, picnic tables, etc. in that location. Mr. Benner indicated that those items would be removed. Mr. Rowan commented that he felt the woodlands had to be fenced. The applicant, Ms. Manicone and the Board agreed on the area to be fenced. Mr. Worthington asked what happens if the ultimate owner wants to take down the fence. Mr. Rowan responded that enforcement was a problem. Mr. Benner asked the Board to grant the waiver on the condition that a split rail fence be provided around the second conservation easement.

Other Issues

The applicant will comply with all issues raised in the February 8, 2008 Landscape Review Consultants review letter.

Mr. Kelso noted that they already had an exemption from the Department of Environmental Protection (DEP) from planning modules and they were through the wastewater process. Mr. Kelso added that because there were less than four lots, they did not have to apply for well permits until the time of building permits.

Mr. Benner explained that Mr. McKernan and Mr. Worthington were buying the property and title would transfer at the time of preliminary approval and therefore they wanted to come to an agreement on the fee-in-lieu of numbers. It was decided that the applicant would get estimates for the work to be done for the fee-in-lieu of items and return to the Board at a future meeting for preliminary approval.

*Consideration of approving Revised Preliminary Major Subdivision Plan (plan dated Rev. 1/10/08) of the "McKernan Tract", Township File SA 2007-01, submitted by Andersen Engineering Assoc., Inc. on behalf of Joseph McKernan and Chance Worthington, T.P. 6-18-91-2, New Hope Road / Durham Road, 16.35 acres, 3 lots, in the AG-1 Zoning District was tabled at the Applicant's request.*

Mr. George Michel, Smith Road, Pineville, thanked the applicant for the concessions they made to respect the character of the community. Mr. Michel commented that arsenic had been found in nearby wells.

**4. Consideration of accepting Request for Extension to the allowable review time under the provisions of the PA Municipalities Planning Code to May 31, 2008, as submitted by Timothy Barnard on behalf of Natural Lands Trust, Inc., for "Natural Lands Trust", Township File LD 2007-02.**

*Mr. Forest made a motion, seconded by Mr. Rowan to accept the Request for Extension to the allowable review time under the provisions of the PA Municipalities Planning Code to May 31, 2008, as submitted by Timothy Barnard on behalf of Natural Lands Trust, Inc., for "Natural Lands Trust", Township File LD 2007-02. The motion carried unanimously.*

**5. Consideration of accepting the Agreement to Extend the Residential Development Contract to March 26, 2009, covering the "Funk Tract", Township File SA 2001-13.**

*Mr. Forest made a motion, seconded by Mr. Rowan to accept the Agreement to Extend the Residential Development Contract to March 26, 2009, covering the "Funk Tract", Township File SA 2001-13. Ms. Cozza noted that there was a note from the Finance Director. Mr. Gray noted that there were some minor problems to resolve and that the Township was still holding 15% of the original amount. The motion carried unanimously.*

**6. Consideration of accepting the Agreement to Extend the Residential Development Contract and Water and Sanitary Sewer Development Agreement to April 9, 2009 from William C. Briegel of Orleans Corporation, for the “Devonshire Estates, Phase IV” Subdivision, Township File SA 97-01.**

*Mr. Forest made a motion, seconded by Mr. Rowan to accept the Agreement to Extend the Residential Development Contract and Water and Sanitary Sewer Development Agreement to April 9, 2009 from William C. Briegel of Orleans Corporation, for the “Devonshire Estates, Phase IV” Subdivision, Township File SA 97-01. The motion carried unanimously.*

**ADDITIONAL BUSINESS / MANAGER’S ITEMS**

**1. Consideration of request submitted by Loretta Jenkins, on behalf of Doylestown Athletic Association, to waive the George M. Bush Park usage fee set forth in Resolution 2002 for the second “season” of field usage.**

Mr. Forest explained that they were paying the park usage fee, but there was an overlap of seasons. Mr. Forest made a motion, seconded by Mr. Rowan to waive the George M. Bush Park usage fee as set forth in Resolution 2002 for the second “season” of field usage as submitted by Loretta Jenkins on behalf of the Doylestown Athletic Association. The motion carried unanimously.

**2. Consideration of request submitted by Anne Irwin, on behalf of Bucks County S.P.C.A., to waive the Holicong Park pavilion usage fee set forth in Resolution 2002.**

*Mr. Forest made a motion, seconded by Mr. Rowan to waive the Holicong Park pavilion usage fee set forth in Resolution 2002 as submitted by Ann Irwin, on behalf of the Bucks County S.P.C.A. The motion carried unanimously.*

Mr. George Michel asked if they would have to submit an escrow to which Ms. Cozza responded yes.

**3. Wycombe Train Station Bids**

Ms. Cozza summarized that restoration of the train station went out to bid and four bids were received with a low bid of \$496,159.45 and a high bid in the \$900,000’s. A grant from PennDOT will cover \$467,000 and the Township would have to pay \$29,159.45. Ms. Cozza explained that the total out of pocket expense for the Township is to be roughly \$150,000.00 (within what had been planned). Ms. Cozza asked the Board whether they would authorize her to approve the low bidder conditioned on PennDOT approval. The low bidder is Premier Builders, Inc. Ms. Cozza noted that electrical was not included in the bid. Mr. Forest asked if PennDOT would provide funds for electrical to which Ms. Cozza responded no.

The following public comments were made:

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Mr. Paul Calderario asked why the cost was so high for a small building. Ms. Cozza explained one reason it was so expensive is because it is being done through a Transportation Enhancements grant and although it is an historic preservation it still has to go through all the procedures that a bridge or road would have to go through. She added that the bidders need to be able to work within the PennDOT system.

Mr. George Michel commented that historic preservation work is expensive and he did not think the bids were too outrageous. Mr. Michel asked if the Township had to go with the low bidder. Ms. Cozza explained yes, but that the Township was able to put in certain criteria to assure that the bidder had experience in historic rehabilitation. PennDOT approves the bid and we oversee the construction so there are safety mechanisms built in to the system.

Mr. John Cunningham asked for an explanation of what was being discussed. Ms. Cozza explained that they were discussing the restoration of the Wycombe Train Station. Mr. Cunningham stressed the importance of doing the electrical work at the same time as the other construction.

Mr. Skip Salveson asked if the Township purchased the train station and what was going to be done with it. Ms. Cozza responded that the Township purchased it through a grant. Ms. Cozza explained that there were many grants involved with the train station to date and they all were toward the goal of restoring the train station. She warned that the Township could have to return the money if that goal was not attained. Mr. Rowan responded that it was an important historical structure. Mr. Salveson expressed concern about the amount of money being spent on this project.

Mr. John Cunningham commented that they would have to put in fire alarms if the public was to use the building.

Mr. Forest commented that he would be more comfortable having Mrs. Rash in attendance to discuss the issue.

Mr. George Michel expressed support for the project and commented that for historic integrity there should not be electricity in the building.

Mr. Paul Calderaio asked about the annual maintenance cost. Ms. Cozza responded that she did not have the numbers. She noted that it was already covered by the Township insurance. Mr. Calderaio suggested consideration for a bathroom or port-a-potty if there is an anticipated public use.

Mr. Rowan noted that light rail has been considered for Buckingham. Mr. Rowan recommended setting aside a small amount of money for landscaping.

Discussion of the Wycombe Train Station restoration bids was tabled.

*Mr. Forest made a motion, seconded by Mr. Rowan to adjourn the meeting at 11:42pm. The motion carried unanimously.*

**Approved by the Board of Supervisors on the 9th day of April, 2008.**

**Buckingham Township Board of Supervisors**

absent  
Maggie Rash, Chairman

Jon Forest, Vice-Chairman

Henry Rowan, Member

Attest: Dana S. Cozza  
Dana S. Cozza, Secretary

Henry Rowan

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(See Attachment)

## **ATTACHMENT to March 12, 2008 Board of Supervisors Minutes**

### Statement from Jon Forest regarding Weisman Settlement

Although the events which gave rise to the litigation brought by Max Weisman against the Township occurred well before I became a Supervisor, it falls on me to decide if the settlement is in the best interest of the Township and its residents. I appreciate the effort expended by Rob Baldi, the Township Special Counsel, as well as counsel for the Townships insurance carrier, and am satisfied that we are receiving the right advice. The amount of the settlement is significant but the consequences of not settling this matter may be more significant. When the Federal Judge orders that the jury will be advised that the former Township manager destroyed evidence and that the evidence should be interpreted against the interests of the Township, It is clear that settling this matter is the only choice.

Unfortunately, this is the outcome of political maneuverings on the part of Henry Rowan and Ray Stepnoski to replace the Township manager with a member of the board of Supervisors who lost his job. There were no interviews, there was no search and that is why I remain committed to the idea that the position of Township Manager should be independent of political involvement.

### Statement from Maggie Rash regarding Weisman Settlement

Unfortunately, family commitments prevent me from being at tonight's meeting. However, I have asked the Township manager to read this statement concerning the proposed settlement between the Township and its former manager, Max Weisman.

I was not a member of this Board when the events occurred that precipitated Mr. Weisman's lawsuit. However, it's my responsibility to look out for the best interests of our township, its residents, and taxpayers. The Township is involved with two disputes here: one with Mr. Weisman and one with the Township's insurance company. I don't think it is meaningful to go into the merits of each argument. I will leave that to others. As the Release notes, these are disputed claims.

Rather, in deciding what the Township should do I have sought the advice of special counsel. We are advised that to continue to litigate these claims could result in excessive costs in legal fees and expert fees. The \$75,000.00 settlement offer we are proposing will resolve all the claims and litigation. Were we to continue, there would be no guarantee the Township would prevail in that litigation. In short we would have the same cost, but in addition the risk of an adverse outcome in both disputes.

As such, I am convinced that the prudent course for the Township is to spend these monies not for lawyers, but to finally resolve this dispute, avoid any risk of having to pay yet significantly more money later, and get this matter behind us. We have more important goals for Buckingham than wallowing in a quagmire of litigation arguing over past deeds of departed supervisors and managers.

For these reasons, I support Resolution 2042 and the settlement with Mr. Weisman.