

# BUCKINGHAM TOWNSHIP

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Website - [www.buckinghampa.org](http://www.buckinghampa.org)



## BOARD OF SUPERVISORS BUSINESS MEETING

## AGENDA

May 13, 2009

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

1. Public Comment (Maximum 30 minutes)
2. Board's Announcements:
  - **Remember to Vote!** Municipal Primary Tuesday, May 19, 2009.
  - Various **Park and Recreation Programs** including Summer Camps begin this month. Go to our website at [www.buckinghampa.org](http://www.buckinghampa.org) for details!
  - Bucks County's **Household Hazardous Waste and Old Computer Collection** will be July 18, 2009 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 Red Thunderbird being raffled during the Annual Concours D'Elegance. Contact Al Pincus or Ralph Tompkins for information.
3. Consideration of approving Payroll for the weeks ending April 26, 2009 and May 10, 2009 and the Bill List for the meeting of May 13, 2009.
4. Consideration of approving Supervisor's Minutes of the April 22, 2009 Regular Business Meeting.
5. Consideration of accepting various Departmental Minutes and Advisory Body Minutes.
6. Consideration of approving the Agreements of Sale for Conservation Easements on Tax Map Parcels 6-23-20, 6-23-25 (donation), 6-23-47, and 6-23-49 containing a net total of 155.13 acres of land.
7. Consideration of approving the Agreements of Sale for Conservation Easements on Tax Map Parcels 6-17-57 and 6-17-60 containing a net total of 78.61 acres of land.
8. **PUBLIC HEARING:** Consideration of approving Ordinance 2009-02, an Ordinance of the Township of Buckingham, Bucks County, Pennsylvania, Establishing Loitering and Residential Restrictions for Registered Adult Sexual Violent Offenders within the Township, Providing for Penalties for Violations of such Loitering or Residential Restrictions and Establishing an Effective Date.
9. Consideration of approving **Resolution #2085**, Increasing the Park and Recreation Commission to include an alternate member.

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REGULAR MEETING  
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10. Consideration of approving **Resolution #2086**, Adopting an Identity Theft Prevention Program Policy for the Buckingham Township Water and Wastewater Department.
11. Consideration of re-approving **"Trayer Tract"**, Township File SA 2006-08, due to the previous approval being over 90 days ago, in order that Record Plans may be signed.
12. Consideration of accepting the **Agreement to Extend** the Residential Development Contract and Water and Sanitary Sewer Development Agreement to May 26, 2010 for the **"Windsor Square"** Subdivision, Township File SA 2001-03.

13. **ESCROW RELEASES:**

"Stonemead", Township File SA 98-05	Site, ER #18	\$0.00 recommended for release
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14. **REQUESTS FOR PAYMENT:**

Passerini & Sons, Inc. – Church School Road Water Main Extension, Contract BT-08-03	Payment Request #1	\$53,100.00 recommended for release
MGK Industries, Inc. – Effluent Pumps, Contract BT-08-04	Payment Request #4	\$47,700.00 recommended for release

15. **Additional Business / Manager's Items:**

- Request for authority to complete settlement on the Purchase of a Conservation Easement on Tax Map Parcel #6-10-245 containing a net total of 37.78 acres of land.
- Consideration of request from Michael Taylor, on behalf of Midway Volunteer Fire Company, to waive fees related to the temporary sign permit and the overhead sign and banner permit advertising the annual fund raising carnival at the Midway Volunteer Fire Company carnival grounds on July 23 through July 25, 2009 and July 30 through August 1, 2009.
- Consideration of request submitted by Sue Bitsko, on behalf of a Cold Spring Elementary School morning kindergarten class, to waive the George M. Bush Park pavilion usage fee set forth in Resolution 2074 for an event to be held June 18, 2009 from 5:30 – 8:30 p.m.

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

The regular meeting of the Buckingham Township Board of Supervisors was held May 13, 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 S. Cozza	Township Manager
	Daniel Gray	Township Engineer
	Thomas Kelso	Township Water/Wastewater Consultant

Absent: Lynn Bush Bucks County Planning Commission

Mrs. Rash called the regular meeting to order at 7:35 pm and led The Pledge of Allegiance.

**PUBLIC COMMENT**

Mr. D. Joseph Balderston, 4565 Overlook Circle, asked the Township to enforce the weed restriction provisions of the Uniform Construction Code on 4550 Overlook Circle, Tax Map Parcel 06-010-092-008. Mr. Balderston added that there were also problems with exposed wiring and stagnant water. Mr. Balderston explained that the owner vacated the property last June or July. He noted that the property owner had removed maple trees between 1998-1999 and was currently engaged in tree removal. Ms. Manicone noted that it sounded like they were calling in a local tree company to remove and sell trees.

Mr. Balderston reported that Wachovia, the mortgage holder, was at the property earlier in the evening and advised him that if the Township posted violation stickers on the property, there would be quicker action.

Mr. Balderston asked if there was recourse for the tree removal. Ms. Cozza responded that she would have to research it. Ms. Cozza asked if Mr. Balderston had talked to the Wachovia property maintenance person. Mr. Balderston did get his card (Heritage Home Care Lender Processing Services) and offered to come by the following morning to meet with code officials. Ms. Cozza explained that since the property owner abandoned the home, the Township has had a better response from the mortgage holder. Ms. Cozza assured the residents that the Township was addressing the issue. Mrs. Rash asked about the feasibility of the Township doing the mowing. Solicitor Smith advised that the Township is without the right absent permission of the property owner to simply trespass on the property and mow the lawn. If the Township wanted to do the mowing without permission, they must first send citations to the current record owner and copy the mortgage holder and then get authority from a judge. Ms. Cozza explained that the Township was trying to get the quickest action by going straight to the mortgage holder. Board consensus was to post the stickers and issue citations. Solicitor Smith advised copying the mortgage holder.

Also in attendance for this issue were Anita Sodaitis, Aida Lainci King, and Bob Carole all from Overlook Circle.

Ms. King commented that the present owner was engaged in stripping the property to get as much money as she could. She asked who the owner of record was. Solicitor Smith explained that they could see who the record owner was, but if foreclosure proceedings had been started then the Township would not know whether the property had been recently sold at Sheriff's sale unless they went into the Prothonotary's office. Solicitor Smith thought that if the bank was at the property then it was likely that foreclosure proceedings had begun.

Discussion followed by Mr. Rowan about the 30 days a property owner has to remedy a violation once a violation notice (of the building code) is given. Mr. Balderston felt it was a health hazard and that the Township should not have to wait 30 days.

Mr. William Kates, New Hope Road, read a letter to the editor Kathy Sugarman had written to the Intelligencer about her late husband Bob Sugarman, her support for candidate Martissa and her opposition to Mrs. Rash in the Supervisor election.

Mr. Paul Calderaio commented addressing William Kates' reading noting that this was a Township meeting and not a political forum. Mr. Calderaio suggested it was inappropriate to use someone's death to promote a candidate. Mr. Calderaio then commended Mrs. Rash for the work she has done protecting open space when Mrs. Rash interrupted agreeing that the Township meeting was the place to do Township business not for campaigning.

### BOARD'S ANNOUNCEMENTS

Mrs. Rash made the following announcements:

- **Remember to Vote!** Municipal Primary Tuesday, May 19, 2009. Upper 1 voting district has moved from Cold Spring Elementary School to Covenant Presbyterian Church. Ms. Cozza added that there was a link on the Buckingham page to voting information.
- Various **Park and Recreation Programs** including Summer Camps begin this month. Go to our website at [www.buckinghampa.org](http://www.buckinghampa.org) for details!
- Bucks County's **Household Hazardous Waste and Old Computer Collection** will be July 18, 2009 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 Red Thunderbird being raffled during the Annual Concours D'Elegance. Contact Ralph Tompkins for information.
- Mr. Rowan asked for an update on the **SALDO** revisions. Mr. Gray explained that they were working to condense the newspaper advertisement and that changes to the County Act 167 requested by the Department of Environmental Protection (DEP) will impact the SALDO's stormwater requirements perhaps requiring that the Ordinance be completely revised and enacted again. So they were waiting to see what the impact would be of any changes. Mrs. Rash asked the cost of the advertisement. Solicitor Smith responded that presently it would be \$20,000± so they were working to condense it and still comply with the law.

## PAYROLL AND BILL LIST

### **Consideration of approving Payroll for the weeks ending April 26, 2009 and May 10, 2009 and the Bill List for the meeting of May 13, 2009.**

*Mrs. Rash made a motion, seconded by Mr. Forest to approve Payroll for the weeks ending April 26, 2009 and May 10, 2009 and the Bill List for the meeting of May 13, 2009. The motion carried unanimously.*

## MINUTES

### **Consideration of approving Supervisor's Minutes of the April 22, 2009 Regular Business Meeting.**

*Mrs. Rash made a motion, seconded by Mr. Forest to approve the Supervisor's Minutes of the April 22, 2009 Regular Business Meeting. Mr. Gray asked that the last line in the third paragraph from the bottom on page 8 read as follows, "If the Board wished to pull funds from the Buckingham Forest escrows to complete the site improvements, Mr. Gray recommended pulling escrows from a phase other than Phase 1 since there were other issues with Phase 1 that would complicate the completion of the improvements. 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. Consideration of approving the Agreements of Sale for Conservation Easements on Tax Map Parcels 6-23-20, 6-23-25 (donation), 6-23-47, and 6-23-49 containing a total of 155.13 net acres of land.**

Solicitor Smith explained that the property involved had a total of 180 acres gross and 155.13 acres net after deduction for rights of way and building envelopes. Mr. Smith further explained that pursuant to the Agreements, the easements would be conveyed in lieu of condemnation. Mr. Edward Murphy, Attorney and Mr. Greg Glitzer, Project engineer were in attendance. Mr. Glitzer provided an overview of the conservation easement, the building envelopes and existing structures.

Mr. Rowan questioned if property owners would have to use the location of the existing house on Lot 6-23-25 for a future house. Solicitor Smith responded that the house location could be moved. He further explained there was standard language in easements that require that new houses be located so that they do not interfere with agricultural properties.

Solicitor Smith noted there was another tract being considered, a 12 acre tract where an old factory had been located and, if environmental issues could be resolved, then it would be part of the

ultimate agreement and would be acquired by the Township. Mr. Rowan asked if the 12 acres would be gifted to the Township. Solicitor Smith responded that it would be a purchase at \$25,000 per acre (and is included in the master agreement) but stipulates that environmental issues must be resolved. Mr. Forest clarified that the four acre parcel (Mrs. Histan's daughter's house) was a gift.

*Mrs. Rash made a motion, seconded by Mr. Forest to approve the Agreements of Sale for Conservation Easements on Tax Map Parcels 6-23-20, 6-23-25 (donation), 6-23-47, and 6-23-49 containing a total of 180 acres gross (155.13 net) acres of land and approve the Preservation Master Plan Agreement Histan Properties Wycombe Village, Buckingham Township.*

Ms. Susan Sciacca and other members of the Agricultural Preservation Committee were in attendance. Ms. Sciacca explained that they had toured the property based on the criteria in place and noted that it was magnificent. Ms. Sciacca reported that they provided the evaluation form for the Board that afternoon and that they unanimously highly recommended preservation of this property.

Mr. Tom Baldwin, Wycombe, noted that this was an important piece of land to Wycombe and thanked the Histan's for everything they have done for the community.

Mrs. Rash thanked the Histan's for preserving their property and acknowledged those who worked hard for the referendum making the funding available.

*The motion carried unanimously.*

**2. Consideration of approving the Agreements of Sale for Conservation Easements on Tax Map Parcels 6-17-57 and 6-17-60 containing a total of 78.61 net acres of land.**

*Mrs. Rash made a motion, seconded by Mr. Forest to approve Agreements of Sale Conservation Easements on Tax Map Parcels 6-17-57 and 6-17-60 containing a total of 78.61 net acres of land. Mrs. Rash offered thanks and gratitude to Joe and Lori Wicen for their generosity.*

Mr. Rowan expressed concern about the timing of approving the purchase at tonight's meeting, which is right before a municipal primary election because the agreement was contingent upon the approval of the agreement and the purchase price by the Board of Supervisors and County Commissioners on or before July 1, 2009. Solicitor Smith explained that he had spoken with the Wicen attorney, Rod Eastburn, who had specifically requested that the purchase be put on tonight's agenda because of a tax issue. In order to accommodate and work with the Wicens, the Township had agreed to put the Agreement on tonight's agenda looking to assure that settlement took place in July. Solicitor Smith noted that the proposed agreements were in lieu of the Township condemning the easements.

*The motion carried unanimously.*

**3. PUBLIC HEARING: Consideration of approving Ordinance 2009-02, an Ordinance of the Township of Buckingham, Bucks County, Pennsylvania, Establishing Loitering and Residential Restrictions for Registered Adult Sexual Violent Offenders within the Township, Providing for Penalties for Violations of such Loitering or Residential Restrictions and Establishing an Effective Date.**

The hearing was opened at 8:44pm.

Mrs. Rash summarized that there had been several discussions including a work session held earlier in the evening looking to arrive at an ordinance that best addressed the needs of residents. She explained that the Board was considering passing the ordinance. Solicitor Smith explained that the ordinance establishes a 2500 ft buffer around certain institutions where children would be likely to gather and protects residential area, R1, so that those persons registered by Megan’s Law could not live in those areas. Solicitor Smith explained that it was difficult, if not impossible, to arrive at a perfect ordinance but this one was a good compromise addressing most of the residents needs, while still trying to work within an allowable legal framework. The Board has committed to continue to address this ordinance and revise it where appropriate. Mr. Rowan added that they were going to look at different ways of approaching the problem not only in changes with the law but coming up with more unique way to deal with entire issue.

Ms. Alyssa Nace, Hampton Drive, commented that the Board made progress but she was disappointed that it took 500 flyers and many meetings. She expressed the hope that there would be more forethought on future issues. Ms. Nace asked when the issue would be considered again noting that other ideas had been suggested at the work session. Ms. Nace offered to help with the map. The issue will be on a work session agenda in June. Mr. Forest commented that he felt Buckingham’s ordinance was the strongest he had seen and that the Solicitor had added language to address shortcomings of ordinances that have been challenged.

Ms. Candace Biafore, Hunter’s Run, expressed support for the changes and asked for clarification on the exceptions with regard to grandfathering, specifically 3a. Solicitor explained that if they lived in the house before the ordinance was passed, they can stay in the house. Solicitor Smith explained that if they lived in the house, committed a crime and were to be a registered sex offender then the assumption was that they would move out of the residence for some period of time (jail) and they would not be able to move back into that residence.

Ms. Susan Sciacca, Hunter’s Run, asked if the case from Allegheny County had been appealed. Solicitor Smith said the appeal period had either just run or was about to so he was unsure whether an appeal would be filed. Ms. Sciacca asked how the new ordinance was defensible. Solicitor Smith explained that the Allegheny County ordinance did not address sex offenders that committed crimes against minors so this ordinance has been restricted to sexual offenders who have committed crimes against minors. He explained the Allegheny County case also cited a concern that the authority of the State Probation and Parole Department preempted municipalities’ right to legislate in this area and so this ordinance exempts out those individuals who would fall under the jurisdiction of the State Probation and Parole Department, which has the right to decide where those registered sex offenders can live.

Mr. Rowan commented that he had serious reservations about the ordinance as first proposed but found it acceptable now. Mr. Rowan announced that he would vote for this ordinance as long as the dialogue would continue.

Mr. Scott Mullen, Jennifer Court, expressed support for the ordinance and asked if the Board was aware of any pending challenge that someone would launch. Mr. Rowan responded that the original version was a boilerplate ordinance used throughout the State that he felt would be challenged. Mr. Forest noted that the specific ordinance had not yet been challenged. Solicitor Smith noted that he is familiar with attorneys who have approached the American Civil Liberties Union (ACLU) to see if they would support them in a challenge in Bucks County to such ordinances and the ACLU thus far has said no.

Mr. Paul Calderaio expressed support for immediate action noting that the ordinance could be improved later.

The hearing was closed at 9:05pm

*Mrs. Rash made a motion, seconded by Mr. Forest to approve Ordinance 2009-02, an Ordinance of the Township of Buckingham, Bucks County, Pennsylvania, Establishing Loitering and Residential Restrictions for Registered Adult Sexual Violent Offenders within the Township, Providing for Penalties for Violations of such Loitering or Residential Restrictions and Establishing an Effective Date. The motion carried unanimously.*

**4. Consideration of approving Resolution #2085, Increasing the Park and Recreation Commission to include an alternate member.**

*Mrs. Rash made a motion, seconded by Mr. Rowan to approve Resolution #2085, Increasing the Park and Recreation Commission to include an alternate member. The motion carried unanimously.*

**5. Consideration of approving Resolution #2086, Adopting an Identity Theft Prevention Program Policy for the Buckingham Township Water and Wastewater Department.**

*Mrs. Rash made a motion, seconded by Mr. Rowan to approve Resolution #2086, Adopting an Identity Theft Prevention Program Policy for the Buckingham Township Water and Wastewater Department.*

Ms. Pistory explained that this was a Federal Trade Commission requirement.

Mr. Rowan asked about illegal hook-up of contractors for water. Ms. Cozza explained that this was about identity theft for customers.

*The motion carried unanimously.*

**6. Consideration of re-approving “Trayer Tract”, Township File SA 2006-08, due to the previous approval being over 90 days ago, in order that Record Plans may be signed.**

Solicitor Smith explained that the development agreement had gone back and forth with a few changes made. Solicitor Smith reported that earlier in the day he received a call from Mr. Kempes, Ms. Trayer’s attorney, because Mrs. Trayer realized that the deed of dedication included her stone walls and she had spent \$50,000 on those walls and she did not want to dedicate them. Solicitor Smith said that the plan showed those being dedicated and explained that she would need to come to the Board to ask for a waiver and resubmit the plans. Mrs. Trayer was agreeable. Solicitor Smith explained that he was asking for the waiver on behalf of Mrs. Trayer so that her attorney did not have to attend at Ms. Trayer’s expense.

Solicitor Smith advised the Board that they could approve the waiver request so that the right of way including the stone wall did not need to be dedicated but that they could not re-approve until the new plans were presented with notes revised to indicate the area not being dedicated and then the Township would review the revised plan to ensure it was in accordance with the previous terms of approval.

*Mrs. Rash made a motion, seconded by Mr. Rowan to approve the waiver request to exclude the stone wall.*

Discussion followed about the walls and whether the township would ever want to take them. Consensus was that the township did not want them. Solicitor Smith confirmed there would be no dedication taken on the right-of-way on Anderson Road for Lot #1.

Mr. Rowan asked if Anderson Road would ever need to be widened to extend into the stone walls. Mr. Gray responded that the only property that might be developed in the area was the one across the street. Mr. Forest added that Harold Vikoren’s property could also be developed.

Mrs. Rash asked Solicitor Smith and Mr. Gray to implement the decision.

*The motion carried unanimously.*

**7. Consideration of accepting the Agreement to Extend the Residential Development Contract and Water and Sanitary Sewer Development Agreement to May 26, 2010 for the “Windsor Square” Subdivision, Township File SA 2001-03.**

*Mrs. Rash made a motion, seconded by Mr. Forest to accept the Agreement to Extend the Residential Development Contract and Water and Sanitary Sewer Development Agreement to May 26, 2010 for the “Windsor Square” Subdivision, Township File SA 2001-03.*

*The motion carried unanimously.*

### REQUESTS FOR PAYMENT

#### ESCROW RELEASES:

"Stonemead", Township File SA 98-05	Site, ER #18	\$0.00 recommended for release
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*Mrs. Rash made a motion, seconded by Mr. Rowan to approve \$0.00 for release to "Stonemead," Township File SA 98-05.*

#### REQUESTS FOR PAYMENT:

Passerini & Sons, Inc. – Church School Road Water Main Extension, Contract BT-08-03	Payment Request #1	\$53,100.00 recommended for release
MGK Industries, Inc. – Effluent Pumps, Contract BT-08-04	Payment Request #4	\$47,700.00 recommended for release

*Mrs. Rash made a motion, seconded by Mr. Forest to approve the above listed requests for payment. The motion carried unanimously.*

### ADDITIONAL BUSINESS / MANAGER'S ITEMS

**1. Request for authority to complete settlement on the Purchase of a Conservation Easement on Tax Map Parcel #6-10-245 containing a total of 37.78 net acres of land.**

Solicitor Smith noted that title insurance could be ordered through a company that Smith McMaster represents but wanted to advise the Board that by doing so there would be enumeration earned by Smith McMaster and before doing so Solicitor Smith requested the Board's authority. The Board unanimously gave authority to do so.

**2. Consideration of request from Michael Taylor, on behalf of Midway Volunteer Fire Company, to waive fees related to the temporary sign permit and the overhead sign and banner permit advertising the annual fund raising carnival at the Midway Volunteer Fire Company carnival grounds on July 23 through July 25, 2009 and July 30 through August 1, 2009.**

*Mrs. Rash made a motion, seconded by Mr. Forest to waive fees related to the temporary sign permit and the overhead sign and banner permit advertising the annual fund raising carnival at the Midway Volunteer Fire Company carnival grounds on July 23 through July 25, 2009 and July 30 through August 1, 2009 as requested by Michael Taylor on behalf of Midway Volunteer Fire Company. The motion carried unanimously.*

**3. Consideration of request submitted by Sue Bitsko, on behalf of a Cold Spring Elementary School morning kindergarten class, to waive the George M. Bush Park pavilion usage fee set forth in Resolution 2074 for an event to be held June 18, 2009 from 5:30 – 8:30 p.m.**

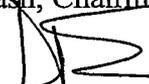
*Mrs. Rash made a motion, seconded by Mr. Forest to waive the George M. Bush Park pavilion usage fee set forth in Resolution 2074 for an event to be held June 18, 2009 from 5:30 – 8:30 p.m. as requested by Sue Bitsko, on behalf of a Cold Spring Elementary School morning kindergarten class. The motion carried unanimously.*

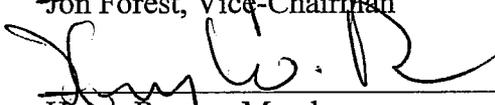
*Mrs. Rash made a motion, seconded by Mr. Forest to adjourn the meeting at 9:25pm. The motion carried unanimously.*

**Approved by the Board of Supervisors on the 27th day of May, 2009.**

**Buckingham Township Board of Supervisors**

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

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

  
\_\_\_\_\_  
Henry Rowan, Member

Attest:   
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Dana S. Cozza, Secretary