

The regular business meeting of the Northampton Township Board of Supervisors was called to order at 7:40 p.m.

Members of the Board present were:

Larry Weinstein
Barry Moore
Eileen Silver
Dr. Kimberly Rose
Frank O'Donnell

Others present were:

Robert M. Pellegrino, Township Manager
Joseph Nolan, Township Engineer
Joseph Pizzo, Township Solicitor

PLEDGE OF ALLEGIANCE

Chairman Weinstein led the Pledge of Allegiance and held a moment of silence in support of military and emergency services personnel. Chairman Weinstein lit the ceremonial blue light in honor of fallen police officers.

SPECIAL PRESENTATION

CPCU Fire Essay Awards

Peter Palestina, Chartered Property Casualty Underwriters Society (CPCU), and Christopher Hampshire, President of the Philadelphia Chapter of the CPCU, announced the results of the organization's 33rd annual "Fire Safety in the Home" essay contest. The contest was held for elementary students from Council Rock School District. Those presenting awards were:

- Chairman Weinstein (on behalf of the township)
- Stacey Mulholland (on behalf of Congressman Fitzpatrick)
- State Representative Petri
- Dave Gibbon (on behalf of state Senators Tomlinson and McIlhinney)
- Mayor Schwartz, Newtown Borough
- Fire Chief Forsyth, for Newtown Township

The winners of the contest were:

First and Second Grade Category

- Emilie Erdman– Churchville Elementary
- Mariella Rapoport – Rolling Hills Elementary
- Nicholas Gromosaik – Churchville Elementary

- Alexander Gromosaik – Churchville Elementary

Third and Fourth Grade Category

- Nick Altomari – Hillcrest Elementary
- Faith Ortman – Hillcrest Elementary
- Maria Grigoryants – Newtown Elementary
- Sara Tyler – Goodnoe Elementary

Fifth and Sixth Grade Category

- Nicole Guo – Richboro Elementary
- Swara Patel – Holland Elementary
- Griffin Demetsky – Welch Elementary
- Edan Kauer – Welch Elementary

Chairman Weinstein called for a recess at 8:10 pm and reconvened at 8:15pm.

Consider Resolution to Support a Proposal from Bucks County to Conduct a Feasibility Study on Converting the Newtown-Fox Chase Rail Line to a Multi-Purpose Trail

Mr. Moore provided a brief statement on the project and outlined the purpose of the resolution being voted on at tonight's meeting.

A motion was made and seconded (Moore-Rose) to adopt Resolution R-16-25 asking the County of Bucks to perform a feasibility study on the Newtown-Fox Chase Rail Line to determine its feasibility as a linear park and multi-purpose trail.

Chairman Weinstein announced no further public comment on the topic would be taken and tonight would be for Board comment only and to vote on the resolution.

Dr. Rose and Mr. Moore both stated their agreement in approving a feasibility study to get the answers and more information without making any decision on the trail. Chairman Weinstein, Mrs. Silver, and Mr. O'Donnell stated their opposing arguments listing the County's lack of response, clear answers, additional costs to homeowners, and showing harm to our residents. Mr. O'Donnell stated an engineering study is how you will build the trail and a feasibility study is if a trail can be built and those are two very different studies. The County has not agreed to do a feasibility study.

Motion Failed 2-3 (with O'Donnell, Silver and Weinstein voting nay).

Chairman Weinstein called for a recess at 9:05 pm and reconvened at 9:15 pm.

PUBLIC COMMENT

There was no public comment.

CONSENT ITEMS

The Board meeting minutes of November 16, 2016 were approved by unanimous consent.

ACCOUNTS PAYABLE

The accounts payable for November 30, 2016, in the amount of \$705,953.26, was approved by unanimous consent.

PUBLIC HEARINGS

Consider a Resolution for a Inter-municipal Transfer of Liquor License by Acme Markets, 800 Second Street Pike, Richboro

Chairman Weinstein opened the hearing at 9:25 pm.

Dr. Rose stated Acme has filed an application with the Township to request approval for an inter-municipal liquor license transfer. Specifically, Acme will be operating a restaurant inside its grocery store and intends to sell beer and wine for consumption and retail .

Since no Northampton Township liquor licenses are available for purchase, they are proposing to transfer the license from another municipality in Bucks County. Ultimately, approval of the Pennsylvania Liquor Control Board is required. However, Northampton Township must first hold a public hearing approving the transfer, which must be done by resolution.

A motion was made and seconded (Rose-Moore) to approve Resolution R-16-26 approving the inter-municipal transfer of a Pennsylvania "R" or "restaurant" liquor license into Northampton Township for Acme located at 800 Second Street Pike in Richboro, Pennsylvania from outside the municipality.

Chairman Weinstein introduced Ms. Ellen Freeman, Esq. of Flaherty & O'Hara, attorney for the applicant. Ms. Freeman called forward Kerrigan McKay, Bill Scanuffo, and Bud Corry to be sworn in as witnesses. The witnesses agreed to have Ms. Freeman speak on their behalf.

Ms. Freeman outlined the liquor license request. Noted under recent changes to state law, ACME is seeking a liquor license to sell beer and wine at it's store in the Crossroads Plaza Shopping Center on 2nd Street Pike and is asking the township to support the license transfer, which ultimately must be approved by the Pennsylvania Liquor Control Board.

Once it obtains a license, ACME would like to turn the store into a 4,367-square foot cafe that would serve beer and wine and accommodate up to 30 patrons. The cafe addition would be part of a store renovation project that Acme hopes to begin in the spring of 2017.

Ms. Freeman stated the café would sell prepared foods, hot and cold sandwiches, quick meals and gourmet salads for eat-in or to go. In addition, the restaurant liquor license would permit the sale of beer and wine for on premise consumption and retail.

Chairman Weinstein called for public comment.

Attorney Steven Rovner, who is representing the owners of existing liquor licensees in the township, presented the supervisors with a petition signed by his clients who, he said, would be “directly and adversely impacted by ACME coming in to sell beer and wine.” Attorney Rovner continued that if this license is transferred it would be detrimental to the existing businesses in the township, including the Richboro Pub, Big Heads, Jake's Eatery, Johnny Apples, the Richboro Beer and Soda Store and a future Irish Pub that will be opening in the Addisville Commons, now under construction on 2nd Street Pike.

Attorney Rovner asked the Supervisors to deny the request based on the following:

- The license, from Keystone Pizza Partners LLC in Quakertown, that is proposed to be transferred has expired.
- If ACME were to receive the license it would be in violation of a requirement that one liquor license not be within 200 feet of another, noting that Jake's Pub may be within that zone.
- ACME has not provided any information regarding changes to it's parking configuration to accommodate the new use.
- ACME is deficient in its application for a license transfer, lacking the required information under the township code.

Attorney Rovner called forward Stephen Jacobs, a lifelong resident of the township and the owner of Jake's Eatery and Jake's Pub. Mr. Jacobs explained he attempted to purchase a license from outside the township in 2002, but was told by a township official it would most likely not be approved. Mr. Jacobs stated he waited until a license became available in the township and in 2004 purchased one paying a premium price with plans to eventually open a tavern in the township. Ten years later, the candy store next door went out of business and he opened Jake's Pub.

Mr. Jacobs noted each license holder in the township paid a premium for their license because there are a limited number of licenses available in the township. It is Mr. Jacobs

belief that allowing this transfer will significantly devalue each license already purchased. This transfer is not a need for ACME and would not create a hardship for them if not approved and stated ACME should do what every other license holder in the township has done and wait until a license becomes available in the township.

Attorney Rovner called forward Mr. Thomas J. Walsh, owner of Big Heads in Holland and Richboro. Mr. Walsh echoed Mr. Jacobs comments and stated that during the week, sale of six packs net around \$5000 and weekends around \$3500. Mr. Walsh believes he would see a decline in these sales if the license for ACME is approved.

Board discussion ensued with each member stating their concerns and asking questions of the applicant's attorney.

A motion was made and seconded (Rose-Moore) to continue the Resolution to the Board meeting of January 25, 2017 and asked ACME at that time to provide additional information for its application and to address open questions regarding the status of the Quakertown license.

Motion passed 5-0.

Chairman Weinstein closed the hearing at 10:45 pm.

Chairman Weinstein called for a recess at 10:46 pm and reconvened at 10:55 pm.

Consider Ordinance Amending the Township Code of Ordinances to Revise Annual Reporting Requirements for the Parks and Recreation Board, Disband the Telecommunications Advisory Board, add a Stop Sign on Bustleton Pike, Southbound at Cornell Avenue, Prohibit Engine Retarders on Jacksonville Road between Bristol and Almshouse Road, Repeal Ordinance #149 known as the "Per Capita Tax of 1975".

Mrs. Silver outlined the proposed ordinance and noted this is a housekeeping amendment on five (5) different sections of the Township Code. The purposed is to clarify and remove outdated ordinances from the Township Code.

1. Chapter 1, Part 2, B. Park and Recreation Board, Section 1-226, Reports to Board of Supervisors, would be amended to require the Parks and Recreation Board to submit an annual report to the Board of Supervisors as requires by Section 2204 of the Second-Class Township Code. That section reads as follows:

"The Recreation Board shall submit an annual report to the Board of Supervisors, including an analysis of the adequacy and effectiveness of community recreation areas, facilities, and leadership."

This amendment would make the Township Code of Ordinances consistent with the Second-Class Township Code.

Mrs. Silver explained several new measures have been instituted since this ordinance was first created. Mrs. Silver noted the addition of a full-time Finance Director, more in depth budget meetings with Department Heads throughout the year and the consistent monitoring of the budget by the Board, Administration, and Finance Department makes the need for any additional annual report unnecessary.

Mrs. Silver further explained the next four amendments.

2. Chapter 1, Part 2, C. Telecommunications Advisory Board, Sections 221 – 227 would be deleted in their entirety. This amendment would disband the Telecommunications Advisory Board.
3. Chapter 15, Motor Vehicles and Traffic, Section 214 would be amended to add a stop sign on Bustleton Pike, southbound, at Cornell Avenue. The stop intersection was initiated by PennDOT and that agency has installed the sign. The ordinance amendment will allow our police department to enforce the stop location.
4. Chapter 15, Motor Vehicles and Traffic would be amended by the addition of Section 305, Engine Brake Retarder Prohibitions to include a prohibition on the use of engine brake retarders on Jacksonville Road between Bristol Road and Almshouse Road.

PennDOT regulations state that the use of brake retarders may not be prohibited by a local authority unless prior written approval is obtained from the Department of Transportation. PennDOT performed the required study and concluded that a prohibition on Jacksonville Road is appropriate

5. Ordinance 149, known as “Per Capita Tax of 1975” would be repealed in its entirety since the Board had decided at a previous meeting to no longer collect this tax.

A motion was made and seconded (Silver-Rose) to adopt ordinance #588 amending certain sections of the Northampton Township Code of Ordinances as outlined.

Chairman Weinstein called for Board discussion. None was heard.

Motion Passed 5-0.

NEW BUSINESS

Consider Resolution Authorizing the Township Manager to Execute all Documents in Connection with a Multi-Modal Grant Application to the Pennsylvania Department of Transportation to Fund Engineering Design of Sidewalk Improvements in Richboro.

Mr. O'Donnell stated as part of the Township's Economic Development Initiative to improve walkability in our commercial areas by installing sidewalks where none exist or by improving the existing sidewalks, the Township has an opportunity to seek funds for installation and/or replacements of sidewalks in Richboro under the PennDOT Multi-Modal Grant Program.

Mr. O'Donnell explained McMahon Associates has estimated the cost to complete the first phase of the sidewalk system in Richboro at \$1,029,000 and suggested that the Township apply for a Multi-Modal Grant \$790,000. The Township would be responsible for 30% of the grant request or \$239,000. McMahon advised that the grant program has awarded grants of this nature in the past and for similar amounts.

Mr. O'Donnell stated design services for the project are proposed at \$163,000 and can be funded by developer contributions paid as fees in lieu of installing sidewalks. We expect \$100,000 from Toll Brothers in lieu of installing sidewalks on Hatboro Road, and additional funding will come from the proposed development on Old Jacksonville Road.

Mr. O'Donnell noted a requirement of the grant application is a Resolution from the Board requesting the grant funds and authorizing a Township official to execute all documents associated with the grant program.

A motion was made and seconded to adopt Resolution R-16-26 authorizing an application to PennDot for a Multi-Modal Grant to fund sidewalk improvements in Richboro and to authorize the Township Manager to execute all documents in connection with the grant program.

Chairman Weinstein called for Board comment.

Discussion ensued among the Board with Mrs. Silver asking Mr. Moore to provide further detail of where these sidewalks will be located. Mr. Moore gave a detailed description of the locations of the proposed sidewalks and explained the purpose is to follow the Village Overlay guidelines and to eventually make the Richboro and Holland areas walkable.

Motion Passed 5-0.

Consider Final Adoption of 2017 Budget

Mr. Pellegrino presented a brief review of the proposed 2017 budget and explained the variables that impact revenues and expenditures. He noted changes from 2016 to 2017 and stated that the budget does not require a tax increase or an increase in refuse tax.

Chairman Weinstein stated that Mr. Pellegrino and Mr. Armelin have put many long hours making sure the budget is as paired down as possible. Mr. Weinstein noted there has been a 2.03% increase in operation expenses over last year. The current tax levy is at 12.9275 mills and for a home assessed at a median value equates to approximately \$460 a year or \$38 a month for Township services. A great value for the services received.

Chairman Weinstein called for Board comment.

The Board were all in agreement with the diligence Mr. Pellegrino and Mr. Armelin provided in preparing a budget with no tax increase.

A motion was made and seconded (Weinstein-Silver) to approve final adoption of the 2017 preliminary budget.

Motion passed 5-0.

Consider Resolution Authorizing an Application to the Bucks County Open Space Program

Chairman Weinstein stated the Bucks County Open Space Program is ending on December 31, 2016, and municipalities must file an application by that date to use any remaining allocated funds. The Township currently has \$431,000 available and the County program will pay up to 75% for either fee simple acquisition or purchase of conservation easements.

Chairman Weinstein noted applications must be filed by the deadline and include a Resolution from the Board of Supervisors authorizing the application to be filed and designating an individual to execute and file all of the required forms for a project. It also acknowledges that the Township will commit matching funds. If the Township requests the entire allocation, it must provide matching funds of up to \$150,000 and this amount is included in the Resolution for that purpose.

A motion was made and seconded to adopt Resolution R-16-27 authorizing an application to be filed with the Bucks County Open Space Program and designating the Township Manager to execute all required documents related to the application.

Chairman Weinstein called for Board comment.

Chairman Weinstein complimented the County on their Open Space Program.

Dr. Rose agreed and stated we are preserving the Township for future generations.

Chairman Weinstein clarified the Farm Preservation is continuing with Mr. Pellegrino explaining it is a separate program from the Open Space program.

Motion Passed 5-0.

LIAISON REPORTS

Dr. Rose made the following announcements:

- The Council Rock School District held their annual election of officers and announced their capital planning will resume at the beginning of the year. The footprint of the District will be discussed and completed by June.
- The Senior Center members and staff took on a special service project for Tabor Children Services and collected and donated a carload of items for needy families.
- The Senior Center Holiday Bazaar was another huge success.
- The Senior Center has some great events planned for 2017 and Dr. Rose encouraged seniors to join and get involved.

Mr. O'Donnell made the following announcement:

- Remember to remove your cars for the snowplowing efforts as it is that time of season again.

Mrs. Silver made the following announcements:

- Residents need to check their Northampton Bucks County Municipal Authority invoices for a new remit to address. Check the Municipal Authority website for more information.
- Reminder to make sure your address is visible from the street so the First Responders are able to find you easily in case of an emergency.
- Take precautions with your Christmas Trees and decorations as these items can be especially harmful to your pets.

Mr. Weinstein made the following announcements:

- The Planning Commission met and discussed the draft design guidelines for the Village Overlay District. In the future, the Board of Supervisors will decide at a public meeting whether or not to incorporate these guidelines into the Subdivision and Land Development ordinance. Commended the Bucks County Planning Commission for the work they did drafting the guidelines.

- The next Planning Commission meeting will be held on January 10, 2017 at 7:30 pm and under the items to be discussed are:
 - A plan for the Gilmore Tract on Old Jacksonville Road consisting of 18 lots.
 - A Development application for an outdoor athletic field at 55 Steamwhistle Drive
- The Township has just learned the Health and Human Services and the National Park Service has approved a pending transfer of a two (2) acre property next to the Welch Elementary School for the Township construction of a parking lot and a trail connection to the Municipal Park.
- The Zoning Hearing Board met on December 12, 2016 to hear cases on impervious surface and setbacks on Cassie Circle, a fence/shed application on Sunset Drive, Pools on Johanna and Livery Circle, and variances related to 840 Second Street Pike. No action is required by the board.
- The Historical Commission met last month and reviewed as an ongoing mission plans and photographs of properties currently being looked at or scheduled for development to see if any of these properties warrant preservation.
- The Veterans Advisory Commission met last month and started working on the 2017 calendar of events and began discussion of possibly promoting Township related military history. A resolution was passed recognizing the outstanding work and dedication by Congressman Fitzpatrick relating to veterans and veteran's affairs.
- Commented on rumors surrounding the closing of the Richboro Swim Club. For the record these rumors are unfounded and the Richboro Swim Club is not being sold and is not closing.
- Congratulated CRUSA on their Elite award. Highest award that can be achieved.
- Thanked the Board and the Employees for the wonderful job this year.

Manager's Report

- Introduced Mr. Joe Nolan, from CKS Engineering.
- Announced the U.S. Navy and the Department of Environmental Protection will be holding a presentation at the January 25, 2017 Board of Supervisors meeting on PFOA and PFOS contamination

Engineer's Report

Mr. Nolan announced the TCE water mains have been installed on Hill, Charter and Lincoln and are currently being tested and disinfected once this is completed the installation of services will begin.

There was no additional public comment.

The meeting was adjourned at 11:30 p.m.

Respectfully Submitted,

Eileen Silver, Secretary