

The agenda meeting of the Northampton Township Board of Supervisors was held at 6:00 pm.

Present were:

Barry Moore
Dr. Kimberly Rose
Frank O'Donnell
Robert Pellegrino
William Wert
Joseph Pizzo
Kurt Schroeder
Amanda Fuller

Agenda items were reviewed and discussed.

The regular business meeting of the Northampton Township Board of Supervisors was called to order at 7:30 p.m.

Members of the Board present were:

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

Others present were:

Robert Pellegrino, Township Manager
Kurt Schroeder, Township Engineer
Joseph Pizzo, Township Solicitor

PLEDGE OF ALLEGIANCE

Chairman Moore led the Pledge of Allegiance and held a moment of silence in support of military and emergency services personnel.

FLAG PRESENTATION

Chairman Moore called Peter Palestina forward. Mr. Palestina introduced Sue Reichart the mother and Kaitlin Reichart the sister of United States Army Specialist Tyler Reichert. Specialist Reichert recently deployed to Kuwait from Ft. Bragg and from there he will deploy to Iraq. Sue and Kaitlin will be placing Tyler's personalized Army flag in the display where it will stay until he returns from his deployment to exchange it.

Also in attendance to recognize Specialist Reichert was Peter Chong from Congressman Brian Fitzpatrick's Veterans Advocates, and Kerry Judge from Senator Tomlinson's Office.

SPECIAL PRESENTATIONS

Check Donation from Wheelabrator to the Free Library of Northampton Township

Chairman Moore called forward Frank O'Donnell Township Supervisor and Liaison for the Library, Diana Remington, Library Director, and Mr. Michael Dougherty of Wheelabrator. Mr. Dougherty presented a check to the Library on behalf of Wheelabrator in the amount of \$7,000. Ms. Remington stated the money will be used to fund coding clubs as well as several children's programs at the Library this fall. Ms. Remington thanked Wheelabrator Technologies for the supporting the library's mission to support literacy and community. Mr. O'Donnell also thanked Wheelabrator for their generous donation.

PUBLIC COMMENT

None was heard.

CONSENT ITEMS

The Board meeting minutes of July 25, 2018, was approved by unanimous consent with one correction to the Bucks County Roses portion of the agenda. Changed to: has been removed from tonight's agenda at the applicant's request.

ACCOUNTS PAYABLE

The accounts payable for August 8, 2018, in the amount of \$555,575.66, and August 22, 2018, in the amount of \$999,388.52, was approved by unanimous consent.

PUBLIC HEARINGS

Consider an Ordinance Amendment Regulating Bamboo

Chairman Moore opened the hearing at 7:40 pm.

Mr. O'Donnell stated specifically, the ordinance provides definitions, establishes general provisions, remediation, and removal. In addition, the ordinance identifies violations and penalties.

Mr. O'Donnell explained bamboo is not permitted to be grown unless a barrier is constructed according to strict standards preventing the encroachment of the bamboo. Existing properties may maintain the bamboo as long as it does not encroach on neighboring properties.

The proposed ordinance amendment has been reviewed by the Township Solicitor and has been properly advertised in the Advance of Bucks County on August 5th.

A motion was made and seconded (O'Donnell-Rose) to approve ordinance #598 amending the Northampton Code, specifically Chapter 10-Part 4, for the purpose of establishing regulations for the planting, cultivating, growing, control, and/or removal of bamboo and establishing penalties for violations.

Chairman Moore called for Board comment.

Dr. Rose, Mr. O'Donnell, and Chairman Moore were all in agreement that this is essential legislation and is a good start to alleviating the problem.

Chairman Moore called for public comment.

James Rothenburg, 6 Brianna Road, stated appropriate officials familiar with this issue should be looking at it. Questioned if Bamboo is flammable. Discussion ensued with Mr. Rothenburg's questions being answered by the Board.

Irving Goldfinger, 94 Titus Court, stated Bamboo has been encroaching on his property for years from his neighbor's property. Questioned if the property owner does nothing, will the Township lien the property if he doesn't comply. Mr. Pizzo stated under the Codes Department enforcement the Township can bring the property into compliance. Mr. Goldfinger also questioned if there was insurance for bamboo to help homeowners with this problem.

Jill Brown, 15 Indian Summer Drive, stated Bamboo is encroaching from Township Property onto her property. It was stated once the Bamboo encroaches on the homeowner's property it now becomes the homeowner's responsibility. Discussion ensued about putting up barriers and setbacks required.

Edward Ingle, 593 Lower Holland Road, stated there is good bamboo and bad bamboo, to create a physical barrier for the bad bamboo a barrier would need to be installed at least two feet down.

Motion passed 3-0.

Chairman Moore closed the hearing at 7:55 pm.

NEW BUSINESS

Consider Resolution for Tri-Hampton Rescue Squad to Serve as Primary Provider of Emergency Medical Services

Chairman Moore explained that the Tri Hampton Rescue Squad has requested to be named the primary provider of emergency medical services in Northampton Township. This service is currently being provided jointly by Tri Hampton, and the Newtown Ambulance Squad.

Tri Hampton has agreed to honor all existing subscription agreements our residents may have with the Newtown service until their expiration. As part of this process, Tri Hampton Rescue has

submitted in their proposal a realignment of ambulance responses based on newly defined “phantom stations”. Essentially these are designated locations where ambulance crews are positioned in anticipation of calls. Ambulance relocation remains somewhat fluid during this process and the ambulances are positioned as needed to provide the best possible coverage to the service area.

Frank Fenton the Fire Marshal, has reviewed the proposal submitted by the Tri Hampton Rescue Squad to assume coverage for the entire township, and he supports the proposal. It is recommended that this change be effective September 1, 2018. Mr. Fenton believes this transition will be a seamless one and provide for the continued excellent service our community deserves.

Chairman Moore reiterated the reason for this change is not because Newtown isn't meeting the requirements and satisfying the needs of the residents. The Township is very pleased with the services Newtown has provided and commends them for their years of service. Chairman Moore noted this change is being implemented to be fiscally responsible. By generating more revenue it's going to keep Tri-Hampton's operating costs lower and therefore our taxation will be lower.

A motion was made and seconded (Moore-Rose) to adopt Resolution #2018-R-14 authorizing the Tri-Hampton Rescue Squad to be the primary provider of emergency medical and rescue services within the boundaries of Northampton Township.

Chairman Moore called for Board comment.

Dr. Rose stated Newtown Ambulance has done an outstanding job and believes Tri-Hampton will continue providing excellent service.

Chairman Moore called for public comment.

Evan Resnikoff, the chief of Newtown Ambulance, raised concerns with the change. He warned that it could result in longer response times in the eastern end of the township, potentially putting lives at risk and opening the township to potential litigation. In addition, Chief Resnikoff noted that Newtown Ambulance stands to lose about \$93,000 in revenue. Chief Resnikoff stated that Tri-Hampton covers 98 percent of their calls. However, approximately four nights a week they are reduced down to four ambulances to cover three municipalities. He noted that means part of the time you're not going to have the closest ambulance responding to the area that Newtown Ambulance covers. Chief Resnikoff noted while the township has every right to move forward with the consolidation, it could be opening itself up to liability by approving a plan where the closest ambulance is not responding to the area. But also stated regardless of the tonight's outcome we will continue to work and cooperate with Tri-Hampton Rescue Squad and Northampton Township to provide service on a mutual aid basis.

Joshua Dowd, Vice President of Tri-Hampton Rescue Squad, expressed the squad's appreciation to the supervisors for their consideration of the change. Mr. Dowd noted the reason we came to the township was not for additional tax revenue. That request was never made. The request that was made was for the township coverage area so we could provide equal service for our residents and make our organization more self-sufficient.

Motion Passed 3-0.

Consider Conservation Easement Agreement of Sale for Rook Farm, 650 Temperance Lane

Dr. Rose explained the Rook family has agreed to sell a conservation easement to the Township and County on a 75.23-acre property located on Temperance Lane. The property is bordered on two sides by the Solly, Tanner, and former Heuscher farms that were previously conserved and cannot be further developed.

The Bucks County Farmland Preservation Program approved the property for inclusion in the program and the property also qualifies for inclusion in the Bucks County Open Space Program. Two appraisals document the average easement value at \$39,819, and the Rook family agreed to accept \$38,500 per acre to place the property in conservation status.

Partial funding for the acquisition will come from the Bucks County Farmland and Open Space Programs. Collectively these programs will contribute \$1,333,914 toward the purchase price of \$2,772,000, with the balance of \$1,438,086 to be paid by the Township from the proceeds of a new bond issue.

The Agricultural Land Preservation Easement Agreement of Sale previously approved by the Board must be modified to reflect a new per acre price of \$38,500 after further negotiation with the Rook family. An Agricultural Land Preservation Easement will be recorded against the property limiting future development after settlement. Both documents are tri-party agreements between Bucks County, Northampton Township, and the property owners.

The Easement Agreement of Sale specifies that closing will occur within sixty (60) days of its execution. It also contains a legal description of the Conservation Easement and a Plan showing the Easement Area. For purpose of the Open Space Program, the Easement Area is limited to 72-acres, excluding the existing farmhouse, barn, and other outbuildings. The Farmland Preservation Program does not require exclusion of the buildings.

The Grant of Easement document details the limits on uses within the Easement Area and enforcement authority in the event of violations. The document provides that no industrial or commercial uses are permitted in the easement area except farming and those agricultural uses permitted by the Township. It also requires good soil conservation practices in accordance with recommendations from the Bucks County Soil Conservation Service. The Easement permits

construction of accessory buildings for agricultural use, and areas for training of horses, including the installation of fencing.

The Easement prohibits quarrying, mining, and dumping of solid waste but permits selective logging, mowing, clearing to control evasive species, and small signs. The Conservation Easement created by the Grant of Easement is a covenant running with the land and is perpetual in duration.

A motion was made and seconded (Rose-O'Donnell) to approve the Agricultural Land Preservation Easement Agreement of Sale, and the Agricultural Land Preservation Grant of Easement between J. Walter Rook & Sons, Inc., Bucks County, and Northampton Township to acquire a Conservation Easement on Tax Map Parcel 31-010-008, located on Temperance Lane, and to authorize the Township Manager and Township Solicitor to execute any documents required to complete the easement acquisition.

Chairman Moore called for Board and public comment. None was heard.

Motion Passed 3-0.

Consider Acceptance of Addisville Cemetery Property – Transfer of Ownership

Mr. O'Donnell explained the Administration was directed to take necessary steps to accept the transfer of Addisville Cemetery from the Addisville Reform Church in Richboro. After significant research both internally and at the Bucks County Recorder of Deeds, it was determined that the Church never prepared a deed for the cemetery when they subdivided their land and sold the bulk of the property to Ohev Shalom in the mid-1970's. It was apparently a common practice back then for property owners not to expend the cost to prepare a deed for land that was being retained, as was the case with the cemetery.

Once the deed issue was resolved, Gilmore & Associates, Inc. prepared the Metes and Bounds description and boundary plan for the cemetery. This is the parcel to be transferred to the Township for future ownership and maintenance. The parcel contains 0.471 acres of land and includes the headstones, existing walls, and iron fencing that fronts 2nd Street Pike. Further research and documentation were completed by the Church to satisfy Title and Search clearances.

A motion was made and seconded (O'Donnell-Rose) to authorize the Township Solicitor to prepare the necessary deed based on the Metes and Bounds description dated February 15, 2018, and Boundary Plan dated February 2, 2018, both prepared by Gilmore & Associates, Inc., and to authorize the Township Manager to execute any and all documents necessary to transfer property ownership of the Addisville Cemetery from the Addisville Reform Church to Northampton Township, Bucks County.

Chairman Moore called for public and Board comment. None was heard.

Motion Passed 3-0.

Consider Resolution Authorizing the Filing of an Application for Redevelopment Assistance Capital Program (RACP) with the Office of the Budget, Commonwealth of Pennsylvania for the Police Headquarters, 111 Township Road

Dr. Rose outlined a resolution authorizing the Township Manager and other appropriate officials to execute the grant in order to obtain the Redevelopment Assistance Capital Program (RACP) Grant through the Commonwealth of Pennsylvania's Office of the Budget in the amount of one million \$1,000,000.

A requirement of the grant program is to have a resolution from the municipal governing body authorizing submission of the grant Application and Business Plan and designating the Township Manager to execute the application and other documents related to any grant award.

A motion was made and seconded (Rose-O'Donnell) to adopt Resolution #2018-R-15 authorizing the Township Administration to submit a RACP Application & Business Plan to the Commonwealth of Pennsylvania's Office of the Budget as required to obtain a grant in the amount of \$1,000,000 to fund the Police Headquarters project.

Chairman Moore called for Board and public comment. None was heard.

Motion Passed 3-0.

Consider Resolution Authorizing Grant Matching Funds Commitment to the Redevelopment Assistance Capital Program (RACP) with the Office of the Budget, Commonwealth of Pennsylvania for the Police Headquarters, 111 Township Road

Dr. Rose outlined a resolution that is required to obtain the Redevelopment Assistance Capital Program (RACP) Grant through the Commonwealth of Pennsylvania's Office of the Budget in the amount of one million \$1,000,000.

This resolution essentially states that Northampton Township has secured the matching dollars required of the grant program. Since the project costs exceed the required \$1,000,000 match, the Board is required to pass a resolution confirming the Township has the required match. This was accomplished with the 2015 Bond Issuance and further substantiated with the 2018 Bonds yet to be sold.

A motion was made and seconded (Rose-O'Donnell) to adopt Resolution #2018-R-16 stating that Northampton Township has obtained the required matching funds for the Northampton Township Police Headquarters Project as required by the

Commonwealth of Pennsylvania's Office of the Budget to obtain a grant in the amount of \$1,000,000 to fund the Police Headquarters project.

Chairman Moore called for Board comment.

Mr. O'Donnell spoke about the quality and benefit of this project.

Chairman Moore called for public comment. None was heard.

Motion Passed 3-0.

Consider Lot Line Change-Andrews Property, 879 Sackettsford Road, LL 18-1

Chairman Moore provided a basic outline of the requested lot line change.

Chairman Moore asked the representatives to introduce themselves and provide a further review of the project.

Mr. Joseph Blackburn, Esq. of Wisler Pearlstine, introduced himself as the attorney for the applicant. Kristin Holmes P.E. of Holmes Cunningham Engineering LLC introduced herself as the Engineer on the project. They both are representing the applicant Dave and Barbara Andrews.

Mr. Blackburn noted the project is located on the north side of Sackettsford Road near the intersection with Spencer Road. The applicant proposes to transfer land between two parcels. The land transfer will be accomplished through the revision of lot lines. The existing parcel contains a two-story single-family dwelling, detached 1-1/2 story building, shed, and asphalt driveway. The project proposes the following lot configurations: Lot 1 will contain the existing house and detached building (the shed is to be removed). Lot 2 is a proposed flag lot. The parcel is located within the CR – Country Residential Zoning District. The lots will be served by on-lot wells and septic systems. Access to the lots is from Sackettsford Road.

Mr. Blackburn stated they are prepared to answer any questions regarding the waivers based on the Planning Commission and Engineer's recommendations.

Each waiver was read and discussed. It will be outlined in the motion as prepared by the Township Solicitor.

Chairman Moore called for Board comment.

Discussion ensued with focus on the applicant not being required to maintaining and widening Sackettsford Road. The outcome of the discussion will be outlined in the motion.

Chairman Moore called for public comment.

James Rothenburg, 6 Brianna Drive, raised concern over the turning radius of the driveway for safety reasons. The applicant's engineer responded the driveway radius is sufficient and noted this is included in the waivers section.

A motion was made and seconded (Moore-O'Donnell) to approve the Andrews Lot Line Change, LL 18-1, subject to compliance with the Township's Engineer's review letter dated June 26, 2018, the Township Planner's review letter dated June 20, 2018, and the Traffic Engineer's review letter dated June 27, 2018. In addition, the requested waivers are granted. The following conditions are included in this approval:

1. A fee-in-lieu of sidewalks is required based on a calculation by the applicant's engineer to be reviewed and approved by the Township engineer.
2. A fee-in-lieu of recreation/open space shall be submitted in the amount of \$5,850.56 for the proposed building lot at the time of building permit submission. This fee is not applicable to the lot with the existing dwelling.
3. Approval of the Bucks County Health Department is required for the on-lot sewage and water facilities.
4. A land development agreement and escrow agreement in a form acceptable to the Township solicitor and engineer is required prior to building permit approval. This shall include a stormwater management maintenance and operations agreement.
5. A note shall be added to the record plan identifying items to be addressed at building permit stage.
6. A seller's disclosure should be recorded outlining these approval conditions and items to be addressed prior to building permit approval.
7. Unless specifically superseded by the Solicitor's review letter or by the Township Engineer's Review, the applicant shall comply in all respects with the Township Stormwater Management and Grading Ordinance §23-101, et seq. of the Northampton Code of Ordinances (the "Stormwater Ordinance"), and with all requirements and determinations of the Township Engineer regarding stormwater management facilities, all of which such requirements and determinations shall be to the satisfaction of the Township Engineer, in the Engineer's sole discretion.
8. The Deeds and Land Development Agreement for the property, acceptable in form and content to the Township Solicitor and the Township Engineer, in their sole discretion, shall be recorded in the Office of the Recorder of Deeds of Bucks Country prior to the issuance of any building permits for any work on the plan.
9. Pursuant to §22-403-1K to not require the widening of Sackettsford Road and the existing condition will be maintained

10. All conditions and recommendations incorporated within the motion and minutes are subject to the Township Solicitor's approval letter

Motion Passed 3-0.

Consider Resolution Opposing House Bill 2524 Limiting Control of Public Rights-of-Way for the Installation of Wireless Communication Devices Known as Distributed Antennae Systems

Mr. O'Donnell stated House Bill 2564 was introduced in the Pennsylvania legislature on July 13, 2018, and was referred to the Consumer Affairs Committee for consideration. The proposed legislation would amend the Wireless Broadband Co-Location Act of 2012 and limit the authority of municipalities to regulate the installation of Distributed Antennae Systems (DAS) in the public rights-of-way. Distributed Antennae Systems are wireless communication devices (small cell towers) that can be mounted on existing or new utility poles.

Pursuant to Federal Law, municipalities currently have the right to regulate the placement, construction, and modification of wireless communication facilities through local zoning regulations so that their installation is completed in an orderly fashion and in the best interests of public safety and protection of local residents. In fact, the Pennsylvania Public Utility Commission has issued multiple orders detailing how municipalities can regulate these facilities.

House Bill 2564 would limit local authority and control over the public rights-of-way, limit fees that may be charged for processing permit applications, prohibit municipalities from requiring standard legal protections from wireless facility companies, and change the process of processing permits for wireless facilities.

Authorize the Administration to send the Resolution to local state legislatures urging them to not support the proposal.

A motion was made and seconded (O'Donnell-Rose) opposing House Bill 2564 that would limit local control of public rights-of-way for the installation of wireless communication devices known as Distributed Antennae Systems and authorize the Township Administration to send the Resolution to local state legislatures urging them to not support the proposal.

Chairman Moore called for Board comment.

Dr. Rose stated this is a hot issue in legislation. If this was to pass it could take away all of the hard work municipalities have done.

Motion Passed 3-0.

LIAISON REPORTS

Dr. Rose made the following announcements:

- The Township is looking for a new Archivist, if you are interested and have experience, send in an application to the Township Manager.
- Northampton won the Food Drive Challenge between Lower Southampton, and Upper Southampton and managed to collect over 8,000 lbs. of food.
- Summer is a busy time at the Senior Center with many activities being offered, call the Senior Center for more information on upcoming programs.
- The Elvis Impersonator was back at the Senior Center, and his favorite foods were served. A great time was had by all.
- The annual Senior Center Bags and Bling Bingo will take place on Friday, October 26 starting at 6:00 pm. Tickets go on sale Tuesday, September 4.

Mr. O'Donnell made the following announcement:

- The Municipal Authority has moved to their new building, located in the old Fox Chase Bank at the corner of Bustleton and Upper Holland. The Tax Collector will be moving into the Building on September 10, 2018.
- The Library's 2nd Annual Fall Gala will take place on Friday, October 19 from 7:00 until 10:00 pm. The cost is \$50.00 per person and includes live music and a mentalist.
- The Library has many programs available see their website for a complete listing.
- Paving has started and the goal is to complete 8.7 miles of road this year.

Chairman Moore made the following announcement:

- The Spring Mill Country Club Land Development Plan is expected to go before the Planning Commission on October 11 and will come before the Board on October 24, 2018.

PUBLIC COMMENT

Bruce Stamm, Jericho Road spoke on his recent Right to Know submissions, requesting Township Employee Salaries. Mr. Stamm stated the importance of transparency in government and the right to information. Mr. Stamm also commented on a Right to Know Request submitted by Mr. McGillis of the Bucks County Courier Times and the lack of response from the Township.

Mr. O'Donnell agreed with Mr. Stamm that transparency is important, not answering created a perception of something was being hidden.

Chairman Moore stated we did comply with the request. Mr. Stamm questioned if the information was given to the newspaper and if not what corrective action is going to be taken.

James Rothenburg, 6 Brianna Road, commented on the Spring Mill Land Development and how the Township is underserving the Senior Community. Mr. Rothenburg went on to discuss interest rates associated with the Bonds for the Northampton Valley Country Club.

The meeting was adjourned at 9:35 p.m.

Respectfully Submitted,

Frank O'Donnell, Secretary