

# BUCKINGHAM TOWNSHIP

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## BOARD OF SUPERVISORS BUSINESS MEETING

## AGENDA

February 25, 2009

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

1. Public Comment (Maximum 30 minutes)
2. Board's Announcements:
  - Township Sponsored Family Fun Event, March 13th from 7-8 p.m., Irish Music Night with Fred Miller at the Buckingham Springs Club House
3. Consideration of approving the Bill List for the meeting of February 25, 2009.
4. Consideration of approving Supervisor's Minutes of the January 14, 2009 and the January 28, 2009 Regular Business Meetings.
5. Consideration of approving Revised Preliminary Plan of Lot Line Change (plan dated rev. 1/29/09) of the **"Edwards/Worthington Lot Line Change"**, Township File SA 2008-04, submitted by Dennis Litzenberger on behalf of Michael and Angela Edwards, T.P. 6-22-4-3 and 6-22-5, Dark Hollow Road, located in the AG-1 Zoning District, with a 90-day Review Period Expiration Date of April 7, 2009.
6. Consideration of approving Revised Preliminary Plan of Major Subdivision (plan dated rev. 1/5/09) 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 an extended Review Period Expiration Date of November 5, 2009.  
AND  
Consideration of approving Act 537 Plan Revision for the **"Bonargo Tract"**, Township File SA 2008-01, T.P. 6-6-62, 7.43 acres, 3 lots, in the AG-2 Zoning District.
7. Consideration of accepting the Agreements to Extend the Residential Development Contract and Water and Sanitary Sewer Development Agreements to March 23, 2010, covering **"Arbor Point, Phase II"** and **"Arbor Point, Phase III"**, Township File SA 99-02A.
8. Consideration of approving Change Orders #1 and #2 for the Effluent Pumps BT-08-04 for a total contract deduct of \$10,800.00.

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9. Request for Payment:

MGK Industries, Inc. – Effluent Pumps, Contract BT-08-04	Payment Request #1	\$112,500.00 recommended for release
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10. Consideration of approving the Sewage System Maintenance Agreement between Sharon VanBastelaar and Buckingham Township for 4743 Church Road, TMP 6-10-79.

11. Additional Business / Manager's Items:

- Consideration of request from Township Roadmaster to participate in the annual sodium chloride (road salt) bid contract (2009-2010) through the Pennsylvania Department of General Service Costars program.
- Consideration of request from Township Roadmaster to participate in the annual fuel bid (2009-2010) through the Bucks County Consortium.
- Cold Spring Creamery Road / Burnt House Hill Road Roundabout

609198

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

The regular meeting of the Buckingham Township Board of Supervisors was held February 25, 2009 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	Township Manager
	Daniel Gray	Township Engineer
	Thomas Kelso	Township Water/Wastewater Consultant
	Lynn Bush	Bucks County Planning Commission

Mrs. Rash called the regular meeting to order at 7:40 pm and led the Pledge of Allegiance.

**PUBLIC COMMENT**

Mr. George Michel, Pineville, asked for an update on development plans at the intersection of Route 313 and Route 263. Mrs. Rash responded that she had not yet talked to Ms. Lyons, Chairperson of Doylestown Township Supervisors, about it. Mrs. Rash added that Ms. Cozza had discussed a potential grant to address traffic for the two townships.

**BOARD'S ANNOUNCEMENTS**

Mrs. Rash announced the following items:

- Township Sponsored **Family Fun Event, March 13th from 7-8 p.m.**, Irish Music Night with Fred Miller at the Buckingham Springs Club House
- **Civic Association Easter Egg Hunt**, April 4, 2009 (rain date April 5) 10am. All ages welcome.
- **Family Fun Night** with John Hadfield doing *Monkeys in the House* at Buckingham Friends School on April 17, 2009.
- Mrs. Rash offered condolences to Judge Garb on the passing of his wife Joan. Mrs. Rash acknowledged Mrs. Garb's contributions to the community including serving as a delegate to the Democratic National Convention in 1996 and as a long time member of the Buckingham Agriculture Preservation Committee serving from its inception in the mid 1990's until just a few months ago.
- Bernie O'Neill was shooting a constituent service announcement in regards to Act 113 passed in 2006, the "Steer Clear/ Move Over" law. Mrs. Rash explained that drivers are supposed to move into the far lane and steer clear of police officers at the side of the road. Mrs. Rash noted that Middletown

officer, Chris Jones, was recently killed in such an accident. Mrs. Rash offered condolences to his family.

- The Township is moving forward with establishing Historic Architectural Review Boards (HARBs) for the Township's historic villages (Wycombe, Holicong, Forest Grove and Mechanicsville). She reported that an informational meeting on establishing HARBs has been set for March 18, 2009 at 7:30pm and Mr. Dave Kimmerly with Preservation PA would be attending to provide information and answer questions.
- The Agriculture Preservation Committee sent out surveys and preservation information to all property owners with 20 or more acres in the Township. Those property owners were invited to a public meeting held February 23, 2009. Ten landowners attended the meeting.
- Mrs. Rash reported that she was contacted with a concrete interest in preserving the 175 acre Histan properties around Wycombe village and sought and received the agreement of the Board to further pursue the opportunity.

#### PAYROLL AND BILL LIST

#### Consideration of approving the Bill List for the meeting of February 25, 2009.

*Mrs. Rash made a motion, seconded by Mr. Forest to approve the Bill List for the meeting of February 25, 2009.*

Mr. Rowan asked what MGK Industries were. Mr. Kelso responded that they were a contractor doing work at the wastewater treatment plant. Mr. Rowan inquired about Tangibl. Mr. Kelso responded that they were an electrical contractor.

*The motion carried unanimously.*

#### MINUTES

#### Consideration of approving Supervisor's Minutes of the January 14, 2009 and January 28, 2009 Regular Business Meetings.

*Mrs. Rash made a motion, seconded by Mr. Forest to approve the Supervisor's Minutes of the January 14, 2009 and January 28, 2009 Regular Business Meetings. The motion carried unanimously.*

Mrs. Rash reported that the trial run at the last meeting to video record the meeting and post it on the Township web page was not successful as there was no audio. Tonight's meeting would again be recorded and posted to the web site by the end of the week should this recording be successful.

Mr. Skip Salvesen asked if there would be an opportunity to download an archive of the meetings. Mr. Forest responded that it was the goal of the Internet Technology (IT) team to provide such a service.

*The motion carried unanimously.*

## BUSINESS

**1. Consideration of approving Revised Preliminary/Final Plan of Lot Line Change (plan dated rev. 1/29/09) of the “Edwards/Worthington Lot Line Change”, Township File SA 2008-04, submitted by Dennis Litzenberger on behalf of Michael and Angela Edwards, T.P. 6-22-4-3 and 6-22-5, Dark Hollow Road, located in the AG-1 Zoning District, with a 90-day Review Period Expiration Date of April 7, 2009.**

Representing the applicant was Mr. John F. Hartzel, Attorney. Mr. Hartzel explained that the purpose of the lot line change was to transfer 1.4 acres from the Worthingtons to the Edwards so that the Edwards could acquire and make improvements to an old barn and shed. Mr. Hartzel acknowledged that the 1.4 acres would remain subject to the existing conservation easement. Mr. Edwards provided a certification letter for siting the monuments and a description for the .03 acre parcel along the right-of-way.

The applicant agreed to comply with all issues raised in the February 20, 2009 Knight Engineering Review letter other than item 2.1d for which the applicant asked for a waiver from having to dedicate the ultimate right-of-way to the Township. Mr. Hartzel asked for clarification about the contents of the “Plan Approval Booklet” mentioned in item 2.4. Mr. Gray explained the requirement to the applicant’s satisfaction.

The Board reviewed the January 29, 2009 Waiver Request Letter and agreed to grant all waivers requested including item 2.1d above.

*Mrs. Rash made a motion, seconded by Mr. Forest to approve the Revised Preliminary/Final Plan of Lot Line Change (plan dated rev. 1/29/09) of the “Edwards/Worthington Lot Line Change”, Township File SA 2008-04, submitted by Dennis Litzenberger on behalf of Michael and Angela Edwards, T.P. 6-22-4-3 and 6-22-5, Dark Hollow Road, located in the AG-1 Zoning District and grant all waivers requested including the additional waiver requested to SALDO 9.7a.12 (item 2.1d in February 20, 2009 Knight Engineering Review Letter), contingent upon the applicant’s compliance with all issues raised in the February 20, 2009 Knight Engineering Review Letter specifically noting that the conservation easement on the 1.4 acres would remain in effect.*

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

*The motion carried unanimously.*

**2. Consideration of approving Revised Preliminary Plan of Major Subdivision (plan dated rev. 1/5/09) 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 an extended Review Period Expiration Date of November 5, 2009.**

**AND**

**Consideration of approving Act 537 Plan Revision for the “Bonargo Tract”, Township File SA 2008-01, T.P. 6-6-62, 7.43 acres, 3 lots, in the AG-2 Zoning District.**

Representing the applicant was Mr. Scott Camburn and Mr. Joe Bonargo.

The applicant agreed to comply with all issues raised in the February 13, 2009 Knight Engineering Review letter.

The Board reviewed the January 21, 2009 Waiver Request letter and agreed to grant all waivers requested. Mr. Gray noted that the applicant had requested preliminary/final approval. He reported that the applicant had received the Highway Occupancy Permit (HOP) and had addressed all final plan items.

*Mrs. Rash made a motion, seconded by Mr. Forest to grant preliminary/final approval to the Revised Preliminary/Final Plan of Major Subdivision (plan dated rev. 1/5/09) 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 and grant all waivers contingent upon the applicant's compliance with all issues raised in the February 13, 2009 Knight Engineering review letter, the February 5, 2009 Landscape Review Consultants review letter, and the Zoning Officer letter.*

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

Mr. Michael Hierl, Durham Road, asked if there were any neighbor concerns. Mr. Camburn responded that there were not. Mr. Hierl noted that the neighborhood has had difficulties with developers and suggested getting neighbors' input. Mr. Camburn explained that the applicant did satisfy the notification requirements of the ordinance and the neighbors were notified in writing.

*The motion carried unanimously.*

Mr. Kelso noted that Act 537 was in order and recommended that the planning modules be approved. *Mr. Forest made a motion, seconded by Mrs. Rash to approve Act 537 Plan Revision for the “Bonargo Tract”, Township File SA 2008-01, T.P. 6-6-62, 7.43 acres, 3 lots, in the AG-2 Zoning District. The motion carried unanimously.*

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**3. Consideration of accepting the Agreements to Extend the Residential Development Contract and Water and Sanitary Sewer Development Agreements to March 23, 2010, covering “Arbor Point, Phase II” and “Arbor Point, Phase III”, Township File SA 99-02A.**

*Mrs. Rash made a motion, seconded by Mr. Forest to accept the Agreements to Extend the Residential Development Contract and Water and Sanitary Sewer Development Agreements to March 23, 2010, covering “Arbor Point, Phase II” and “Arbor Point, Phase III”, Township File SA 99-02A.*

Mr. Sam Losorelli inquired about the location of the development. Mr. Forest explained it was along Sugar Bottom Road across from Bridge Valley Elementary.

*The motion carried unanimously.*

**4. Consideration of approving Change Orders #1 and #2 for the Effluent Pumps BT-08-04 for a total contract deduct of \$10,800.00.**

*Mrs. Rash made a motion, seconded by Mr. Forest to approve Change Orders #1 and #2 for the Effluent Pumps BT-08-04 for a total contract deduct of \$10,800.00.*

Mr. George Michel asked the purpose of the reduction. Mr. Kelso explained there were options in the contract that were found not to be necessary.

*The motion carried unanimously.*

**5. Consideration of approving the Sewage System Maintenance Agreement between Sharon VanBastelaar and Buckingham Township for 4743 Church Road, TMP 6-10-79.**

*Mrs. Rash made a motion, seconded by Mr. Forest to approve the Sewage System Maintenance Agreement between Sharon VanBastelaar and Buckingham Township for 4743 Church Road, TMP 6-10-79. Mr. Kelso noted that this was previously approved and that this was correcting a name change. The motion carried unanimously.*

**REQUESTS FOR PAYMENT**

Request for Payment:

MGK Industries, Inc. – Effluent Pumps, Contract BT-08-04	Payment Request #1	\$112,500.00 recommended for release
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*Mrs. Rash made a motion, seconded by Mr. Forest to approve the payment in the amount of \$112,500.00 to MGK Industries, Inc. The motion carried unanimously.*

### ADDITIONAL BUSINESS / MANAGER'S ITEMS

**1. Consideration of request from Township Roadmaster to participate in the annual sodium chloride (road salt) bid contract (2009-2010) through the Pennsylvania Department of General Service Costars program.**

*Mrs. Rash made a motion, seconded by Mr. Forest to approve the request from Township Roadmaster to participate in the annual sodium chloride (road salt) bid contract (2009-2010) through the Pennsylvania Department of General Service Costars program. The motion carried unanimously.*

**2. Consideration of request from Township Roadmaster to participate in the annual fuel bid (2009-2010) through the Bucks County Consortium.**

*Mrs. Rash made a motion, seconded by Mr. Forest to approve the request from Township Roadmaster to participate in the annual fuel bid (2009-2010) through the Bucks County Consortium.*

Mr. George Michel questioned whether the consortium prices had been a benefit to the Township over the last three years. Ms. Cozza explained that the Township needed reliable delivery and what was also being bid was a reliable schedule for delivery. *The motion carried unanimously.*

**3. Cold Spring Creamery Road/Burnt House Hill Road Roundabout**

Lighting Submission

Ms. Cozza reported that the Central Office for the Pennsylvania Department of Transportation (PennDOT) in Harrisburg had provided feedback on the lighting submission requiring that the Township use American Association of State Highway Transportation Officials (ASHTO) standards providing 14 lights at 35' high rather than the 8 lights at 15' high as proposed in the Township submittal. Ms. Cozza explained that District 6 had worked with the Township and McCormick Taylor and agreed that the plan submitted was acceptable. Mr. Rowan asked if Ms. Cozza had talked to "Mary." Ms. Cozza responded that Mary had not returned her calls. Mr. Forest noted that the PennDOT recommended lighting did not comply with the Township zoning ordinance (dark sky and height of lights).

The following public comments were made:

Mr. Sam Losorelli asked if PennDOT required this specific lighting for a roundabout. Ms. Cozza explained that the ASHTO standards were usually used as a guideline. Mr. Rowan suggested contacting Mary one more time as well as Fran Hanny. Mr. Rowan noted that this was a rural/partially suburban area that did not require highway lighting.

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Mr. Forest questioned the amount of money being spent on the project and suggested the installation of four-way stop signs. Mrs. Rash noted that many residents had talked to her about pedestrian safety and expressed her own concern about pedestrian safety after recently observing a roundabout with a 50mph approach. Mrs. Rash noted that the Township had asked for lighted pedestrian crossings and was turned down by PennDOT. Mr. Gray noted that the speed would be 25mph throughout most of roundabout. Mrs. Rash suggested asking for 4 way stops as an interim solution.

Mr. Sam Losorelli voiced his opposition to the roundabout and expressed support for the four way stop signs. Mr. Losorelli noted that he learned from PennDOT that stop signs could be installed within months. Mr. Losorelli noted that neighbors did not support the roundabout and that was without knowing about the lighting requirements.

Mr. Forest referenced an August 1, 2006 McCormick Taylor report that specified that roundabouts were a safer alternative to four-way stop signs and traffic lights for vehicular traffic, but not necessarily for pedestrians. Mr. Forest commented that the McCormick Taylor report indicated that stop signs were safer than a roundabout for pedestrians. Mr. Forest felt that PennDOT wanted an experimental roundabout and this was it. Ms. Bush disagreed as there were many projects submitted for consideration and PennDOT chose this one because they thought it was the best site.

Mr. Skip Salvesen expressed support for the four way stop signs as a short term solution and called for immediate action. Mr. Rowan noted that there had been at least three requests for four way stop signs in the past and PennDOT had turned them all down. The latest being three to four years ago.

*Mrs. Rash made a motion, seconded by Mr. Forest to authorize Ms. Cozza to make a request to PennDOT for a four way stop at Cold Spring Creamery Road and Burnt House Hill Road with painted crosswalks to be installed before the Spring sports season.*

Discussion followed about the August 1, 2006 McCormick Taylor letter and whether or not the Board had seen it. Mrs. Rash did not recall having seen the letter. Mr. Forest noted that the July 5, 2006 original traffic control warrant analysis showed the intersection warranted a 4 way stop or traffic signal.

Mr. Joel Nace recommended that the Board consider advance warning if they decide to proceed with the four way stop because he felt the four way stop at Mechanicsville Road and Burnt House Hill Road created a dangerous situation initially for people who were not accustomed to stopping.

Mr. Michael Hierl agreed that advance warning of an upcoming stop was imperative.

Mr. Paul Martissa noted that at the Burnt House Hill and Mechanicsville Road intersection there was not sufficient advance warning (no white lines painted and no stop ahead signs to warn motorists).

Mr. Rowan asked Ms. Bush if she would be willing to do a conference call with Mr. Biehler if the issue could not be resolved with PennDOT project staff. Ms. Bush agreed to do so.

Mr. George Michel commented that the project was close to the end and from the evening's discussion it seemed that the Board was moving toward "dumping" the project. Mr. Michel asked Ms. Bush if she felt PennDOT was being disingenuous on the roundabout. Ms. Bush responded that there was nothing special about this project and that all projects move through PennDOT in this manner.

Mr. Nace questioned who the Township would sue if the Federal funding was lost in June.

Mr. Paul Martissa expressed concern about the halfway solution (stop signs) and expressed support for the roundabout. He felt that the outstanding items were not significant in scope.

Mr. Gray noted that the original plan had four lights at 35 feet. The Township adjusted the lighting plan to eight lights at 15 feet.

Mr. Michael Hierl commented that while significant money has been spent on the project, the majority of expenditures are yet in the future and he did not think it was too late for the Township to change its mind. Mr. Rowan explained that it was Federal money to be spent. Ms. Bush explained the funding was 80% Federal and 20% State and if it was not obligated in a timely manner the money would be lost. Ms. Bush recommended tracking the disconnect between PennDOT District 6 and their Central Office.

Mrs. Rash suggested requesting the four way stop and making another request for the pedestrian activated lights because of community anxiety about pedestrian safety. Mr. Rowan felt traffic volumes were too high at this intersection for a 4-way stop intersection on a long term basis, but he did agree it could be a temporary solution. Mr. Rowan felt the next options were a traffic light or roundabout and he felt the roundabout was safer. Ms. Bush commented that she had just read an article in the Institute for Traffic Engineers (ITE) journal that recommended roundabouts as an alternative to failing 4-way stop intersections. Mrs. Rash agreed that for vehicular traffic it is safer, but the studies were inconclusive about pedestrian safety.

Mr. Henry Koh expressed concern about roundabout safety and noted that in New Jersey they were being replaced with traffic lights. Mr. Rowan explained that roundabouts were different than circles.

Mr. Skip Salvesen asked why the Board was unfamiliar with the August 1, 2006 McCormick Taylor report. Mr. Forest explained that he went through the file and found it. Mr. Rowan responded that he did recall much of the material in the report though he could not recall the memorandum specifically. Mr. Rowan reiterated that problems were found with the long term viability of a four way stop.

Mr. Paul Martissa commented that he likes the Clearwater, FL roundabout. He noted that McCormick Taylor was just one engineering firm and it was possible that another report could be found contradicting this one. Mr. Forest responded that McCormick Taylor was chosen because it was a big city engineering firm with specific expertise.

Mr. Hierl expressed support for the four way stop as an interim solution and for the Board to move forward with the roundabout as long as they could get lighting appropriate to Buckingham and inclusion of adequate pedestrian safety measures.

Mrs. Rash noted that the stop signs at Mechanicsville Road had been effective and she felt it was a reasonable solution to consider at this location. She reiterated that the Township would pursue four way stops as a short term solution and require additional pedestrian safety measures and more appropriate lighting for the roundabout. Mrs. Rash announced that she felt McCormick Taylor should be discussed in executive session as a personnel issue.

Mr. Skip Salvesen commented that he did not believe an honest effort was made to acquire a four way stop at the intersection based on the fact that two out of three Supervisors were not aware of the August 1, 2006 McCormick Taylor letter. Mrs. Rash asked Ms. Cozza to research how and when the four-way stop was requested as well as the speed limit reduction signs on Cold Spring Creamery Road. Ms. Cozza agreed to do so.

*The motion carried unanimously.*

#### Right-of-Way Issues

Ms. Cozza explained that she was coming forward to get authorization to move forward with the right-of-way acquisition. She noted that there was an issue with the legal description with Pearson. Mr. Kelso noted that it appeared to be a description error and not a survey error. Mr. Kelso noted that the other descriptions were sufficient. Ms. Cozza explained that Susan at McCormick Taylor was to resolve the issue. Mr. Rowan asked Ms. Cozza to give McCormick Taylor until Friday as a deadline.

Mr. Skip Salvesen asked if there was compensation in exchange for the easement. Mr. Kelso responded the compensation was \$1,700.00. Mr. Salvesen noted that the property was preserved and asked if the Township received any reimbursement now that they were being paid for this easement. Mr. Kelso explained that this was a minor acquisition of easements (site distance and slope) and so there would be no reimbursement.

Ms. Cozza was given authorization to move forward.

Mr. Rowan asked when Ms. Cozza would need formal action from the Board. Ms. Cozza responded it would be as she received all right of way documents, plans, etc.

**4. Sexual Predator Ordinance**

Mr. Forest announced that the ordinance was drafted at 2,500 feet and asked if the Board wanted discussion before voting to advertise the ordinance. Mr. Rowan requested the creation of an overlay map showing the areas within the 2,500 feet where predators could not live prior to voting to advertise the ordinance. Mr. Rowan felt that people who would not be protected should have an opportunity to come out and speak. Ms. Cozza agreed to acquire the overlay map prior to the next Board meeting. Mr. Rowan requested a draft of a sexual predator loitering ordinance. Consensus was to consider a vote to advertise at the next Board meeting.

**5. Conservation Easement**

Solicitor Smith reported that the Chandors had made an offer to sell an easement for 15.08 acres in Buckingham Township at \$2,000.00 per acre to the Township.

Mr. Paul Martissa asked where the funding was coming from. Mrs. Rash responded that it was coming from Township open space money from the previous bond issue.

*Mrs. Rash made a motion, seconded by Mr. Forest to pass Resolution \_\_\_ of the Board of Supervisors of Buckingham Township, authorizing acquisition of a conservation easement covering the property owned Christopher B. Chandor & Whitney R. Chandor, Husband and Wife, Being Bucks County, Pennsylvania, Tax Parcel Numbers 6-26-20 and 6-26-21. The motion carried unanimously.*

*Mrs. Rash made a motion, seconded by Mr. Forest to adjourn the meeting at 10:00pm. The motion carried unanimously.*

**Approved by the Board of Supervisors on the 11<sup>th</sup> day of March, 2009.**

**Buckingham Township Board of Supervisors**

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

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

*[Signature]*  
\_\_\_\_\_  
Henry Rowan, Member

Attest: *Dana S. Cozza*  
\_\_\_\_\_  
Dana S. Cozza, Secretary

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