

BUCKINGHAM TOWNSHIP

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BOARD OF SUPERVISORS REGULAR BUSINESS MEETING

AGENDA

MARCH 27, 2024

19521

Call to Order 7:30 p.m.

1. Public Comment (Maximum 30 minutes)
2. Board's Announcements:
 - Remember to Vote: Primary Election April 23, 2024
 - Yard Waste Pick-up – Free Leaf Bags are available until April 5, 2024 at the township office during the regular weekday hours of 7:30am-4:00pm.
 - Clean-Up Weekend is May 4th and May 5th. Bring your large items to the Maintenance Garage at 4991 Upper Mountain Road (no hazardous materials). Paper shredding is offered on Saturday morning and Compost is available if you bring your own covered container and shovel.
3.
 - a. Consideration of approving **Buckingham Water Company – Generator Upgrade Project (BT-22-01)**, Change Order #2, increasing the contract by \$2,700.00 to a new contract total of \$785,370.00.
 - b. Consideration of approving Payment Request No. 9, to GS Developers for work completed on the **Water Company Generator Upgrades, Contract BT-22-01**, in the amount of \$191,336.50.
 - c. Consideration of approving Payment Request No. 22 – Final Payment, to GS Developers for work completed on the **Cold Spring Wastewater System Upgrades, General Contract BT-21-04**, in the amount of \$53,442.25.
 - d. Consideration of approving Payment Request No. 14, to GS Developers for work completed on the **Cold Spring Wastewater System Upgrades, Electrical Contract BT-21-05**, in the amount of \$27,398.50.
 - e. Consideration of approving Payroll dated February 29, 2024 and March 14, 2024, and the Bill List for the meeting of March 27, 2024.
4. Consideration of approving draft Supervisor's Minutes of the February 28, 2024 Work Session and the February 28, 2024 Regular Business Meeting.
5. Consideration of accepting for inclusion in the Township records various Departmental Minutes and Advisory Body Minutes.
6. Consideration of agreeing to the Developer's Request for an Extension of the time within which to complete the Improvements as set forth in the Residential Development Contract covering the "McKernan Development" Subdivision, Township File SA 2007-01, to April 10, 2025.

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- 7. Consideration of recommending Preliminary/Final Approval of the **“Buckingham Valley Veterinary Center Expansion”** Land Development Plan dated revised February 16, 2024, Township File LD 2023-03, Tax Map Parcel #06-019-011, 1 Lot, 3.38 Acres, located in the AG-1 Zoning District, with an extended review period expiration date of January 2, 2025.
- 8. Consideration of accepting the offer of an Extension of the allowable review time under the provisions of the PA Municipalities Planning Code for the **“Proposed Warehouse – Digirolamo Tract”**, Township File LD 2023-04, to August 1, 2024.
- 9. Consideration of approving the Partial Assignment of Easement Agreement between Givnish Real Estate, LLC and Buckingham Township covering Tax Map Parcels 06-010-115-003 and 06-010-115-001.
- 10. Consideration of amending the February 25, 2009 (written approval March 11, 2009) Land Development Approval of the Joseph Bonargo Tract (SA 2008-01) to revise the Residential Development Agreement recorded with the Bucks County Recorder of Deeds on November 16, 2011 at Book 6862, page 1916, et seq. to allow the developer to proceed without posting site improvement escrow and only posting sufficient review escrow only.

11. Escrow Release:

“Trycieki Tract – Lot 1”, Township File SA 2016-02	Request for Release #1	\$156,918.78 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 Award through the Bucks County Consortium.
- Consideration of authorizing township staff to advertise the 2024 Buckingham Township Road Improvement Project Bid.
- Consideration of approving a Purchase Order to Fred Beans Ford Lincoln in the amount of \$55,746.00 for a 2024 Ford F250 (New Motor Carrier Enforcement Vehicle) and the Purchase Order to Tryons Emergency Vehicle Uplifting Inc. in the amount of \$31,417.66 to upfit the 2024 Ford F250.
- Consideration of approving a Purchase Order to Thompson Networks in the amount of \$22,277.93 for security camera equipment and installation at Holicong Park (older pavilion), Hansell Park pavilion and GMB Park pavilion.
- Consideration of approving a Purchase Order to Gate Quest LLC dba Safe Crossings, in the amount of \$24,120.00 for three flood gates.
- Consideration of approving a Purchase Order to Dreamcrete Concrete and Masonry, in the amount of \$87,000.00 for replacement of the slate walkways at the Buckingham Township Administration building.
- Consideration of authorizing payment to Clemons, Richter & Reiss, PC in the amount of \$1,226.00 from the “Stonemead” escrow account (Township File SA 98-05) reimbursing payment for the recording of dedication documents.

Buckingham Township Board of Supervisors
Meeting Minutes

The regular meeting of the Buckingham Township Board of Supervisors was held on March 27, 2024 in the Township Building, 4613 Hughesian Drive, Buckingham, Pennsylvania.

Present:	Paul Calderaio	Chairman
	Maggie Rash	Vice-Chairman
	Jon Forest	Member
	Dana S. Cozza	Township Manager
	Craig A. Smith, Esquire	Township Solicitor
	Daniel Gray	Township Engineer
	Luke Rosanova	Bucks County Planning Commission
	Gary Weaver	Township Water/Wastewater Consultant

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Mr. Calderaio called the regular meeting to order at 7:30 p.m.

PUBLIC COMMENT

Ms. Sharon Martin, Indian Springs Road, requested an update on the status of the Stonymead development dedication, as that is necessary before she and her neighbors can hook into the septic system.

Mr. Smith replied that signatures had been received from Mr. Trueblood and the Homeowner's Association, and that various documents including easements and conveyances of the sewer system were recorded just last week.

Mr. Gray explained the last item to be completed prior to dedication is the Bucks County Conservation District's final inspection and approval of the Notice of Termination for the NPDES stormwater permit. Mr. Smith said once this final item is completed, then Acceptance of Dedication will be scheduled for the following Board of Supervisors' meeting agenda for consideration.

BOARD'S ANNOUNCEMENTS

Mr. Calderaio announced the Board held an Executive Session prior to this meeting to discuss police personnel, the Froehlich and Rockafellow litigation and potential acquisition of a conservation easement.

Mrs. Rash read the following announcements:

- Remember to Vote: Primary Election April 23, 2024
- Yard Waste Pick-up – Free Leaf Bags are available until April 5, 2024 at the township office during the regular weekday hours of 7:30 am. - 4:00 pm.
- Clean-Up Weekend is May 4th and May 5th. Bring your large items to the Maintenance Garage at 4991 Upper Mountain Road (no hazardous materials). Paper shredding is offered on Saturday morning and Compost is available if you bring your own covered container and shovel.

- Saturday March 23, 2024, Egg Hunt at Holicong Park. Bunny arrives at 9:30am for pictures, followed at 10:00am with an Egg Hunt.

- Mr. Smith announced that on Thursday the township received the Court Decision banning the mulching operation and festivals that were being illegally operated on the preserved Froehlich Farm, located on Route 263.

PAYROLL and BILL LIST

Consideration of approving Buckingham Water Company – Generator Upgrade Project (BT-22-01), Change Order #2, increasing the contract by \$2,700.00 to a new contract total of \$785,370.00.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to approve Buckingham Water Company – Generator Upgrade Project (BT-22-01), Change Order #2, increasing the contract by \$2,700.00 to a new contract total of \$785,370.00.

Mr. Calderaio stated the money for this project comes from the income received from the customers of the water system, not from the township's general fund or tax revenues.

The motion carried unanimously.

Consideration of approving Payment Request No. 9, to GS Developers for work completed on the Water Company Generator Upgrades, Contract BT-22-01, in the amount of \$191,336.50.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to approve Payment Request No. 9, to GS Developers for work completed on the Water Company Generator Upgrades, Contract BT-22-01, in the amount of \$191,336.50.

Mr. Calderaio reiterated the money for this project comes from the income received from the customers of the water system, not from the township's general fund or tax revenues.

The motion carried unanimously.

Consideration of approving Payment Request No. 22 – Final Payment, to GS Developers for work completed on the Cold Spring Wastewater System Upgrades, General Contract BT-21-04, in the amount of \$53,442.25.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to approve Payment Request No. 22 – Final Payment, to GS Developers for work completed on the Cold Spring Wastewater System Upgrades, General Contract BT-21-04, in the amount of \$53,442.25.

Mr. Calderaio again affirmed the money for this project comes from the income received from the customers of the wastewater system, not from the township's general fund or tax revenues.

The motion carried unanimously.

Consideration of approving Payment Request No. 14, to GS Developers for work completed on the Cold Spring Wastewater System Upgrades, Electrical Contract BT-21-05, in the amount of \$27,398.50.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to approve Payment Request No. 14, to GS Developers for work completed on the Cold Spring Wastewater System Upgrades, Electrical Contract BT-21-05, in the amount of \$27,398.50.

Mr. Calderaio repeated the money for this project comes from the income received from the customers of the wastewater system, not from the township's general fund or tax revenues.

The motion carried unanimously.

Consideration of approving Payroll dated February 29, 2024 and March 14, 2024, and the Bill List for the meeting of March 27, 2024.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to approve Payroll dated February 29, 2024 and March 14, 2024, and the Bill List for the meeting of March 27, 2024 in the total amount of \$1,350,791.39. The motion carried unanimously.

MINUTES

Consideration of approving draft Supervisor's Minutes of the February 28, 2024 Work Session and the February 28, 2024 Regular Business Meeting.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to approve, as most recently presented, the draft Supervisor's Minutes of the February 28, 2024 Work Session and the February 28, 2024 Regular Business Meeting. The motion carried unanimously.

Consideration of accepting for inclusion in the Township's records various Departmental Minutes and Advisory Body Minutes.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to accept for inclusion in the Township's records the various Departmental Minutes and Advisory Body Minutes. The motion carried unanimously.

BUSINESS

Consideration of agreeing to the Developer's Request for an Extension of the time within which to complete the Improvements as set forth in the Residential Development Contract covering the "McKernan Development" Subdivision, Township File SA 2007-01, to April 10, 2025.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to agree to the Developer's Request for an Extension of time within which to complete the Improvements as set forth in the Residential Development Contract covering the "McKernan Development" Subdivision, Township File SA 2007-01, to April 10, 2025. The motion carried unanimously.

Consideration of recommending Preliminary/Final Approval of the “Buckingham Valley Veterinary Center Expansion” Land Development Plan dated September 5, 2023, last revised February 16, 2023 and as last revised and submitted to Buckingham Township , Township File LD 2023-03, Tax Map Parcel #06-019-011, 1 Lot, 3.38 Acres, located in the AG-1 Zoning District, with an extended review period expiration date of January 2, 2025.

Dr. Chris Feaster and Dr. Lisa Miernicki of the Buckingham Valley Veterinary Center, and Mr. Chirag Thakkar and Mr. Ashwin Gubbi Kotte of Arna Engineering were present to discuss the proposed plan.

Dr. Feaster explained that he and Dr. Miernicki are the 3rd group of Veterinarians to own Buckingham Valley Veterinary Center since 1955, and they have exhausted and outgrown the space due to changing standards in veterinary practices. Dr. Feaster said their goal is to modernize as there have been no changes to the facility since 1990. Dr. Feaster explained that they are expected to offer services such as dental, surgical, ultrasound, x-ray, laser and more, and will be able to provide these services with the additional space proposed by this plan.

Dr. Feaster said this plan received a positive recommendation recently from the Buckingham Township Planning Commission and was also discussed by the Board of Supervisor’s previously as a sketch plan.

Mr. Thakkar displayed aerial images of the site as it exists, and an overlay of the proposed structure and parking area. He said the building expansion will be 2,388 square feet. Mr. Thakkar said the practice has its own driveway access, which will be upgraded to current standards, and the parking lot will be configured closer to the existing building. He explained there currently is no stormwater facility serving the property, and one will be installed as part of this improvement. Mr. Thakkar said they will be planting landscaping and installing lighting as part of this project.

Mr. Thakker explained they submitted the plan in September of 2023, received 2 reviews each from Knight Engineering and the Landscape Review consultants, and then met with Dan Gray and Carol Manicone to resolve any outstanding minor items. He said they will comply with all comments in the Knight Engineering Review Letter Dated March 4th, 2024, the Landscape Review Consultants’ review letter of March 1st, 2024; and the Bucks County Planning Commission’s Memorandum Dated October 18th, 2023.

Mr. Thakker said they received zoning relief related to carbonate geology, and even though there is not any carbonate geology within the top 8 feet of dirt on the property, it is mapped as an existing feature.

Mr. Thakker said the requested waivers are due to site constraints. He said due to the building, parking and right-of-way requirements, the addition of a septic field and holding tanks, the site was severely restricted as to where they could expand. He explained that Dr. Feaster hired an architect who works with veterinary facilities and designed the renovation accordingly. Mr. Gray said Knight Engineering supports all of the requested waivers as set forth in his review, as did Ms. Manicone for the Landscape Review Consultants.

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Mr. Gray explained the applicant had requested preliminary/final approval as the project is a relatively small land development, and Knight Engineering supports the request.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to grant Preliminary/Final Approval of the "Buckingham Valley Veterinary Center Expansion" Land Development Plan dated September 5, 2023, last revised February 16, 2023 and as last revised and submitted to Buckingham Township, Township File LD 2023-03, Tax Map Parcel #06-019-011, 1 Lot, 3.38 Acres, located in the AG-1 Zoning District, with an extended review period expiration date of January 2, 2025, subject to the following:

1. *Compliance with all the comments in the March 4, 2024 Knight Engineering, Inc. review letter.*

The SALDO Waivers requested pursuant to Applicant's February 16, 2024 Waiver Request Letter are, as discussed, by this motion and reviewed in the March 4, 2024 Knight Engineering, Inc. review letter are granted accordingly.

2. *Compliance with all the comments in the March 1, 2024 Landscape Review Consultants review letter.*

3. *Compliance with all the comments in the October 18, 2023 Bucks County Planning Commission review letter.*

4. *Compliance with the Zoning Hearing Board's January 26, 2023 Decision granting certain variances.*

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.

Consideration of accepting the offer of an Extension of the allowable review time under the provisions of the PA Municipalities Planning Code for the "Proposed Warehouse – Digirolamo Tract", Township File LD 2023-04, to August 1, 2024.

Mr. Calderaio explained that he will make the motion and ask for a second, and then open up the floor for comments.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to accept the offer of an Extension of the allowable review time under the provisions of the PA Municipalities Planning Code for the "Proposed Warehouse – Digirolamo Tract", Township File LD 2023-04, to August 1, 2024.

Mr. Smith explained this motion is a *pro forma* motion that must be made because once an application is filed with the township, the township has a limited amount of time in which to make a decision. If a decision is not made within that time period, then the applicant is entitled to a "deemed approval", meaning that because no timely action was taken, the plan is approved as

submitted. Mr. Smith said the extension means that the developer is offering the township more time to decide yes or no on the application under the Municipal Planning Code.

Mr. Smith said that the Board of Supervisors will be happy to hear all of the comments folks wish to make during this meeting, but he has instructed the Supervisors not to engage in any discussions or express any type of an opinion. He explained there are court cases that show if it appears that the Board of Supervisors are prejudiced or biased, they are not allowed to vote on the item when the plan is reviewed. Mr. Smith explained there was legislation that sought to make this not the case a few years ago, but subsequent court cases questioned its validity as this is a constitutional due process concern. Mr. Smith said when the plan is substantively before the Board for consideration, then the Board will engage in discussions.

Mr. Jeff Glauber, Twinbrook Circle, Buckingham Township.

Mr. Glauber said he understands the procedural nature and thanks the township for the meeting notification. He said it is a shame the Board will be forced to consider a plan that will destroy neighborhoods. He had concerns for pedestrians walking where the roads are narrow with no curbs, school bus safety, extremely tight turns for trucks to make, and noise pollution of ninety 18-wheelers a day. He opined placement and location choice of this distribution warehouse has not been sufficiently thought through with anybody of any common sense.

Mr. Bob Eberle, Old Easton Road, Plumstead Township.

Mr. Eberle said he has lived in Plumstead Township for 28 years and loves it. He said as a neighbor just off of Stony Lane, even though not in Buckingham, he will be impacted. Mr. Eberle offered the proposed warehouse will not benefit the community in any way; it is not a children's hospital or senior center, and manufactures no products, but just distributes the same packages we already receive. Mr. Eberle said if the warehouse is not built, the same trucks will just keep using the same routes. He opined this warehouse will bring heavy truck traffic and a safety issue of ninety trucks on narrow country roads, adding noise and commotion. Mr. Eberle urged the Board not to grant any waivers for this project as it is not good for the community.

Ms. Jacqueline Nappa, Dove Court, Buckingham Township.

Ms. Nappa said she echoes the other's remarks, and she is not in favor of the warehouse. She is concerned about the infrastructure of roads, safety issues, environmental, noise, light pollution, water and air, and feels that none of these things are what Buckingham Township is all about. Ms. Nappa said she is offering her opinion that the Board should not vote to approve the warehouse.

Mr. Mike Bateman, Tall Oak Court, Buckingham Township.

Mr. Bateman asked if the requested extension is granted, when will the plans come back to the Planning Commission or this Board of Supervisors? Mr. Smith replied the motion is to

extend the review period to August 1, 2024. Mr. Smith explained the plan will return to the Planning Commission and once the Township Planning Commission made a recommendation the Plan would then come to the Board of Supervisors. Mr. Smith explained another extension may be requested if the applicant does not meet that timeframe.

Mr. Bateman said he understands that tonight there will only be listening and not engagement, but asked the Board to consider his questions: Should the community have an expectation to know the materials being transported through this distribution center? It appears that the infrastructure around and, in the area, is severely lacking (i.e. narrow roads, rampant flooding with just a one-day storm which led to road closures), and asked if the Board has a perspective of how upgrades of infrastructure will be addressed. Whose responsibility, developer or township? How will it be funded; with our tax dollars? Mr. Smith replied when the plan comes before the Board of Supervisors substantively, these questions will be considered and addressed.

Ms. Jeannine Walters, Deep Creek Way, Buckingham Township.

Ms. Walters asked will there be a date set when they will have an opportunity for the Board to engage with them? Mr. Smith replied there is no date yet, and explained the process is that the plan goes through the Buckingham Township Planning Commission, the Bucks County Planning Commission, the Zoning Officer, the Township Engineer, the Township Water and Sewer Engineer, the Township Landscape Consultant and the Township Police Department, who all make recommendations that come to the Board of Supervisors. He explained then the applicant comes to the Board and all of the issues are discussed, hashed out and decisions are made.

Ms. Susan Pierson, Burnt House Hill Road, Buckingham Township.

Ms. Pierson asked if the Bucks County Planning Commission has a public meeting? Mr. Smith replied the Bucks County Planning Commission staff prepares a review letter, which gets approved by the Bucks County Planning Commission at a public meeting, and then is provided to Buckingham Township.

Mrs. Rash asked Mr. Rosanova given that most of the Bucks County Planning Commission's recommendation is based on the Subdivision and Land Development Ordinance and Zoning Ordinance, if they usually have comments from residents included? Mr. Rosanova replied no, that the review and recommendation is based on the Subdivision and Land Development Ordinance, the Zoning Ordinance, and general planning doctrine. The staff professional planners write the review letters which are then submitted to the Bucks County Planning Commission's Board for approval. He explained, once approved, the review letters are directed towards the Buckingham Township Planning Commission and Board of Supervisors, and are available on the Bucks County portal. Mr. Rosanova said everyone is invited to call him if they have questions about the process.

Ms. Jennifer Potthoff, Church School Road, Buckingham Township.

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Ms. Potthoff asked if the Bucks County Planning Commission got involved in approving the requested waivers, and Mr. Rosanova replied no.

Mr. Trevor Foster, Braddock Court, Buckingham Township.

Mr. Foster said a right-to-know request was submitted to Buckingham Township asking for information on the township putting a bid on the property. Mr. Foster asked how they are to get that information and why was the request denied. Mr. Smith said the reasons the request was denied were stated within the response letter. He explained that Township related real estate transactions, until consummated, are not public documents, as the state legislature in the Right to Know Law determined it would be counterproductive and disruptive to have the public involved in the negotiations. If an agreement is reached, then it is a public document available to anybody who asks.

Mr. Foster asked then the township made an offer but no decision or outcome has been reached? Mr. Smith said there were many discussions over the years about possible conservation easements and purchases for spray fields but those discussions were phone calls between counsel, meetings between counsel, and were not ever reduced to a written contract. He said if the township had a public document, it would be provided.

Ms. Phyllis Ruben Arnold, Longview Lane, Buckingham Township.

Ms. Arnold asked if a traffic study was done by anyone other than the developer, because Burnt House Hill Road has a one-lane bridge and people are in the gutter all of the time. She said semi's will not make it around the corner of Burnt House Hill Road and Longview Lane, that white lines are there for speeders, and the trucks will take down her fence.

Ms. Victoria Bresnahan, Landisville Road, Buckingham Township.

Ms. Bresnahan said she is in shock that a project so wrong for our community has gotten so far in this process. She said safety of the roads is an afterthought. Her concerns of a negative environmental impact, hazardous materials, and the flooding that closed Cold Spring Creamery Road most of Saturday are not being considered. She said the tax burden of improvements necessitated will fall on the shoulders of Buckingham residents who will be expected to pay. She said she is shocked that the combined dissenting voices have not been enough to convince the powers that be that this proposed warehouse will destroy everything we love about where we live.

Mr. Jeff Glauber (recurring), Twinbrook Circle, Buckingham Township.

Mr. Glauber said he had a procedural question. He said he knows the right-to-know process, but how do citizens find out about the Bucks County Planning Commission review. Mr. Smith replied that as Mr. Rosanova said, it is posted on the Bucks County website. Mr. Glauber said the community needs this information. He said if the township has discussed a price they could pay, the community could fill the gap, but cannot help if

they do not know. He said as a team we can work together. Mr. Smith said the Board of Supervisors must act in an adjudicative capacity and cannot be partners with people opposing this project in an effort to defeat it. Mr. Glzuber said it's a matter of information flow.

Mr. Rosanova said he is the planner at the Bucks County Planning Commission for Buckingham Township. So for any Land Development reviews people can call him and he will walk them through the review letter. Mr. Rosanova said they always upload the site plan and review letter, once it has been completed. Mr. Rosanova explained that every time an applicant submits a new plan to the Bucks County Planning Commission, they issue a new review letter.

Ms. Amy Goldstein, Branches Lane, Buckingham Township.

Ms. Goldstein said that Mr. Rosanova is saying "call me and I'll give you information"; however, we've filed right-to-know requests and have been denied. Mr. Rosanova clarified that he is with the County, and the Bucks County Planning Commission website has all of the telephone numbers. Ms. Goldstein requested his phone number, and Mr. Rosanova provided the office telephone number. Ms. Goldstein said now they know who to call for additional questions.

Ms. Marie Progin, Landisville Road, Plumstead Township.

Ms. Progen said they had worked with the Planning Commission on the stop sign at Burnt House Hill and Landisville Road, thanked them, and said it has helped, somewhat. She said people have talked about the small rural roads, the large trucks proposed, and the plan for a proposed exit route for the trucks. However, just yesterday she saw a tractor trailer turn from Route 413 onto Burnt House Hill then to Landisville Road, and nobody will control these tractor trailers. She said there is a day camp and school at Burnt House Hill and Landisville Road and the fumes from the vehicles will affect the children playing outside. Ms. Progen had concerns about 150,000 square feet of impervious surface and the amount of asphalt needed in a parking lot for 300 employees and the increased stormwater problems.

Ms. Arline Soffian, Lower Mountain Road, Buckingham Township.

Ms. Soffian asked if this project needs zoning approval. Mr. Smith replied no, as presented they do not need any variances from the Zoning Hearing Board. He reiterated that the project goes to the Planning Commission, receives a recommendation from the Bucks County Planning Commission, the Zoning Officer, Police Department, Township Engineer, etc. and all of those reviews come to the Board of Supervisors who then consider to approve or not approve the project. Ms. Soffian asked if it was advantageous to go to meetings before it gets to the Board of Supervisors, and Mr. Smith said "sure". Ms. Soffian asked how they get the meeting information. Mr. Smith said the township notifies everyone who asks for notifications, and the agenda's are posted on the township website. Mr. Gray mentioned that when this project was at the Planning Commission meeting, he asked the

group to choose one contact lead person who would notify everyone, and Mr. Glauber offered to be that person. Mr. Gray recommended Ms. Soffian speak to Mr. Glauber.

Ms. Soffian asked if the township could put out a bond to the people in the township to buy from the owner. She said ask the people if they would like a bond to happen, and then the township could deed restrict it and sell it back. Mr. Smith replied the township already has a large property out there that we own with the airport authority, and the township tried to deed restrict it which was a problem in the Industrial Zone as it isn't resalable. Mr. Smith clarified that for the township to acquire a fee simple property, it must be for a public purpose such as building another park, sewer treatment or other legitimate governmental purpose. He said the bond issue is a year long process. Mrs. Cozza noted the property owner must want to sell the property.

Mr. James Albert, Michener Road, Buckingham Township.

Mr. Albert said he has never seen an abomination like this. He said it is so obviously bad for our community, and a lawsuit will fall on our shoulders because it wasn't stopped at this level. He said the Board is not representing our community. Mr. Albert said the Board could stop this, and it starts with the waivers. He realizes the Board is not paid and applauds them, but we have to live here, and those people don't live in this community. Mr. Albert said if you think you'll be able to get down Landisville or Cold Spring Creamery Road or get to the Acme, it's bad enough to do it now. He added that Landisville Road is full of potholes. He asked where is the common sense?

Mr. Peter McCullough, Landisville Road, Plumstead Township.

Mr. McCullough said that he is an industry expert and he is shocked. He explained he is the senior vice present for a Fortune 500 health care distributor with 25,000 employees, and runs 50 warehouses across America, including two in Philly and one in Allentown. He said he would never consider putting a warehouse here, that it makes no sense and somebody will get hurt. Mr. McCullough said the infrastructure is not designed for it and the egress/ingress will be all blocked up. Also adding more traffic is "nuts". Mr. McCullough said there isn't a labor pool in this area to run this warehouse and it is economically unviable in this area. He said the builder will look for concessions because they can't run it. He said his company would never do it under cover of night like this, they would do it in the open.

Mr. David Goldstein, Branches Lane, Buckingham Township.

Mr. Goldstein asked if there is any basis to deny the request for extension of this proposal, and if denied, what is the impact? Mr. Smith said if the request for extension is denied at this point, there is not enough information for a written denial and the developer would be entitled to a deemed approval – in other words the developer gets the warehouse.

Mr. Louis DeFrancisco, South View Lane, Buckingham Township.

Mr. DeFrancisco said he wants everyone sitting on the dais to put their butts in an 18-wheeler driving in Buckingham Township on these roads. He said the roads are very poorly maintained now, and posited who will maintain these roads for the next 50 years – Buckingham Township or the developer?

Ms. Susan Pierson (recurring), Burnt House Hill Road, Buckingham Township.

Ms. Pierson asked who conducted the environmental study and were lights accounted for? She also had concerns about animal migration as there are wetlands and amphibians migrating. Mr. Gray explained that traffic, stormwater, wetlands, and lighting studies were all submitted as part of the application that has been initially reviewed. He said there will be revisions to those studies following his lengthy review letter. Ms. Pierson asked who did the environmental study and what does it entail? Mr. Gray said he did not believe an environmental study was required for this application, but the wetlands study which identifies wetlands on the site and other details specified by a biologist was submitted in the wetland delineation study. Ms. Pierson questioned whether the process was the applicant hires someone to make “the studies”? Mr. Gray said yes, their consultants initially prepare the studies, as with all other applications.

Mr. Mike Bateman (recurring), Tall Oak Court, Buckingham Township.

Mr. Bateman said at the Planning Commission Mr. Gray mentioned the road standards would be done in another study, but now it sounds like they are already done. Mr. Gray explained they made an initial application, and now must address the various reviews, and then revise and resubmit the studies.

Mr. Steven Bird, Landisville Road, Buckingham Township.

Mr. Bird said this traffic study is focusing on exiting by Wawa and he believes those trucks will go to Route 413, an arterial road. He said at Route 313 he saw an 18-wheeler not making the turn. Mr. Bird said he believes the traffic study was based on fantasy, not reality.

Ms. Laura Kessler, Miladies Lane, Buckingham Township.

Ms. Kessler said this is her first meeting that she is hearing about this and does not think there is a great deal of transparency about the information being shared with them. She requested information so that everyone is up to date on decisions, conversations, etc. as she feels completely in the dark. Mr. Smith explained the process saying this is the very beginning and is nowhere near the end. He explained this Board has not discussed this application nor received a recommendation yet concerning it. He said the application and studies are all available to the public and that many residents have requested and seen many parts of the application. Ms. Kessler asked how this has gotten this far with so many people objecting and debating safety, environmental and traffic concerns. Mr. Smith replied this isn't that far yet. He said the property owner has certain rights protected by law, and they have a right to make an application to the township to make use of their property. Mr.

Smith explained there is a process that state law sets forth to see if a person is allowed to do what they proposed for their property and this is the beginning of that process. He repeated this Board is entertaining all comments at this point but are not considering the merits of the application. He said at this point no one is allowed to turn this down without even listening to the applicant as the applicant would automatically go to court and win.

Mr. Gray said this application was received in December 2023 and was reviewed by the Planning Commission on February 7. He said this is only the second time this has been in a public forum.

Ms. Kessler said she stands with everyone else here and is very much against this going through. She said as a homeowner she is very concerned and urged the Board to consider their objections seriously and vote this down.

Ms. Lisa Evans, Stony Lane, Buckingham Township.

Ms. Evans claimed the commission said they weren't too worried about the width of the road, and the Board of Supervisors said so too because it would cost developers too much money. Mr. Smith asked which Board and said no Subdivision and Land Development waivers have been granted at this point. Ms. Evans said she has read this twice in the papers, that waivers have been granted, and she isn't buying the stuff Mr. Smith says. She said we are the community and you do work for us and you will have to work. She said you are below us; we are the boss. Ms. Evans said she has read all of the paperwork and something shifty is going on here. Mr. Smith repeated there are no waivers that have been granted by anyone at this point, that no formal action has been taken. He said the applicant has the right to request the waivers, but none have been granted.

Ms. Allison Foster, Braddock Court, Buckingham Township.

Ms. Foster said she understands the township is legally bound and the property owner has rights, but she is concerned that the property owner does not live in our community and does not sound like he is willing to cooperate or compromise. She feels it is problematic that this property owner is trying to force something that the community obviously does not support. She asked what our influence as a community to the outcome is, and what impact can we have. Mr. Smith said he is certain those attending tonight are having an impact, however, there are rules that this Board must follow. The developers have rights that this Board must respect and if the Board does not, the developer can go to court and be awarded what they propose for the land. He explained the Board has heard your comments, and when this matter is in front of them, and they engage in an adjudicatory process, they will have those discussions with you and the developer, and will make a decision. Mr. Smith said the political process is such that everyone here is making statements, and the elected officials are listening to you.

Mr. Louis Kessler, Miladies Lane, Buckingham Township.

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Mr. Kessler questioned the traffic study's validity and accountability as it was mentioned they are under the same engineer as the Wawa project. He said the person that decided to build a wall in the middle of the road was "genius", adding that a UPS truck ran him off the road today because they had a big truck and could not make the turn. He asked how that got approved. Mr. Gray said everyone acknowledges the layout is problematic, however, there was a county led traffic study promoting interconnections to address a regional situation, and compromises were made. He said improving traffic on Route 313 was a primary objective of the project. Mr. Kessler said so Wawa was approved, even though we don't need a Wawa. Mr. Gray said it is a permitted use under the Zoning Ordinance.

Mr. Steve Morrison, Church School Road, Buckingham Township.

Mr. Morrison said he is against it and there is a lot of misinformation out there. He said a developer is building a box. Fred Beans said he's not doing it, so who knows. Mr. Morrison said the township has a good lawyer, and he is telling you (the audience) the requirements, but the trick is you're up against a developer who wants to build a box. Mr. Morrison asked if there will be signage "local delivery only" and will the township have any control over where we can force these trucks to go? Mr. Morrison said the Board of Supervisors can't make the law, that's done at the state level, and the township lawyer is telling the truth and the law as he sees it. He said be careful who you shoot!

Ms. Karen Thomas, Sir Andrew Court, Buckingham Township.

Ms. Thomas said she was the intersection for the Wawa grand opening, and had to back up so a fire truck could get into the parking lot. She said that was one truck, and can you imagine 90? Ms. Thomas said there was a meeting similar to this before the Wawa was built, and it got built. She is afraid that will happen with this warehouse. Mr. Smith said there is another provision he should explain in zoning law in Pennsylvania. The township is obligated by state law to provide for any legitimate use in some zone within the township. If they do not, anybody can come in and say the zoning ordinance doesn't allow for a certain use and file a curative amendment and put the use wherever they want. He explained this specific property is in an area that has been an industrial zone since 1975 with many industrial type uses allowed, including a warehouse. He said in 1979 curative amendments were filed by developers for the developments surrounding this property, that were not zoned for residences. The Developers succeeded and houses were built around the industrial zone. Mr. Smith said the township is protecting the residents from getting a gas station next to their home by making sure all uses are defined and permitted in the Township Zoning ordinance.

Mr. Mike Bateman (recurring), Tall Oak Court, Buckingham Township.

Mr. Bateman said since this area has been zoned industrial for 50 years, the township has had 50 years to build up infrastructure to support something going in this space. He said if the infrastructure was there, he doubted we would be having this discussion. Mr. Smith said the township will not spend the residents' tax dollars to build huge roads where they are not currently needed, as that invites the very industrial development that Mr. Bateman is now

opposing. He said when these applications come in, it is incumbent on the developer to install the infrastructure.

Mr. Bateman said he hears several folks talking about waivers that have been approved, and he said the waiver request response letter from Knight Engineering says that waivers are “supported” or “not supported”. Mr. Gray explained those are his recommendations as a private consultant, they are not decisions. He said the Board of Supervisors have not acted on this application. Mr. Gray said this application will return to the Planning Commission and will be discussed with the waivers reviewed again before the Planning Commission provides a recommendation to this Board. Mr. Smith said the township does not have unfettered or unilateral authority to deny or grant waivers as there is a whole legal process. He said there are rules that have to be followed in considering waivers and if they do not and the township denies a waiver, the court can turn over the decision.

Ms. Jennifer Potthoff (recurring), Church School Road, Buckingham Township.

Ms. Potthoff said she lives in an 1857 school house which she bought because of its history. She said she is concerned about a legacy for the future. Ms. Potthoff said she knows there are procedures, but it feels like the landowner’s rights are more important than the rights of 20,000 residents of Buckingham Township. She asked how do we get our rights equal to his rights. Mr. Smith said that is an interesting question that calls into question the history of the United States. He said zoning and subdivision ordinances must be interpreted most favorably to the landowners. Rights of a landowner in his property are constitutionally protected. Ms. Potthoff asked if the opposition residents can go to court? Mr. Smith said absolutely. He said simplifying the law, basically if they are within ½ mile of the development they can become a party to the proceedings, bring witnesses, cross examine witnesses, and have court reporters record the proceedings. Then if they disagree with this Board’s decision, they have a right to appeal to the Court of Common Pleas in Bucks County, then if they are still unsatisfied, the Commonwealth Court, the Supreme Court of Pennsylvania and ultimately the U.S. Supreme Court. Mr. Smith cautioned that a judge could be much more generous in providing relief to a developer than the township was. Ms. Potthoff asked if there was a chance they would find on the people’s side versus landowner. Mr. Smith said yes if the landowners were doing something not allowed. However, Mr. Smith repeated this is a permitted use in this district and has been for 50 years.

Ms. Jennine Walters (recurring), Deep Creek Way, Buckingham Township.

Ms. Walters said she understands it is zoned industrial and we’re not saying no industrial, just not a warehouse with 90 trucks. She asked if there is a way to say that it is not ok. Mr. Smith said a warehouse is a specifically permitted use in this district and has been for 50 years. He said if you can show unusual adverse effect, there may be a chance, but you need *bona fide* weighty reasons and provide evidence to the court that supports you. Mr. Smith said when a project is controversial, you’ll see lawyers representing folks, a court reporter taking down everything that happens so the court on appeal can read what happened. Ms. Walters asked if there is anything they can be doing as part of their evidence to give the

Board help if it was to go to that level? Mr. Smith recommended they probably ought to get a lawyer.

Ms. Susan Johnson, Church School Road, Buckingham Township.

Ms. Johnson asked if people in this room who live within ½ mile of this project wanted standing, how would they go about that. Mr. Smith explained they can stand up in front of the planning commission or this board and say “I would like standing”, and they would be asked where they live. Ms. Johnson asked what does standing get you? Mr. Smith said a right to participate in hearing as a litigant, like a trial, you can question witnesses, put exhibits in, offer your own evidence and most importantly have appeal rights. Ms. Johnson questioned whether if there were 20 citizens within ½ mile, could each have their own lawyer and the process go for years as a way to jam it up? Mr. Smith said yes, they have the right as an “affected property”, but there are certain rules that must be followed. Ms. Johnson asked where are those rules and Mr. Smith replied in law books.

Ms. Jane Seaberg, 4683 Bradley Court, Buckingham Township.

Ms. Seaberg said she is not within ½ mile unless there is collateral damage for semi’s coming down Route 202 and 413. She asked if she would have standing from that nightmare? Mr. Smith said they would have to put evidence on to show this is why you are an “affected party”, and added that the Pennsylvania Municipal Planning Code has the full definition of an “affected party”. Ms. Seaberg said she would like to entertain that.

Ms. Susan Pierson (recurring), Burnt House Hill Road, Buckingham Township.

Ms. Pierson said since the township has tried to buy the land, was there a purpose in mind? Mr. Smith said the township has talked about trying to preserve the land, which is different than buying the land. He said the township has looked at the land for sewer purposes. Ms. Pierson said so isn’t a bond referendum a legitimate possibility? Mr. Smith said you need an agreement from the property owner.

Mr. Jeff Glauber (recurring), Twinbrook Circle, Buckingham Township.

Mr. Glauber encouraged the Board to go back 50 years ago when the zoning ordinance was created, and a warehouse represented a storage facility with a few truck bays. He said this is completely different, as it is a high speed distribution center with truck bays on both sides with a purpose to get trucks in and out in a short amount of time. Mr. Smith said if a high speed distribution center is a legitimate use separate and apart from the permitted warehouse use and not allowed for, then they could put it anywhere. Mr. Smith added as a zoning matter we don’t want to specify different types of warehouses and where they are allowed.

Mr. Doug Seaberg, Bradley Court, Buckingham Township.

Mr. Seaberg asked if there is a legal basis that could be used to deny this. Mr. Smith said the only real issues that he sees so far are the Subdivision and Land Development Ordinance waiver requests. He said they have the right to build a warehouse under the Zoning Ordinance. He said the Board can deny Subdivision and Land Development waivers under the law, but with proper analysis of the reason.

Ms. Leigh Nunno, Twinbrook Circle, Buckingham Township.

Ms. Nunno said regarding the traffic study, any type of pedestrian study should be done in a season when more people are outside. Mr. Gray said they do look at that in reviewing traffic studies, and they typically provide a seasonal iteration, including one when school is out. Ms. Nunno said that made sense and made her feel better. Ms. Nunno added the roads are not even meant for large SUV's.

Ms. Marie Progin (recurring), Landisville Road, Plumstead Township.

Ms. Progin said she was told they were too far out to be part of the traffic study and asked how they can become part of the study. She said she sees all types of trucks going down Landisville Road to Route 413 and they are affected. Mr. Gray explained their location is not included in the traffic study as the primary access pushes the application to the other direction. He said the traffic study evaluates based on existing traffic counts, cars and large trucks, and extends them to the build-out. Mr. Gray said then they add the development related vehicles where they believe they will go and evaluate them again, and that is when we would get improvements. Mr. Gray said there has been forethought and they have purposely designed the site so that the trucks go out onto Stoney Lane, and the cars onto Burnt House Hill Road. Mr. Gray said that Landisville Road has been approved for trucks for many years, and there is a county bridge that was widened. He said Cold Spring Creamery Road is a state highway with no restrictions on tractor trailers. Mr. Gray said they have asked the applicant to study the exit intersections with the proposed vehicles to prove they can make the turns and if they do not, they will be asked to make improvements. Mr. Gray said this is the process, they submit, we review, they refine, we review, everyone compromises.

Ms. Arline Soffian (recurring), Lower Mountain Road, Buckingham Township.

Ms. Soffian asked if our township could hire people to do a separate traffic study than the applicant? Mr. Gray said yes, if the township desired to, they could. Mr. Gray said every project requires a traffic study and engineers review them, and they say pretty much the same thing.

Mr. Calderaio thanked the residents for coming out and said the Board of Supervisors has heard everything being said.

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Consideration of approving the Partial Assignment of Easement Agreement between Givnish Real Estate, LLC and Buckingham Township covering Tax Map Parcels 06-010-115-003 and 06-010-115-001.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to approve the Partial Assignment of Easement Agreement between Givnish Real Estate, LLC and Buckingham Township covering Tax Map Parcels 06-010-115-003 and 06-010-115-001. The motion carried unanimously.

Consideration of approving the request to amend the February 25, 2009 (written approval March 11, 2009) Land Development Approval of the Joseph Bonargo Tract (SA 2008-01) to revise the Residential Development Agreement recorded with the Bucks County Recorder of Deeds on November 16, 2011 at Book 6862, page 1916, et seq. to allow the developer to proceed without posting site improvement escrow and only posting sufficient review escrow only.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to deny the request to amend the February 25, 2009 (written approval March 11, 2009) Land Development Approval of the Joseph Bonargo Tract (SA 2008-01) to revise the Residential Development Agreement recorded with the Bucks County Recorder of Deeds on November 16, 2011 at Book 6862, page 1916, et seq. to allow the developer to proceed without posting site improvement escrow and only posting sufficient review escrow only. The motion carried unanimously.

Escrow Release:

Consideration of approving the Request for Release #1, for the “Trycieki Tract – Lot 1”, Township File SA 2016-02, in the amount of \$156,918.78.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to approve the Request for Release #1, for the “Trycieki Tract – Lot 1”, Township File SA 2016-02, in the amount of \$156,918.78. 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. Calderaio 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 authorizing township staff to advertise the 2024 Buckingham Township Road Improvement Project Bid.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to authorize township staff to advertise the 2024 Buckingham Township Road Improvement Project Bid. The motion carried unanimously.

Consideration of approving a Purchase Order to Fred Beans Ford Lincoln in the amount of \$55,746.00 for a 2024 Ford F250 (New Motor Carrier Enforcement Vehicle) and the Purchase Order to Tryons Emergency Vehicle Uplifting Inc. in the amount of \$31,417.66 to upfit the 2024 Ford F250.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to approve a Purchase Order to Fred Beans Ford Lincoln in the amount of \$55,746.00 for a 2024 Ford F250 (New Motor Carrier Enforcement Vehicle) and the Purchase Order to Tryons Emergency Vehicle Uplifting Inc. in the amount of \$31,417.66 to upfit the 2024 Ford F250. The motion carried unanimously.

Consideration of approving a Purchase Order to Thompson Networks in the amount of \$22,277.93 for security camera equipment and installation at Holicong Park (older pavilion), Hansell Park pavilion and GMB Park pavilion.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to approve a Purchase Order to Thompson Networks in the amount of \$22,277.93 for security camera equipment and installation at Holicong Park (older pavilion), Hansell Park pavilion and GMB Park pavilion. The motion carried unanimously.

Consideration of approving a Purchase Order to Gate Quest LLC dba Safe Crossings, in the amount of \$24,120.00 for three flood gates.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to approve a Purchase Order to Gate Quest LLC dba Safe Crossings, in the amount of \$24,120.00 for three flood gates. The motion carried unanimously.

Consideration of approving a Purchase Order to Dreamcrete Concrete and Masonry, in the amount of \$87,000.00 for replacement of the slate walkways at the Buckingham Township Administration building.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to approve a Purchase Order to Dreamcrete Concrete and Masonry, in the amount of \$87,000.00 for replacement of the slate walkways at the Buckingham Township Administration building. The motion carried unanimously.

Consideration of authorizing payment to Clemons, Richter & Reiss, PC in the amount of \$1,226.00 from the “Stonemead” escrow account (Township File SA 98-05) reimbursing payment for the recording of dedication documents.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to authorize payment to Clemons, Richter & Reiss, PC in the amount of \$1,226.00 from the “Stonemead” escrow account (Township File SA 98-05) reimbursing payment for the recording of dedication documents. The motion carried unanimously.

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Mr. Calderaio made a motion, seconded by Mrs. Rash to adjourn the Regular Business Meeting at 10:27 p.m. The motion carried unanimously.

The Board retired into Executive Session to continue discussions concerning the Froehlich and Rockafellow litigation matters.

Approved by the Board of Supervisors on the 24th day of April, 2024.

Buckingham Township Board of Supervisors



Paul Calderaio, Chairman

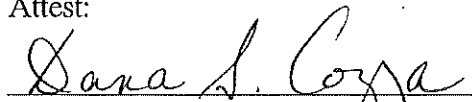


Maggie Rash, Vice-Chairman



Jon Forest

Attest:


Dana S. Cozza, Township Secretary

Minutes respectfully submitted by Lori Wicen.

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