

BUCKINGHAM TOWNSHIP

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

Website - www.buckinghampa.org



BOARD OF SUPERVISORS BUSINESS MEETING

AGENDA

April 9, 2008

Call to Order 7:30 p.m.

1. Public Comment (Maximum 30 minutes)
2. Board's Announcements:
 - Don't forget **Election Day** Tuesday, April 22, 2008! The Open Space Bond Referendum question will be at the top of the ballot.
 - Various **Park and Recreation Programs** including Summer Camps begin this month. Go to our website at www.buckinghampa.org for details!
 - "**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.
 - **First Annual Plant Swap**, April 26th at the Maintenance Garage from 8 a.m. to 1 p.m., presented by the Park and Recreation Commission.
 - 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 the Payroll for the week ending March 30, 2008 and the Bill List for the meeting of April 9, 2008.
4. Consideration of approving Supervisor's Minutes of the March 12, 2008 and March 26, 2008 Regular Business Meetings.
5. Consideration of accepting various Departmental Minutes and Advisory Body Minutes.
6. Consideration of accepting **Request for Extension** to the allowable review time under the provisions of the PA Municipalities Planning Code to November 6, 2008, as submitted by Joseph Bonargo for the "**Bonargo Tract**", Township File SA 2008-01.
OR
Consideration of approving Preliminary Plan of Major Subdivision (plan dated 8/30/07) of the "**Bonargo Tract**", Township File SA 2008-01, submitted by Urwiler & Walter, Inc. on behalf of Joseph Bonargo, T.P. 6-6-62, Durham Road, 7.43 acres, 3 lots, in the AG-2 Zoning District, with a 90-day Review Period Expiration Date of May 6, 2008.

**BOARD OF SUPERVISORS
REGULAR MEETING
APRIL 9, 2008
PAGE 2**

7. Consideration of approving Revised Preliminary Plan of Land Development (plan dated Rev. 3/10/08) 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 seconded extended 90-day review period expiring May 31, 2008.
AND
Consideration of approving Resolution No. ___ Act 537 Plan Revision for **“Natural Lands Trust”**, Township File LD 2007-02.
AND
Consideration of accepting the Maintenance Agreement for the Community Wastewater System.
8. Consideration of approving Revised Preliminary/Final Plan of Lot Line Change (plan dated “Rev. 1/23/08”) of the **“First Baptist of Wycombe Church”**, Township File SA 2007-05, submitted by Tri-State Engineers, Inc. on behalf of the First Baptist of Wycombe Church, T.P. 6-24-11 and 6-24-7, Township Line Road, 3.49 Acres, in the VC-1 Zoning District, with an extended 90-day review period expiration of August 5, 2008.
9. Consideration of release of Subdivision Bond No. SP6989 being held as security for **“Watch Tower / Bangert Tract”**, SA 2001-12.
10. Consideration of approving Agreement of Sale for the Diemand Tract between Cardinal Justin Rigali, Archbishop of Philadelphia, and Buckingham Township for Tax Map Parcel # 6-10-265 containing approximately 34.68 acres +/- situated at the northeast corner of York and Quarry Roads.
11. Consideration of accepting the Agreement to Extend the Residential Development Contract and Water and Sewer Development Agreement to April 30, 2009 from David B. Anderson of Toll Brothers, Inc., for **“Cold Spring Hunt, Phases 6-9”** Subdivision, Township File SA 89-26.
12. Consideration of accepting Fulton Bank’s (Premier Division) extension to October 17, 2008 of the Certificate of Deposit No. 5046109 covering **“Lookaway Golf Club’s Phase III Land Development”**, Township File LD 96-05.
13. Consideration of awarding the **2008-2009 Fuel Bid** to Sunoco Inc. of Aston, PA, through the Bucks County Consortium for the following items, all pricing based on the OPIS Philadelphia Mean published on March 3, 2008 plus a delivery charge (price increase or decrease will depend on each posting of the OPIS Philadelphia Mean, posted daily):

Product	Price	Delivery	Total \$ per gallon
Ultra Low Sulfur Diesel	\$3.1372	.189	\$3.3266
Heating Oil	\$2.8439	.1944	\$3.0383
Unleaded Gas	\$2.5593	.1844	\$2.7437
Off Road Low Sulfur	\$3.1802	Various	\$3.1802 + delivery

**BOARD OF SUPERVISORS
REGULAR MEETING
APRIL 9, 2008
PAGE 3**

14. Consideration of accepting the Roadmaster's recommendations for the purchase of **Signs and Posts** through the Bucks County Consortium.

15. **ESCROW RELEASE:**

Nanlyn Farms, Hearthstone, SA 91-15	Lojeski W&S Agreement – FINAL RELEASE	\$13,581.75 recommended for release
--	--	--

16. Additional Business / Manager's Items:

- Consideration of request submitted by Virginia Howarth, on behalf of Cub Scout Pack 6, to waive the George M. Bush Park pavilion usage fee set forth in Resolution 2002 for an event to be held May 16, 2008, from 5:30 to 7:30 each day.

Buckingham Township Board of Supervisors
Meeting Minutes

The regular meeting of the Buckingham Township Board of Supervisors was held April 9, 2008 in the Township Building, 4613 Hughesian Drive, Buckingham, Pennsylvania.

Present:	Maggie Rash	Chairperson
	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

607356

Mrs. Rash called the regular meeting to order at 7:30pm and led The Pledge of Allegiance.

PUBLIC COMMENT

Robert Tate, 3791 East Brandon Way, asked if the Board could overrule a Technical Review Board decision that prohibited him from using a specific plumbing material in his home under construction or update the ordinance. Mr. Tate was advised that the decision could not be overruled but that he could appeal the decision with the Court of Common Pleas. Mrs. Rash agreed to look at the ordinance and discuss his situation with Ms. Cozza and then get in touch with him.

Irv Linder, Lahaska, Bucks County Land Use Task Force President, questioned the legitimacy of the \$20 million bond issue on the ballot.

Mr. Joel Nace, Mechanicsville, questioned whether the Township had hired McMann and Associates to do a traffic study. Mrs. Rash asked Ms. Cozza to look into it.

Ms. Valerie Abramchuk, 4892 Edgewood Road, asked for an update on the Township Manager search. Mrs. Rash responded that the search committee was assembled and beginning to work.

Ms. Susan Sciacca, member of the Agricultural Preservation Committee, expressed concern that members of the community were trying to politicize the open space referendum.

Ms. Janet French, Indian Spring Road, expressed concern about the politicizing of the bond referendum and expressed support for the preservation process in Buckingham Township.

Responding to a comment made by Mr. Linder, Ms. Bush noted that many farms in the Township had been preserved with County money.

Mr. Jack Calahan, 2767 Mill Road, commented that he hoped the funds acquired through the bond referendum would be spent equitably throughout the Township and expressed concern that two of the Board members lived in the lower part of the Township. Mrs. Rash responded that the number one farm on the preservation list is at the Northern end of the Township and explained

that all farm owners have been contacted by mail regarding potential preservation of their farms. She explained that many are not interested because they do not want to accept the amount of money being offered. Mr. Calahan asked whether Transferable Development Rights (TDRs) should be included in the referendum to which Mr. Rowan responded they should. Mr. Calahan asked what portion of the funding would be used for active recreation to which Mrs. Rash responded that no percentage would be specified but that last time 20% went toward active recreation.

Mr. John Cunningham, Carversville Road, commented that he felt people were confused with the concept of a conservation easement and noted a report that said the development rights were being bought on Victoria Park. Solicitor Smith explained that Victoria Park was a conservation easement and part of that retires all development rights.

BOARD'S ANNOUNCEMENTS

Mrs. Rash announced the following items:

- Don't forget **Election Day** Tuesday, April 22, 2008! The Open Space Bond Referendum question will be at the top of the ballot. The three Board members expressed support for the bond referendum, making it clear that they were speaking as citizens of the Township and not making a recommendation from the Board.
- Various **Park and Recreation Programs** including Summer Camps begin this month. Go to our website at www.buckinghampa.org for details!
- "**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.
- **First Annual Plant Swap**, April 26th at the Maintenance Garage from 8 a.m. to 1 p.m., presented by the Park and Recreation Commission.
- 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 30, 2008 and the Bill List for the meeting of April 9, 2008.

Mrs. Rash made a motion, seconded by Mr. Forest to approve payroll for the week ending March 30, 2008 and the Bill List for the meeting of April 9, 2008 in the amount of \$5,108,731.88. The motion carried unanimously.

MINUTES

Consideration of approving Supervisor's Minutes of the March 12, 2008 and March 26, 2008 Regular Business Meetings.

Mrs. Rash made a motion, seconded by Mr. Forest to approve the minutes of the March 12, 2008 and March 26, 2008 Regular Business Meetings. The motion carried unanimously.

Consideration of accepting various Departmental Minutes and Advisory Body Minutes

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

BUSINESS

1. Bonargo Tract Request for Extension

Mrs. Rash made a motion, seconded by Mr. Forest to approve the Request for Extension to the allowable review time under the provisions of the PA Municipalities Planning Code to November 6, 2008, as submitted by Joseph Bonargo for the "Bonargo Tract", Township File SA 2008-01. The motion carried unanimously.

Ms. Bush noted that the Planning Commission was scheduling a site visit.

2. Natural Lands Trust Preliminary/Final Land Development Review, Act 537 Plan Revision and Maintenance Agreement

Representing the applicant was Mr. Timothy Barnard, attorney. Mr. Barnard provided an overview of the project and indicated that the agenda item was a preliminary/final submission. Mr. Barnard commented that with regard to Ms. Manicone's review they would request a waiver from the tree inventory since this project was not a development but instead a conservation project.

Knight Engineering April 4, 2008 Review Letter

The applicant will comply with all issues raised other than the following that were discussed:

I. Development Concerns

- 1.3 Mr. Barnard explained that they viewed the facility as a traffic calming measure because as people enter the facility that would in and of itself calm traffic. He noted that based on discussion with traffic engineers they did not support the use of speed humps or bumps, but they would consider the installation of a stop sign at the entrance. Mr. Barnard indicated that they would also be willing to install signs at either end of the bike path crossing. The following public comments were made:

Mr. George Michel, Pineville, Zoning Hearing Board (ZHB) member, noted that the ZHB had received substantial testimony in the area regarding speed traffic problems and asked what the recommendation of the Township Engineer had been. Mr. Gray recommended

speed tables or a raised crosswalk. Solicitor Smith asked Mr. Barnard if liability was a concern to which Mr. Barnard answered yes. Mr. Barnard responded that the applicant would prefer to give the Township the money to do the work for speed tables or raised crosswalks if that is the preferred traffic calming measure.

Mr. John Cunningham, ZHB member, noted that the Board was not unanimous in what proposed. Mr. Cunningham suggested increased police visibility in that area.

Mr. Peter Williamson, representative of Natural Lands Trust (NLT), agreed to stripe the bike path crossing and noted that the real speed problem was at the point where the NLT property ended and the neighborhood began and suggested it would be better to introduce a physical traffic calming measure there.

Discussion followed about the merits of speed humps, bumps and speed tables. After discussion consensus was to have NLT set aside funds for the installation of one speed table. The Township was to estimate the cost and the NLT would set aside funds to be used within 18 months of the occupancy permit. The Township would do the work.

II. Individual Plan Sheet Comments

2.12 The Board agreed that the comment did not make sense in this case because the end result would be zero.

14.9 After discussion it was decided that NLT would bring the path to the end of Holicong Road and the Township would handle the crossing over Durham Road and make adjustments to the Hansell Road path. The NLT will pay for signs at the crossing.

14.10 The Board found the utility pole placement acceptable.

Mr. Tom Kelso noted that all the testing was complete for the planning module and the maintenance agreement with the Department of Environmental Protection (DEP). Solicitor Smith was everything was acceptable.

The waiver request letter of March 10, 2008 was reviewed and all waivers were granted.

Mrs. Rash made a motion, seconded by Mr. Forest to approve Preliminary/Final plan of Land Development (plan dated Rev. 3/10/08) 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 and grant all waiver requests as set forth in the March 10, 2008 waiver request letter with the following contingencies:

- *The applicant will comply with all issues raised in the April 4, 2008 Knight Engineering review letter with the exception of 1.3 as modified by the agreement discussed above that the Township has the option to construct one speed table, cost to be escrowed by the applicant and will be held for 18 months, 2.12 the applicant will not comply, 14.9 the applicant will pay for signs to be installed at the Durham Road crossing at the time the Township has approvals and a clear understanding of what the signs would be, 14.10 is waived.*

- *Regarding the Landscape Review Consultants letter of March 21, 2005, the NLT will do a walk through with Ms. Manicone at the time of bike path construction.*

Mr. John Cunningham commented that bike path should go to the end of Holicong Road. Mr. Gray responded that it should not go to the end until the crossing over Durham Road is decided. Mrs. Rash summarized that the Township would proceed with plans for the Durham Road crossing and specified that the bike path should be done later in the development. *Mrs. Rash amended her motion to indicate that the bike path was to come to Durham Road but was not to be constructed until such time that the Township obtained permits for the crossing of Durham Road, noting that the Township would make application.*

The motion carried unanimously.

Mrs. Rash made a motion, seconded by Mr. Forest to approve the Act 537 Plan Revision for "Natural Lands Trust", Township File LD 2007-02 and the Maintenance Agreement for Community Wastewater System and authorize officials of the Township to sign such an agreement. The motion carried unanimously.

Ms. Janet French commented that she was pleased to be here and see this plan come to fruition. Mrs. Rash thanked Ms. French for persisting with this and leading the way.

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.

3. Revised Preliminary/Final Plan of Lot Line Change (plan dated "Rev. 1/23/08") of the "First Baptist of Wycombe Church"

Representing the applicant was Mr. Ray Neitz. Mr. Neitz indicated that the applicant would comply with all issues raised in the March 24, 2008 Knight Engineering review letter. Mr. Kelso recommended that the applicant request a waiver for 9.29b for some isolation distances.

Mrs. Rash made a motion, seconded by Mr. Forest to approve the Revised Preliminary/Final Plan of Lot Line Change (plan dated "Rev. 1/23/08") of the "First Baptist of Wycombe Church", Township File SA 2007-05, submitted by Tri-State Engineers, Inc. on behalf of the First Baptist of Wycombe Church, T.P. 6-24-11 and 6-24-7, Township Line Road, 3.49 Acres, in the VC-1 Zoning District, grant a waiver to 9.29b in the Subdivision and Land Development Ordinance (SALDO) as well as all waivers requested in the March 12, 2008 waiver request letter with the contingency that the applicant would comply with all issues raised in the March 24, 2008 Knight Engineering review letter. Mrs. Rash noted that the new plan addressed all previous landscaping concerns. The motion carried unanimously.

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. Mr. Neitz was told he would receive the letter within 15 days.

4. Release of Subdivision Bond No. SP6989 being held as security for “Watch Tower / Bangert Tract”

Mrs. Rash made a motion, seconded by Mr. Forest to release Subdivision Bond No. SP6989 being held as security for “Watch Tower / Bangert Tract”, SA 2001-12. The motion carried unanimously.

5. Agreement of Sale for the Diemand Tract

Mrs. Rash made a motion, seconded by Mr. Forest to approve the Agreement of Sale for the Diemand Tract between Cardinal Justin Rigali, Archbishop of Philadelphia, and Buckingham Township for Tax Map Parcel # 6-10-265 containing approximately 34.68 acres +/- situated at the northeast corner of York and Quarry Roads.

Solicitor Smith commented that the signed agreement is a version that Mr. Levine had prepared and it is a previous iteration and has some errors and as such recommended approving the agreement with the proviso that the Township Solicitor be given the authority to make some revisions to the agreement in cooperation with the Archdiocese attorney (and get the signature of the Cardinal on the revised documents) and once those efforts have reached a conclusion one way or another then authorize appropriate members of the Board of Supervisors to execute the agreement without further approval. Solicitor advised the Board that if the agreement was not revised, then they could file condemnation proceedings and take care of the issue in that manner. Mr. Rowan asked whether condemnation was a benefit. Solicitor Smith explained that the property was purchased in lieu of condemnation and that he hoped to be able to work through the agreement without having to file a condemnation action. *Mrs. Rash amended her motion to include Solicitor Smith’s proviso as written above.*

Mr. John Cunningham, asked what condemnation had to do with the transaction to which Solicitor Smith responded that if a property is purchased in lieu of condemnation, then there is an exception to the real estate transfer tax.

Mr. Rowan noted that a possible use for this property is for a reserve sprayfield. Solicitor Smith noted that wastewater funds were being used to acquire the property.

The motion carried unanimously.

6. Consideration of accepting the Agreement to Extend the Residential Development Contract and Water and Sewer Development Agreement to April 30, 2009 from David B. Anderson of Toll Brothers, Inc., for “Cold Spring Hunt, Phases 6-9” Subdivision, Township File SA 89-26.

Mrs. Rash made a motion, seconded by Mr. Forest to accept the Agreement to Extend the Residential Development Contract and Water and Sewer Development Agreement to April 30, 2009 from David B. Anderson of Toll Brothers, Inc., for “Cold Spring Hunt, Phases 6-9” Subdivision, Township File SA 89-26. The motion carried unanimously.

7. Fulton Bank's extension of the Certificate of Deposit No. 5046109 covering "Lookaway Golf Club's Phase III Land Development"

Mrs. Rash made a motion, seconded by Mr. Forest to accept Fulton Bank's (Premier division) extension to October 17, 2008 of the Certificate of Deposit No. 5046109 covering "Lookaway Golf Club's Phase III Land Development," Township File LD 96-05. The motion carried unanimously.

8. 2008-2009 Fuel Bid Award

Mrs. Rash made a motion, seconded by Mr. Forest to award the 2008-2009 Fuel Bid to Sunoco Inc. of Aston, PA, through the Bucks County Consortium for the following items, all pricing based on the OPIS Philadelphia Mean published on March 3, 2008 plus a delivery charge (price increase or decrease will depend on each posting of the OPIS Philadelphia Mean, posted daily):

Product	Price	Delivery	Total \$ per gallon
Ultra Low Sulfur Diesel	\$3.1372	.189	\$3.3266
Heating Oil	\$2.8439	.1944	\$3.0383
Unleaded Gas	\$2.5593	.1844	\$2.7437
Off Road Low Sulfur	\$3.1802	Various	\$3.1802 + delivery

Mr. Rowan questioned why a bid was being awarded if there was not a set price. Ms. Cozza explained that no one would offer a set price so this was the low bidder and that usually by going through the consortium the Township would get a lower price.

Mr. Joel Nace commented that this year the companies were not allowing the Township to lock in a price. Ms. Cozza agreed to get more information about a rate lock. *Mrs. Rash made a motion, seconded by Mr. Forest to table the fuel bid award to the next meeting. The motion carried unanimously.*

Mr. George Michel commented that Ms. Janet French had introduced residents to the Philadelphia Energy Cooperative (renewable resource cooperative) for home electricity and noted that it had now become more economically feasible. Mr. Rowan expressed support for green efforts in the Township and asked the staff to begin the process for an energy audit. He also suggested the formation of a citizens' advisory board.

Ms. Janet French commented that a group had already been formed and was looking to work with the Bucks County Planning Commission and municipal Environmental Advisory Commissions for green building and other green objectives.

Ms. Lynn Bush commented that a County committee had done energy audits and offered to brief the Board.

9. Purchase of Signs and Posts through Bucks County Consortium

Mrs. Rash made a motion, seconded by Mr. Forest to accept the Roadmaster's recommendations for the purchase of Signs and Posts through the Bucks County Consortium. The motion carried unanimously.

RELEASE OF FUNDS

ESCROW RELEASE:

Nanlyn Farms, Hearthstone, SA 91-15	Lojeski W&S Agreement – FINAL RELEASE	\$13,581.75 recommended for release
--	--	--

Mrs. Rash made a motion, seconded by Mr. Forest to approve the escrow release to Nanlyn Farms, Hearthstone, SA 91-15, in the amount of \$13,581.75. The motion carried unanimously.

ADDITIONAL BUSINESS / MANAGER'S ITEMS

1. Waiver of George M. Bush Park pavilion use fee for Cub Scout Pack 6

Mrs. Rash made a motion, seconded by Mr. Forest to waive the George M. Bush Park pavilion-usage fee set forth in Resolution 2002 for an event to be held May 16, 2008, from 5:30 to 7:30pm for Cub Scout Pack 6 as requested by Virginia Howarth. The motion carried unanimously.

2. Upgrade for Township Software Licenses

Mrs. Rash made a motion, seconded by Mr. Forest to approve an upgrade for Township software licenses in the amount of \$9,935.

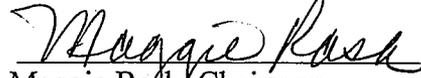
Mr. John Cunningham question the purpose of the expenditure to which Solicitor Smith explained that it was a licensing fee that enabled the staff to use computer software.

The motion carried unanimously.

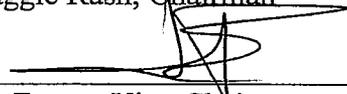
Mrs. Rash made a motion, seconded by Mr. Forest to adjourn the meeting at 11:08pm. The motion carried unanimously.

Approved by the Board of Supervisors on the 14th day of May, 2008.

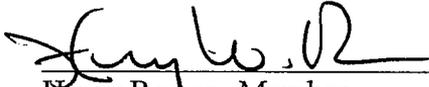
Buckingham Township Board of Supervisors



Maggie Rash, Chairman



Jon Forest, Vice-Chairman



Henry Rowan, Member

Attest:


Dana S. Cozza, Secretary

607356