

# BUCKINGHAM TOWNSHIP

P.O. Box 413, Buckingham, Pennsylvania 18912  
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Website - [www.buckinghampa.org](http://www.buckinghampa.org)



## BOARD OF SUPERVISORS BUSINESS MEETING

## AGENDA

March 27, 2019

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

*Bucks County Adopt-A-Book – Presentation by Robin Robinson, Bucks County Recorder of Deeds Office*

1. Public Comment (Maximum 30 minutes)
2. Board's Announcements:
  - Egg Hunt Saturday, April 13<sup>th</sup> at 10:00 a.m., at George M. Bush Park. Bring your basket and a camera for a picture with the Bunny (Bunny arrives at 9:30 a.m.)
  - Spring Yard Waste Pick-Up. Free bags are available March 25 through April 26 at the township building for Yard Waste. Pick up will begin on April 29<sup>th</sup>. You must use township bags and register with the township for pick-up.
  - Keep Buckingham Beautiful – May 4 & 5, from 8 a.m. to 4 p.m. Bring your household trash to the Township Maintenance building located at 4991 Upper Mountain Road. Free Shredding will be available on Saturday from 9-12. Details are available on the township website and/or call the township office at 215-794-8834.
3.
  - a. Consideration of approving Payment Request No. 11, to GS Developers, for work completed on the **Pump Station & Generators and Upgrades PH 2 – General Contract BT-17-03**, in the amount of \$8,496.00.
  - b. Consideration of approving Payment Request No. 6, to BSI Electrical Contractors for work completed on the **Buckingham Village WWTP Plant 2017 Upgrades – Electrical Contract BT-17-05**, in the amount of \$25,846.55.
  - c. Consideration of approving Payment Request No. 5, to GS Developers, for work completed on the **Pump Station Generators and Upgrades, Pump Station 1 - Contract BT-18-01**, in the amount of \$13,500.00.
  - d. Consideration of approving Payment Request No. 13, to Eastern Environmental Contractors, Inc. for work completed on the **Fieldstone Spray Field Upgrades – General Contract BT-17-01**, in the amount of \$60,345.05.
  - e. Consideration of approving Payroll for the weeks ending March 3, 2019 and March 17, 2019, and the Bill List for the meeting of March 27, 2019.
4. Consideration of approving draft Supervisor's Minutes of the February 27, 2019 Work Session and February 27, 2019 Regular Business Meeting.
5. Consideration of accepting various Departmental Minutes and Advisory Body Minutes.
6. Consideration of approving the Change Order for Fenton's Corner Lagoon No. 3 Grading Plan and Details, Township File SA 2013-03.

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7. Consideration of approving **Resolution No. 2390**, A Resolution of the Board of Supervisors Appointing Enforcement Officers or Agents for Buckingham Township Ordinances Pursuant to the Second-Class Township Code, 53 P.S. §6601 (7).
8. Consideration of accepting **Request for Extension** to the allowable review time under the provisions of the PA Municipalities Planning Code to April 30, 2019, for “**BKTD Tract**”, Township File SA 2017-02.
9. Consideration of accepting the Request for Extension of the time to complete the Improvements as set forth in the Residential Development Contract to April 10, 2020, covering the “**McKernan Development**” Subdivision, Township File SA 2007-01.
10. Consideration of accepting the Request for Extension of the time to complete the Improvements as set forth in the Development Agreement to April 22, 2020 from the Archdiocese of Philadelphia, for “**Our Lady of Guadalupe Church, Phase I**” Land Development, Township File LD 2006-01.
11. Escrow Releases:

Fenton's Corner (Feeney Tract), Site, Township File SA 2013-03	Release #3, Site	\$712,553.04 recommended for release
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12. Additional Business / Manager's Items:

- Consideration of accepting the Roadmaster's recommendations for the **Highway Materials Joint Bid** through the Bucks County Consortium.
- Consideration of awarding the 2019 Buckingham Township **Road Improvement Project Bid** to Harris Blacktopping, Inc. of Washington Crossing, PA in the amount of \$354,625.00.
- Consideration of approving the request submitted by Heritage Center - Commercial for a Reduction of Wastewater EDU's for Building 800, from 9 EDU's to 2 EDU's.

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

The regular meeting of the Buckingham Township Board of Supervisors was held March 27, 2019 in the Township Building, 4613 Hughesian Drive, Buckingham, Pennsylvania.

Present:	Jon Forest	Chairman
	Maggie Rash	Vice-Chairman
	Paul Calderaio	Member
	Dana S. Cozza	Township Manager
	Daniel Gray	Township Engineer
	Tom Kelso	Township Water/Wastewater Consultant
	Craig A. Smith, Esquire	Township Solicitor

Not Present:	John Ives	Bucks County Planning Commission
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*Mr. Forest called the regular meeting to order at 7:30 p.m.*

***Bucks County Adopt-A-Book – Presentation by Robin Robinson, Bucks County Recorder of Deeds Office***

Ms. Robin Robinson, Bucks County Recorder of Deeds, was present to share information on the project her office has been working on to restore and preserve over 700 original deed books that were found laying on a warehouse floor. Ms. Robinson said the books start in the year 1684, and brought one from 1703 for everyone to view. Ms. Robinson said the county used record improvement money, applied for grants, and started the “Adopt A Book” program. Her request is that Buckingham Township donate money to sponsor one of the books. Mrs. Rash invited Ms. Robinson to return to a future Board of Supervisors meeting to present her slideshow on the preservation process.

**PUBLIC COMMENT**

**Ruckman Way/ Church School Estates**

Mr. Robert A. Woodruff, 4044 Mechanicsville Road, was present to express concern regarding a recent newspaper article regarding fraud charges brought against a sober living facility, and is especially concerned due to having a sober living facility recently established in the house next door to his home. Mr. Woodruff asked the township to call the attorney general and request an investigation of this facility. Mr. Forest asked whether Mr. Woodruff had information that the facility was acting in a like manner to those against whom charges have been brought. Mr. Woodruff said he did not. Mr. Forest noted that at this time, neither does the township and said the township would not call the attorney general without knowledge of or a basis for suspicion of a crime being committed.

Mr. Woodruff also stated he has seen stakes in the ground for the relocation of the driveway to the sober living facility, and as he stated previously, would prefer the driveway location to be further from his property line.

Mr. David Metille, 4090 Ruckman Way, said he seconded Mr. Woodruff's comments and supported them.

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### Recycling Ordinance

Ms. Deaune Volk, Sands Way, asked if the township is working on a recycling ordinance because she thought she heard a comment made during the work session about the state owing the township \$100,000 and she thought it was connected to recycling. Ms. Cozza said the township has a recycling ordinance. Rather she explained to Ms. Volk that she heard that DEP has set aside grant money available for recycling efforts but because Buckingham Township allows open burning under certain conditions, DEP would not provide the township with the recycling money, and was holding it in escrow. Consequently, the township is considering an ordinance that would ban open burning. The township has requested a model ordinance from the Department of Environmental Protection but they have not provided one so we are researching some model ordinances from other municipalities. Mrs. Cozza explained the difficulty is that there are 2 departments in DEP; one allows burning, and the other does not. Accordingly, the township is trying to be careful in crafting an ordinance that would satisfy DEP's demand, not cross other DEP regulations, and be consistent with other township ordinances such as the elimination of bamboo by burning and the ICC fire code. Currently this process is awaiting the review of the Township's Environmental Advisory Commission of the bamboo ordinance before moving forward.

Ms. Shannon Sticker, Kavan Court, asked if the township produced mulch or compost. Mr. Forest said it is compost. Ms. Sticker asked if the compost was available to township residents, and Mr. Forest said no, it is used by the township at township parks and facilities.

### BOARD'S ANNOUNCEMENTS

Mr. Forest made the following announcements:

- Egg Hunt Saturday, April 13<sup>th</sup> at 10:00 a.m., at George M. Bush Park. Bring your basket and a camera for a picture with the Bunny (Bunny arrives at 9:30 a.m.)
- Spring Yard Waste Pick-Up. Free bags are available March 25 through April 26 at the township building for Yard Waste. Pick up will begin on April 29<sup>th</sup>. You must use township bags and register with the township for pick-up.
- Keep Buckingham Beautiful – May 4 & 5, from 8 a.m. to 4 p.m. Bring your household trash to the Township Maintenance building located at 4991 Upper Mountain Road. Free Shredding will be available on Saturday from 9-12. Details are available on the township website and/or call the township office at 215-794-8834.

Mr. Forest announced that current events are available on the Buckingham Township website, and residents should check it frequently at [www.buckinghampa.org](http://www.buckinghampa.org).

### REQUESTS FOR PAYMENT, PAYROLL and BILL LIST

**Consideration of approving Payment Request No. 11, to GS Developers, for work completed on the Pump Station & Generators and Upgrades PH 2 – General Contract BT-17-03, in the amount of \$8,496.00.**

*Mr. Forest made a motion, seconded by Mrs. Rash to approve Payment Request No. 11, to GS Developers, for work completed on the Pump Station & Generators and Upgrades PH 2 – General Contract BT-17-03, in the amount of \$8,496.00. The motion carried unanimously.*

**Consideration of approving Payment Request No. 6, to BSI Electrical Contractors for work completed on the Buckingham Village WWTP Plant 2017 Upgrades – Electrical Contract BT-17-05, in the amount of \$25,846.55.**

*Mr. Forest made a motion, seconded by Mrs. Rash to approve Payment Request No. 6, to BSI Electrical Contractors for work completed on the Buckingham Village WWTP Plant 2017 Upgrades – Electrical Contract BT-17-05, in the amount of \$25,846.55. The motion carried unanimously.*

**Consideration of approving Payment Request No. 5, to GS Developers, for work completed on the Pump Station Generators and Upgrades, Pump Station 1 - Contract BT-18-01, in the amount of \$13,500.00.**

*Mr. Forest made a motion, seconded by Mrs. Rash to approve Payment Request No. 5, to GS Developers, for work completed on the Pump Station Generators and Upgrades, Pump Station 1 - Contract BT-18-01, in the amount of \$13,500.00. The motion carried unanimously.*

**Consideration of approving Payment Request No. 13, to Eastern Environmental Contractors, Inc. for work completed on the Fieldstone Spray Field Upgrades – General Contract BT-17-01, in the amount of \$60,345.05.**

*Mr. Forest made a motion, seconded by Mrs. Rash to deny Payment Request No. 13, to Eastern Environmental Contractors, Inc. for work completed on the Fieldstone Spray Field Upgrades – General Contract BT-17-01, in the amount of \$60,345.05, due to a concern the contractor was in breach of the time for completion provisions of the contract and subject either reaching an agreement on the completion and payment of damages owed for the delay or going to dispute resolution.*

Mr. Smith recommended the payment be denied at this time, due to the project being over 160 days late in completion and non-payment by the contractor of a liquidated damage penalty of \$500 a day. Mr. Smith said the potential amount in dispute is more than the requested payment; therefore, the payment should not be made until the dispute has been resolved.

*The motion carried unanimously.*

**Consideration of approving Payroll for the weeks ending March 3, 2019 and March 17, 2019, and the Bill List for the meeting of March 27, 2019.**

*Mr. Forest made a motion, seconded by Mrs. Rash to approve Payroll for the weeks ending March 3, 2019 and March 17, 2019, and the Bill List for the meeting of March 27, 2019 in the total amount of \$1,257,927.84. The motion carried unanimously.*

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## MINUTES

### **Consideration of approving the draft Supervisors' Minutes of the February 27, 2019 Work Session and February 27, 2019 Regular Business Meeting.**

*Mr. Forest made a motion, seconded by Mrs. Rash to approve, as most recently presented, the draft Supervisors' Minutes of the February 27, 2019 Work Session and February 27, 2019 Regular Business Meeting. The motion carried unanimously.*

### **Consideration of accepting various Departmental Minutes and Advisory Body Minutes.**

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

## BUSINESS

### **Consideration of approving the Change Order for Fenton's Corner Lagoon No. 3 Grading Plan and Details, Township File SA 2013-03.**

*Mr. Forest made a motion, seconded by Mrs. Rash to approve the Change Order for Fenton's Corner Lagoon No. 3 Grading Plan and Details, Township File SA 2013-03.*

Mr. Harris, attorney representing Toll Brothers, Inc., presented the history for this change order request, explaining that after original plan approval, the groundwater table proved higher than originally calculated, which meant that to store the same amount of wastewater the surface dimension of wastewater storage lagoon #3 needed to be expanded. Mr. Harris said the change order reflects the expansion by moving it 55' closer to the neighboring property owned by Mr. Dunn, on Church School Road. Mr. Harris said the revised plan meets all township ordinances, DEP regulations and Bucks County Department of Health regulations.

Mr. Harris said by expanding the lagoon, a monitoring well will also need to be relocated, and it too will be closer to Mr. Dunn's property line.

Mr. Dunn, 4812 Church Road, was present, with his legal representation Mr. Klimpl and Mr. Montemuro, both of Antheil Maslow and MacMinn, LLP. Mr. Dunn stated that he is the single most impacted neighbor, and has concerns about potential groundwater contamination, property devaluation, odor and noise from the proposed expansion of the lagoon toward his property. Mr. Dunn said he spoke to Mr. Gray approximately 1-1/2 years ago, and he implied the lagoon could be expanded to a rectangular shape in a southern direction, away from development and towards the woods, where an extra spray field area is designated. Mr. Dunn said another option that he heard from speaking with engineers, is to place an underliner sump to remove hydrostatic pressure, and retain the footprint of the original design. Mr. Gray confirmed he had said perhaps the shape could be changed while maintaining the distance from Mr. Dunn's property, but did not discuss moving the spray field towards the woods, where an extra spray field area is designated. Mr. Dunn said he had requested to speak with Toll Brothers about these options, but they did not respond.

Mr. Harris said this change order plan was submitted in August of 2018 and has taken six months to get reviewed by the township. He said the township had originally requested an additional 1.2 acres of lagoon and Toll provided it in the area the township specified. Mr. Harris said this plan complied with all requirements. Mr. Kelso confirmed that the plan complies with DEP's regulations, and does not require a permit change. Mr. Kelso said that Toll Brothers had researched options, including the underdrain. However, Castle Valley Consultants did not recommend that option. Mr. Gray added this plan complies with setback requirements.

Mr. Dunn said Toll had increased the height of the existing soil berm facing his property last November and he was told that was temporary, however he would like it to stay as it creates a sound barrier for the aerator noise, and also reduces any odor by reducing the wind. Mr. Kelso said he was unaware of the increase and it may create an issue with lagoon access. Mr. Gray pointed out the taller the berm the toe of the slope has to be pushed out, and would increase encroachment toward Mr. Dunn's property. Mr. Smith asked Mr. Dunn if he would be ok with the higher berm and the base of the slope closer to his property, and Mr. Dunn said yes.

Mr. Harris agreed that Toll would study increasing the height of the berm, submit a plan to Knight Engineering, Castle Valley Consultants, and to Mr. Klimpl within two weeks, with the expectation of returning before the Board of Supervisors at their next meeting for consideration of approval. Mr. Montemuro said they would propose that the engineers examine whether or not the berm can be maintained at the temporary height it is now, as it is more than 4' above the planned height. Mr. Dunn said it is probably closer to 8' higher. Mr. Gray noted that when the berm is raised, the slope will be pushed out and existing vegetation between Mr. Dunn's property and the berm will be reduced. Mr. Dunn said the trees Toll had planted in the area were already dead. Mrs. Rash said they would be replaced.

*No action was taken pending Toll's submission of a new plan.*

**Consideration of approving Resolution No. 2390, A Resolution of the Board of Supervisors Appointing Enforcement Officers or Agents for Buckingham Township Ordinances Pursuant to the Second-Class Township Code, 53 P.S. §6601 (7).**

*Mr. Forest made a motion, seconded by Mrs. Rash to approve Resolution No. 2390, A Resolution of the Board of Supervisors Appointing Enforcement Officers or Agents for Buckingham Township Ordinances Pursuant to the Second-Class Township Code, 53 P.S. §6601 (7). The motion carried unanimously.*

**Consideration of accepting Request for Extension to the allowable review time under the provisions of the PA Municipalities Planning Code to April 30, 2019, for "BKTD Tract", Township File SA 2017-02.**

*Mr. Forest made a motion, seconded by Mrs. Rash, to accept the Request for Extension to the allowable review time under the provisions of the PA Municipalities Planning Code to April 30, 2019, for "BKTD Tract", Township File SA 2017-02. The motion carried unanimously.*

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**Consideration of accepting the Request for Extension of the time to complete the Improvements as set forth in the Residential Development Contract to April 10, 2020, covering the “McKernan Development” Subdivision, Township File SA 2007-01.**

*Mr. Forest made a motion, seconded by Mrs. Rash, to accept the Request for Extension of the time to complete the Improvements as set forth in the Residential Development Contract to April 10, 2020, covering the “McKernan Development” Subdivision, Township File SA 2007-01.*

Mr. Gray noted that Mr. McKernan, who lives on one of the lots, had bought the other 2 lots from Mr. Worthington, however, Mr. Worthington’s name was still on the residential development contract. Mr. Smith said there would need to be an assignment of the agreement, over to Mr. McKernan from Mr. Worthington.

*The motion carried unanimously.*

**Consideration of accepting the Request for Extension of the time to complete the Improvements as set forth in the Development Agreement to April 22, 2020 from the Archdiocese of Philadelphia, for “Our Lady of Guadalupe Church, Phase I” Land Development, Township File LD 2006-01.**

*Mr. Forest made a motion, seconded by Mrs. Rash, to accept the Request for Extension of the time to complete the Improvements as set forth in the Development Agreement to April 22, 2020 from the Archdiocese of Philadelphia, for “Our Lady of Guadalupe Church, Phase I” Land Development, Township File LD 2006-01: The motion carried unanimously.*

### **ESCROW RELEASES**

Fenton’s Corner (Feeney Tract), Site, Township File SA 2013-03	Release #3, Site	\$712,553.04 recommended for release
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*Mr. Forest made a motion, seconded by Mrs. Rash, to approve Escrow Release 3, Site, for “Fenton’s Corner (Feeney Tract)”, Township File SA 2013-03, in the amount of \$712,553.04. The motion carried unanimously.*

### **ADDITIONAL BUSINESS / MANAGER’S ITEMS**

**Consideration of accepting the Roadmaster’s recommendations for the Highway Materials Joint Bid Award through the Bucks County Consortium.**

*Mr. Forest made a motion, seconded by Mrs. Rash, to accept the Roadmaster’s recommendations for the Highway Materials Joint Bid Award through the Bucks County Consortium. The motion carried unanimously.*

**Consideration of awarding the 2019 Buckingham Township Road Improvement Project Bid to Harris Blacktopping, Inc. of Washington Crossing, PA in the amount of \$354,625.00.**

*Mr. Forest made a motion, seconded by Mrs. Rash, to award the 2019 Buckingham Township Road Improvement Project Bid to Harris Blacktopping, Inc. of Washington Crossing, PA in the amount of \$354,625.00. The motion carried unanimously.*

**Consideration of approving the request submitted by Heritage Center – Commercial for a Reduction of Wastewater EDU's for Building 800, from 9 EDU's to 2 EDU's.**

*Mr. Forest made a motion, seconded by Mrs. Rash, to approve the request submitted by Heritage Center – Commercial for a Reduction of Wastewater EDU's for Building 800, from 9 EDU's to 2 EDU's. The motion carried unanimously.*

**Consideration of approving the Land Development Waiver as requested by Forest Grove Presbyterian Church.**

*Mrs. Rash recused herself from the discussion and consideration of this issue and the Consideration of approving the Demolition Permit Application as requested by Forest Grove Presbyterian Church as she serves as clerk of session for Forest Grove Presbyterian Church, per the statement attached to these minutes.*

*Mr. Forest made a motion, seconded by Mr. Calderaio, to approve the Land Development Waiver as requested by Forest Grove Presbyterian Church.*

*Mr. Forest called the vote: Mr. Forest voted "aye", Mr. Calderaio voted "aye". The motion carried.*

**Consideration of approving the Demolition Permit Application as requested by Forest Grove Presbyterian Church, Forest Grove Road, TMP 06-018-013.**

*Mr. Forest made a motion, seconded by Mr. Calderaio, to approve the Demolition Permit Application as requested by Forest Grove Presbyterian Church, Forest Grove Road, TMP 06-018-013.*

*Mr. Forest called the vote: Mr. Forest voted "aye", Mr. Calderaio voted "aye". The motion carried.*

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*Mr. Forest made a motion, seconded by Mr. Calderaio to adjourn the meeting at 9:07 p.m. The motion carried unanimously.*

Approved by the Board of Supervisors on the 24<sup>th</sup> day of April, 2019.

Buckingham Township Board of Supervisors

Jon Forest, Chairman

*Maggie Rush*  
Maggie Rush, Vice-Chairman

*Paul Calderaio*  
Paul Calderaio, Member

Attest:

*Dana S. Cozza*  
Dana S. Cozza, Secretary

Minutes respectfully submitted by Lori Wicen.

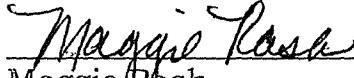
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Memorandum Pursuant to 65 Pa.C.S.A. § 1103 (j)

I, Maggie Rash, being a Supervisor of Buckingham Township, make this Written Memorandum pursuant to 65 P.S. § 1103 (j) to be filed with the minutes of the Meeting of the Buckingham Township Supervisors for March 27<sup>th</sup>, 2019.

The Supervisors have before them a motion concerning the consideration of approving a Land Development Waiver Request and a Demolition Permit submitted by Forest Grove Presbyterian Church, Forest Grove Road, TMP 06-018-013.

As an active member of Forest Grove Presbyterian Church, and serving as an active member of the Clerk of Sessions of Forest Grove Presbyterian Church, I am abstaining from the consideration of and the vote on these matters.

  
\_\_\_\_\_  
Maggie Rash

March 27, 2019

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