

**WRIGHTSTOWN TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF MEETING OF MONDAY, SEPTEMBER 20, 2004**

The Meeting was called to order by Chair Chester S. Pogonowski at 8:02 p.m. Present were Vice Chair Jane B. Magne and Member/Treasurer Allen G. Masenheimer. Also in attendance were Township Solicitor Susan Piette and Township Administrator Eileen M. Bradley.

Minutes for Meetings held August 2 and 23 and September 1 and 13, 2004 were accepted as presented.

Bills dated August 4 through September 20, 2004 for \$390,866.12 were approved for payment on a motion by Ms. Magne, seconded by Mr. Masenheimer. All were in favor. Escrow Bills dated September 20, 2004 for \$16,359.78 were approved for payment on a motion by Ms. Magne, seconded by Mr. Masenheimer. All were in favor.

Mr. Pogonowski stated that the Board of Supervisors had met in Executive Session at 6:30 p.m., prior to tonight's meeting, to discuss a Class Action lawsuit filed by Buckingham Township against the three quarry owners in Wrightstown Township.

REPORTS: Chief Martin Duffy of the Newtown Police Department submitted the Wrightstown Police Report for August 2004. Mr. Pogonowski also accepted the following reports: Code Enforcement Report for August 2004; Lingohocken Fire Company Reports for July and August 2004; District Justice Reports for July and August 2004.

Mrs. Jane DelBianco submitted a Report from the Wrightstown Historical Commission. Toll Brothers had requested suggestions for names of subdivision and roads for the Hibbs Tract Subdivision. The Historical Commission suggested "Chapman Corner" in honor of John and Jane Chapman, who settled the property in 1684. Suggested road names were "Jane Chapman Drive", "Abraham Chapman Drive" and "Joseph Chapman Drive", or "Abraham" and "Joseph" Drives if there were issues with the Post Office over three roads named "Chapman".

SUPERVISOR'S COMMENTS: Lingohocken Fire Company/Central Bucks Ambulance Use Permit Application: Appearing for the Applicants were Mr. John Bailey, Vice President of the Lingohocken Fire Company; Mr. Wayne Murphy, Chief of Lingohocken and member of Central Bucks Ambulance; Mr. Greg Petrillo and Mr. Chuck Pressler of Central Bucks Ambulance.

Mr. Bailey said that Central Bucks Ambulance Company wished to lease space temporarily from Lingohocken Fire Company while they negotiated new facilities. He stated that Central Bucks had a good working relationship with Lingohocken and that they had leased space from Lingohocken in the past with no difficulties or complaints.

Mr. Bailey added that Central Bucks provides Advanced Life Support services throughout the region, responding to approximately 900 calls per year. Central Bucks staffed two 12-hour shifts per day, using one vehicle and two employees. No structural changes would be made to the building on Mill Creek Road and Washington Lane. No changes would be made to kitchen or bathroom facilities.

Mr. Petrillo noted that if Central Bucks could not be housed at Lingohocken, emergency response for the area would have to come from the Doylestown area, at least 12 minutes away. He added that the Squad would not use the Lingohocken alarm and would use the vehicle sirens only when necessary.

Mr. Tom Baldwin of Wycombe, Buckingham Township expressed concern over noise volume of sirens. Mr. Bailey stated that siren use would be as limited as possible within safety guidelines.

Mr. Masenheimer made a motion, seconded by Ms. Magne, to approve the Temporary Use of the Lingohocken Fire Company facility as a substation for Central Bucks Ambulance with the following conditions: no more than one vehicle to be housed; no more than two employees on duty at one time; no more than four vehicles parked during shift change; no exterior idling of engines; no alterations of existing kitchen or restroom facilities; minimal use of sirens; permit to be renewed annually; no permanent rental rights granted beyond this Use. All were in favor.

Swamp Road Update: Mr. Pogonowski stated that the Township had received a copy of the Penns Park Quarry Slide Geotechnical Report from Hanson Aggregates that morning and that the Study was under review by DEP, PADOT and Township engineers.

The report notes that heavy rains and two clogged culverts contributed to the landslide. The study indicated that Swamp Road could be temporarily opened IN PLACE with minimal repairs. To open the road permanently, all the soil on the north side of Swamp Road would have to be removed and a new 650-foot long berm installed. Permanent monitoring stations would be installed to monitor possible future movement.

Mr. Tom Baldwin of Township Line Road, Wycombe, Buckingham Township asked if there was any time frame for opening of Swamp Road given in the report. Mr. Pogonowski noted that no timeline for any repairs had been indicated in the report.

Mr. Pogonowski stated that the Board had been made aware of litigation against the three Wrightstown quarry owners brought by Buckingham Township and several Wycombe neighbors had been discussed in Executive Session that evening. It was the consensus of the Board of Supervisors that litigation was not the answer to solving current traffic issues.

Ms. Jo Vasquez of Township Line Road stated that the situation was grave, over 100 trucks per hour traveling through Wycombe and many near accidents were occurring.

Mr. Pogonowski noted that the Board was aware of the situation and was concerned with safety on all Township roads.

Mr. David DelBianco of Cherry Lane stated that it was understandable that Better Materials, DEP and PADOT were reluctant to act on a solution to the Swamp Road closure before the final report had come out. A lawsuit now would only promote bad faith.

Mrs. Jeri Lyn Fong of Township Line Road, Buckingham Township, stressed that a larger solution was needed, beyond relieving traffic in Wycombe. Ms. Magne said that Wrightstown Township had limited power and was subject to influences outside the Township. For example, from 1990 to 2000 Wrightstown Township gained 100 homes. During the same period, Lower Makefield Township had gained 3000.

Mr. John Rasiej expressed concern that heavy rains could not have caused the landslide at Better Materials Quarry. Would anyone be looking into how safe the quarries are in the future?

Mr. Pogonowski said that DEP was the authorizing agency for all mining activity. Their regulations called for 100-foot mining setbacks; however, Wrightstown Township was able to require 300-foot setbacks because of the zoning ordinance and extensive litigation.

Mr. Robert Goodwin of Mill Creek Road asked if speed limits along Mill Creek Road and Township Line Road could be reduced. Ms. Bradley noted that PADOT would not reduce speed limits, as speed was not considered a function of additional traffic volume. Mr. Pogonowski added that both Buckingham and Newtown Police Departments were increasing enforcement in heavy traffic areas.

Mrs. Jane DelBianco of Cherry Lane stated that we all needed to share the burden of truck traffic, as other sections of Wrightstown Township were equally valuable.

Mrs. Kathy Markloff of Township Line Road, Buckingham, wanted to know how PADOT could be influenced to address additional signage on Township Line Road.

Mr. Pogonowski noted that an emergency hearing would be held before Judge Mitchell Goldberg at 2:00 p.m. in Doylestown on Tuesday, September 21, 2004 concerning the Buckingham Township Class Action suit against three Wrightstown Township quarry owners. On a motion by Mr. Pogonowski, seconded by Mr. Masenheimer, Township Solicitor Terry Clemons was instructed to attend the hearing as a "Friend of the Court" and, if necessary, become party to the proceedings in an effort to assist in facilitating a speedy resolution. All were in favor.

ADMINISTRATOR'S COMMENTS: 2005 Police and Non-Uniform Pension Fund MMO: Per State regulations, Ms. Bradley presented the Estimated 2005 Minimum Municipal Obligation (MMO) calculations for the Police Pension Fund and the Non-Uniform Pension Fund. The Non-Uniform MMO would require \$14,278.46 from the General Fund, which would be budgeted within the normal process. Figures would be verified prior to the end of the current fiscal year.

Hepatitis-C Policy: Ms. Bradley noted that the Township's Worker's Compensation Insurance carrier required a written policy for Hepatitis-C pre-employment screening for police and

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volunteer firefighters. Ms. Magne made a motion, seconded by Mr. Masenheimer, to pass Resolution #925, approving Wrightstown Township's official policy. All were in favor.

Comcast Channel Changes: Ms. Bradley noted several channel lineup changes for Comcast Digital service.

Radar Speed Board: Ms. Bradley presented information on the possible purchase of a radar speed monitor board that would also provide traffic counts at a cost of \$9,995.00. She also noted that Chief Duffy had recommended delaying a purchase, as the Newtown Police Department was also researching the purchase of a speed board. On a motion by Mr. Masenheimer, seconded by Ms. Magne, Ms. Bradley was authorized to purchase a speed board not to exceed \$9,999.00 and pending further research in conjunction with Newtown Township. All were in favor.

Newtown Borough CDBG Application for Newtown Hall Theater: Ms. Bradley had received correspondence from Newtown Borough requesting Township support for their Community Development Block Grant Application for renovation of the Newtown Hall Theater on State Street. It was agreed to forward a letter of support for the project.

PUBLIC HEARING: Proposed Roadway Restrictions Ordinance: Mr. Pogonowski said that Township Engineers Pickering, Corts and Summerson, Inc. had done the appropriate study for placing roadway restrictions on many Township roads. The proposed Ordinance would prohibit trucks from traveling on Penns Park Road, Park Avenue, Cedar Lane, Mud Road, Thompson Mill Road and Cherry Lane between Washington Lane and Township Line Road. Additionally, the Ordinance would prohibit motor vehicles from stopping, standing or parking on Mill Creek Road. On motion by Mr. Masenheimer, seconded by Ms. Magne, Ordinance #222 was adopted by unanimous vote.

Proposed UCC Amendment: The proposed Ordinance Amendment would amend Ordinance #215: UCC Adoption. The Amendment would correct an error in language that may have resulted in confusion. On motion by Ms. Magne, seconded by Mr. Masenheimer, Ordinance #223 was adopted unanimously.

Proposed JMZO Amendment 2004-06: Riparian Buffers: The Proposed Joint Municipal Zoning Ordinance Amendment would

create a riparian buffer overlay district along waterways throughout the Jointure. Mr. Masenheimer made a motion, seconded by Ms. Magne, to adopt Ordinance #224, Joint Municipal Zoning Ordinance Amendment 2004-06: Riparian Buffers.

Mr. Rasiej asked if the ordinance applied to all homeowners, or only to developers. Mr. Pogonowski responded that the ordinance applied to any residence with the riparian overlay district. Any person that wished to remove trees or cover along a stream bank was advised to contact the Township for a permit. Ordinance #224 passed by unanimous vote.

Mr. Pogonowski called for further public comment. Mr. Rasiej inquired about the recently passed Noise Ordinance. Mr. Pogonowski said that Wrightstown Township had passed a Joint Municipal Zoning Ordinance Amendment that allowed each municipality within the Jointure to adopt its own noise regulation ordinance. The Wrightstown Ordinance Review Committee would be working on a noise ordinance recommendation as part of their duties.

ROADMASTER REPORT: Mr. Pogonowski submitted the Roadmaster's Report for September 2004.

NEW BUSINESS: Proposed JMZO Amendments: The following action was taken on three proposed Joint Municipal Zoning Ordinance Amendments:

2004-17: Deletion of Mid-Rise Apartments: The Board authorized forwarding the Amendment with the recommendation to advertise for adoption.

2004-18: Gasoline Sales as Accessory Use: The Board tabled the Amendment and requested clarification of Section 803.E.1.2.

2004-19: Group Home Regulations: The Board tabled the Amendment for further legal review.

Escrow Releases: The following Escrow release was approved: Szarko Subdivision Release #2 for \$8,029.25, approved on a motion by Mr. Masenheimer, seconded by Ms. Magne. All were in favor.

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There being no further comment or question, Mr. Masenheimer made a motion, seconded by Ms. Magne, to adjourn the meeting at 10:05 p.m. All were in favor.

Respectfully Submitted,

Eileen M. Bradley
Township Administrator

Ord. #222
Ord. #223
Ord. #224
Res. #923
Res. #924
Res. #925