

October 13, 2004

The regular business meeting of the Northampton Township Board of Supervisors was called to order at 8:00 p.m.

Members of the Board of Supervisors present were:

Dr. Arthur Friedman
John E. Long Jr.
Peter F. Palestina
James E. Kinney
George F. Komelasky

Others present were:

D. Bruce Townsend, Township Manager
David W. Connell, Township Engineer
Edward Rudolph, Township Solicitor

The Pledge of Allegiance to the flag was led by Dr. Friedman.

A. PRESENTATION – REPRESENTATIVE SCOTT PETRI – Representative Petri gave an update of his activities in Harrisburg and his efforts in developing a regional traffic strategy with the local Regional Traffic Committee.

B. CITIZENS CONCERNS

1. Harvey Kazatsky – Mr. Kazatsky, President of the Holland Preserve Community Association requested deferral of the proposed dedication of Holland Preserve because of problems the Association is having with the developer.
2. Library Renovation and Addition – The following residents all spoke in favor of full funding for the Northampton Township Library renovation and addition project
Jeffrey Meek (Library Board member)
Rena Goldhahn, 31 Schan Drive
Sydell Gross, 64 Mohawk Drive
Julia Snarski, 96 Mulberry Drive
Mary Evangelisto, 25 Evan Road.

- C. APPROVAL OF MINUTES – This matter was deferred to the business meeting of October 27, 2004 at the request of members of the Board.
- D. CONTINUATION OF PUBLIC HEARING – PROPOSED ORDINANCE – PETITION FOR ZONING CHANGE – SUMMERS – At the request of the applicant this public hearing has been continued to the public meeting of October 27, 2004.
- E. CONTINUATION OF GIAIMO – PRELIMINARY LAND DEVELOPMENT – Chairman Friedman opened a public hearing to consider a preliminary land development filed by Giaimo Brothers of Richboro, PA. The application calls for the redevelopment of an existing shopping center on approximately 8 acres on the southwest corner of Second Street Pike and Almshouse Road (TMP#31-9-3, 4,5,6,7,8,10,10-1). The redevelopment involves the construction of a neighborhood shopping center with a 26,000 square foot retail/office building and a 4,500 square foot drive-in bank. The property also includes the recently relocated Spread Eagle Inn building, which is to contain offices. The plan was prepared by Boucher & James Inc., dated April 30, 2002 and last revised September 30, 2004. These plans have been revised in accordance with several previous meetings, the latest being the public meeting of September 8, 2004

The following residents addressed the Board:

1. Barry Klein (Ohev Shalom) – Mr. Klein spoke in favor of the access road.
2. Sylvia Amato, 570 Bustleton Pike – Ms. Amato spoke regarding the sign that is presently on Second Street Pike.

The following letters are on file and should be noted for the record:

1. Township Engineer's letters of June 10, 2002, January 3, June 16, August 5, 2003 and October 13, 2004
2. Northampton Township Planning Commission's letters of February 11 and July 17, 2003
3. Bucks County Planning Commission's letter of June 19, 2002
4. Township Planner's letters of July 11 and December 27, 2002 and, June 13, 2003
5. Northampton Bucks County Municipal Authority's letter of June 26, 2002
6. Del Val Consultants' letter of April 7, 2003

After a brief presentation by Tom Hecker, attorney for Giaimo Brothers and comments by the Board, a motion (Friedman-Palestina) was passed by unanimous vote, approving the Giaimo Preliminary Land Development, as originally drawn by Boucher & James, Inc., dated April 30, 2002 and last revised September 30, 2004 subject to the following conditions and comments:

1. Reverse Access Easements – The plans need to be revised to show the construction of the interconnection roadway to the edge of the property and noting the existing and revised access/egress easement on the Ohev Shalom property.
2. Detention Basin/Ohev Shalom Easement Agreement – Documents satisfactory to the Township Solicitor must be submitted addressing the following:
 - a. Agreement of applicant and Ohev Shalom for locating construction and continued maintenance of detention basin.
 - b. Agreement of applicant and Ohev Shalom for the location of the access/egress easement and the maintenance of any improvements constructed therein (if and when they are constructed).
3. Approved Waivers
 - a. Plan data within 400 feet of the site.
 - b. Depth of cover being provided is 2.25 feet is acceptable to the Township Engineer.
 - c. A section of sidewalk is to be constructed adjacent to the curb aligned with the recently constructed sidewalk along Almshouse Road to the first intersection after which a 4-foot grass strip is provided, to the satisfaction of the Township Engineer.
4. Final Plan Approval Warning – Escrow and development agreements will be required to be executed by the applicant and the Township before signing and recording final linen plans. Such escrow and development agreements, obviously, will cover not only public improvements but also the private improvements shown on this plan as well as the inspection costs for those improvements. The Board should determine that the applicant understands and is willing to enter into said agreements as well as the necessary contributions and outside agency approvals (i.e. Penn DOT) before accepting a final plan submission.
5. Retaining Wall - A letter needs to be furnished from the Municipal Authority indicating that they have no objection to the relocation of a retaining wall in the sanitary sewer easement before submitting a final plan.
6. Sign Details – The plans need to be revised showing the height of the wall sign on the First Trust Bank building. Only one sign is permitted and only on the building's front, in accordance with current zoning regulations.
7. Tenants – A note should be placed on the plan reminding all tenants/occupants of the buildings on this property of the need to obtain approval from the Board of Supervisors for any/all changes referenced in the deed restriction affecting the property as a result of the sale of the Spread Eagle Inn.

8. Architectural Plans/Renderings – A note should be placed on the plan indicating that plans must be formally submitted to the Board of Supervisors in compliance with deed instructions prior to any approval of a building permit.

The applicant was reminded to make all of the above referenced changes to the preliminary plan and to submit that plan to the Township Administration for the Township Engineer's review and certification. Only upon the Township Engineer's certification that the preliminary plan is official and that the plan meets the above-mentioned conditions will the Board of Supervisors be willing to accept a final plan submission.

- F. WILLOW ESTATES – PRELIMINARY MAJOR SUBDIVISION – Chairman Friedman opened a public hearing to consider a preliminary major subdivision filed by Anthony D. Cino of Yardley, PA. The application submitted is for the subdivision of TMP#31-15-134. The property is located in the R-2 Residential District and consists of 10.4053± acres. The application proposes the subdivision of 1 lot into 6 lots. The property is located on Bustleton Pike in close proximity to its intersection with Lower Holland Road. The plan accompanying the application was drawn by Tri-State Engineers & Land Surveyors, Inc., under the seal of Wayne R. Kiefer, dated February 20, 2004, last revised August 18, 2004.

The following letters are on file and should be noted for the record:

1. Township Engineer's letters of March 16 and September 13, 2004
2. Northampton Township Planning Commission's letters of June 15 and July 16, 2004
3. Bucks County Planning Commission's letter of March 26, 2004
4. Township Planner's letter of April 15, 2004
5. Northampton Township Police Department's letter of April 29, 2004

After a brief presentation by the applicant and comments from the Board, a motion (Friedman-Komelasky) was passed by a 4-0-1 vote (Kinney abstaining), approving the Willow Estates Preliminary Major Subdivision, dated February 20, 2004, last revised August 18, 2004 be approved subject to the following conditions and comments:

1. Open Space – The applicant must submit a fee in lieu of open space before submitting final plans.
2. Bustleton Pike – The applicant must receive approval from the Pennsylvania Department of Transportation for the methodology of handling access/egress and turning movements.

3. Sidewalks – A fee in lieu of sidewalks is to be provided for the all road frontage.
4. Homeowners Association – A homeowners association will need to be created which will be responsible for the new road (Sager Place), all of the open space and the stormwater management system. The applicant was reminded that homeowners association documents would need to be submitted and approved by the Township Solicitor.
5. Public Water and Sewer- The applicant must furnish written certification from Northampton Bucks County Municipal Authority indicating that water and sewer is feasible and that the plans are acceptable.
6. Curb Radius – Sager Place – The preliminary plans should be revised to show curb radius for Sager Place in accordance with Section 118.34.A.
7. Street Trees – The preliminary plans need to be revised showing suitable trees along Bustleton Pike, Lower Holland Road and Sager Place, to the satisfaction of the Township Engineer.
8. Infiltration Bed – The preliminary plans need to be revised to show appropriate levels for the infiltration bed, to the satisfaction of the Township Engineer.
9. Sedimentation Basin – The preliminary plans need to be revised to show different locations for the subsurface detention basin and the sedimentation basin, to the satisfaction of the Township Engineer.
10. Percolation Testing – The applicant must submit percolation tests conducted to Tri-State Engineers, to the satisfaction of the Township Engineer before submitting final plans.
11. Additional Inlet – The preliminary plans need to be revised showing an additional inlet, to the satisfaction of the Township Engineer.
12. Traffic Island – The preliminary plans need to be revised showing the proposed sidewalk and handicap curb ramp passing through the island/separator, to the satisfaction of the Township Engineer.
13. Lot 1 Note – The preliminary plans need to be revised by removing Lot 1 Note as it pertains to a previous submission when the driveway for Lot 1 was put out to Bustleton Pike.
14. Landscaping – The preliminary plans need to be revised by showing the Norway spruce trees to be planted will be of a minimum height of 5 to 6 feet.

15. Stormwater Management Considerations –

- The time of concentration and the stormwater calculations should be re-analyzed by the applicant's engineer and re-submitted to the Township Engineer.
- Hydrographs for all storms must be submitted with stormwater calculations, to the satisfaction of the Township Engineer.
- The applicant needs to address the post development peak rate of runoffs for the one-year and two-year storm, to the satisfaction of the Township Engineer.
- The frequency and specific maintenance items required for the seepage bed and the storm sewer collection system should be listed on the preliminary plan, to the satisfaction of the Township Engineer

16. Landscape Buffer for Lot 1 – The preliminary plans need to be revised showing some form of landscape buffer on Lot 1 along this property line, as recommended by the Planning Commission. To ensure that this landscape buffer is preserved, some form of easement would be appropriate in the area where this landscaping is to be installed, to the satisfaction of the Township Solicitor.

17. Fees and Development Agreements – The final plan submission will need to include various appropriate fees. These fees should include:

- Fee in lieu of open space,
- Fee in lieu of street lighting
- Offsite stormwater management contribution
- Entering into escrow and development agreements required with submission of final plan
- Penn DOT Highway Occupancy Permit
- Fee in lieu of sidewalk (this may not be applicable).

The applicant was reminded to make all of the above referenced changes to the preliminary plan and to submit those plans to the Township Administration for the Township Engineer's review and certification. Only upon the Township Engineer's certification that the preliminary plan is official and that the plan meets the above-mentioned conditions will the Board of Supervisors be willing to accept a final plan submission.

G. DEERFIELD NORTH LOT 128 – PRELIMINARY/FINAL MINOR SUBDIVISION

– Chairman Friedman opened a public hearing to consider a preliminary/final minor subdivision filed by Anthony D. Cino of Yardley, PA. The application submitted affects TMP#31-58-144. The property is zoned R-2 Residential having a total acreage of 1.85 acres. The application proposes the subdivision of one lot into two lots. The property is located off of Upper Holland Road and is presently the site of a very old farmhouse. The accompanying plan is drawn by Tri-State Engineers & Land

Surveyors, Inc., under the seal of Richard a. Haller, dated June 11, 2004, revised September 3, 2004.

The following letters are on file and should be noted for the record:

1. Township Engineer's letters of July 8 and September 20, 2004
2. Northampton Township Planning Commission's letter of August 13, 2004
3. Bucks County Planning Commission's letter of July 13, 2004
4. Township Planner's letter of June 29, 2004
5. Northampton Bucks County Municipal Authority's letter of July 22, 2004

After a presentation by Ed Murphy, attorney for the applicant and comments from the Board, a motion (Friedman-Kinney) was passed by unanimous vote, approving the Deerfield North Lot 128 preliminary/final minor subdivision as originally drawn by Tri-State Engineers & Land Surveyors, Inc., under the seal of Richard A. Haller, dated June 11, 2004, revised September 3, 2004 be approved subject to the following conditions and comments:

1. Flag Lots – The applicant needs to submit a deed restriction and/or covenants regarding the common driveway for both lots to ensure both lots have access and egress to their homes and that there is a common shared maintenance agreement, to the satisfaction of the Township Solicitor.
2. Open Space – The applicant should submit a fee in lieu of open space to the Township before final plans are signed.
3. Sidewalks - The applicant should submit a fee in lieu of sidewalks to the Township before final plans are signed.

The appropriate above-mentioned conditions should be made on a preliminary/final plan and submitted to the Township for the Township Engineer's certification and approval. Only upon his certification that the preliminary plan is official and that these plans meet the above mentioned conditions would the Board of Supervisors be willing to accept and execute a final plan. In addition, the Board of Supervisors may want to remind the applicant that a final plan submission will need to include the various fees such a fee in lieu of dedication of open space, a fee in lieu of sidewalks, etc. and the willingness to enter into escrow and development agreements before that final plan can be executed and recorded

- H. SETTLEMENT OF LITIGATION - POETS WALK – By unanimous vote, a motion (Friedman-Kinney) was approved authorizing the Township Solicitor to execute the Stipulation and Settlement Agreement between the Township and Judd Associates, containing those terms and provisions as referenced and/or discussed at this meeting, related to the Bucks County Court of Common Pleas matter of “In Re: Appeal of

Judd Associates from Decision of the Northampton Township Board of Supervisors, No. 7243 of 2003” and that the Agreement be submitted to the Court of Common Pleas for its approval as a full and final resolution of this instant matter.

I. INTERNAL AFFAIRS REPORT (Mr. Komelasky)

1. Budget Workshop – Mr. Komelasky announced to the public that the Board of Supervisors would be holding a budget workshop on November 8, 2004 and not on November 9, 2004 as previously announced.
2. Resolution – Distribution of Pension Funds –By unanimous vote, a motion (Komelasky-Long) approved Resolution R-04-21, a resolution authorizing the distribution of funds into the Police and Non-Uniformed Pension Funds.
3. Awarding Sale of Real Estate – By unanimous vote, a motion (Komelasky-Palestina) was passed authorizing the sale of real estate at 149 Middle Holland Road to Thomas Walsh based on his bid of \$351,200.00 and rejecting all bids received for the properties located at 115 Middle Holland Road and 1057 Almshouse Road.

J. COMMUNITY DEVELOPMENT REPORT (Dr. Friedman)

1. Dedication of Holland Preserve - At the request of residents living in the Holland Preserve development, the Board of Supervisors delayed consideration of this matter to a future date until a consulting engineer, hired by the residents, has completed his investigation and has submitted a report on his findings to the Township Engineer regarding the expressed concerns of the residents.

K. PUBLIC SAFETY REPORT (Mr. Palestina)

1. Signalization Project Update – Mr. Palestina acknowledged the signalization project update submitted by the Township Administration.
2. Authorization to Advertise for Bids – Police Uniforms – By unanimous vote, a motion (Palestina-Komelasky) was passed authorizing the Township Administration to advertise for bids for police uniforms to be received on Friday, November 5, 2004.
3. Stop Bar at Richboro Shopping Center – Mr. Palestina requested that the Township Administration contact the owners to see if a stop bar could be painted on one of the traffic aisles at the Shopping Center.

L. PUBLIC WORKS REPORT (Mr. Long)

1. Award Contract for Road Salt – By unanimous vote, a motion (Long-Kinney) was passed awarding the contract for road salt to International Salt Co., located in Clarks Summit, PA, at their bid price to the Bucks County Consortium of \$47.83 per ton.
2. Snow and Ice Removal Agreement with Village Shires Community Association – By unanimous vote, a motion (Long-Komelasky) was passed authorizing the execution of the snow and ice removal agreement with Village Shires Community Association for the upcoming winter season as proposed by the Township Administration.
3. Central Bucks Chamber of Commerce – Mr. Long announced to the Board and the public that the Central Bucks Chamber of Commerce recently honored Mr. Komelasky for saving a life of an attendee at a recent dinner meeting.

M. COMMUNITY FACILITIES AND SERVICES AND TREASURER'S REPORT
(Mr. Kinney)

1. Accounts Payable - The accounts payable listing of October 13, 2004 was approved by unanimous consent.
2. Award Contracts – Northampton Township Library Addition and Renovation Project – A motion (Kinney-Palestina) was passed by unanimous vote, awarding the following contracts for the renovations and addition to the Northampton Township Library:
 - a. General Construction to Twining Construction Co. Inc. in the amount of \$2,387,760
 - b. Mechanical Contract to Eastern Construction Associates, Inc. in the amount of \$431,000
 - c. Plumbing Contract to APEX Plumbing, Heating & Mechanical Contractors, Inc. in the amount of \$123,900
 - d. Sprinkler Contract to APEX Plumbing, Heating & Mechanical Contractors, Inc. in the amount of \$180,500

There being no further business, Dr. Friedman adjourned the meeting at 12:30 am.

Respectfully submitted,

D. Bruce Townsend
Township Manager