

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

September 10, 2008

Call to order 7:30 p.m.

1. Public Comment (Maximum 30 minutes)
2. Board's Announcements:
 - **Buckingham's 10th Annual Concours D'Elegance** - Sunday, September 14, 2008. Purchase your raffle tickets now to win a 1957 Ford Thunderbird - all profits benefit the "Buckingham Land Preservation Fund". Volunteers are always needed to help with this event.
 - **Free Movies at the Hansell Park Band Shelter on Friday Evenings** - Upcoming movie: "Monster's Inc." - Friday, September 19th, Hansell Park, 7:00 p.m.
 - **Keep Buckingham Beautiful, Clean-up Days**, October 11 and 12, 8 a.m. to 4 p.m. Bring your household trash to the Township Maintenance Building at 4991 Upper Mountain Road. There is a small fee for tires and items containing freon.
3. Consideration of approving the Payroll for the week ending August 31, 2008 and the Bill List for the meeting of September 10, 2008.
4. Consideration of approving Supervisor's Minutes of the August 27, 2008 Regular Business Meeting.
5. Consideration of accepting various Departmental Minutes and Advisory Body Minutes.
6. **PUBLIC HEARING:** Consideration of approving Conditional Use Application submitted July 22, 2008 by Cricket Communications, Inc. for the American Tower Corporation, Township File CU 2008-01, T.P. #6-18-152, 4776 Lower Mountain Road, 2.0 acres, in the AG-1 Communication Overlay District 1, requesting to install a wireless communications service facility on an existing structure. Review expiration date September 20, 2008.
7. Consideration of approving **Resolution 2051** Authorizing the Acting Township Manager, Dana Cozza, to execute the Transfer Agreement for the Pineville Road Bridge spanning Pidcock Creek on behalf of Buckingham Township.

BOARD OF SUPERVISORS
 REGULAR BUSINESS MEETING
 SEPTEMBER 10, 2008
 PAGE 2

8. Consideration of accepting **Request for Extension** to the allowable review time under the provisions of the PA Municipalities Planning Code to December 31, 2008 for the "**Lindenmeyr Tract aka Sotter Hill**", Township File SA 2006-05, as submitted by Jessica Rice, Fox Rothschild LLP on behalf of Henry Lindenmeyr.
 OR
 Consideration of approving Final Plan of Major Subdivision (plan dated 6/30/08) submitted by Hibbeln Engineering Company on behalf of Henry Lindenmeyr, IV, "**Lindenmeyr Tract aka Sotter Hill**", Township File SA 2006-05, T.P. 6-14-63 & 6-14-29, Ash Mill Road, 44.42 acres, 5 lots, in the AG-2 Zoning District. Ninety (90) day review period expires September 30, 2008.
 AND
 Consideration of approving Act 537 Plan Revision for the "**Lindenmeyr Tract**", Township File SA 2006-05.
9. Consideration of Application by Mike and Suella Wass for the addition of Tax Parcel 6-21-70-1, containing 12+ acres to the Agricultural Security Area of Buckingham Township.
10. Consideration of releasing the Maintenance Bonds expiring September 27, 2008 for "**Hearthstone, Phase 7**" and "**Hearthstone, Detention Ponds 1-8**".
11. Consideration of accepting the Agreement to Extend the Residential Development Contract and Water and Sewer Development Agreement to September 30, 2009, covering "**Foxbriar aka Stone Ridge**", Township File SA 91-09.
 AND
 Consideration of accepting Wachovia Bank's Amendments extending "**Foxbriar aka Stone Ridge**", Township File SA 91-09, Letter of Credit No. SM203435W and Letter of Credit No. SM203436W to September 30, 2009.
12. Consideration of accepting the Agreement to Extend the Residential Development Contracts and Escrow Agreement and the Water and Sewer Development Agreement and Escrow Agreement to September 30, 2009, covering "**Devonshire Estates Phases 1 and 5**", Township File SA 97-01.
13. Consideration of accepting the Agreement to Extend the Residential Development Contract and Water and Sanitary Sewer Development Agreement to October 8, 2009, covering "**Upper Mountain Estates**", Township File SA 2001-08.
14. Consideration of accepting National Penn Bank's Amendment No. 3 extending "**Funk Tract**", Township File SA 2001-13, Letter of Credit No. S030026 to October 11, 2009.
15. Consideration of accepting the Agreement to Extend the Land Development Contract to September 27, 2009, covering "**Buckingham Equine Acres, LLC (Hidden Pond)**", Township File LD 2004-01.

607356

BOARD OF SUPERVISORS
 REGULAR BUSINESS MEETING
 SEPTEMBER 10, 2008
 PAGE 3

16. Consideration of providing authorization for the Roadmaster to prepare and advertise the 2008-2009 Snow Plowing Contract.
17. Consideration of awarding the 2008 Bituminous Seal Coat Bid to Asphalt Maintenance Solutions of Center Valley, PA, for the amount of \$250,750.00 +/-.
18. Consideration of approving the Sewage System Maintenance Agreement for the VanBastelaar property, 4743 Church Road, TMP #6-10-79.
19. Consideration of approving a connection to the Fieldstone WWTP for the property owned by James Celotto & Lynda Moore, 3786 Church School Road, TMP 6-4-44-4, with the condition that all required permits must be obtained and applicable fees must be paid by the property owner.
20. Consideration of approving Resolution 2053, Authorizing the Chairman of the Board of Supervisors and the Township Secretary to sign Mastercasting Agreements as needed.
21. Consideration of correcting the term expiration date for Greg Jakubowski, a member of the Technical Code Review Board of Appeals, from a term expiration date of January 2011 to a term expiration date of January 2009.

22. ESCROW RELEASES:

"D' Angelo/Verrichia", Township File SA 2006-04	Site, Escrow Release #1	\$580,361.41 recommended for release
--	-------------------------	---

23. REQUESTS FOR PAYMENT:

GS Developers requesting Payment #1, for the work completed on the installation of Muffin Monsters	Contract BT-08-01, Payment Request #1	\$32,580.00 recommended for release
GS Developers requesting Payment #2, for the work completed on the installation of Muffin Monsters	Contract BT-08-01, Payment Request #2	\$89,550.00 recommended for release

24. Additional Business / Manager's Items:
 - Outstanding legal and engineering fees

Buckingham Township Board of Supervisors
Meeting Minutes

The regular meeting of the Buckingham Township Board of Supervisors was held September 10, 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

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

PUBLIC COMMENT

Mr. Leonard Crooke commented that he felt the Pineville Bridge was needed now and that it was a waste of money to build a 20' bridge. Mr. Crooke felt the Supervisors had not kept the promise made at the May 21, 2008 Board meeting.

Mr. Joel Nace, Mechanicsville, commented that the July 23, 2008 and August 13, 2008 minutes were not yet posted on the web site. Ms. Cozza responded that they would be signed that evening and would be posted on the web the following day. Mr. Nace reported that the Planning Commission had recommended against approval for the newest revision of the Toll Feeney property and asked if the Board also subsequently voted against approval of the newest revision of the Toll Feeney plan and Toll elected not to appeal the rejection but instead submitted a new LC plan under current zoning, whether the Board was prepared to review a submission under LC zoning should the applicant choose to submit an LC plan. Mrs. Rash and Mr. Forest responded that the Board was prepared to review any plan submitted in accordance with Township ordinances and the Municipalities Planning Code. Mr. Rowan expressed concern because there was no Subdivision and Land Development Ordinance (SALDO) in place. Mr. Nace asked why the revised SALDO had not been finished. Ms. Cozza noted that that it was on the next work session agenda.

Ms. Chris Nesbitt, Associate Broker representing Mr. Rodarmer, explained that her client had entered into a contract to buy three lots in Buckingham Township that did not meet percolation test criteria. Ms. Nesbitt explained that Mr. Rodarmer would amend the soils on the lots and retest percolation rates in four years. However, Mr. Rodarmer was looking for some assurance from the Township that if in the future he could obtain approved septic systems he would still have three subdivided lots that could be separately sold. Solicitor Smith advised that Mr. Rodarmer should consult with an attorney to determine his rights but generally if he currently has three separate building lots, even if they were nonconforming, then the law provides protection to make some economic use of the lots.

Ms. Arlene Soffian, asked for follow-up on the time capsule and WaWa. The Board decided to discuss the time capsule at the work session following the business meeting. Ms. Cozza responded

607356

that she had looked through the files for a signed agreement with WaWa regarding the Civic Association discussions but had not yet found anything. Solicitor Smith responded that he had found the Zoning Hearing Board (ZHB) decision and noted that WaWa was authorized to be open 24 hours. Ms. Soffian suggested looking through minutes to find the agreement.

Mr. Mark Nebel, 3808 Taylortown Road, asked for the Board's assistance with the builder at Windsor Square who has not been responsive to his requests for assistance with his new home in which the elevations were causing water to run into his basement. Mr. Nebel felt the builder did not follow the elevations that were agreed upon in the plans. Solicitor Smith inquired whether the Township engineer could go out and check the grading to see if it complies with the plan. Mrs. Rash asked Mr. Nebel to contact Ms. Cozza to make arrangements for the engineer's inspection.

BOARD'S ANNOUNCEMENTS

Mrs. Rash announced the following items:

- **Buckingham's 10th Annual Concours D'Elegance** - Sunday, September 14, 2008. Purchase your raffle tickets now to win a 1957 Ford Thunderbird - all profits benefit the "Buckingham Land Preservation Fund". Volunteers are always needed to help with this event.
- **Free Movies at the Hansell Park Band Shelter on Friday Evenings** - Upcoming movie: "Monster's Inc." - Friday, September 19th, Hansell Park, 7:00 p.m.
- **Keep Buckingham Beautiful, Clean-up Days**, October 11 and 12, 8 a.m. to 4 p.m. Bring your household trash to the Township Maintenance Building at 4991 Upper Mountain Road. There is a small fee for tires and items containing Freon.
- Mr. Forest announced that the Township had received a letter from PennDOT indicating that the speed limit on Cold Spring Creamery Road had been reduced from 50 to 45mph.

PAYROLL AND BILL LIST

Consideration of approving Payroll for the week ending August 31, 2008 and the Bill List for the meeting of September 10, 2008.

Mrs. Rash made a motion, seconded by Mr. Forest to approve payroll for the week ending August 31, 2008 and the Bill List for the meeting of September 10, 2008 in the amount of \$350,272.42. The motion carried unanimously.

MINUTES

Consideration of approving Supervisor's Minutes of the August 27, 2008 Regular Business Meeting.

Tabled.

Consideration of accepting various Departmental Minutes and Advisory Body Minutes

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

BUSINESS

1. PUBLIC HEARING: Consideration of approving Conditional Use Application submitted July 22, 2008 by Cricket Communications, Inc. for the American Tower Corporation, Township File CU 2008-01, T.P. #6-18-152, 4776 Lower Mountain Road, 2.0 acres, in the AG-1 Communication Overlay District 1, requesting to install a wireless communications service facility on an existing structure. Review expiration date September 20, 2008.

Mrs. Rash opened the hearing at 8:40pm. The hearing was recorded by a court stenographer.

The Hearing was continued to October 8, 2008 at 8:00pm in the Buckingham Township Building. Solicitor Smith announced that everyone has notice and they would receive no further notice. Mrs. Rash closed the hearing at 10:31pm.

Mr. Rowan asked the staff to look at current zoning height restrictions. Solicitor Smith responded that the ordinance specifies that the antenna can only be the minimum height necessary to fulfill the gap in coverage. Mr. Rowan commented that he would review the ordinance and see if the Board needed to reconsider height restrictions.

Mr. Sam Brangan asked if residents could make comment. Solicitor Smith responded that they would be given opportunity at the next hearing.

2. Consideration of approving Resolution 2051 Authorizing the Acting Township Manager, Dana Cozza, to execute the Transfer Agreement for the Pineville Road Bridge spanning Pidcock Creek on behalf of Buckingham Township.

Mrs. Rash summarized that the Pineville Road Bridge was closed. A public meeting was held to discuss options for the bridge. The bridge was removed from the PennDOT Transportation Improvement Program (TIP) because there was no agreement in the Township about the design, and plans. Mrs. Rash explained that PennDOT had stipulated a 28' bridge with significant realignments, which the Township did not support. The current compromise being consider was a 20' bridge without realignments.

Mr. Joel Sagel, expressed concern about the Township decision to take back the bridge and 500' of roadway surrounding the bridge and the possibility of his involvement in a lawsuit if a car came off the bridge onto his property. Mr. Rowan responded that the Township did have insurance and that Townships had limited liability. Solicitor Smith responded that the property owner is at risk if somehow there is negligence shown in property maintenance no matter who owns the bridge. Mr. Sagel asked why the Township would incur additional insurance costs when the State could take responsibility. Mr. Forest explained that the priority was to open the bridge as soon as possible. Mr. Sagel commented that he looked forward to tying it up as well.

Mr. John Frederick, Street Road, asked if the concern with realignment was increased traffic speed and if so, he noted that once the bridge was two lanes, there would be increased speed. Mr.

Frederick felt that visibility was the greater safety concern. Mr. Rowan responded that the bridge would still be one way.

Mrs. Rash made a motion, seconded by Mr. Forest to approve Resolution 2051 .

Mr. Sam Brangan, New Road, expressed support for moving the project forward.

Mr. Rowan asked about wording in the resolution that authorized Ms. Cozza to execute the Highway Transfer Agreement. Ms. Cozza explained that the Resolution authorizes her to sign the agreement after the Board has agreed upon its terms. Mr. Rowan asked if there was a Bridge Transfer Agreement and a Highway Transfer Agreement. Solicitor Smith noted that “Bridge Transfer Agreements” was plural in the last line of the Resolution and it was probably inclusive of the Highway Transfer Agreement.

The motion carried unanimously.

Mr. Laurence Mack, 1529 Pineville Road, expressed support for the Board’s decision for a 20’ bridge.

3. Consideration of accepting Request for Extension to the allowable review time under the provisions of the PA Municipalities Planning Code to December 31, 2008 for the “Lindenmeyr Tract aka Sotter Hill”, Township File SA 2006-05, as submitted by Jessica Rice, Fox Rothschild LLP on behalf of Henry Lindenmeyr.

Mrs. Rash made a motion, seconded by Mr. Forest to accept the extension request to the allowable review time under the provisions of the PA Municipalities Planning Code to December 31, 2008 for the “Lindenmeyr Tract aka Sotter Hill”, Township File SA 2006-05, as submitted by Jessica Rice, Fox Rothschild LLP on behalf of Henry Lindenmeyr. The motion carried unanimously.

4. Consideration of Application by Mike and Suella Wass for the addition of Tax Parcel 6-21-70-1, containing 12+ acres to the Agricultural Security Area of Buckingham Township.

Mrs. Rash made a motion, seconded by Mr. Forest to approve the Application by Mike and Suella Wass for the addition of Tax Parcel 6-21-70-1, containing 12+ acres to the Agricultural Security Area of Buckingham Township.

Mr. Sam Brangan asked for the location. Mr. Forest explained that it was located just past Fashion Farm if heading toward Peddler’s Village.

The motion carried unanimously.

5. Consideration of releasing the Maintenance Bonds expiring September 27, 2008 for “Hearthstone, Phase 7” and “Hearthstone, Detention Ponds 1-8”.

Tabled.

6. Consideration of accepting the Agreement to Extend the Residential Development Contract and Water and Sewer Development Agreement to September 30, 2009, covering “Foxbriar aka Stone Ridge”, Township File SA 91-09.

AND

Consideration of accepting Wachovia Bank’s Amendments extending “Foxbriar aka Stone Ridge”, Township File SA 91-09, Letter of Credit No. SM203435W and Letter of Credit No. SM203436W to September 30, 2009.

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 September 30, 2009, covering “Foxbriar aka Stone Ridge”, Township File SA 91-09 and to accept Wachovia Bank’s Amendments extending “Foxbriar aka Stone Ridge”, Township File SA 91-09, Letter of Credit No. SM203435W and Letter of Credit No. SM203436W to September 30, 2009. The motion carried unanimously.

7. Consideration of accepting the Agreement to Extend the Residential Development Contracts and Escrow Agreement and the Water and Sewer Development Agreement and Escrow Agreement to September 30, 2009, covering “Devonshire Estates Phases 1 and 5”, Township File SA 97-01.

Mrs. Rash made a motion, seconded by Mr. Forest to accept the Agreement to Extend the Residential Development Contracts and Escrow Agreement and the Water and Sewer Development Agreement and Escrow Agreement to September 30, 2009, covering “Devonshire Estates Phases 1 and 5”, Township File SA 97-01. The motion carried unanimously.

8. Consideration of accepting the Agreement to Extend the Residential Development Contract and Water and Sanitary Sewer Development Agreement to October 8, 2009, covering “Upper Mountain Estates”, Township File SA 2001-08.

Mrs. Rash 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 October 8, 2009, covering “Upper Mountain Estates”, Township File SA 2001-08. The motion carried unanimously.

9. Consideration of accepting National Penn Bank’s Amendment No. 3 extending “Funk Tract”, Township File SA 2001-13, Letter of Credit No. S030026 to October 11, 2009.

Mrs. Rash made a motion, seconded by Mr. Rowan to accept National Penn Bank’s Amendment No. 3 extending “Funk Tract”, Township File SA 2001-13, Letter of Credit No. S030026 to October 11, 2009. The motion carried unanimously.

10. Consideration of accepting the Agreement to Extend the Land Development Contract to September 27, 2009, covering "Buckingham Equine Acres, LLC (Hidden Pond)", Township File LD 2004-01.

607356

Mrs. Rash made a motion, seconded by Mr. Rowan to accept the Agreement to Extend the Land Development Contract to September 27, 2009, covering "Buckingham Equine Acres, LLC (Hidden Pond)", Township File LD 2004-01. The motion carried unanimously.

11. Consideration of providing authorization for the Roadmaster to prepare and advertise the 2008-2009 Snow Plowing Contract.

Mrs. Rash made a motion, seconded by Mr. Forest to provide authorization for the Roadmaster to prepare and advertise the 2008-2009 Snow Plowing Contract. The motion carried unanimously.

12. Consideration of awarding the 2008 Bituminous Seal Coat Bid to Asphalt Maintenance Solutions of Center Valley, PA, for the amount of \$250,750.00 +/-.

Mrs. Rash made a motion, seconded by Mr. Forest to award the 2008 Bituminous Seal Coat Bid to Asphalt Maintenance Solutions of Center Valley, PA, for the amount of \$250,750.00 +/-.

Mr. John Cunningham asked what the +/- meant. Mr. Rowan explained that the bid was based generally on representative calculations of Township roads.

The motion carried unanimously.

Mr. Cunningham commented that he thought the Township should see if wireless carriers could share antennas.

13. Consideration of approving the Sewage System Maintenance Agreement for the VanBastelaar property, 4743 Church Road, TMP #6-10-79.

Discussion followed about management of the maintenance agreements for sewage and stormwater. Mr. Kelso noted that the Department of Environmental Protection would cover 85% of the cost of managing an on-lot program.

Mrs. Rash made a motion, seconded by Mr. Forest to approve the Sewage System Maintenance Agreement for the VanBastelaar property, 4743 Church Road, TMP #6-10-79. The motion carried unanimously.

14. Consideration of approving a connection to the Fieldstone WWTP for the property owned by James Celotto & Lynda Moore, 3786 Church School Road, TMP 6-4-44-4, with the condition that all required permits must be obtained and applicable fees must be paid by the property owner.

Discussion followed about requesting that the bike path be placed on the property rather than on Church School Road. Consensus was to make the request.

Mrs. Rash made a motion, seconded by Mr. Rowan to approve a connection to the Fieldstone WWTP for the property owned by James Celotto & Lynda Moore, 3786 Church School Road, TMP 6-4-44-4, with the conditions that:

- 1) all required permits must be obtained and applicable fees must be paid by the property owner and
- 2) the property owner provide the Township with an easement allowing for the bike path to pass on their property. Relocation of the bike path shall be completed by the property owner's contractor.

The motion carried unanimously.

15. Consideration of approving Resolution 2053, Authorizing the Chairman of the Board of Supervisors and the Township Secretary to sign Mastercasting Agreements as needed.

Mrs. Rash made a motion, seconded by Mr. Forest to approve Resolution 2053, Authorizing the Chairman of the Board of Supervisors and the Township Secretary to sign Mastercasting Agreements as needed. The motion carried unanimously.

16. Consideration of correcting the term expiration date for Greg Jakubowski, a member of the Technical Code Review Board of Appeals, from a term expiration date of January 2011 to a term expiration date of January 2009.

Mrs. Rash made a motion, seconded by Mr. Forest to correct the term expiration date for Greg Jakubowski, a member of the Technical Code Review Board of Appeals, from a term expiration date of January 2011 to a term expiration date of January 2009. The motion carried unanimously.

RELEASE OF FUNDS

ESCROW RELEASES:

"D'Angelo/Verrichia", Township File SA 2006-04	Site, Escrow Release #1	\$580,361.41 recommended for release
---	-------------------------	--------------------------------------

Mrs. Rash made a motion, seconded by Mr. Rowan to approve the above listed escrow release less reimbursement to the Township of the money owed per the agreement. The motion carried unanimously.

REQUESTS FOR PAYMENT:

GS Developers requesting Payment #1, for the work completed on the installation of Muffin Monsters	Contract BT-08-01, Payment Request #1	\$32,580.00 recommended for release
GS Developers requesting Payment #2, for the work completed on the installation of Muffin Monsters	Contract BT-08-01, Payment Request #2	\$89,550.00 recommended for release

Mrs. Rash made a motion, seconded by Mr. Forest to approve the above listed payments to GS Developers. The motion carried unanimously.

ADDITIONAL BUSINESS / MANAGER'S ITEMS

1. Authorization of Buckingham Township Police to order two Dodge Chargers.

Mrs. Rash made a motion, seconded by Mr. Forest to authorize the Buckingham Township Police Department to order two Dodge Chargers. The motion carried unanimously.

Mr. John Cunningham asked about the hiring of a Solicitor for the Zoning Hearing Board. Mrs. Rash responded that they would discuss the issue that evening in executive session. She noted that Mr. Terry Clemons would do the next meeting.

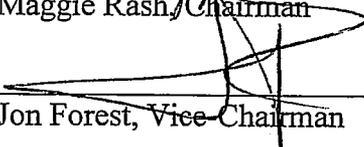
Mrs. Rash made a motion, seconded by Mr. Forest to adjourn the meeting at 11:20pm. The motion carried unanimously.

Approved by the Board of Supervisors on the 22nd day of October, 2008.

Buckingham Township Board of Supervisors



Maggie Rash, Chairman



Jon Forest, Vice-Chairman

Henry Rowan, Member

Attest: 

Dana S. Cozza, Secretary