

**WRIGHTSTOWN TOWNSHIP BOARD OF SUPERVISORS  
MINUTES OF MEETING OF JUNE 7, 2004**

The Wrightstown Township Board of Supervisors Meeting was called to order at 8:02 p.m. by Chair Chester S. Pogonowski. In attendance were Vice-Chair Jane B. Magne and Member/Treasurer Allen G. Masenheimer. Also in attendance were Township Solicitor Terry Clemons, Esquire and Township Administrator Eileen M. Bradley.

The Minutes of the Board of Supervisors Meeting of May 17, 2004 and Work Session Minutes of May 24, 2004 were accepted as presented.

Ms. Magne made a motion, seconded by Mr. Masenheimer, to approve for payment Bills dated June 7, 2004 in the amount of \$57,284.10. All were in favor. Ms. Magne made a motion, seconded by Mr. Masenheimer, to approve for payment Escrow Bills dated June 7, 2004 in the amount of \$8,751.84. All were in favor.

REPORTS: Chief Martin Duffy of the Newtown Police Department submitted the Police Report for May 2004. Other reports submitted were: Lingohocken Fire Company Report for May 2004; Building Permit Report for May 2004; the District Justice Report for May 2004, with fines of \$5,254.04.

**SOLICITOR'S COMMENTS: Toll/Hibbs Litigation:** Mr. Clemons said that a settlement agreement had been reached between Wrightstown Township, Toll Brothers and Interveners in the Hibbs Tract Land Use case. The 105-acre Hibbs Tract, located at Wrightstown and Durham Roads.

The settlement included the following: preservation of the Chapman farmstead; preservation of half the acreage as open space, including significant woodlands; no public water line, all lot would be serviced by individual wells; no public sewers, the development would be serviced by a small community sewage treatment system that Toll would maintain for the first five years, but the Township would ultimately own and operate; Toll would install at their cost a traffic light system at the intersection of Wrightstown Road and Route 413; Toll would proceed with submitting a Subdivision/Land Development Application for 45 lots. Toll benefits by settling litigation and moving forward with their development plans.

Mr. Pogonowski called for public comment.

Mrs. Janice Schimek of Thompson Mill Road asked if Wrightstown residents should be saddled with the financial responsibility of this community sewage system. Mr. Clemons explained that the system would be the expense of users only. The residents of the Toll Community would receive a sewer bill from the onset of the system. The billing included a component for future capital maintenance.

Mrs. Schimek asked if additional personnel would be needed to run the system. Mr. Clemons explained that the operation and maintenance would be contracted to a third party company, the cost of which was included in the billing.

Mrs. Schimek asked if the open space would be deed restricted. Mr. Pogonowski said that all the open space would be restricted from further subdivision and all the trees would be preserved.

Mr. David Dutko of Worthington Mill Road asked what improvements were involved along with the traffic light installation. Mr. Clemons stated that there would be turning lanes and pavement markings added. Mr. Pogonowski added that most of the widening improvements would be added to the Hibbs Tract and to areas where the right-of-way had already been obtained.

Representatives of Toll Brothers and Interveners had executed the Settlement Agreement prior to the meeting. Ms. Magne made a motion, seconded by Mr. Masenheimer, approving Resolution #901, authorizing execution of the Toll/Hibbs Settlement Agreement by the Board of Supervisors. All were in favor.

**Swamp Road Culvert Replacement Project:** The Pennsylvania Department of Environmental Protection (DEP) issued a permit for construction of the Swamp Road Culvert at Worthington Mill Road, despite the fact that the design does not meet Township ordinances and the Township had not given its approval.

Mr. Clemons said that the only recourse was to petition to the Environmental Hearing Board dealing with the permit, appealing its issuance.

Mr. Pogonowski said that once the culvert was installed, there would be no way of correcting any deficiencies. Ms. Magne agreed that the project should at least meet the ordinance.

Mr. Pogonowski made a motion, seconded by Mr. Masenheimer, to authorize Mr. Clemons to appeal to the Environmental Hearing Board. All were in favor.

**SUPERVISOR'S COMMENTS: Anchor Run Farm:** Mr. Masenheimer reported that the CSA at Anchor Run Farm had their first harvest. The Members and the farmers worked very hard and things were well underway.

**ADMINISTRATOR'S COMMENTS: Emergency Operations Plan Update:** Ms. Bradley said that the Emergency Operations Plan required routine updating which had been completed and was ready for re-adoption. On a motion by Ms. Magne, seconded by Mr. Masenheimer, Resolution #893, adopting the revised Emergency Operations Plan, was approved. All were in favor.

**Wrightstown Elementary School Parking Lot Rehabilitation**

**Project:** Ms. Bradley announced that the Wrightstown Elementary School parking lot was scheduled for renovation beginning the week of June 16, and ending by August 29, 2004. The Village Library would remain open during the project. The school parking lot and ball fields would be unavailable for any use.

**New Hope and Ivyland Railroad:** Ms. Bradley said that she had received a request from the New Hope and Ivyland Railroad for financial assistance in repairing the railroad crossing on Swamp Road in Rushland. The Railroad was asking for \$1,000.00 toward the \$2,000.00 projected cost of the repair. The Board was not interested in contributing anything to the cost of the repair, which was the responsibility of the Railroad and PADOT.

**Technical Review Board Hearing:** Ms. Bradley announced that on Wednesday, June 9, 2004 at 7:30 p.m. in the Village Library, there would be a public hearing in front of the Technical Review Board to consider the application of Mr. Eugene Epstein of 1238 Wrightstown Road. The Applicant was requesting relief from the requirements of Ordinance #143, which requires automatic fire suppression systems be installed in new construction.

Mr. Pogonowski said he was generally not in favor of a waiver from the ordinance as it set a dangerous precedent. He suggested that the applicant could consider installing a dry hydrant in the pond located on his property. Mr. Pogonowski instructed the Township Administrator to inform the Technical

Review Board that the Board of Supervisors was not in favor of a waiver.

**PUBLIC HEARING: Uniform Construction Code:** As required by Act 45 of 1999, the Township had decided to "opt-in" by adopting the Uniform Construction Code (UCC). The Township Administrator and the Solicitor had worked on a draft of the UCC, incorporating existing Township ordinances. Ms. Magne made a motion, seconded by Mr. Masenheimer, to adopt Ordinance #215, adopting the UCC. All were in favor.

**2003 Property Maintenance Code:** In conjunction with the UCC adoption, the 2003 Property Maintenance Code had been duly advertised for adoption. Mr. Masenheimer made a motion, seconded by Ms. Magne, to adopt Ordinance #216, the 2003 Property Maintenance Code. All were in favor.

**UCC Resolutions:** Also in conjunction with the UCC adoption, several administrative resolutions required adoption. On a motion by Ms. Magne, seconded by Mr. Masenheimer, Resolution #894, appointing Ms. Bradley as Building Code Official to a term expiring January 2005, was adopted. All were in favor.

On a motion by Ms. Magne, seconded by Mr. Masenheimer, Resolution #895, appointing the following people to the UCC Appeals Board was adopted: Mr. Blair Kusiak, Mr. Jeff Burns, Mr. James Kettler, and Mr. Robert Millar; Mr. James MacNamara, Esquire was appointed as Solicitor to the Appeals Board. All were in favor.

On a motion by Ms. Magne, seconded by Mr. Masenheimer, Resolution #896, the amended Fee Schedule was adopted. All were in favor.

On a motion by Mr. Masenheimer, seconded by Ms. Magne, Resolution #897, the amended Right-to-Know resolution was adopted. All were in favor.

**PUBLIC COMMENT:** Mr. Mike Antonucci of Second Street Pike said that he and his wife had attended a recent Environmental Advisory Council meeting and requested a change of venue for the meetings, as there was not enough room for those attending. He had questions regarding a buffer between his property and the adjoining Anchor Run Farm.

Mr. Clemons explained that the farm was an existing use that pre-dated the construction of Mr. Antonucci's house. Mr. Antonucci expressed an interest in being present when a proposed buffer was installed.

Mrs. Schimek had concerns about a construction site on Thompson Mill Road. Noise and dirt were problems. The Township Administrator would address the issues with the contractor.

Mrs. Schimek also had questions regarding the proposed Johnson/Vanni Subdivision. Mrs. Schimek was not in favor of placing open space land on one parcel. It should be owned by the Township. Mr. Pogonowski explained that the proposed open space was inaccessible to any use and residents could not easily access it. Deeding the land to a specific lot insured it would be properly maintained.

**UNFINISHED BUSINESS: Deacon/Popper Minor Subdivision**

**Preliminary/Final Plan:** Appearing for the Applicant was Mr. Paul Dietz of Urwiler & Walter Engineers, Inc. Mr. Dietz stated that the owners would comply with all Review Letters. Township Engineer Mario Canales noted that the Nova wetlands study had not been received by the township. Mr. Dietz said that the study would be forwarded to the Township.

Mr. Pogonowski instructed Mr. Clemons to prepare a resolution for the next meeting.

**NEW BUSINESS: Proposed Zoning Ordinance Amendments:** The Board discussed a proposed Joint Municipal Zoning Ordinance (JMZO) amendment, #2004-09: Noise. This proposal allowed each municipality to adopt its own ordinance. The Board authorized the ordinance to be forwarded to the Jointure for adoption.

The proposed JMZO 2004-14: Housekeeping ordinance was tabled for further changes.

Mr. Clemons was instructed to rework the proposed A-6 Use ordinance, as well as draft a separate ordinance for changing the zoning of Chippewa Farm.

**LETTERS OF EXTENSION:** The following Waivers of Review Time Requirements were unanimously granted on a motion by Ms. Magne, seconded by Mr. Masenheimer: ARCCA Phase II Land Development

Plan; and Deacon/Popper Minor Subdivision Preliminary/Final Plan.

Mr. Pogonowski noted that there was a party interested in operating a seasonal retail produce business out of the former craft shop at the Rushland Train Station. Mr. Clemons said that there might not be an issue, as the change was from one retail use to another. Further research would be needed.

The Board convened into Executive Session at 10:40 p.m. to discuss personnel issues.

There being no further business or comment, Mr. Masenheimer made a motion, seconded by Ms. Magne, to adjourn the meeting at 11:43 p.m. All were in favor.

Respectfully Submitted,

Eileen M. Bradely

Ord. #215  
Ord. #216  
Res. #893  
Res. #894  
Res. #895  
Res. #896  
Res. #897  
Res. #901