

BUCKINGHAM TOWNSHIP

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BOARD OF SUPERVISORS BUSINESS MEETING

AGENDA

September 24, 2008

Call to order 7:30 p.m.

1. Public Comment (Maximum 30 minutes)
2. Board's Announcements:
 - **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.
 - Buckingham Township Administrative Offices will be closed Monday, October 13, 2008 in celebration of Columbus Day.
3. Consideration of approving the Payroll for the week ending September 14, 2008 and the Bill List for the meeting of September 24, 2008.
4. Consideration of approving Supervisor's Minutes of the August 27, 2008.
5. Consideration of releasing the Maintenance Bonds expiring September 27, 2008 for "**Hearthstone, Phase 7**" and "**Hearthstone, Detention Ponds 1-8**".
6. Consideration of accepting the **Request for Extension** to the allowable review time under the provisions of the PA Municipalities Planning Code to November 30, 2008 for the "**Estates at Forest Grove (Smith Pfeiffer) aka Mill Creek Ridge**", Township File SA 2001-05B, as submitted by Stephen B. Harris, Esquire.
Or
Consideration of approving Revised Final Major Subdivision Plan (plan dated "rev. 8/28/08") of the "**Estates at Forest Grove (Smith Pfeiffer) aka Mill Creek Ridge**", Township File SA 2001-05B, submitted by Gilmore & Associates, Inc. on behalf of Toll Brothers, Inc., T.P. 6-23-1, 6-23-4, 6-23-13, 6-23-13-5, 6-23-14 & 6-23-17, Dark Hollow Road / Smith Road / Forest Grove Road, 183.1 Acres, 71 Lots, in the AG-1 Zoning District. Extended 90-day Review Period Expiration date September 30, 2008. (Note: Wastewater Planning Modules were approved by PA DEP 12/22/05.)
7. The Chief Administrative Officer to advise the Board of Supervisors the expected Financial Obligation for the (MMO) Minimum Municipal Obligations for Non-Uniformed Pension Plan and the Police Pension Plan for the Year 2009.

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8. ESCROW RELEASES:

Windsor Square, SA 2001-03	ER #4, Site	\$300,913.27 recommended for release
Arbor Point, PH2, SA 99-02A	ER #2, Site	\$208,536.64 recommended for release

9. Additional Business / Manager's Items:

- Consideration of request submitted by Kenneth Black, on behalf of FACT, Bucks County, to waive the Buckingham Township Temporary Sign Permit Fee of \$30.00 and the associated \$100.00 escrow for an event to be held October 5, 2008.
- Consideration of request submitted by Kim and Mark Brawn, to waive the Buckingham Township Park Pavilion Use Fee of \$100.00, for a fundraising event to be held November 1, 2008 at George Bush Park.

Buckingham Township Board of Supervisors
Meeting Minutes

The regular meeting of the Buckingham Township Board of Supervisors was held September 24, 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 Cozza	Acting Township Manager
	Daniel Gray	Township Engineer
	Thomas Kelso	Township Water/Wastewater Consultant
	Lynn Bush	Bucks County Planning Commission

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

PUBLIC COMMENT

Mr. George Michel, Pineville, questioned if the Board had considered the incorporation of green infrastructure in discussions with the Subdivision and Land Development Ordinance (SALDO) and "Living Community" (LC).

Mr. Steve Meisenzahl, 2956 Ash Mill Road, asked for the Board's assistance with a neighbor allowing teenagers to ride dirt bikes 25-30 feet from his property. Mr. Meisenzahl felt the noise from the dirt bikes violated the noise ordinance. Mr. Meisenzahl reported that he had contacted the police and was told that they could not do anything. Solicitor Smith advised that the police had enforcement authority over the noise ordinance. Board consensus was that Ms. Cozza would ask the Police Chief to address the issue.

Mr. Foxhill, 3086 Durham Road, expressed concern 1) that there was work being done at the Toll-Feeney property on weekends, 2) about excess traffic that would be created as a result of any development on the site and 3) about contaminants draining close to his property and the proximity of his well. Mr. Gray offered to contact Toll Brothers, DelVal Soils and Gilmore & Associates to determine what testing or construction they had done in the past month. The Board determined that Toll Feeney was next scheduled to come before the Board on December 10, 2008. Mr. Foxhill commented that he thought the developer would need his signature to proceed. Solicitor Smith explained that Mr. Foxhill had the right to participate in any applications, oppose proposals, comment on plans, etc. However, unless some easement or other right over Mr. Foxhill's property was necessary for Toll's plans, Mr. Foxhill's signature was not required for Toll to continue its subdivision application. Regarding the proximity of his well, Solicitor Smith explained that there were setbacks and there was an ordinance to protect his well if it was impacted in any way. Mr. Kelso advised Mr. Foxhill to agree to have his well monitored if he had not already done so.

Ms. Andrea Mehling, Planning Commission, commented that she thought the applicant was to appear before the Board on September 10, 2008. Mr. Rowan asked if the Board could schedule the review. Solicitor Smith responded the Board could and that he suspected there were items Toll wanted to correct and address before coming to the Board and that it may be viewed as an exercise of bad faith to act on the application if the application was not expiring and the applicant still wished to make plan revisions to meet Township review comments.

Mr. George Michel, Pineville, noted that Mr. Foxhill has to fill out some paperwork and help locate his well if he wants to have it monitored. Mrs. Rash asked Mr. Kelso to look at wells that should be monitored and double check with the applicant to make sure they have the right signatures.

Solicitor Smith recommended that Mr. Foxhill have his well monitored. Mr. Kelso offered to come out to Mr. Foxhill's property if he wanted more information.

BOARD'S ANNOUNCEMENTS

Mrs. Rash announced the following items:

- **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.
- **Flea Market for Land Preservation & Pet Adoption**, Sunday, October 5, 2008^h from 8-3 at Holicong Park, sponsored by the Buckingham Township Civic Association.
- Buckingham Township Administrative Offices will be closed Monday, October 13, 2008 in celebration of Columbus Day.
- Mailboxes Etc. in Buckingham Green will be holding a "Shredfest" on September 27, 2008 and will be collecting new books for the Toys for Tots Literacy program and holding a food drive.
- **Leaf collection**, bags can be picked up at the Township building between 10/20/08-11/26/08. Pick-ups will be on November 10, 2008 and December 1, 2008.

PAYROLL AND BILL LIST

Consideration of approving the Payroll for the week ending September 14, 2008 and the Bill List for the meeting of September 24, 2008.

Mrs. Rash made a motion, seconded by Mr. Forest to approve payroll for the week ending September 14, 2008 and the Bill List for the meeting of September 24, 2008 in the amount of

\$1,178,472.92. The motion carried unanimously with Mr. Forest noting that he did not approve the expenditure to McCormick Taylor.

MINUTES

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

Mrs. Rash made a motion, seconded by Mr. Forest to approve the Supervisor's Minutes of the August 27, 2008 Regular Business Meetings. The motion carried unanimously.

BUSINESS

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

Mrs. Rash made a motion, seconded by Mr. Forest to release the Maintenance Bonds expiring September 27, 2008 for "Hearthstone, Phase 7" and "Hearthstone, Detention Ponds 1-8". Mr. Gray noted that the tarring issues had been resolved to the Homeowners' Association satisfaction. Mrs. Rash amended the motion to release the Maintenance Bonds contingent upon payment of the amount currently billed and posting of an amount sufficient to cover future bills for this month with the understanding that when the bill is actually received, any amount posted above the actual bill would be returned to the developer. The amended motion was seconded by Mr. Forest. The motion carried unanimously.

2. Consideration of accepting the Request for Extension to the allowable review time under the provisions of the PA Municipalities Planning Code to November 30, 2008 for the "Estates at Forest Grove (Smith Pfeiffer) aka Mill Creek Ridge", Township File SA 2001-05B, as submitted by Stephen B. Harris, Esquire.

Mr. Matt Hockley, Wycombe, questioned how many extensions the Township would give them. Mr. Forest explained that the applicant did not yet have a Highway Occupancy Permit from the Pennsylvania Department of Transportation (PennDOT) and that Township policy has always been not to grant approval without a Highway Occupancy Permit. Mr. Hockley asked about a small road (driveway at back of his property). Mr. Gray responded that equipment and material would be removed and that it would be returned to yard.

Mrs. Rash made a motion, seconded by Mr. Forest to accept the offer for extension to the allowable review time under the provisions of the PA Municipalities Planning Code to November 30, 2008 for the "Estates at Forest Grove (Smith Pfeiffer) aka Mill Creek Ridge", Township File SA 2001-05B, as submitted by Stephen B. Harris, Esquire.

Mrs. Rash asked if the extension was allowable under MPC to which Solicitor Smith responded that it was. Mrs. Rash noted that she was in favor of the extension because the Board asked them to change the entrance and that was the cause of the delay in

submission of the application for the Highway Occupancy Permit. Mr. Rowan noted that was the basis of the April extension.

Mr. George Michel asked how items were getting on the agenda and noted that the extension request was not added until late in the day. Solicitor Smith explained that he had received a call earlier in the day from Mr. Harris, Attorney, indicating that they did not have the HOP and that he knew the Board did not grant approvals without an HOP and so made the extension request. Mr. Michel commented that the applicant should have attended the meeting and asked if the applicant would pursue a phase 1 archeological study. Solicitor Smith advised that the Board could put those kinds of conditions on an approval. Mr. Michel asked the Board to insist that the study be done.

Mr. Joel Nace commented that he felt the Township had exercised good faith in giving extensions but asked how much good faith the Township needed to provide. Mr. Forest commented that if the case went back to Court, then the Township would have little control over the changes requested by the neighbors.

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

3. The Chief Administrative Officer to advise the Board of Supervisors the expected Financial Obligation for the (MMO) Minimum Municipal Obligations for Non-Uniformed Pension Plan and the Police Pension Plan for the Year 2009.

Ms. Cozza summarized that the approximate Township contribution for the Police Pension Plan was \$1,834 per person and for the Non-Uniformed Pension Plan was \$743 per person. She noted that State aid from the Attorney General's office offsets the total cost of \$8,207 and \$6,400 respectively. Mr. Rowan urged future Boards to continue to utilize the Pennsylvania Municipal Retirement Systems (PMRS) because the Township has had great success with it. Mr. Rowan noted that other public pension programs were facing financial hardships.

Mr. George Michel asked if comparisons had been done with other local municipalities. Ms. Cozza explained that it was hard to compare because of different methodologies but that PMRS was standardized for any municipality that uses it.

RELEASE OF FUNDS

Escrow Releases:

Windsor Square, SA 2001-03	ER #4, Site	\$300,913.27 recommended for release
Arbor Point, PH2, SA 99-02A	ER #2, Site	\$208,536.64 recommended for release

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

ADDITIONAL BUSINESS / MANAGER'S ITEMS

1. Consideration of request submitted by Kenneth Black, on behalf of FACT, Bucks County, to waive the Buckingham Township Temporary Sign Permit Fee of \$30.00 and the associated \$100.00 escrow for an event to be held October 5, 2008.

Mrs. Rash made a motion, seconded by Mr. Forest to waive the Buckingham Township Temporary Sign Permit Fee of \$30.00 and the associated \$100.00 escrow for an event to be held October 5, 2008 by FACT, Bucks County as requested by Kenneth Black. The motion carried unanimously.

2. Consideration of request submitted by Kim and Mark Brawn, to waive the Buckingham Township Park Pavilion Use Fee of \$100.00, for a fundraising event to be held November 1, 2008 at Bush Park.

Mrs. Rash made a motion, seconded by Mr. Forest to waive the Buckingham Township Park Pavilion Use Fee of \$100.00, for a fundraising event to be held November 1, 2008 at Bush Park as requested by Kim and Mark Brawn. The motion carried unanimously.

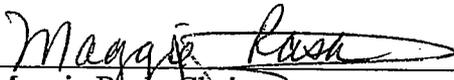
3. Village of Buckingham Springs Letter of Credit to expire on July 28, 2008.

After discussion, Mrs. Rash made a motion, seconded by Mr. Forest to give the McKee Group till noon the following day (September 25, 2008) to extend the Letter of Credit, and if the Township has not heard from them, to pull the Letter of Credit and hold the money in a separate escrow account. The motion carried unanimously.

Mrs. Rash made a motion, seconded by Mr. Forest to adjourn the meeting at 9:05 pm. 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

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