

BUCKINGHAM TOWNSHIP

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Website - www.buckinghampa.org



BOARD OF SUPERVISORS REGULAR BUSINESS MEETING

AGENDA

OCTOBER 23, 2024

Call to Order 7:30 p.m.

1. Public Comment (Maximum 30 minutes)
2. Board's Announcements:
 - **Yard Waste Pick-up for Fall** – Free recyclable bags may be picked up at the township administrative offices until December 6th.
 - **Medication Take Back Day**, October 26, 2024 from 10am-2pm. Safely dispose of your unused, unneeded or expired medications at the Buckingham Township Building. For more locations, see the flyer posted on the township website.
 - **Election Day**: November 5, 2024 - VOTE!
 - The Buckingham Township Administrative Offices will be closed November 5, 2024 for Election Day, and closed November 11, 2024 in observance of Veterans Day.
 - Board of Supervisors Work Sessions and Regular Business Meetings will be held on: November 13th and December 11th. All other November and December meeting dates have been cancelled.
3. Consideration of approving Payroll dated September 26, 2024 and October 10, 2024, and the Bill List for the meeting of October 23, 2024.
4. Consideration of approving draft Supervisor's Minutes of the September 25, 2024 Work Session, the September 25, 2024 Regular Business Meeting, and the October 9, 2024 Work Session.
5. Consideration of accepting for inclusion in the Township records various Departmental Minutes and Advisory Body Minutes.
6. Consideration of accepting the Developer's Request to Extend the date by which the improvements are to be completed as set forth in the Residential Development Contract to October 27, 2025 between Sarah Colamarino Kocinski and Richard Kocinski and Buckingham Township for "Lot 1 of the Trycieki Tract", Township File SA 2016-02, TMP 06-006-039-011.
7. Consideration of approving the Stormwater Facility Development Contract between Buckingham Township and Dennis J. Stanton, 3007 Holicong Road, TMP #06-014-036-005.
and
Consideration of approving the Stormwater Controls and Best Management Practices Operations and Maintenance Agreement and Grant of Easement between Buckingham Township and Dennis J. Stanton, 3007 Holicong Road, TMP #06-014-036-005.

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8. Consideration of approving the Residential Development Agreement between Buckingham Township and Sharpe Homes, LLC, Bonargo Tract, Township File SA 2008-01, TMP #06-006-062, 06-006-062.1, 06-006-062-2.
9. Consideration of re-approving the “Walsh Tract” Minor Subdivision Plan, Township File SA 2019-01, Tax Map Parcel #06-021-053-001, in order that plans may be recorded.
10. Consideration of re-approving “McIntyre Project” Minor Subdivision Plan, Township File SA 2024-01, Tax Map Parcel #06-017-029 and 06-017-030, in order that plans may be recorded.
11. Consideration of approving Resolution 2625 Requesting a Statewide Local Share Assessment Grant of \$1,000,000 from the Commonwealth Financing Authority to be used for PFOA/PFOS.
12. Consideration of approving Resolution 2626 Accepting and Approving the Grant of Conservation Easement from James R. Wigand and James A. Chupella and approving a budget for expenses related thereto.
13. ESCROW RELEASES:

“Henry Residence”, 5388 Lower Mountain Road, TMP 06-021-027 Stormwater Facility Development Contract PSW 230023	Request for Release #3	\$42,544.86 recommended for release
“McGorry Stormwater Facility Development Contract”, TMP 06-023-003-003	Request for Release #5	\$16,324.33 recommended for release
“Trycieki Tract – Lot 1”, Township File SA 2016-02	Request for Release #2	\$38,744.56 recommended for release

14. Additional Business / Manager’s Items:
 - Consideration of approving the request submitted by Keith Fenimore of Kin Wellness & Support to waive the \$50.00 Park Pavilion Usage Fee set by Resolution No. 2618 for use of the Holicong Park Pavilion for a fundraiser event to be held on April 5, 2025.
 - Consideration of approving the request submitted by Mike Bateman on behalf of No Buckingham Warehouse to waive the \$50.00 Park Pavilion Usage Fee set by Resolution No. 2618 for use of the George M. Bush Park Pavilion for a fundraiser event that was held on October 19, 2024.
 - Consideration of approving the request submitted by Temple Judea of Bucks County to waive the \$50.00 Temporary Sign Permit Fee set by Resolution No. 2618 to place one sign on York Road to advertise their large Rummage Sale in November.
 - Consideration of awarding the two-year (2025-2026) Generator Service Contract to Industrial Diesel Power, Inc. of Croydon, PA in the amount of \$26,995.00.

Buckingham Township Board of Supervisors
Meeting Minutes

The regular meeting of the Buckingham Township Board of Supervisors was held Wednesday, October 23, 2024 in the Township Building, 4613 Hughesian Drive, Buckingham, Pennsylvania.

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

Not Present: Luke Rosanova Bucks County Planning Commission

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

PUBLIC COMMENT

Mrs. Rash explained that public comment would be held for 30 minutes, followed by the regular business items, and if more people wanted to comment they would have the opportunity to do so at the conclusion of the business items.

Mr. John McGrath, III of Stonehaven Homes was present to request a status update on approval of development agreements and having plans re-approved and signed in order to be recorded for the Penn's Purchase project. Mr. Smith replied that the final plans for the water system were received Friday afternoon, and Mr. Weaver worked to review them over the weekend and issued his review Monday afternoon. Mr. Smith said the development agreements were then revised to reflect Mr. Weaver's review and then provided to Mr. McGrath's lawyers for their second review. Mr. Smith continued that if the agreements are returned in time and the revisions agreed to among counsel, they will be added to the next Board of Supervisor's meeting agenda for consideration and, if appropriate, approval.

Mr. John Lang, Sugar Bottom Road, expressed concern with people driving over the 35mph speed limit on Sugar Bottom Road. He asked for the process to apply for speed bumps since the road is half Buckingham Township and half Warwick Township, or to have the speed limit lowered. Mr. Smith noted that the Township Traffic Calming Ordinance (Ordinance 2002-07) addressed the criteria for speed bump installation. Mr. Gray said the speed limit cannot exceed 25mph to have speed bumps installed. Mr. Smith said part of the process set by PennDOT to lower speed limits is to record the average speed of the cars, and determine the 85% percentile of the speed at which cars travel the road. Mr. Smith said this may actually result in the raising of the speed limit. Mrs. Cozza suggested the police could post the speed sign to remind people how fast they are driving and add additional enforcement. Mr. Lang said they had sent Office Hanna videos from the past weekend.

Mr. Ken Standig, Nanlyn Farm Circle, asked if the Board would create an ordinance requiring people to pick up their dog poop on private property, as is required at the township parks. He said the Bucks County Herald had reported that Wrightstown Township passed an ordinance like this last year. Mr. Standig said he had discussed the matter with his homeowners association, who said they were told by the township that there is no dog waste ordinance. Mrs. Cozza said the biggest problem is enforcement, particularly with how large the township is. Mrs. Cozza found the ordinance online that Mr. Standig referred to, and noted it is not a standalone dog ordinance, rather a line within the stormwater ordinance. Mr. Calderaio said they would look into it further.

Mr. Mike Bateman, Tall Oak Court, thanked the Board for adding his request to waive the escrow fee for use of a park pavilion to this evening's agenda. Mr. Bateman then stated that Mr. Smith, township solicitor, had sent him an email stating that Buckingham Township was suing him, and upon further inspection he saw it was not a lawsuit, rather a scare tactic. Mr. Bateman said the township is appealing a decision by the Office of Open Records stating that the township must share certain emails regarding the proposed warehouse. Mr. Smith replied that the township is appealing a decision by the Office of Open Records on an action Mr. Bateman brought and the cover sheet that Mr. Bateman is calling a scare tactic is a form required to be attached to all such appeals by the courts' rules of civil procedure. He said this is an ongoing matter that will be resolved in court.

Ms. Lafaun Reed Kahn of Church School Road said she was present to ask the Board of Supervisors why they are so opposed to the Froehlich family holding their fall festival. She said she had known this family for more than 40 years and has spent hours at the farm. Ms. Kahn said she drove past Bountiful Acres and Nonesuch Farms who were having festivals and asked why the Froehlich's are being picked on. Mr. Forest replied that the Froehlich farm is not allowed to have the extensive festivals they do, due to the conservation easement on their property. Ms. Kahn then said that it should be changed so there are places for people to take their families to.

Mr. Smith stated this matter is in the middle of litigation and that the property is subject to a conservation easement that was purchased for over 1.2 million dollars in 1999 by the state, county and township. He added that the Board should not comment on this matter due to the ongoing litigation.

Mr. Brian Stover stated the farm was preserved in 1999 and the zoning ordinance had no requirements about festivals, and that the contract follows what the ordinance said at that time. Mr. Stover said the big challenge they had was when one of their compost piles started smoldering and the Devonshire residents complained of the smoke, and there had been no smoke since that happened two years ago. Mr. Stover said the judge was treating the festival and composting completely separate. He said there is no reason they shouldn't be allowed to have festivals.

Ms. Rachel Masterson Faunce, Lincolnshire Road, said that when her family moved into the Devonshire neighborhood they loved Froehlich's farm and took their family there, but over the past few years there have been changes in the scope of what happens on the farm which is now more like a manufacturing facility than a farm and misrepresentations, with the Devonshire neighbors being maliciously attacked for their concerns. She also shared that according to public records, the Froehlich farm is assessed \$9,400 for municipality, county and school taxes, where each of her neighbors on 1/3 acre vs. 107 acres is paying \$11,000, and she takes exception to that since the farm is being used as a commercial mulching business and festivals using all cash concessions. Ms. Faunce said they loved the farm when it was a farm, but not the commercial dump and mulching operation impacting our environment.

Mr. Mike Feeney, Byecroft Road, asked Mrs. Rash how many acres were preserved in Buckingham Township, and Mrs. Rash replied almost 1/3 of the township, over 6,500 acres. Mr. Feeney said a large majority of that land is used for crops. Mr. Feeney said there are very few opportunities for residents and farmers to get together and that it is really important for them to understand each other. Mr. Feeney said he knew the Froehlich's took the money to preserve, but everyone should be able to compromise as the township has changed.

Mr. Forest said there have been very few problems with anybody else on the 6,000 acres of preserved farmland. He agreed that residents should be able to go to a farm and see people grow crops. Mr. Forest said that for that reason the easements state that 50% of what is sold at any festival must be grown on the farm.

Mrs. Rash noted that the public comment period is finished, but could resume after the business meeting if there are more people who wished to speak.

Mr. Calderaio noted that he recognized many residents present from the Devonshire development who had not spoken.

BOARD'S ANNOUNCEMENTS

Mr. Calderaio said the Board had an Executive Session earlier this evening to discuss the ongoing Froehlich and Lykon litigation.

Mr. Calderaio read the following announcements:

- **Yard Waste Pick-up for Fall** – Free recyclable bags may be picked up at the township administrative offices until December 6th.
- **Medication Take Back Day**, October 26, 2024 from 10am-2pm. Safely dispose of your unused, unneeded or expired medications at the Buckingham Township Building. For more locations, see the flyer posted on the township website.

- **Election Day:** November 5, 2024 - VOTE!
- The Buckingham Township Administrative Offices will be closed November 5, 2024 for Election Day, and closed November 11, 2024 in observance of Veterans Day.
- Board of Supervisors Work Sessions and Regular Business Meetings will be held on: November 13th and December 11th. All other November and December meeting dates have been cancelled.

PAYROLL and BILL LIST

Consideration of approving Payroll dated September 26, 2024 and October 10, 2024, and the Bill List for the meeting of October 23, 2024.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to approve Payroll dated September 26, 2024 and October 10, 2024, and the Bill List for the meeting of October 23, 2024 in the total amount of \$1,075,297.89. The motion carried unanimously.

MINUTES

Consideration of approving draft Supervisor’s Minutes of the September 25, 2024 Work Session and the September 25, 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 September 25, 2024 Work Session and the September 25, 2024 Regular Business Meeting. The motion carried unanimously.

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

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

BUSINESS

Consideration of accepting the Developer’s Request for an Extension of time within which to complete the Improvements, as set forth in the Residential Development Contract between Sarah Colamarino Kocinski and Richard Kocinski and Buckingham Township for “Lot 1 of the Trycieki Tract”, Township File SA 2016-02, TMP 06-006-039-011 to October 27, 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 between Sarah Colamarino Kocinski and Richard Kocinski and Buckingham Township for “Lot 1 of the Trycieki Tract”, Township File SA 2016-02, TMP 06-006-039-011 to October 27, 2025. The motion carried unanimously.

Consideration of approving the Stormwater Facility Development Contract between Buckingham Township and Dennis J. Stanton, 3007 Holicong Road, TMP #06-014-036-005. and

Consideration of approving the Stormwater Controls and Best Management Practices Operations and Maintenance Agreement and Grant of Easement between Buckingham Township and Dennis J. Stanton, 3007 Holicong Road, TMP #06-014-036-005.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to: (i) approve the Stormwater Facility Development Contract

and

(ii) to approve the Stormwater Controls and Best Management Practices Operations and Maintenance Agreement and Grant of Easement, both between Buckingham Township and Dennis J. Stanton, 3007 Holicong Road, TMP #06-014-036-005.

The motion carried unanimously.

Consideration of approving the Residential Development Agreement between Buckingham Township and Sharpe Homes, LLC, Bonargo Tract, Township File SA 2008-01, TMP #06-006-062, 06-006-062.1, 06-006-062-2.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to approve the Residential Development Agreement between Buckingham Township and Sharpe Homes, LLC, Bonargo Tract, Township File SA 2008-01, TMP #06-006-062, 06-006-062.1, 06-006-062-2.

Mr. Gray explained that the new residents owning the three lots intend to develop them according to the previously approved “Bonargo Tract” subdivision plan.

The motion carried unanimously.

Consideration of re-approving the “Walsh Tract” Minor Subdivision Plan, Township File SA 2019-01, Tax Map Parcel #06-021-053-001, in order that plans may be recorded.

Mr. Calderaio made a motion to re-approve the “Walsh Tract” Minor Subdivision Plan, Township File SA 2019-01, Tax Map Parcel #06-021-053-001, in order that plans may be recorded. There was no second, therefore the motion failed. No action was taken.

Mr. Gray explained that although the plan has been approved and is ready to be signed in order for it to be recorded, the applicant has not yet requested the development agreements to be prepared by the township solicitor and recommended that the Board take no action on the plan until the agreement is in process.

Consideration of re-approving “McIntyre Project” Minor Subdivision Plan, Township File SA 2024-01, Tax Map Parcel #06-017-029 and 06-017-030, in order that plans may be recorded.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to re-approve the “McIntyre Project” Minor Subdivision Plan, Township File SA 2024-01, Tax Map Parcel #06-017-029 and 06-017-030, in order that plans may be recorded. The motion carried unanimously.

Consideration of approving Resolution 2625 Requesting a Statewide Local Share Assessment Grant of \$1,000,000.00 from the Commonwealth Financing Authority to be used for PFOA/PFOS potable water treatment.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to approve Resolution 2625 Requesting a Statewide Local Share Assessment Grant of \$1,000,000.00 from the Commonwealth Financing Authority to be used for PFOA/PFOS potable water treatment.

Mrs. Cozza explained that township staff have been searching for any funding sources that can help the township water department fund the PFOA/PFOS systems that are required to be installed to treat the Township's potable water systems, due to the new EPA and PADEP imposed limits. She said the new EPA requirements of 4 parts per trillion are even more stringent than what the PADEP required. Mr. Weaver said that the PFOA/PFOS comes from firefighting foams that have polluted the aquifer, and that the township has 4 water sites that require the additional treatment.

Mr. Mike Bateman, Tall Oak Court, asked if the filtration system recently approved at the Cold Spring/Hearthstone site will have treatment for the PFOS. Mr. Weaver confirmed that according to design calculations the treatment will bring the level below the new limit.

Mr. Calderaio stated that money for this project comes from the users of the water system, not from the township general fund, but that the Township is doing all that it can to minimize the financial impact on water system users of the new treatment requirements. He explained that the township does not make a profit from the water and wastewater systems, but does cover the expenses. Mr. Forest noted that most townships do not have township owned water and wastewater systems anymore, and have sold the systems to public utility providers. This Board believes that by the Township owning the system it can minimize costs to residents; noting that Aqua PA who services many of the townships recently had a 25% rate increase.

The motion carried unanimously.

Consideration of approving Resolution 2626 Accepting and Approving the Grant of Conservation Easement from James R. Wigand and James A. Chupella and approving a budget for expenses related thereto.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to approve Resolution 2626 Accepting and Approving the Grant of Conservation Easement from James R. Wigand and James A. Chupella and approving a budget for expenses related thereto.

Mrs. Rash thanked Mr. Wigand and Mr. Chupella for donating easements on their five parcels in the Carversville area, in the total of 23 acres. She said the township will pay the administrative costs, as we do for all preserved properties, but they are not getting paid any money for the purchase of the easement. Mrs. Rash noted they are preserving their easement with the township and through Heritage Conservancy, and that this is a real gift.

The motion carried unanimously.

Escrow Releases:

Consideration of approving Escrow Release #3 for the “Henry Residence”, 5388 Lower Mountain Road, TMP 06-021-027, Stormwater Facility Development Contract PSW 230023, in the amount of \$42,544.86.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to approve Escrow Release #3 for the “Henry Residence”, 5388 Lower Mountain Road, TMP 06-021-027, Stormwater Facility Development Contract PSW 230023, in the amount of \$42,544.86. The motion carried unanimously.

Consideration of approving Escrow Release #5 for the “McGorry Stormwater Facility Development Contract”, TMP 06-023-003-003, in the amount of \$16,324.33.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to approve Escrow Release #5 for the “McGorry Stormwater Facility Development Contract”, TMP 06-023-003-003, in the amount of \$16,324.33, subject to payment of all outstanding fees owed the Township.

Mr. Gray noted this is the final release for this completed project.

The motion carried unanimously.

Consideration of approving Escrow Release #2 for the “Trycieki Tract – Lot 1”, Township File SA 2016-02, in the amount of \$38,744.56.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to approve Escrow Release #2 for the “Trycieki Tract – Lot 1”, Township File SA 2016-02, in the amount of \$38,744.56. The motion carried unanimously.

ADDITIONAL BUSINESS / MANAGER’S ITEMS

Consideration of approving the request submitted by Keith Fenimore of Kin Wellness & Support to waive the \$50.00 Park Pavilion Usage Fee set by Resolution No. 2618 for use of the Holicong Park Pavilion for a fundraiser event to be held on April 5, 2025.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to approve the request submitted by Keith Fenimore of Kin Wellness & Support to waive the \$50.00 Park Pavilion Usage Fee set by Resolution No. 2618 for use of the Holicong Park Pavilion for a fundraiser event to be held on April 5, 2025. The motion carried unanimously.

Consideration of approving the request submitted by Mike Bateman on behalf of No Buckingham Warehouse to waive the \$50.00 Park Pavilion Usage Fee set by Resolution No. 2618 for use of the George M. Bush Park Pavilion for a fundraiser event that was held on October 19, 2024.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to approve the request submitted by Mike Bateman on behalf of No Buckingham Warehouse to waive the \$50.00 Park Pavilion Usage Fee set by Resolution No. 2618 for use of the George M. Bush Park Pavilion for a fundraiser event that was held on October 19, 2024. The motion carried unanimously.

Consideration of approving the request submitted by Temple Judea of Bucks County to waive the \$50.00 Temporary Sign Permit Fee set by Resolution No. 2618 to place one sign on York Road to advertise their large Rummage Sale in November.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to approve the request submitted by Temple Judea of Bucks County to waive the \$50.00 Temporary Sign Permit Fee set by Resolution No. 2618 to place one sign on York Road to advertise their large Rummage Sale in November. The motion carried unanimously.

Consideration of awarding the two-year (2025-2026) Generator Service Contract to Industrial Diesel Power, Inc. of Croydon, PA in the amount of \$26,995.00.

Mr. Calderaio made a motion, seconded by Mrs. Rash, to award the two-year (2025-2026) Generator Service Contract to Industrial Diesel Power, Inc. of Croydon, PA in the amount of \$26,995.00.

Mrs. Cozza said this contract is to maintain all 35 of the generators used at the various township facilities, and the township requests quotes in order to get the best price.

The motion carried unanimously.

Mrs. Rash made a motion, seconded by Mr. Calderaio, to adjourn the meeting at 8:35 p.m. The motion carried unanimously.

Approved by the Board of Supervisors on the 13th day of October, 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.