

The regular business meeting of the Northampton Township Board of Supervisors was called to order at 7:35 p.m.

Members of the Board present were:

Barry Moore  
Larry Weinstein  
Eileen Silver  
Dr. Kimberly Rose  
George F. Komelasky

Others present were:

Robert M. Pellegrino, Township Manager  
Dave Connell, Township Engineer  
Mary Strover, CKS Engineers  
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.

Before Public Comment, Mr. Weinstein explained that he would like to table the Noise and ATV Ordinance because he felt the Supervisors and the public needed more information.

### **PUBLIC COMMENT**

The following residents spoke in support of the Rails to Trails project and offered suggestions to clear up misconceptions. They quoted statistics on crime and that safety for other trail projects. Several residents also volunteered to ensure the trail is kept clean from garbage and debris.

:

- Brig Masone, 72 Nelson Drive
- Wendy Fesmire, 297 Ward Court
- Adam Spector, 3405 Stafford Place
- Ashley Kubee, 3405 Stuckert Place
- Keith Sevcik, 72 Bustleton Pike

Chairman Weinstein explained why the “Rails to Trails project was pulled from the May 10, 2016 Planning Commission agenda. He stated the Board is not in a position to consider the proposed project since the County has not given the Township sufficient information to evaluate the plan. Chairman Weinstein also noted the County has not given any indication of

who is going to pay for this project, and has not offered any pre or post construction costs associated with the project.

The following residents spoke in support of the Rails to Trails project:

- Sarah Fetzer, 283 N. Second Street Pike
- Dr. Jonathan Gold, 4 Casey Court, Newtown (St. Mary Medical Center)
- Kristin Smedley, 35 Sienna Circle
- Gavin Lindsay, 124 Golf View Drive
- Joanne Klempner, 283 Gladys Circle
- Andrew Masone, 72 Nelson Drive
- Kim Jabbar, 31 Nelson Drive
- Herb and Diane Heffner, 35 Wood Stream Drive

The following residents spoke in opposition to the Rails to Trails project:

- David Patterson, 19 Amsterdam Avenue

Chairman Weinstein called for a 5-minute recess at 8:58 pm and reconvened at 9:09 pm. Mr. Komelasky left the meeting during the recess.

The following residents spoke in support of the project:

- Ann VanEerden, 84 Bustleton Pike
- Carol Klempner, 36 Harriet Road
- Doug Levin, 110 Centre Avenue, Newtown Borough

General Public Comment:

Don George, Watergate Drive spoke in opposition to the project for financial reasons.

The following residents spoke in opposition to the Rails to Trails project:

Bob Mraz, Holland, PA  
Elizabeth Kauermann, 15 Amsterdam Avenue  
Gregg Yaeger, Patricia Road  
Ralph Sarne, 50 Jericho Road

The following resident spoke in support of the project:

Mary Perrone, 945 Buck Road

Tony Patti, 485 Middle Holland Road, commented on the Noise and ATV ordinance citing specific sections and asking that exceptions be made for sporting events, ranges and clubs.

The following residents spoke in opposition to the Rails to Trails project.

Jeff Gold, 57 Grant Drive  
Michael Reitz, 15 Jefferson Court  
Joe Baldassarre, 45 Grant Drive  
Bill Lynch, 110 Rotterdam Road  
Aaron Goldfinger, 5 Penn Circle  
Bruce Stamm, 14 Jericho Road  
Frank Harshaw, Wyncoop Road  
Joe Johnson, 41 Grant Drive

Chairman Weinstein called for a 5-minute recess at 11:20 pm and reconvened meeting at 11:30 pm. Because of the late hour, Mr. Weinstein proceeded with the next item on the agenda.

### **New Business**

#### **Consider Montague Proposed Subdivision – Harriet and New Roads.**

Chairman Weinstein called upon Mr. Montague to outline the project.

Mr. Montague stated they are proposing to subdivide 52,247 feet into two single-family detached dwelling lots of 24,225 square feet (Lot 1) and 27,802 square feet (Lot 2). The existing single-family detached dwelling, pole barn, and garage are proposed to be removed. The site will be served by public water and sewer. Mr. Montague asked for the following waivers:

- To not provide existing features, zoning data, and parcel numbers within 2,000 feet of the site
- To not show storm and sanitary sewer within 400 feet of the site.
- To not require sidewalks along New and Laurel Roads, the applicant proposed a fee-in-lieu of sidewalks.

Chairman Weinstein called for Board comment.

Mrs. Silver and Dr. Rose both stated that they want sidewalks installed.

A motion was made and seconded (Weinstein-Rose) to approve the Montague Subdivision, SLD 15-9, subject to compliance with the Township Engineer's review letter dated May 6, 2016, the Township Planner's review letter dated January 11, 2016, and the Township Traffic Engineer's

review letter dated January 12, 2016. In addition it is recommended that the requested waivers be granted and subject to the following conditions:

- Sidewalks shall be required for the frontage along New Road. No frontage along Laurel Road, therefore sidewalks are not required along this section.
- A fee-in-lieu of recreation/open space shall be submitted in the amount of \$5,514.72 for the one new dwelling
- Approval of the Municipal Authority is required for the sanitary sewer connection
- The applicant shall enter into a land development agreement and escrow agreement in a form acceptable to the Township solicitor and engineer. This shall include a stormwater maintenance and operations agreement
- All conditions and recommendations incorporated within the motion and minutes are subject to the Township Solicitor's approval letter.

**Motion Passed 4-0.**

Since there were more residents who wanted to speak, Chairman Weinstein opened Public Comment.

**GENERAL PUBLIC COMMENT**

The following residents spoke in support of the Rails to Trails project:

- David Lauer, 49 Cornell Avenue
- Nancy Sauer's, Windmill Drive

**CONSENT ITEMS**

Mrs. Silver presented the April 27, 2016 minutes. The minutes were deemed approved by unanimous consent.

**ACCOUNTS PAYABLE**

Dr. Rose presented the accounts payable for May 4, 2016 in the amount of \$2,086,669.38, and the May 25, 2016 list in the amount of \$591,406.37.

The Accounts Payable was deemed approved by unanimous consent.

## **PUBLIC HEARINGS**

### **Consider Authorization to Advertise an Ordinance Amendment Regulating Excessive Noise, Motorized Dirt Bikes, and All-Terrain Vehicle Use**

A motion was made and seconded (Weinstein-Silver) to table the ordinance amending and regulating excessive noise, motorized dirt bikes, and all-terrain vehicle use to a future meeting. The meeting will be to discuss this Ordinance only. The public will be able to express their opinion and the Township will have professionals attend to discuss the need for this ordinance.

**Motion passed 4-0.**

### **Consider Ordinance Requiring Connection to the Public Water System & Well Abandonment for Properties in the Railroad Drive, TCE Project Area**

Dr. Rose explained the proposed ordinance requires property owners in the Railroad Drive TCE project area benefitting from the installation of a DEP funded water line to connect to the public water system and to abandon their private wells. Adoption of this ordinance is required as a condition of the grant agreement and receipt of up to \$2 million in DEP grant funds for the installation of the public water line and all service laterals. The affected properties are on Hill Road, Charter Circle, and Lincoln Circle.

Dr. Rose also noted the project area also includes properties in Warwick Township. The Warwick Township Board of Supervisors adopted a similar ordinance in February for affected properties in their community.

A motion was made and seconded (Rose-Weinstein) to adopt Ordinance #584 requiring properties in the Railroad Drive TCE project area to connect to a new public water line to be installed with a grant from the PA Department of Environmental and to require the abandonment of private wells located on properties connecting to the new water line.

Chairman Weinstein called for Board comment.

Dr. Rose asked Mr. Connell when the estimated time of completion for the design portion of the project. Mr. Connell stated this project should be going out to bid in the next 3-4 months.

**Motion Passed 4-0.**

**NEW BUSINESS**

**Consider Proposed Resolution for Planning Module for Russell Tract – Second Street Pike and New Road**

Mr. Weinstein stated that the Board had previously approved a five-lot subdivision on the Russell tract at Second Street Pike and New Road and a planning module must be submitted to DEP for approval to connect to the public sewer system. The submission requires a resolution by the Board of Supervisors.

A motion was made and seconded (Weinstein-Rose) to approve the DEP Resolution R-16-11 for Plan Revision for New Land Development for the Russell Tract Subdivision by TP Construction.

**Motion Passed 4-0.**

**Consider Resolution to Submit an Application to the National Park Service, Department of the Interior, Land to Park Program for Use of a Property on New Road as a Trail Head**

Mr. Moore stated a resolution is required as part of an application which will transfer the 2-acre New Road property from the Department of Health and Human Services (HHS) to the U.S. Department of Interior, National Park Service (NPS). In order for the Township to be in compliance with the requirements of the Quit Claim Deed issued by HHS, the Township has been directed by HHS to apply to the NPS to designate the property as a parcel in the Federal Lands to Parks Program.

Mr. Moore noted the Resolution will allow the Township to submit an application to NPS to use the property as a trailhead to access Municipal Park. The Resolution also designates the Township Manager as the agent authorized to execute all agreements related to the transfer and application for use of the property.

A motion was made and seconded (Moore-Silver) to approve Resolution R-16-12 authorizing the Township Manager to submit an application to the Department of the Interior, Lands to Parks Program for the transfer of the 2-acre parcel on New Road from the Department of Health and Human Services to be used for recreational purposes and specifically a trail head that will connect a trail to the Municipal Park and to execute all documents required for the project.

Chairman Weinstein called for Board Comment. There was none.

**Motion Passed 4-0.**

**Consider Agreement for Municipal Trail Easement with Council Rock School District**

Mr. Moore stated the Council Rock School Board approved an Agreement at its April 21 meeting granting an easement to the Township for construction of a trail from the 2-acre NAWC site on New Road and across the Maureen Welch Elementary School property to Municipal Park. The easement consists of .528 acres, or approximately 23,000 square feet. The Agreement provides that the Township is responsible for construction and maintenance of the trail, signage, and landscaping; however, it is not responsible for snow and ice removal. The agreement further provides that the Township can make the easement area and trail available for public use.

The proposed project will satisfy a Federal requirement to file a Program Utilization Plan with the Department of the Interior Lands to Parks Program (DOI) acting on behalf of the Department of Health and Human Services (HHS) for monitoring our compliance with the Plan of Use to the National Park Service. The monitoring period is 30 years and we must file Utilization Reports bi-annually, certifying that we are using the property as approved.

A motion was made and seconded (Moore-Weinstein) to authorize the appropriate Township officials to execute an Easement Agreement with the Council Rock School District to allow for construction of a trail connection from the Township Property on New Road and across the Maureen Welch Elementary School property to Municipal Park.

Chairman Weinstein called for Board comment. There was none.

**Motion Passed 4-0.**

**Consider Resolution for Disposal of Various Township Records**

Mrs. Silver explained the Township staff periodically reviews stored paper records to determine what can be destroyed in accordance with the Municipal Records Act (P.L. 961). The Act requires the Municipal Governing Body to authorize disposal of records by Resolution.

The Township adopted Resolution R-95-17 on July 12, 1995 detailing its intent to follow the procedures for disposition of records as set forth in the Retention and Disposition Schedule for Records of Municipalities promulgated by the Commonwealth in May 1982. Following enactment of that Resolution, the Board must adopt Resolutions each time records are proposed for destruction.

Township staff recently conducted a review of stored records and determined that the records identified on the attached Resolution can be destroyed in accordance with the Act. These are records that we are not required to retain and have no future value to the operation of the Township Government. Their destruction will provide much needed space for newer records that must be retained in accordance with the Retention Schedule. The Township started the

process of retaining records electronically some years ago, but has not transitioned to a completely paperless environment.

A motion was made and seconded (Silver-Rose) to adopt Resolution R-16-13 authorizing the destruction of certain Township records in accordance with the retention and disposition schedule in the Municipal Records Act.

Chairman Weinstein called for Board comment. There was none.

**Motion Passed 4-0.**

**Authorization to Sell Surplus Video Equipment**

Mrs. Silver explained the Township Administration and Videographer recommends the Township sell surplus video equipment. Several of the items are expected to be valued at more than \$1,000 and can only be sold in accordance with the Second Class Township Code when authorized by the Board of Supervisors.

The Township Administration and Videographer also determined several items to be sold as surplus that are not deemed to be valued at \$1,000 or more and were not added to the list for Board approval but will be sold on MuniBid as well.

A motion was made and seconded (Silver-Weinstein) to authorize the Township Administration to sell surplus equipment on the attached list dated April 29, 2016 at public auction as recommended by the Administration and the Township Videographer.

Chairman Weinstein called for Board comment. There was none.

**Motion Passed 4-0.**

**Consider Bid Award for Jacksonville Road, Cold Mill Recycling Project**

Mrs. Silver stated that CKS Engineers held a bid opening on May 19, 2016, pertaining to the Cold Mill Recycling Project on Old Jacksonville Road.

Two bids were received through the MuniBid process:

- EJ Benemann, LP - \$189,468.50
- Recon Construction Services, Inc. - \$217,995.50

CKS Engineers has determined the low bidder to be in compliance with the bid documents and recommends a bid award to EJ Benemann, LP. There is \$175,000 budgeted for this work.



A motion was made and seconded (Silver-Weinstein) to award the contract for Cold Mill Recycling on Old Jacksonville Road to EJ Benemann, LP in the amount of 189,468.60 as recommended by CKS Engineers.

Chairman Weinstein called for Board comment.

Mrs. Silver asked Mr. Connell to explain how Cold Mill Recycling works. Mr. Connell briefly described the specialized process

**Motion Passed 4-0.**

**LIAISON REPORTS**

Dr. Rose made the following announcements:

- The Bucks County Senior Games will be held from June 6 – June 11, 2016.
- The Council Rock Board of School Directors is focusing on the 2016-2017 budget and exploring ways to eliminate a deficit. The Board will hold a meeting on Thursday, May 26, 2016 at 6:30 pm at the Chancellor Center.
- The Relay for Life was a total success and rose over \$38,000.
- Three cases of Whooping Cough were diagnosed at Churchville Elementary and Holland Middle School.

Mrs. Silver made the following comments:

- The Churchville Nature Center will be holding their annual Garden Party on June 10, 2016 from 6 until 9 pm at the Butterfly house. Tickets are available by contacting the Nature Center.
- A food drive competition is scheduled between Northampton and Upper Southampton to benefit Jesus Focus Ministry Food Pantry. The competition will run from June 6 through June 27, 2016.

Mr. Moore made the following announcements:

- The Library Board has hired an outside agency to help raise funds to support Library programs and services. The Library received over \$5,500 in donations to date.
- The Library is seeking volunteers and starting in September the Library will be open on Sunday afternoons.

- The Parks and Recreation Department is gearing up for summer with the annual fishing derby taking place at Tyler State Park and the Concert in the Park Series.
- Discount Tickets for various activities are available from the Parks and Recreation Department.

Chairman Weinstein made the following announcements:

- The Township and the Board appreciates the patience of all who are traveling on Northampton roadways while the paving projects are underway.
- The road improvements for Newtown-Richboro Road in front of the Civic Center will begin in July.
- The Veterans Advisory Commission will host a Memorial Day Ceremony on May 30 and Flag Day Ceremony on June 14, 2016.
- The Wounded Veterans Purple Spot is expected to be completed on Veterans Day.
- The Board received Sean Dougherty's resignation from the Veterans Advisory Commission.
- Coffee for Cops at the Police Station was held with another great turnout.

#### **SOLICITOR'S REPORT**

Mr. Pizzo announced the Board met in an Executive Session for approximately 30 minutes to discuss the Police Contract. No official action was taken by the Board.

#### **PUBLIC COMMENT**

Bruce Stamm, 14 Jericho Road commented on Mr. Moore's position on converting the Newtown Rail line to a hiking and biking trail, Mr. Moore responded to Mr. Stamm's concerns.

The meeting adjourned at 12:28 a.m.

Respectfully Submitted,

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Eileen Silver, Secretary