

# BUCKINGHAM TOWNSHIP

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



## BOARD OF SUPERVISORS BUSINESS MEETING

## AGENDA

May 27, 2009

Call to Order 7:30 p.m.

*Commendations presented to Detectives Robert McLeod and Robert Logan, and to Officers Steve Thomas, John Bailey, John Morozin and John Lehnen*

1. Public Comment (Maximum 30 minutes)
2. Board's Announcements:
  - 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 or go to [www.buckinghamautoshow.org](http://www.buckinghamautoshow.org) . The Concours D'Elegance will be September 20, 2009, at Holicong Park.
3. Consideration of approving Payroll for the weeks ending May 24, 2009 and the Bill List for the meeting of May 27, 2009.
4. Consideration of approving Supervisor's Minutes of the May 13, 2009 Regular Business Meeting.
5. Consideration of approving Revised Preliminary Plan of Land Development (plan dated "Rev. 3/31/09") of "**None Such Farm Market**", submitted by Boucher & James, Inc. on behalf of Jon Yerkes, Township File LD 2008-02, T.P. 6-10-218, 1.90 acres, Old York Road, in the R-1 Zoning District, with an extended Review Period Expiration Date of September 30, 2009.
6. Consideration of accepting the Agreement to Extend the Land Development Contract to June 30, 2010, from Allen D. Black, covering the "**Bucks County Airport Authority**" Land Development, Township File LD 93-04.
7. Consideration of accepting the **Agreement to Extend** the Residential Development Contract as Amended by the First Amendment to the Residential Development Contract to May 31, 2010 for the "**Brentwood / Sanders Tract**" Subdivision, Township File SA 2001-01.

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**BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
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8. Consideration of accepting the **Agreement to Extend** the Residential Development Contract to June 11, 2010 for the "**Gash Tract**" Subdivision, Township File SA 2004-04.
9. Consideration of accepting the **Pipe and Concrete Inlet Bid** for the years 2009-2010, through the Bucks County Consortium, per the Township Roadmaster's recommendation.
10. Consideration of approving **Resolution No. 2086**, Agreement regarding the requirements and obligations for use of the Pennsylvania Department of Transportation dotGrants on-line reporting system to file required annual Liquid Fuels forms AND the Agreement to Authorize Electronic Access to PennDOT Systems.
11. Consideration of accepting Joseph Ciccarelli's resignation from the Historic Commission.
12. Consideration of adopting the Buckingham Township Police Contract for January 1, 2009 through December 31, 2011.
13. Additional Business / Manager's Items:
  - Consideration of authorizing township solicitor to advertise the ordinance regarding the Verizon Agreement/Contract.

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

The regular meeting of the Buckingham Township Board of Supervisors was held May 27, 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
	Lynn Bush	Bucks County Planning Commission
	Thomas Kelso	Township Water/Wastewater Consultant

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Mrs. Rash called the regular meeting to order at 7:45pm and led the Pledge of Allegiance.

*Commendations were presented by Chief of Police Steven Daniels to Detectives Robert McLeod and Robert Logan, to Corporals John Bailey and John Lehnen and to Officers Steve Thomas and John Morozin. Chief Daniels announced that Chris Windish was awarded a Congressional Citation by Congressman Murphy for his outstanding number of Driving Under the Influence (DUI) arrests in Buckingham Township.*

Mrs. Rash thanked the police department for their excellent work on behalf of the Township. Mrs. Rash thanked Officer Morozin for his assistance with a young resident in the Township.

**PUBLIC COMMENT**

Mr. Joe Balderston, 4565 Overlook Circle, reported that the property in his neighborhood that he had discussed two weeks prior had been posted and violations were cited. He reported that the property owner made an attempt to correct exposed electrical wiring with cardboard. Mr. Balderston asked what the next steps would be once the time period expires. Solicitor Smith explained that if there was no appeal to the citations, then they would be deemed to be correct and valid and the Township could issue a non-traffic citation, file a civil action in the District Justice court, or seek injunctive relief in the Court of Common Pleas to compel the work to be done. Mr. Balderston asked if a motion was required by the Board to which Solicitor Smith responded it was not. Mr. Balderston asked the Board to consider prorating the taxes in that area as their property values were decreased. Solicitor Smith explained that the Township has no authority to change the assessment and that the Township portion of the tax bill was by far the smallest and that they would need to talk to the school district (largest portion of tax bill) and the County. Mrs. Rash advised Mr. Balderston that the proper procedure would be followed in a timely manner.

Ms. Kate Maloney and Ms. Christine Kardish, Lancaster Drive, expressed concern about the activities of the business *Best of France*, specifically the installation of new cellular antennas on a silo and the construction of a loading dock (without a permit). Ms.

Maloney and Ms. Kardish reported that the business was operating in violation of the agreement made in January 2001 in which they agreed to limit their hours of operation and maintain the home as a residence. The women noted that at least 3 new cellular antennas have been added to the existing silo and they expressed concern about health issues with the cellular antennas so close to properties. Ms. Maloney and Ms. Kardish asked if there was a cap on how many antennas could be there and what were the health ramifications of going from two to six or eight antennas. After discussion it was decided that the agreement and Zoning Hearing Board (ZHB) decision would be reviewed by Solicitor Smith and the Zoning Officer, Rich Myers. Mr. Rowan asked that the staff also look into whether or not there was a permit for the loading dock. Ms. Cozza agreed to coordinate the research and update Ms. Maloney and Ms. Kardish. Ms. Cozza felt they could learn what was happening at the site in terms of the cellular antennas within a week.

Mr. George Michel, ZHB member, commented that it was possible that if *Best of France* was in direct violation of the variance conditions or conditional use, then the Township could issue a cease and desist.

### BOARD'S ANNOUNCEMENTS

Mrs. Rash announced the following items:

- 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 or go to [www.buckinghamautoshow.org](http://www.buckinghamautoshow.org). The Concours D'Elegance will be September 20, 2009, at Holicong Park.

### PAYROLL AND BILL LIST

**Consideration of approving Payroll for the week ending May 24, 2009 and the Bill List for the meeting of May 27, 2009.**

*Mrs. Rash made a motion, seconded by Mr. Forest to approve Payroll for the week ending May 24, 2009 and the Bill List for the meeting of May 27, 2009 in the amount of \$755,479.84. Mr. Rowan noted that there was no service agreement in place for Central Bucks (CB) Ambulance and he was not comfortable releasing the \$81,000 for CB Ambulance without one. Solicitor Smith explained that there were stipulations in the resolution that restricted the use of the money to capital expenses, but there was not a separate contract. Ms. Cozza explained that there was a separate agreement with the fire companies. Mrs. Rash agreed the payment should be removed from the bill list and an agreement should be written. Mr. Rowan noted that a resident received a bill for \$1,400.00 even though the Board was told that the bill would be \$900. Mrs. Rash amended the motion*

*to approve the bill list excluding \$81,350 for CB Ambulance (Check 13956). Mr. Forest seconded the amended motion. The motion carried unanimously.*

## MINUTES

### **Consideration of approving Supervisor's Minutes of the May 13, 2009 Regular Business Meeting.**

*Mrs. Rash made a motion, seconded by Mr. Forest to approve the Supervisor's Minutes of the May 13, 2009 Regular Business Meeting. Solicitor Smith asked for one addition to the section about the Trayer tract. He explained that the minutes indicated that the Township would only accept the right-of-way on Anderson Road up to the wall, but Mr. Kempes noted that it was basically the entire right-of-way on Anderson Road. Solicitor Smith suggested amending the minutes to reflect that there would be no dedication taken on the right-of-way on Anderson Road for Lot #1. He asked that the addition be placed right after the sentence that ended with "...consensus was that the Township did not want them." Mrs. Rash amended her motion to include the revision made by Solicitor Smith. Mr. Forest seconded the amended motion. The motion carried unanimously.*

## BUSINESS

### **1. Consideration of approving Revised Preliminary Plan of Land Development (plan dated "Rev. 3/31/09") of "None Such Farm Market", submitted by Boucher & James, Inc. on behalf of Jon Yerkes, Township File LD 2008-02, T.P. 6-10-218, 1.90 acres, Old York Road, in the R-1 Zoning District, with an extended Review Period Expiration Date of September 30, 2009.**

Representing the applicant was Mr. John Van Luvanee, Attorney, Mr. Mark Eisold, Project Engineer and Mr. Scott Yerkes.

Mr. VanLuvanee reported that the applicant would comply with all issues raised in the May 27, 2009 Knight Engineering review letter other than Section III. Item 2.2. Mr. VanLuvanee reported that the pipe would be capped.

The applicant was in agreement with all issues raised in the Landscape Review Consultants April 30, 2009 review letter. Mr. VanLuvanee clarified that Ms. Manicone would support a conditional waiver of the on-site review of the tree protection fencing and signs based on the approved plan (page 5 of review letter) subject to her review (and possible adjustment of the fencing to protect trees to the greatest extent possible) and approval.

Mr. VanLuvanee requested that the Board consider granting conditional preliminary/final approval. Mr. VanLuvanee reported that the consultants did not have any problems with the waiver requests submitted on May 20, 2009. Mr. Gray commented that the Applicant's engineer had evaluated the release rates at the point where the runoff

discharged from the None Such Farm parcel located on the opposite side of York Road, as directed by the Board, and that the post development release rates were less than the pre-development rates. He noted that any increase of runoff leaving the Farm Market would be mitigated on the larger Farm parcel.

*Mrs. Rash made a motion, seconded by Mr. Forest to grant preliminary/final approval for the Plan of Land Development (plan dated "Rev. 3/31/09") of "None Such Farm Market", submitted by Boucher & James, Inc. on behalf of Jon Yerkes, Township File LD 2008-02, T.P. 6-10-218, 1.90 acres, Old York Road, in the R-1 Zoning District and grant all waivers as requested in the May 20, 2009 request letter subject to compliance with*

- *all issues raised in the May 27, 2009 Knight Engineering Review letter other than Section III. Item 2.2 wherein the applicant has agreed to cap the pipe*
- *all issues raised in the April 30, 2009 Landscape Review Consultants review letter noting that the comment on page 5 regarding the on-site review of tree protection fencing was a conditional waiver granted subject to review of Ms. Manicone.*

*The motion carried unanimously.*

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

**6. Consideration of accepting the Agreement to Extend the Land Development Contract to June 30, 2010, from Allen D. Black, covering the "Bucks County Airport Authority" Land Development, Township File LD 93-04.**

*Mrs. Rash made a motion, seconded by Mr. Forest to accept the Agreement to Extend the Land Development Contract to June 30, 2010, from Allen D. Black, covering the "Bucks County Airport Authority" Land Development, Township File LD 93-04.*

*The motion carried unanimously.*

**7. Consideration of accepting the Agreement to Extend the Residential Development Contract as Amended by the First Amendment to the Residential Development Contract to May 31, 2010 for the "Brentwood / Sanders Tract" Subdivision, Township File SA 2001-01.**

Ms. Cozza reported that the bank's signature was not received and this was a tripartite escrow agreement. Ms. Cozza reported that there was \$17,000, they owed \$2400 and it was required that \$5000 must remain in the account. Mr. Gray reported that grass restoration was needed in the buffer. Mr. Gray reported that many buffer plantings in lot 2 had died and that there was about \$6700 worth of trees that needed replacement. Discussion followed about the deeds not including language about the lots being restricted from further development as well as no disturbance to the septic areas. Regarding the conservation easement, Solicitor Smith explained that as a worst case scenario the Township could go to Court and ask them to issue an injunction in effect signing the agreement on the developer's behalf. Solicitor Smith advised making one attempt to have the easements and deeds of dedication signed before going to court. It was noted that Mr. Gray and Ms. Pistory recommended not extending the agreement

since the Township had not received the required paperwork from the developer and the improvements had not been adequately completed by the developer.

*Mrs. Rash made a motion, seconded by Mr. Forest to not accept the agreement to extend the Residential Development Contract as Amended by the First Amendment to the Residential Development Contract to May 31, 2010 for the "Brentwood / Sanders Tract" Subdivision, Township File SA 2001-01 and use the available security to complete all work called for in development agreement that has not been completed, and pay the Township professional fees. Mr. Rowan added into the motion that the Board instruct the Township Solicitor to secure all signatures on all deeds of dedication and conservation easements and any other documents that are to be recorded as a part of the development approval and that if necessary authorize the Township Solicitor to pursue legal action to compel the documents to be signed and recorded.*

Discussion followed about the procedure to get the buffer materials. Solicitor Smith explained that if there was any money left over, the Township must give it back to the developer and if there was a shortfall, the Township could pursue recovering the shortfall from the developer. Mr. Rowan asked if the Township had the right to enter the property. Solicitor Smith explained that the development agreement gave them that right. Mr. Rowan asked about the maintenance bond. Solicitor Smith responded that technically there was not one, but they could hold over any leftover money from calling the security and completing the improvements for the maintenance period.

*The motion carried unanimously.*

**8. Consideration of accepting the Agreement to Extend the Residential Development Contract to June 11, 2010 for the "Gash Tract" Subdivision, Township File SA 2004-04.**

*Mrs. Rash made a motion, seconded by Mr. Forest to accept the Agreement to Extend the Residential Development Contract to June 11, 2010 for the "Gash Tract" Subdivision, Township File SA 2004-04. The motion carried unanimously.*

**8. Consideration of accepting the Pipe and Concrete Inlet Bid for the years 2009-2010, through the Bucks County Consortium, per the Township Roadmaster's recommendation.**

*Mrs. Rash made a motion, seconded by Mr. Rowan to accept the Pipe and Concrete Inlet Bid for the years 2009-2010, through the Bucks County Consortium, per the Township Roadmaster's recommendation. The motion carried unanimously.*

**10. Consideration of approving Resolution No. 2087, Agreement regarding the requirements and obligations for use of the Pennsylvania Department of Transportation dotGrants on-line reporting system to file required annual Liquid Fuels forms AND the Agreement to Authorize Electronic Access to PennDOT Systems.**

*Mrs. Rash made a motion, seconded by Mr. Forest to approve Resolution No. 2087, Agreement regarding the requirements and obligations for use of the Pennsylvania Department of Transportation dotGrants on-line reporting system to file required annual Liquid Fuels forms AND the Agreement to Authorize Electronic Access to PennDOT Systems. The motion carried unanimously.*

**11. Consideration of accepting Joseph Ciccarelli's resignation from the Historic Commission.**

*Mrs. Rash made a motion, seconded by Mr. Rowan to accept Joseph Ciccarelli's resignation from the Historic Commission. The motion carried unanimously.*

**11. Consideration of adopting the Police Contract for January 1, 2009 through December 31, 2011.**

*Mrs. Rash made a motion, seconded by Mr. Rowan to adopt the Police Contract for January 1, 2009 through December 31, 2011. Ms. Cozza asked the Board to also authorize her to sign the Side Letter. Authorization was included in the motion. The motion carried unanimously.*

**ADDITIONAL BUSINESS / MANAGER'S ITEMS**

**1. Appointment to Agricultural Preservation Committee**

*Mrs. Rash made a motion, seconded by Mr. Rowan to appoint Muriel Gordon to the Agricultural Preservation Committee. The motion carried unanimously.*

**2. Consideration of authorizing township solicitor to advertise the ordinance regarding the Verizon Agreement/Contract.**

Solicitor Smith explained that he should be authorized to advertise the ordinance after the terms were agreed to regarding the drops to the Township and the Side Letter regarding coverage areas of the Township that did not meet the requirements stipulated in the agreement. *Mr. Rowan made a motion, seconded by Mrs. Rash to authorize the Township Solicitor to advertise the ordinance regarding the Verizon Agreement/Contract under the terms specified by Solicitor Smith. The motion carried unanimously.*

The Board adjourned to executive session at 9:17pm.

The board reconvened at 9:32pm.

**3. Resolution 2088**

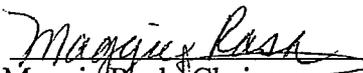
Solicitor Smith offered the following Resolution for the Board's consideration: The Board of Supervisors of Buckingham Township hereby resolves to authorize the purchase of a conservation easement in lieu of condemnation and pursuant to the May 13, 2009 "Preservation Master Plan Agreement Hinstead Properties, Wycombe Village,

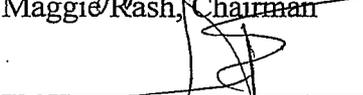
Buckingham Township” over Tax Map Parcels 6-23-20, 6-23-25, 6-23-47 and 6-23-49. The easement is to be conveyed in a single document incorporating descriptions for all four tax parcels. The purchase price for the easement is to be \$3,814,725 provided that the Township receives an appraisal of the value of the easement hereby authorized to be purchased pursuant to 53 P.S. § 66503 in at least that amount prior to settling on the easement. Further that the Board hereby authorizes the appropriate officers of the Township (one of the Supervisors and Ms. Cozza, Township Manager) to execute all necessary documents in furtherance of consummating the purchase of the conservation easement as just described, and also authorizes payment of necessary expenses in conjunction with the easement including the cost of the appraisal, recording fees, notary fees, and title insurance. Furthermore that the proper officers are authorized to execute any and all other documents necessary and associated with the conveyance. *Mrs. Rash made the motion as specified by Solicitor Smith. The motion was seconded by Mr. Forest. The motion carried unanimously.*

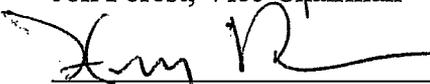
*Mrs. Rash made a motion, seconded by Mr. Forest to adjourn the meeting at 9:35pm. The motion carried unanimously.*

**Approved by the Board of Supervisors on the 10th day of June, 2009.**

**Buckingham Township Board of Supervisors**

  
 Maggie Rash, Chairman

  
 Jon Forest, Vice-Chairman

  
 Henry Rowan, Member

Attest:

  
 Dana S. Cozza, Secretary

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