A Workshop meeting of the Upper Southampton Township Board of Supervisors was held on Monday, January 6, 2003, at 7:00PM in the First Floor Conference Room at the Township Building, 939 Street Road, Southampton, PA 18966.

MEMBERS PRESENT: Keith Froggatt, Chairman
Walter Stevens, Vice Chairman
Lola Biuckians, Secretary/Treasurer
Stephen Ullrich, Assistant Secretary/Treasurer
Estelle Brager, Member

ALSO PRESENT: Joseph Golden, Township Manager

Ch. Froggatt called the meeting to order at 7:00PM. A quorum was established.

The Board of Supervisors interviewed candidates for various Boards and Commissions.

David Hochberg, 1460 Beaver Road, stated his interest in the Park and Recreation Board. Mrs. Brager stated that there is a vacancy on the Planning Commission and asked if Mr. Hochberg was interested. She stated that he would have her support for the planning Commission. Mrs. Brager asked Mr. Hochberg about his interest in the Park and Recreation Board. Mr. Hochberg stated that he has been retired for three (3) years and would like to be more active with the Township. He stated that he is currently on the Fire Prevention Board of Appeals, but they meet infrequently. He stated that Mr. Held informed him of the vacancy on the Park and Recreation Board. Mr. Hochberg stated that he did not want to see any further development in Tamanend Park, however, should a comprehensive survey indicate further needs within the Park, he would be objective. Ch. Froggatt asked if he was interested in any other Board. Mr. Hochberg stated he would be interested in the Planning Commission. Ch. Froggatt stated that appointments would be made at the Reorganization Meeting.

Karl Rahmer, 1017 Yerkes Road, stated his interest in the Park and Recreation Board. Mrs. Biuckians stated that he had been on the Park and Recreation Board previously, and asked why he would like to come back. Mr. Rahmer stated that he volunteers frequently, and would like to be a part of the decision making in regards to the Park. He stated that his experience with the Park would be beneficial. Mr. Ullrich asked if Mr. Rahmer had involvement with any of the sports clubs. Mr. Rahmer stated he did not. He stated that he helped at the Community Center with different functions. Mrs. Brager stated that his active involvement with the Park would benefit the Township. Ch. Froggatt asked if he would be interested in any other Board vacancy. Mr. Rahmer stated that he was not familiar with other Boards but is open for discussion. Ch. Froggatt stated that there are vacancies on the Environmental Advisory Board, Cable Advisory Board, and the Library Board. Mrs. Biuckians stated that there were several volunteers for Boards that only have one vacancy and that the Board of Supervisors did not want to lose these volunteers and hoped that they would consider other Boards.

Being no further business to come before the Board, A MOTION WAS MADE BY MR. STEVENS TO ADJOURN AT 7:20PM; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Respectfully submitted,
Lola Biuckians
Secretary/Treasurer
A regular meeting of the Upper Southampton Township Board of Supervisors was held on Tuesday, February 4, 2003, at 7:30PM in the Library Meeting Room, 947 Street Road, Southampton, PA 18966.

MEMBERS PRESENT: Lola Biuckians, Chairperson  
Stephen Ullrich, Vice-Chairman  
Walter C. Stevens, Secretary/Treasurer  
Keith Froggatt, Asst. Secretary/Treasurer  
Estelle Brager, Member  

ALSO PRESENT: Joseph Golden, Township Manager  
Donald E. Williams, Township Solicitor  
John Baionno, Tri-State Engineer

The meeting was called to order by Ch. Biuckians at 7:30PM. A quorum was established.

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS AND REPORTS

Ch. Biuckians stated that an Executive Session was held prior to the regular meeting to discuss litigation and personnel.

Ch. Biuckians on behalf of the Board of Supervisors, extended sympathy to employee Carol Carver on the loss of her father, Edwin Oldroyd. Mr. Oldroyd was a Township Supervisor from 1964 to 1967.

Ch. Biuckians stated that the Southampton Kiwanis Club celebrated their 40th birthday on January 21, 2003. The International Kiwanis Club bestowed their highest honor to Willie Schaefer.

Tony Scheivert, Park and Recreation Director, presented monetary awards to the winners of the Holiday House Decorating Contest. He thanked all residents who entered the contest, and the Park and Recreation judges. The winners are as follows:

- Joseph Gannon - Third Prize
- Stanley Foster - Second Prize
- Ronald Gilbert - First Prize
- James Dougherty - Grand Prize

COMMUNITY CONCERNS

There were no community concerns.

APPROVAL OF THE WORKSHOP MEETING MINUTES OF DECEMBER 17, 2002:

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE THE WORKSHOP MEETING MINUTES OF DECEMBER 17, 2002; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.
APPROVAL OF THE REGULAR MEETING MINUTES OF DECEMBER 17, 2002:

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE THE REGULAR MEETING MINUTES OF DECEMBER 17, 2002; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

APPROVAL OF THE REORGANIZATION MEETING MINUTES OF JANUARY 6, 2003:

A MOTION WAS MADE BY MR. STEVENS TO APPROVE THE REORGANIZATION MEETING MINUTES OF JANUARY 6, 2003 AS AMENDED; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

APPROVAL FOR PAYMENT OF THE DECEMBER 31, 2002 INVOICES:

Mr. Golden presented the accounts payable for December 31, 2002 invoices:

- General Fund - 357.21
- Street Lighting Fund - 370.00
- Park & Recreation Fund - 802.36

APPROVAL FOR PAYMENT OF THE DECEMBER 31, 2002 INVOICES:

Mr. Golden presented the accounts payable for December 31, 2002 as follows:

- General Fund - 15,186.54
- Street Lighting Fund - 9,247.89
- Park & Recreation Fund - 2,238.41
- Garbage & Refuse Fund - 26,063.96
- Capital Projects Fund - 2,588.21
- Storm Water Capital Reserve Fund - 1,114.00
- Highway Aid Fund - 10,072.05

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE FOR PAYMENT THE DECEMBER 31, 2002 INVOICES, IN THE AMOUNT OF $66,511.06, AND THE ESCROW INVOICES IN THE AMOUNT OF $7,422.26; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Mr. Golden presented the accounts payable for January 22, 2003 as follows:

- General Fund - 25,051.05
- Park & Recreation Fund - 192.03
- Garbage & Refuse Fund - 71,971.67
- Capital Projects Fund - 4,150.00
- Highway Aid Fund - 508.34

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE FOR PAYMENT THE JANUARY 22, 2003 INVOICES, IN THE AMOUNT OF $101,873.09; SECONDED BY MR. ULLRICH; Mr. Stevens abstained from page 1, Vendor 901; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

PUBLIC HEARING AND CONSIDERATION OF ADOPTING AN ORDINANCE AUTHORIZING THE INCURRENCE OF ELECTORAL DEBT BY THE ISSUANCE OF A GENERAL OBLIGATION NOTE, SERIES OF 2003, IN THE PRINCIPAL AMOUNT OF $2,000,000:

Mr. Golden stated that the Township will borrow the money at a variable rate for a twenty (20) year period.
A MOTION WAS MADE BY MRS. BRAGER TO ADOPT ORDINANCE #355, AUTHORIZING THE INCURRENCE OF ELECTORAL DEBT BY THE ISSUANCE OF A GENERAL OBLIGATION NOTE, SERIES OF 2003, IN THE PRINCIPAL AMOUNT OF $2,000,000; SECONDED BY MR. STEVENS; MRS. BRAGER VOTES AYE; MR. STEVENS VOTES AYE; MR. ULLRICH VOTES AYE; MR. FROGGATT VOTES AYE; CH. BIUCKIANS VOTES AYE; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF APPROVING CHANGE ORDER #1, IN THE AMOUNT OF $2,600.00, FOR THE SOUTHAMPTON CREEK BANK STABILIZATION-TOLL DRIVE PROJECT:

Mr. John Baionno stated that field conditions required twenty (20) additional linear feet for Creek Bank stabilization. Mr. Ullrich asked if other bidders on the project, anticipated that 180 feet would need stabilization rather than 160 feet. Mr. Baionno stated that no one anticipated the additional footage.

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE CHANGE ORDER #1, IN THE AMOUNT OF $2,600 FOR THE SOUTHAMPTON CREEK BANK STABILIZATION-TOLL DRIVE PROJECT; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF AWARDING A BID FOR THE CONSTRUCTION OF A BIO-RETENTION BASIN AND CONSTRUCTED WETLANDS:

Mr. Golden stated that a bid opening was held on Tuesday January 7, 2003 for the Bioretention Basin/Constructed Wetlands project. He stated that this project is being funded by the Growing Greener Grant. Mr. Golden stated that the Growing Greener grant is for $98,000. He stated that Phase 1, the Southampton Creek Bank Stabilization-Toll Drive project cost $48,400, which will leave a shortfall of $10,753 upon completion of the Retention Basin/Constructed Wetlands project. Mr. Golden stated that he has requested $10,753 additional grant funds from the State. He stated that this amount could be funded from the Capital Projects Fund if additional grant money is not available.

The following bids were received:

- H.L. Nyce & Son Excavating, Inc. - 60,353.00
- S & H Landscaping - 79,856.37
- Associated Paving Contractors, Inc. - 90,494.95
- Garden State Landscaping - 118,291.15
- All American Environmental Services - 124,755.84

Tri-State Engineers and the staff recommend that the Board of Supervisors award a contract to H. L. Nyce & Son Excavating, Inc. for the Bioretention Basin/Constructed Wetlands project.

Mr. Stevens asked if the bidders provided references.

A MOTION WAS MADE BY MR. FROGGATT TO AWARD A CONTRACT TO H. L. NYCE & SON EXCAVATING INC., FOR THE BIORETENTION BASIN/CONSTRUCTED WETLANDS PROJECT, IN THE AMOUNT OF $60,353.00; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF AUTHORIZING THE TOWNSHIP ENGINEER TO PREPARE A PROPOSAL TO EVALUATE PENNDOT’S PROPOSED STORMWATER MANAGEMENT PLANS FOR COUNTY LINE ROAD EXPANSION PROJECT:

Mr. Hans Peters, 975 Woods Road, member of the Environmental Advisory Council, stated that the PennDOT County Line Road expansion project, the Southampton Creek Stabilization project, and the Bioretention Basin/Constructed Wetlands project are of environmental concern. He asked that the Board include the Environmental Advisory Council in discussions so that they may advise the Board of Supervisors on the environmental issues.
Mrs. Brager stated that she has requested Tri-State Engineers copy review letters to the Environmental Advisory Council.

Merrie Clancy, 1447 County Line Road, stated that residents should review PennDOT’s proposals carefully.

Ch. Biuckians stated that the Board of Supervisors is requesting Tri-State Engineers provide a cost to review PennDOT’s stormwater management plans to see how they will impact Southampton. She stated that when the Township receives these plans, they will be available to the Environmental Advisory Council and residents.

Mr. Stevens stated that to expedite the review of PennDOT’s plans, the Board should specify a not to exceed cost.

Mr. Ulrich stated that the Environmental Advisory Council and the Planning Commission should be involved with this project.

A MOTION WAS MADE BY MR. ULLRICH AUTHORIZING THE TOWNSHIP ENGINEER TO REVIEW AND EVALUATE PENNDOT’S PROPOSED STORMWATER MANAGEMENT PLANS FOR THE COUNTY LINE ROAD EXPANSION PROJECT, AT A COST NOT TO EXCEED $3,500; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF APPROVING RESOLUTION #2003-3, AUTHORIZING LIBERTY INSPECTION GROUP TO SERVE AS ONE OF THE UNDERWRITERS FOR ELECTRICAL INSPECTIONS WITHIN THE TOWNSHIP:

Mr. Golden stated that the Township currently has outside agencies that are used for electrical inspections under the Township electrical code. Township residents must use one of these agencies. Liberty Inspection Group is requesting appointment as an electrical inspector. They have met the criteria required by the Township.

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE RESOLUTION #2003-3, AUTHORIZING LIBERTY INSPECTION GROUP TO SERVE AS ONE OF THE UNDERWRITERS FOR ELECTRICAL INSPECTIONS WITHIN UPPER SOUTHAMPTON TOWNSHIP; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF MAKING VARIOUS APPOINTMENTS:

HISTORICAL ADVISORY BOARD:

A MOTION WAS MADE BY MR. FROGGATT TO REAPPOINT MR. JAMES DAY TO A THREE (3) YEAR TERM EXPIRING DECEMBER 31, 2005 ON THE HISTORICAL ADVISORY BOARD; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

SPECIAL LEGAL COUNSEL FOR NJ DEP LITIGATION:

Mr. Williams stated that Upper Southampton Township has been named in a New Jersey State lawsuit, brought in as a third party defendant, on an allegation that Upper Southampton Township was a generator of waste that ended up in a New Jersey landfill. Mr. Williams recommended that the Board of Supervisors appoint New Jersey legal counsel, Joseph R. Lalley, Esquire. He stated that Mr. Lalley has experience with this type of litigation.

A MOTION WAS MADE BY MR. FROGGATT TO APPOINT MR. JOSEPH R. LALLEY, ESQUIRE, AT A RATE OF $100.00/HOUR AS A SPECIAL COUNSEL FOR NJ DEP LITIGATION; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.
COURT LIAISON FOR POLICE DEPARTMENT:

A MOTION WAS MADE BY MR. ULLRICH ESTABLISHING THE COMPENSATION FOR THE COURT LIAISON AT $2,500 FOR THE YEAR 2003, EFFECTIVE JANUARY 27, 2003, THE PERSON TO BE APPOINTED BY THE CHIEF OF POLICE; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF ESTABLISHING THE DATE AND TIME FOR A ROAD AND STORMWATER PROJECT TOUR:

The Board of Supervisors discussed dates for a road tour and stormwater project tour. Ch. Biuckians stated that the road tour should be scheduled soon.

A MOTION WAS MADE BY MR. ULLRICH TO ADVERTISE THE 2003 ROAD TOUR AND STORMWATER PROJECT TOUR FOR FEBRUARY 9, 2003 AT 1:00pm; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

OTHER BUSINESS

Mrs. Brager asked if SEPTA has responded to the Township requests regarding the Southampton Train Station. Mr. Golden stated that Mr. Stan Kadish, representative from SEPTA will be contacting Mr. Williams shortly.

Kathy Mendla, 975 Woodland Drive, asked about the NJ DEP litigation. Mr. Williams explained that Upper Southampton Township was named in the lawsuit but there has been no documentation forwarded to the Township documenting the trash taken to the landfill.

Mr. Ullrich asked for an update on the Township's Cable Franchise Agreement. Mr. Golden stated that he is in the process of scheduling a public hearing.

Mr. Ullrich thanked the Public Works Department for repairing potholes in the Township. He asked residents to inform the Township of any other potholes found.

Ch. Biuckians asked the Public Works Department to correct a road sign on Churchville Road and Mr. Froggatt asked the Public Works Department to change the stop sign on Cybus Way.

SOLICITOR'S REPORT

Mr. Williams stated that his written report was submitted previously. Mrs. Brager asked Mr. Williams about the Rule 27 Conference for Commerce Bank. Mr. Williams stated that a Rule 27 Conference, a local rule of Bucks County, is requested by one of the parties by motion. The attorneys meet with the assigned judge to discuss disposition of the case.

ADJOURNMENT

Being no further business to come before the Board, A MOTION WAS MADE BY MR. ULLRICH TO ADJOURN AT 8:30PM; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Respectfully submitted,
Walter C. Stevens
Secretary/Treasurer
A Workshop meeting of the Upper Southampton Township Board of Supervisors was held on Tuesday, February 4, 2003, at 6:00PM in the First Floor Conference Room at the Township Building, 939 Street Road, Southampton, PA 18966.

MEMBERS PRESENT: Lola Biuckians, Chairperson
Stephen Ullrich, Vice Chairperson
Walter C. Stevens, Secretary/Treasurer
Keith Froggatt, Assistant Secretary/Treasurer
Estelle Brager, Member

ALSO PRESENT: Joseph Golden, Township Manager
Larry Young, Township Engineer

Ch. Biuckians called the meeting to order at 6:00PM. A quorum was established.

Ch. Biuckians asked what funds are available for storm water management for 2003. Mr. Golden stated that $113,500 is available in Fund 18, $211,000 is available in Fund 32, and $59,000 is remaining in Fund 32 from the turnpike settlement. An additional $36,000 is available in Fund 32 for engineering and soliciting costs. Total available funds are $324,500 for stormwater projects.

Mr. Stevens asked if the Township was ready to go out for bid on several of the stormwater projects.

Larry Young stated that the Board of Supervisors authorized Tri-State to prepare the designs for Miller Drive and the Cybus Way, Cherry Lane, Pinewood Drive, and Carlin Drive projects. The Miller Drive project design is complete and has been submitted to the Conservation District and to the DEP for permits. This project can be started in early spring once permits are received. Mr. Young stated that the Cybus Way, Cherry Lane, Pinewood Drive, and Carlin Drive project design is complete, and is ready to submit for permits.

The Board of Supervisors reviewed all projects:

Cybus Way, Cherry Lane, Pinewood Drive, Carlin Drive, Project #1- Most work on this project is to be completed in the right of way. An easement at the end of Carlin Drive is needed. This project will be completed in early spring by the Public Works Department provided all permits are received, and the easement is obtained. The patch paving for this project will be completed with stormwater funds.

945 and 950 E. Maple Drive, Project #2- Easement issue is not resolved.

Hillside Drive/Hillside Farms, Project #3- Revised plans have been submitted to the two (2) residents most affected, including the resident whose property is proposed is proposed for a retention basin. The Township is awaiting a response from these residents. If approval is received at this stage, the Township will review plans and meet with all affected throughout the project. This project is not ready for construction until the easements are obtained.

Miller Drive, Project #4- This project will need a seven foot trench is some areas. One easement needs to be obtained. The project will be contracted out, and should be ready for bid in the spring.

Yale Drive/New Road Alternate #1, Project #5- The Township Engineer needs authorization to design this project. No permits are needed, however Conservation District approval is necessary. This project will be contracted out.
Whitney Road/Waverly Road Phase I and II, Project #6- The Township Engineer needs authorization to design this project. No permits are needed for Phase I, however Conservation District approval is necessary. Phase II will need a DEP permit. Easements must be obtained for Phase I and Phase II. Phase I and Phase II of this project will be contracted out.

Casey Circle Box Culvert, Project #7- Information was sent to several residents last year regarding easements. One resident responded. The culvert work cost is approximately $69,000. An additional $30,000 is required to offset the gas main. This project is put on hold due to easements and cost.

Gravel Hill Road Culvert, Project #8- This project has already been authorized, but needs approval from the railroad. Once permits are received, and temporary access easements are obtained this project can be completed.

Gravel Hill Road, Project #9- The Township Engineer needs authorization to proceed with this project. The project is in the right-of-way and can be completed by the Public Works Department. The Water & Sewer Authority is working in this area, and should they not complete the paving, money is available to the Township to help with this project. The Public Works Department will provide the labor.

Marigold Avenue/Pipe Repair, Project #10- This project needs authorization.

Southampton Creek Restoration, Project #11- This project is waiting for the design from the U.S. Fish and Wildlife Service. The design should be completed by the end of this year, and construction completed two years later.

Ch. Biuckians stated that all costs for each project must be documented. This includes labor, materials, engineering costs and any other fees.

Mr. Williams explained the process for attaining easements.

Residents thanked the Board of Supervisors for moving ahead on the stormwater projects.

Being no further business to come before the Board, A MOTION WAS MADE BY MR. ULLRICH TO ADJOURN TO EXECUTIVE SESSION AT 6:55PM; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Respectfully submitted,
Walter C. Stevens
Secretary/Treasurer
UPPER SOUTHAMPTON TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
FEBRUARY 4, 2003

A regular meeting of the Upper Southampton Township Board of Supervisors was held on Tuesday, February 4, 2003, at 7:30PM in the Library Meeting Room, 947 Street Road, Southampton, PA 18966.

MEMBERS PRESENT: Lola Biuckians, Chairperson
Stephen Ullrich, Vice-Chairman
Walter C. Stevens, Secretary/Treasurer
Keith Froggatt, Asst. Secretary/Treasurer
Estelle Brager, Member

ALSO PRESENT: Joseph Golden, Township Manager
Donald Williams, Township Solicitor
Larry Young, Township Engineer

The meeting was called to order by Ch. Biuckians at 7:30PM. A quorum was established.

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS AND REPORTS

Ch. Biuckians asked for a moment of silence for the Astronauts who gave their lives for science and for the Ullrich family who lost a member of their family.

Ch. Biuckians stated that a Workshop and an Executive Session to discuss litigation and personnel was held prior to the regular meeting.

COMMUNITY CONCERNS

Kathryn Mendla, 975 Woodland Avenue, stated that Ellie Baranowski, Phyllis Ullo, and she felt that the final report for the Rails to Trails Citizen's Task Force was one-sided, and submitted a different report to the Board of Supervisors.

Carl Loscalzo, 360 Holly Drive, member of the Environmental Advisory Counsel and the Southampton Watershed Association, stated that a watershed meeting will be held on Monday, February 10, 2003 at 7:00PM in the Library Conference Room. The guest speaker will be Carey Furlo, Wildlife Technician, who will discuss Canadian Geese. All are welcome.

Mr. Loscalzo, on behalf of the Environmental Advisory Council, presented a letter that requested they meet any perspective candidates before the Board of Supervisors appoints them to the Environmental Advisory Council.

Robert Shaffer, 1150 Mill Creek Road, asked about the Southampton Train Station. Mr. Golden stated that SEPTA has been contacted regarding a temporary and long term lease, and is considering the request.

Merrie Clancy, 1447 County Line Road, asked if the Township Engineer has received engineering plans from PennDOT regarding the Woodhaven Road extension project. Mr. Young stated that he had a meeting scheduled for Wednesday, February 5, 2003. Ms. Clancy stated that she asked Senator Greenleaf to intercede with PennDOT with a request to postpone the Environmental Study to a later date so that Upper Southampton Township has more time to review.
APPROVAL OF THE WORKSHOP MEETING MINUTES OF JANUARY 6, 2003:

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE THE WORKSHOP MEETING MINUTES OF JANUARY 6, 2003; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

APPROVAL OF THE REGULAR MEETING MINUTES OF JANUARY 22, 2003:

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE THE REGULAR MEETING MINUTES OF JANUARY 22, 2003, AS AMENDED; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

APPROVAL FOR PAYMENT OF THE DECEMBER 31, 2002 INVOICES:

Mr. Golden presented the accounts payable for December 31, 2002 invoices:

- General Fund - 357.21
- Street Lighting Fund - 370.00
- Park & Recreation Fund - 802.36

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE FOR PAYMENT THE DECEMBER 31, 2002 INVOICES, IN THE AMOUNT OF $1,529.57; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Mr. Golden presented the accounts payable for December 31, 2002 invoices:

- General Fund - 149,767.02
- Street Lighting Fund - 7,145.62
- Fire Hydrant Tax Fund - 7.75
- Fire Protection Fund - 61.95
- Park & Recreation Fund - 15,372.23
- Library Tax Fund - 108.44
- Rescue Squad Tax Fund - 30.97
- Garbage Tax Fund - 8,361.41
- Capital Projects Fund - 130.00
- General Sinking Fund - 139.38
- Storm Water Capital Reserve Fund - 1,110.00
- Highway Aid Fund - $4,937.41

A MOTION WAS MADE BY MR. STEVENS TO APPROVE FOR PAYMENT THE FEBRUARY 4, 2003 INVOICES, IN THE AMOUNT OF $187,172.18; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

PRESENTATION BY SOUTHAMPTON BASEBALL ASSOCIATION FOR PERMISSION TO INSTALL A WATER LINE AT THE COMMUNITY CENTER BALL FIELDS:

Rick Grillone, 752 Sycamore Drive, Executive Board member of the Southampton Baseball Association, requested approval for the installation of a new water service. This service would provide the baseball club with a better system for field maintenance. Mr. Grillone stated that the Southampton Water Authority has agreed to install a new meter pit that will supply the water. A registered plumber will install grade level, non-freezing type hose bib water hydrants. The Baseball Organization will cover the $6,255 cost of the water hydrants but is requesting the Township fund one or two water fountains at a cost of $2,084 each.

Mr. Ullrich asked the height of the water fountain, and if the proposed location would interfere with baseball play. Mr. Grillone stated that the fountain is about 40” high and that it should not interfere.
Mrs. Biuckians asked if the Park & Recreation Board reviewed the water hydrants and water fountain. Mr. Grillone stated that the hydrants were recommended for approval but that the Park and Recreation Board had not committed to funding the water fountains.

Mr. Williams asked if the water lines would be owned by the Township, and explained to the Board of Supervisors that the Township Engineer may want to review the specifications and codes for this project.

Pat Myers, Chairman of the Park and Recreation Board stated that the Park and Recreation Board did not feel the two water fountains were in their budget for this year.

Ch. Biuckians asked that the Park & Recreation Director discuss the overseeing of this project with the Park & Recreation Board and determine if the water fountains could be included in this year's budget or next year's budget.

DISCUSSION OF THE PROPOSED TREE PROTECTION REGULATIONS:

Mr. Williams stated that he has drafted a tree protection ordinance that establishes regulations for woodlands and wooded areas. Ch. Biuckians requested the draft ordinance be reviewed by the Planning Commission, the Environmental Advisory Council, and the Shade Tree Commission. Mr. Golden will provide copies to the appropriate Boards and Commissions for review prior to discussion by the Board of Supervisors.

DISCUSSION OF A NO IMPACT BASED BUSINESS ORDINANCE:

Mr. Williams stated that in December 2002 the Pennsylvania Municipalities Planning Code was amended by the Commonwealth of Pennsylvania to require all residential zoning districts within the state include a No Impact Home Based Business use. A No Impact Home Based Business is defined as “a business or commercial activity as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.” The ordinance also listed nine (9) conditions which the business or commercial activity must satisfy. Mr. Williams stated that this ordinance allows residents to have home based businesses provided that they comply with the requirements of the ordinance.

Mrs. Brager stated that the ordinance is too vague. She stated that the ordinance should have more stringent definitions and should include other buildings on the property. She stated that she would not support the ordinance.

Ch. Biuckians stated that this is a draft ordinance and requested it be reviewed by the Upper Southampton Township Planning Commission.

Mr. Williams stated that the regulations for No Impact Home Based Business was enacted into law by the Pennsylvania State Legislature and signed by the Governor.

Mr. Golden stated that the No Impact Home Based Business use will require a zoning permit to assure compliance with the conditions of the ordinance. Mr. Golden will submit the ordinance to the Planning Commission for review.

CONSIDERATION OF MAKING AN APPOINTMENT TO THE ENVIRONMENTAL ADVISORY BOARD:

Mr. David Hochberg submitted a letter requesting appointment to the Environmental Advisory Board. Ch. Biuckians stated that the Environmental Advisory Board would like to meet him prior to appointment, and that they will invite him to the meeting scheduled for Thursday, February 6, 2003.
OTHER BUSINESS

A MOTION WAS MADE BY MR. STEVENS TO AUTHORIZE THE SOLICITOR TO NEGOTIATE VOLUNTARY EASEMENTS FOR PROJECT #1, IDENTIFIED AS CYBUS WAY, CHERRY LANE, PINewood DRIVE, AND CARLIN DRIVE; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

A MOTION WAS MADE BY MR. STEVENS TO AUTHORIZE THE SOLICITOR TO NEGOTIATE VOLUNTARY EASEMENTS FOR PROJECT #4, IDENTIFIED AS MILLER DRIVE; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

A MOTION WAS MADE BY MR. STEVENS TO AUTHORIZE TRI-STATE ENGINEERS TO DESIGN STORMWATER IMPROVEMENTS ALTERNATE ONE (1) FOR PROJECT #5, IDENTIFIED AS YALE DRIVE/NEW ROAD; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

A MOTION WAS MADE BY MR. STEVENS TO AUTHORIZE THE TOWNSHIP SOLICITOR TO NEGOTIATE VOLUNTARY EASEMENTS, AND TO AUTHORIZE TRI-STATE ENGINEERS TO DESIGN PHASE I AND PHASE II OF PROJECT #6, IDENTIFIED AS WHITNEY ROAD/WAVERLY ROAD; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

A MOTION WAS MADE BY MR. STEVENS TO AUTHORIZE THE TOWNSHIP SOLICITOR TO NEGOTIATE VOLUNTARY EASEMENTS, AND TO AUTHORIZE TRI-STATE ENGINEERS TO DESIGN PROJECT #8, IDENTIFIED AS GRAVEL HILL ROAD CULVERT; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

A MOTION WAS MADE BY MR. STEVENS TO AUTHORIZE TRI-STATE ENGINEERS TO DESIGN PROJECT #9, IDENTIFIED AS GRAVEL HILL ROAD; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Mrs. Brager stated that 2002 minutes were available for review in the Library, and that she would put the Rails to Trails reports in the Library also.

Mrs. Brager stated that the Ad Hoc Committee should be listed as a Board and Commission and should be appointed to a one year term or staggered five year terms. Mr. Williams stated that the Ad Hoc Committee was appointed to review ways to ensure that the Earned Income Tax was being paid by all residents that were required to pay. He stated that the committee has not met in the past year. Mr. Froggatt requested that the Ad Hoc Committee meet and discuss whether this committee should still be active.

Mr. Ullrich stated that a resident recently complimented a Public Works employee for courteous service while salting the streets during the last snow fall.

Mr. Ullrich stated that the heater in the Community Center seems to be broken frequently. Mr. Golden stated that there have been numerous repairs to the heater and that the heater may need to be replaced.

SOLICITOR’S REPORT

Mr. Williams stated that his written report was submitted previously.

ADJOURNMENT

Being no further business to come before the Board, A MOTION WAS MADE BY MR. FROGGATT TO ADJOURN AT 8:30PM; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Respectfully submitted,
Walter C. Stevens
Secretary/Treasurer
UPPER SOUTHWATER TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
FEBRUARY 18, 2003

A regular meeting of the Upper Southampton Township Board of Supervisors was held on Tuesday, February 18, 2003, at 7:30PM in the Library Meeting Room, 947 Street Road, Southampton, PA 18966.

MEMBERS PRESENT: Lola Biuckians, Chairperson
Stephen Ullrich, Vice-Chairman
Walter C. Stevens, Secretary/Treasurer
Keith Froggatt, Asst. Secretary/Treasurer

ALSO PRESENT: Joseph Golden, Township Manager
Donald Williams, Township Solicitor
Larry Young, Township Engineer
Mark Showmaker, Fire Marshal

The meeting was called to order by Ch. Biuckians at 7:30PM. A quorum was established.

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS AND REPORTS

Ch. Biuckians stated that an Executive Session was held prior to the regular meeting to discuss a personnel matter.

- Presentation of the final report by the Rails to Trails Citizen Task Force:

Ch. Biuckians stated that a Citizens Task Force was established in the spring to research the feasibility of a pedestrian walking trail along the Newtown rail line.

Mr. Franz Kautz, Chairman of the Rails to Trails Citizen Task Force, presented the final report. He stated that the Citizens Task Force was established to study the feasibility of converting the right of way of the Newtown rail line, which has been inactive for the past twenty (20) years, to a bicycling and walking trail. The eighteen (18) member task force consisted of volunteers and members of the Upper Southampton Township Planning Commission. Mr. Kautz stated that the rail line is owned by SEPTA, which has included the reactivation of the rail line under its capital improvement program. The task force agreed that reactivating the rail line is a priority. Mr. Kautz stated that the final report was based on information received from various sources, such as a field trip to the Perkiomen Trail in Montgomery County, discussions with Mr. John Woods, Chief of Open Space Planning for Montgomery County, Mr. Charles Martin, Bucks County Commissioner, David C. Schultz, Chief of Police, Faye Moore, SEPTA General Manager, and Ms. Lynn Bush of the Bucks County Planning Commission. Mr. Kautz stated that the opinion of the majority of the members of the task force agreed that the trail would benefit the citizens of Upper Southampton. He stated that the trails would have some negative effects, but that there is no evidence that the trails would present a danger, increase crime, or cause physical or economic harm. Mr. Kautz stated that SEPTA will not agree to allow conversion of the right of way to the proposed trail, therefore no action is recommended.

Mr. Kautz thanked all members of the task force, and all others that helped with the preparation of the report.

Ch. Biuckians requested a copy of the report be sent to Mr. Fran Devinney, Lower Moreland Township, the Bucks County Planning Commission, and that a copy be put in the Library.
Mr. Froggatt asked if a Resolution could be prepared for the next meeting, supporting the reactivation of the rail line.

- **Presentation of commendations to the Rails to Trails Citizens Task Force:**

  Mr. Froggatt presented Certificates of Appreciation to all members of the Citizen Task Force. Ch. Biuckians expressed Township appreciation to all the members.

- **Announcement:**

  Ch. Biuckians read an announcement from the Emergency Management Director:

  Having received a number of calls from citizens with questions regarding our ability to handle a terrorist attack or a similar incident, we would like to inform the residents that our local government departments are prepared to respond. Your Emergency Management Department is working closely with the Bucks County Emergency Management Agency and the surrounding municipal Emergency Management Directors. If residents are interested in obtaining information regarding sheltering in place, they may contact one or more of these departments: FEMA - Federal Emergency Management Agency at www.fema.gov; PEMA - Pennsylvania Emergency Management Agency at www.pemapaus; CDC - United States Center for Disease Control and Prevention at www.cdc.gov; or you may get printed pamphlets on chemical emergencies and shelter in place operations at the Township building.

**COMMUNITY CONCERNS**

Kathy Bonavitacola, 1467 County Line Road, stated that several meetings have been held regarding the PennDOT proposed Woodhaven Road extension project. She stated that a Citizens group has been formed supporting the "No Build Alternative," and asked if the Board of Supervisors supported this alternative.

Ch. Biuckians stated that the Board of Supervisors has not discussed the Alternatives.

Ms. Bonavitacola asked about a meeting held with Lower Moreland Supervisors regarding the extension project.

Mr. Ullrich stated that Lower Moreland requested the meeting for the purpose of sharing information regarding the project. He stated that Mrs. Brager and he were to attend the meeting, but that Mrs. Brager asked Mr. Stevens to attend in her place. He stated that both Townships did not have a lot of information. The Townships agreed to share all information received regarding the Woodhaven Road extension project with each other and with residents. He stated that the Lower Moreland Township Supervisors have not made a decision on the build or no build alternatives. Mr. Ullrich stated that the Board of Supervisors requested the Township Engineer meet with PennDOT to review the stormwater plans for this project so that they may discuss all options and support what is best for the residents of Upper Southampton.

Ms. Bonavitacola asked the Board of Supervisors to support the No Build Alternative.

Merrie Clancy, 1447 County Line Road, asked if the Township Engineer has met with PennDOT regarding the Woodhaven Road stormwater plans. Mr. Young stated that a meeting was held with PennDOT to discuss the conceptual stormwater design. He stated that the plan he reviewed helped the drainage problem between Second Street Pike and County Line Road, and did not include the acquisition of any homes in Upper Southampton. This plan showed a basin located on the Upper Moreland side of County Line Road, and one basin on the Upper Southampton side on a vacant parcel owned by Upper Southampton. He stated that PennDOT will have no concrete calculations until a final design is prepared. Ms. Clancy asked if a request was sent to PennDOT postponing the date of the Environmental study.

Ch. Biuckians stated that the Environmental Report needs to be reviewed by the Township, and that if additional time is needed for this review, more time could be requested. Ch. Biuckians stated that the residents also have the right to ask for an extension of time to review the Environmental study.
Marilyn Betz, 666 Cedarbrook Road, representative of the Southampton Care Committee, stated that the committee is opposed to Commerce Bank's request to change the zoning on property located at Davisville Road and County Line Road. She stated that this would have a negative impact on the Comprehensive plan. Ms. Betz stated that the Township has many Commercial and Industrial parcels for sale in the Township. She stated that the Southampton Care Committee is supporting the No Build Alternative for County Line Road.

Ch. Biuckians expressed disapproval of conveying information, to a newspaper reporter, that was discussed at an Executive session. She stated that when decisions are made by the Board of Supervisors or the Zoning Hearing Board, the applicant has a right to appeal to the courts. During the appeal process, the Solicitor discusses information regarding the case in Executive session. No issue regarding any legal case is voted on in Executive session. All issues are presented at a Public meeting for discussion. Ch. Biuckians reminded residents that the appeal of Commerce Bank is in court, and that the Board of Supervisors is not able to comment on the case at this time, however all residents may express their concerns. She reaffirmed that when an issue requires voting by the Board of Supervisors it will be at a public meeting.

David Faust, 185 Toll Drive, stated his concern with the Commerce Bank proposal and requested that before any action would be taken regarding the rezoning of the Davisville/County Line Road area that all residents be allowed to express their concerns. He stated that he felt that the Township has a strong case against Commerce Bank and should not consider a settlement proposal.

Ch. Biuckians reassured the residents that the Board of Supervisors voted to send the Township Solicitor to oppose the variance request for Commerce Bank.

Kathy Mendla, 975 Woodland Road, stated that the Township should uphold the Comprehensive Plan. She stated that there are many commercial areas in town that are vacant.

Virginia Walters, 25 Davisville Road, stated that the people who purchased the property at Davisville Road and County Line Road, purchased it as an investment. She stated that when she offered to purchase the property at a 45% profit, the owners said they were going to sell the property as commercial. Ch. Biuckians asked if an offer on the property was made in writing. Ms. Walters stated that it was a verbal discussion. She stated that she would like to see this property remain residential.

Herb Schulze, 32 Pearl Drive, is opposed to the rezoning. He stated that if this property is rezoned commercial, his concern is that all the surrounding properties will also get rezoned.

Ch. Biuckians reaffirmed that this case is in court because the Board of Supervisors opposed the rezoning.

Carl Loscalzo, 360 Holly Drive asked that the Board of Supervisors continue to oppose the rezoning at Davisville Road and County Line Road.

Mr. Ullrich apologized to the residents for the undue concern regarding the rezoning of County Line Road.

Anne Marie Hershman, 92 Gravel Hill Road, stated that rain is forecasted and snow is blocking the storm sewers.

**APPROVAL OF THE WORKSHOP MEETING MINUTES OF FEBRUARY 4, 2003:**

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE THE WORKSHOP MEETING MINUTES OF FEBRUARY 4, 2003; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

Ch. Biuckians announced that the Boards of Supervisors of Upper Southampton Township and Lower Southampton Township will hold a joint public hearing regarding cable franchise renewal on Monday, February 24, 2003 at 7:00PM in the Upper Southampton Township Library Conference Room. The public
hearing will be held to review the past performance of the Comcast Corporation and to identify the future cable-related community needs of Upper and Lower Southampton Townships. All residents are invited to testify.

APPROVAL OF THE REGULAR MEETING MINUTES OF FEBRUARY 4, 2003:

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE THE REGULAR MEETING MINUTES OF FEBRUARY 4, 2003; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

Ch. Biuckians asked the Board members and the Manager if they knew why Mrs. Brager was not in attendance at this evening’s meeting. No one knew.

APPROVAL FOR PAYMENT OF THE DECEMBER 31, 2002 INVOICES:

Mr. Golden presented the accounts payable for December 31, 2002 as follows:

- General Fund - 3,077.85
- Street Lighting Fund - 34.50
- Park & Recreation Fund - 63.52
- Garbage & Refuse Fund - 34.50

Mr. Golden presented the accounts payable for February 18, 2003 as follows:

- General Fund - 38,758.41
- Street Lighting Fund - 9,713.96
- Fire Hydrant Tax Fund - 19,985.00
- Fire Protection Fund - 350.00
- Park & Recreation Fund - 15,192.31
- Library Tax Fund - 560.00
- Rescue Squad Tax Fund - 140.00
- Garbage & Refuse Fund - 94,320.82
- Capital Projects Fund - 6,343.00
- General Sinking Fund - 700.00
- Storm Water Capital Reserve Fund - 4,382.00
- Highway Aid Fund - 7,145.39

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE FOR PAYMENT THE DECEMBER 31, 2002 INVOICES, IN THE AMOUNT OF $3,210.37, THE FEBRUARY 18, 2003 INVOICES IN THE AMOUNT OF $197,590.89, AND THE BUCKS COUNTY TREASURER INVOICE FOR DOG LICENSES IN THE AMOUNT OF $65.50; SECONDED BY MR. ULLRICH; Mr. Stevens abstained from page 13, VENDOR 2406; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

CONSIDERATION OF AUTHORIZING THE INSTALLATION OF A WATER LINE AND WATER FOUNTAIN AT THE COMMUNITY CENTER BALL FIELDS:

Mr. Golden stated that the Southampton Baseball Association received a grant for $5,000 towards the cost of installing water lines for the ball fields at the Community Center for the purpose of field maintenance. The cost of installing the water line is $6,255 and the Southampton Baseball Association will fund the additional $1,255 cost of the water lines. He stated that the Park and Recreation Board recommended approving the water line installation and the installation of a water fountain. The cost of the water fountain is to be funded by the Park and Recreation Department in the amount of approximately $2,000.

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE THE SOUTHAMPTON BASEBALL ASSOCIATION’S REQUEST FOR INSTALLATION OF A WATER LINE AT THE BALL FIELDS AT THE
COMMUNITY CENTER, AT NO COST TO THE TOWNSHIP AND THE APPROVAL OF A WATER FOUNTAIN RECOMMENDED BY THE PARK AND RECREATION BOARD, TO BE PAID FROM THE 2003 PARK & RECREATION FUND; WITH THE FOLLOWING CONDITIONS:

- THE TOWNSHIP MUST BE GIVEN THE PLANS IDENTIFYING WHERE THE WATER LINES ARE LOCATED.
- INSTALLATION SHOULD BE IN ACCORDANCE WITH ALL STATE AND FEDERAL REGULATIONS.
- OWNERSHIP OF THE WATER LINES IS TRANSFERRED TO THE TOWNSHIP WHEN PROJECT IS COMPLETE.

SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

CONSIDERATION OF MAKING AN APPOINTMENT TO THE ENVIRONMENTAL ADVISORY BOARD:

A MOTION WAS MADE BY MR. FROGGATT TO APPOINT DAVID HOCHBERG TO A THREE (3) YEAR TERM, EXPIRING DECEMBER 31, 2005, ON THE ENVIRONMENTAL ADVISORY BOARD; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

CONSIDERATION OF ENTERING INTO AN AGREEMENT WITH HOUGH ASSOCIATES FOR THE PURPOSE OF SUBMITTING A JOINT RECYCLING PERFORMANCE GRANT ON BEHALF OF UPPER SOUTHAMPTON TOWNSHIP, LOWER SOUTHAMPTON TOWNSHIP, AND NORTHAMPTON:

Mr. Golden stated that the Pennsylvania Department of Environmental Protection provides recycling performance grants to municipalities to encourage recycling. It has been beneficial for Lower Southampton, Upper Southampton, and Northampton Township to apply for these grants jointly. Hough Associates collects all the recycling data from businesses and residential properties, and applies for the grant on behalf of the Townships. The Southwest Bucks County Solid Waste Committee (SWBSWC) recommended entering into an agreement with Hough Associates. Lower Southampton Township and Northampton Township have approved this agreement.

A MOTION WAS MADE BY MR. STEVENS TO ENTER INTO AN AGREEMENT AUTHORIZING HOUGH ASSOCIATES TO COLLECT 2002 RESIDENTIAL AND COMMERCIAL RECYCLING DATA AND PREPARE THE PA DEP 904 RECYCLING GRANT APPLICATION ON BEHALF OF UPPER SOUTHAMPTON TOWNSHIP; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

CONSIDERATION OF ADOPTING RESOLUTION #2003-4, AUTHORIZING THE DISPOSITION OF PUBLIC RECORDS:

A MOTION WAS MADE BY MR. FROGGATT AUTHORIZING THE DISPOSITION OF PUBLIC RECORDS; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

OTHER BUSINESS

Mr. Froggatt asked that when plans are received by the Township for the stormwater projects approved at the last Board of Supervisors meeting, that meetings be scheduled as soon as possible with the residents involved to expedite the project. He asked that a copy of the Rails to Trails report be placed in the Library.

Mr. Stevens requested a list be prepared for street light improvements, and asked that this information be presented to the Board of Supervisors at the next meeting.
SOLICITOR’S REPORT

Mr. Williams stated that his written report was submitted previously.

ADJOURNMENT

Being no further business to come before the Board, A MOTION WAS MADE BY MR. FROGGATT TO ADJOURN AT 8:45PM; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

Respectfully submitted,
Walter C. Stevens
Secretary/Treasurer
A regular meeting of the Upper Southampton Township Board of Supervisors was held on Tuesday, March 18, 2003, at 7:30PM in the Library Meeting Room, 947 Street Road, Southampton, PA 18966.

**MEMBERS PRESENT:** Lola Biuckians, Chairperson  
Stephen Ullrich, Vice-Chairman  
Walter C. Stevens, Secretary/Treasurer  
Keith Froggatt, Asst. Secretary/Treasurer  
Estelle Brager, Member  

**ALSO PRESENT:** Joseph Golden, Township Manager  
Donald E. Williams, Township Solicitor  
Florence Sinkler, Township Resident  
Scott Petri, State Representative

The meeting was called to order by Ch. Biuckians at 7:30PM. A quorum was established.

Ch. Biuckians announced Florence Sinkler, a resident of Southampton who recently was awarded a proclamation from the State and County Commissioners for fifty (50) years of voting without missing an election.

The meeting was opened by Florence Sinkler.

A moment of silence was held for those serving our country in these difficult times.

**ANNOUNCEMENTS, CORRESPONDENCE, AWARDS AND REPORTS**

**Presentation award for George Sinkler:**

Scott Petri, State Representative presented a proclamation from the House of Representatives honoring George Sinkler.

Florence Sinkler expressed her appreciation for this honor and thanked Mr. Petri for her husband's recognition.

**Introduction of State Representative Scott Petri:**

Mr. Petri stated that he would like to continue communication with the Board of Supervisors and the residents regarding State issues. He discussed House Bill 51, which would give a developer a discount on tapping fees. This Bill does not have the support at this time from Mr. Petri. Mr. Petri stated that two other House Bills, 165 and 166, which will go to the Local Government Committee next week. These Bills deal with stormwater mitigation. He stated that this is a very important bill to be considered. Mr. Petri stated that he is currently working on a Bill regarding impact fees.

Mr. Petri stated that he recently attended a presentation by Homeland Security which discussed emergency responses that are in place. He stated that he is currently working on getting taped copies of this meeting for local Townships.

Mr. Petri stated he looks forward to attending a future Board of Supervisors meeting, and that he and State Representative Bernard O'Neill, are available to residents and their concerns.
Presentation of award to Ms. Patricia Myers from the PA Recreation and Park Society:

Susan Loehofer, Chairman of the Pennsylvania Recreation and Park Society Awards Committee presented the Lay Honor Award to Patricia Myers. This award recognizes an individual who has made an outstanding and significant contribution to the field of recreation and parks. Ms. Loehofer stated that this award is the highest award that a non-parks and recreation professional can receive. She stated that Patricia Myers has served Upper Southampton Township Parks and Recreation Board for over twenty (20) years.

There was a short intermission for residents to meet Representative Scott Petri, and congratulate Patricia Myers.

Thomas Dougherty, Legislative Aide for Representative Scott Petri, provided Mr. Petri's address and phone number for residents. Thomas Dougherty, Legislative Aide for Representative Scott Petri, provided Mr. Petri's address and phone number for residents: The Weathervane, 95 Almshouse Road, Richboro, PA 18954, 215-364-3414. Hours are 9:00AM to 5:00PM. Mr. Dougherty stated that Mr. Greenwood will be holding a Town Watch meeting in the Gallagher Room at Bucks County Community College on Monday, March 24, 2003 at 7:00PM to discuss Iraq.

COMMUNITY CONCERNS

Steve McLaverty, 66 Gravel Hill Road, stated his concern with the proposed PennDOT expansion. He stated that the proposed sound barriers, and the widening of County Line Road will cause additional stormwater problems for residents in many areas of the Township. He stated that PennDOT, according to Mr. Young, has not done any stormwater studies and that proposed stormwater plans will provide no relief for residents. Mr. McLaverty invited the Board of Supervisors to attend a meeting of concerned residents from Upper Southampton and other communities on Thursday, March 27, 2003, Lower Moreland High School at 7:00PM. He stated that other proposals will be presented which will not have as much of a detrimental effect on Southampton, but will alleviate the traffic problem.

Mr. Ken Crowther, 1187 County Line Road, stated that the expansion of County Line Road will cause a loss in property value. He stated that the streets located on the Southampton side of County Line Road can only exit onto County Line Road, and a four lane highway will cause a major problem. Mr. Crowther stated that residents do not want to see loss of property value and environmental problems in that area. He also invited the Board of Supervisors to attend the meeting at Lower Moreland High School.

Annemarie Hershman, 92 Gravel Hill Road, stated that when the traffic study was done by PennDOT for the widening of County Line Road, it was done at a time when Byberry Road was closed, and traffic was being detoured onto County Line Road. She asked that the Board of Supervisors ask PennDOT to redo the traffic study. She asked if the Township could purchase the Exxon station and put in a right turn lane. Mrs. Hershman stated that there will be additional truck traffic if the bridge on Byberry Road is widened, and that Southampton will not be a nice place to live. She asked the Board of Supervisors to attend the Thursday night meeting where new information will presented that will benefit Upper Southampton Township.

Daniel Walsh, 1217 County Line Road, a truck driver himself, stated that there will be additional truck traffic on County Line Road if the road is widened.

Mr. Froggatt stated that the quality of life will go down for residents of County Line Road if the road is widened, and that he supports the No Build Alternative.

Robert Machler, 8235 Convent Avenue, stated that he is not a member of the Community, had not planned to speak, but that he supports mass transit.

John Pawson, 3505 Moreland Road, also had not planned to speak, but also supports reactivating the rail lines.

Marie Simpson, 1385 Provident Road, thanked the Public Works Department for the wonderful job they did plowing snow.
Marilyn Betz, 666 Cedarbrook Road, asked if there was information available on the Bowen tract of property and the property located at Pickering and Street Road. She stated that both properties are on the Open Space plan in the Comprehensive Plan.

Mr. Stevens stated that Mr. Bowen has been contacted, he is out of town, and when he returns he will contact the Township.

Trudy Dugan, 957 Carlin Drive stated that she is against the Rails to Trails.

Mr. Stevens stated that he will attend the Citizen's Alliance meeting on Thursday, March 27, 2003 regarding the widening of County Line Road. He stated that he will support the citizens in their efforts to stop the widening of County Line Road, however, after all means have been exhausted, we would like to lobby for a minimal impact, maximum benefit for the residents of Upper Southampton.

Annemarie Hershman, 92 Gravel Hill Road, stated that PennDOT rates County Line Road a "D", and that after County Line Road is widened, it will still be rated a "D" in the year 2026.

Steve McLaverty asked if the Township Engineer's report will be available to residents. Mr. Golden will provide a copy to Mr. McLaverty.

**APPROVAL OF THE REGULAR MEETING MINUTES OF FEBRUARY 18, 2003:**

A MOTION WAS MADE BY MR. STEVENS TO APPROVE THE REGULAR MEETING MINUTES OF FEBRUARY 18, 2003; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-1, Mrs. Brager abstained.

**APPROVAL FOR PAYMENT OF THE DECEMBER 31, 2002 INVOICES:**

Mr. Golden presented the accounts payable for December 31, 2002 as follows:

- General Fund - 344.80
- Street Lighting Fund - 10,734.19
- Park & Recreation Fund - 225.00
- Garbage & Refuse Fund - 710.00

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE FOR PAYMENT THE DECEMBER 31, 2002 INVOICES, IN THE AMOUNT OF $12,013.99; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Mr. Golden presented the accounts payable for March 4, 2003 as follows:

- General Fund - 64,582.54
- Street Lighting Fund - 3,135.85
- Park & Recreation Fund - 8,820.77
- Garbage & Refuse Fund - 64,919.60
- Storm Water Capital Reserve Fund - 410.00
- Highway Aid Fund - 17,508.51

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE FOR PAYMENT THE MARCH 4, 2003 INVOICES, IN THE AMOUNT OF $159,377.27, SECONDED BY MR. ULLRICH; Mr. Stevens abstained from page 11, Vendor 2406, CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

A MOTION WAS MADE BY MRS. BRAGER TO APPROVE FOR PAYMENT THE ESCROW INVOICES IN THE AMOUNT OF $8,773.34; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.
Mr. Golden presented the accounts payable for December 31, 2002 as follows:

- General Fund - 48,400

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE FOR PAYMENT THE DECEMBER 31, 2002 INVOICES, IN THE AMOUNT OF $48,400.00; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Mr. Golden presented the accounts payable for March 18, 2003 as follows:

- General Fund - 36,617.59
- Street Lighting Fund - 305.39
- Fire Hydrant Tax Fund - 10.77
- Fire Protection Fund - 86.13
- Park & Recreation Fund - 10,701.10
- Library Tax Fund - 150.73
- Rescue Squad Tax Fund - 21.53
- Garbage & Refuse Fund - 26,617.89
- Capital Projects Fund - 15,914.00
- General Sinking Fund - 215.35
- Storm Water Capital Reserve Fund - 6,034
- Open Space Fund - 29.50
- Highway Aid Fund - 11,563.33

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE FOR PAYMENT THE MARCH 18, 2003 INVOICES, IN THE AMOUNT OF $108,267.31, SECONDED BY MR. FROGGATT; Mr. Stevens abstained from page 11, Vendor 2406, CARRIED WITH A VOTE OF 4-1-0, Ch. Biuckians opposed.

A MOTION WAS MADE BY MR. STEVENS TO APPROVE FOR PAYMENT THE ESCROW INVOICE IN THE AMOUNT OF $114.50; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

PUBLIC HEARING AND CONSIDERATION OF ADOPTING AN ORDINANCE CODIFYING THE COMPLETE BODY OF LEGISLATION OF UPPER SOUTHAMPTON TOWNSHIP:

Public Hearing:

Mr. Williams stated that the codification ordinance has been advertised in the Public Spirit as required by state law.

Mrs. Brager commended Mr. Froggatt for initiating the Ordinance regarding licensing adult and sexually oriented businesses.

Mrs. Brager questioned the change of the Shade Tree Commission from five members to three.

Robert Shaffer, 1150 Mill Creek Road, asked if a copy of the codification will be in the Library. Mr. Golden stated yes.

Ch. Biuckians asked for a cost estimate to have the codification on the Internet. Mr. Golden will obtain a quote.

Ch. Biuckians closed the public hearing.
A MOTION WAS MADE BY MR. ULLRICH TO ADOPT ORDINANCE #356 TO CODIFY THE COMPLETE BODY OF LEGISLATION FOR THE TOWNSHIP, TO REPEAL CERTAIN LEGISLATION NOT INCLUDED, TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED, AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE CODE OR CHAPTERS THEREOF; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF AWARDING A BID FOR THE PURCHASE OF ROAD MATERIALS:

Mr. Golden announced that the bids for various road materials are as follows:

TABLE NOT INCLUDED

A MOTION WAS MADE BY MR. FROGGATT TO AWARD A CONTRACT TO BETTER MATERIALS CORPORATION FOR THE PURCHASE OF BCBC BLACKTOP BASE AT A COST OF $26.85/TON DELIVERED AND $22.50 TON/UNDELIVERED, ID 2½” ASPHALT (TOP) AT A COST OF $26.25/TON UNDELIVERED AND ID 2¾” ASPHALT (BASE) AT A COST OF $23.80/TON UNDELIVERED; SECONDED BY MR. STEPHENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

A MOTION WAS MADE BY MR. FROGGATT TO AWARD A CONTRACT TO BETTER MATERIALS CORPORATION FOR THE PURCHASE OF BCBC BLACKTOP BASE AT A COST OF $26.85/TON DELIVERED AND $22.50 TON/UNDELIVERED, ID 2½” ASPHALT (TOP) AT A COST OF $26.25/TON UNDELIVERED AND ID 2¾” ASPHALT (BASE) AT A COST OF $23.80/TON UNDELIVERED; SECONDED BY MR. STEPHENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

A MOTION WAS MADE BY MR. FROGGATT TO AWARD A CONTRACT TO EUREKA STONE QUARRY, INC., FOR THE PURCHASE OF 2B ¾” STONE AT A COST OF $8.50/TON DELIVERED AND $6.00/TON UNDELIVERED, 2A MODIFIED STONE MIX AT A COST OF $7.75/TON DELIVERED AND $5.25/TON UNDELIVERED, RIP-RAP MIXED STONE AT A COST OF $11.55/TON DELIVERED AND $9.00/TON UNDELIVERED, R-4 STONE AT A COST OF $11.50/TON DELIVERED, ID 2½” ASPHALT (TOP) AT A COST OF $28.50/TON DELIVERED AND $25.00/TON UNDELIVERED, ID 2¾” ASPHALT (BASE) AT A COST OF $28.00/TON DELIVERED; SECONDED BY MR. ULLRICH; CARRIED WITH A VOTE OF 4-0-1, Mr. Stevens abstained.

A MOTION WAS MADE BY MR. FROGGATT TO AWARD A CONTRACT TO PLUMSTEAD MATERIALS FOR THE PURCHASE OF SCREENING/QUARRY GRIT AT A COST OF $6.65/TON DELIVERED; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

A MOTION WAS MADE BY MR. FROGGATT TO AWARD A CONTRACT TO CRAFCO FOR KOCH 9005 ASPHALT SEAL AT A COST OF $.269 /LBS./GAL.; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF ADOPTING RESOLUTION #2003-5, SUPPORTING THE RENEWAL OF RAIL SERVICE TO THE NEWTOWN REGIONAL RAIL LINE:

Ch. Biuckians stated that the Board of Supervisors in 1991 passed a Resolution in support of reactivating the Newtown rail line. She also stated that Chapter 15 of the Comprehensive Plan states that Upper Southampton Township will support the efforts for reactivation of the rail line.

Mrs. Brager stated that a similar Resolution was also passed in 1982.

Trudy Dugan, 957 Carlin Drive, stated her concern with a future trail on the rail line.

Mr. Froggatt stated that the Rail to Trails Citizen Task Force, the County of Bucks, and previous Board members support the reactivation of the rail line.

Mrs. Brager asked that Upper Southampton Township State Representatives put pressure on SEPTA to reactivate the rail line.

Mr. Ullrich stated that SEPTA will not allow the rail line to be converted to a trail.

Annemarie Hershman, 92 Gravel Hill Road, stated her approval of the reactivation of the train.
Hans Peters, 975 Woods Road, asked that the Board of Supervisors encourage SEPTA to reactivate the rail line.

Mrs. Brager asked that copies of the Resolutions supporting the rail line be sent to the Township's State Representatives.

Mr. Stevens asked that copies of the Rails to Trails final report be also sent to the State Representatives.

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE RESOLUTION #2003-5 SUPPORTING THE RENEWAL OF RAIL SERVICE TO THE NEWTOWN REGIONAL RAIL LINE; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF APPROVING A DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR PROPERTY LOCATED AT 1176 SECOND STREET PIKE, TMP #48-014-009 AND TMP #48-014-010-002:

Mr. Williams stated that the Township purchased property at 1176 Second Street Pike in November 2002, as part of the Township Open Space Plan and the County Open Space Plan. He stated that in order to get the additional grant money in the amount of $46,789 from the county, the Board needs to approve the Declaration of Covenants, Conditions, and Restrictions.

Mrs. Brager stated that there is no other money available from the County for Open Space at this time.

Mr. Froggatt stated that Upper Southampton is one of the few towns that have used all their open space funds from the County.

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS AGREEMENT FOR PROPERTY LOCATED AT 1176 SECOND STREET PIKE, TMP #48-014-009 AND 48-014-010-002; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF APPROVING CONSTRUCTION ESCROW RELEASE #1 IN THE AMOUNT OF $122,493 FOR HECHT INDUSTRIES:

Mr. Golden stated that this construction project was approved previously. He stated that the Engineer has inspected the property and is recommending release of the escrow funds.

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE CONSTRUCTION ESCROW RELEASE #1, IN THE AMOUNT OF $122,493 FOR HECHT INDUSTRIES; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF AUTHORIZING ADVERTISEMENT OF AN ORDINANCE TO REZONE THE NORTH SIDE OF INDUSTRIAL HIGHWAY:

Mr. Ullrich stated that there are three different proposals to rezone portions of the LI (Limited Industrial) zoning district to a new SI (Special Industrial) zoning district. The first proposal includes only rezoning the north side of Industrial Highway that borders Cushmore Road. The second proposal includes rezoning the north side of Industrial Highway and two (2) southeastern properties on Industrial Highway that border Gravel Hill Road. The third proposal includes rezoning the north side of Industrial Highway, the two (2) southeastern properties, and properties located on James Way that border Buckstone Drive. Mr. Ullrich preferred the third proposal.

The purpose of creating a new SI zoning district is to provide less obtrusive industrial uses which are more compatible to adjacent residential neighborhood properties.
Ch. Biuckians stated that Upper Southampton Township needs industry to support the tax base. She stated that there should be stricter regulations regarding buffer yards. She stated that she supports proposal one which only includes the rezoning of the north side of Industrial Highway.

Mrs. Brager stated her support of proposal three. She stated that the rezoning would limit the type of industry. She stated that residents adjacent to the LI zoning district need to be protected from noisy industry.

Mrs. Biuckians asked what the difference was between the Special Industrial and Limited Industrial Zoning Districts.

Mr. Golden stated that the Limited Industrial Zoning District permits manufacturing uses (use 53) including the production, processing, cleaning, printing, testing, and distribution of materials, goods, foodstuffs, and other products. It specifically excludes use 53A. Mr. Golden stated the zoning district permits restricted manufacturing uses (use 53A) and specifically excludes metal stamping and machine shops for small parts and all manufacturing (use 53).

Ch. Biuckians asked about buffer yards and screening. She also questioned whether the tax base would change with the zoning change.

Mr. Golden stated that there are amendments in the ordinance which provide more stringent noise, vibration, buffer yards and screen planting regulations.

Ch. Biuckians asked that fencing requirements be included in the ordinance.

Mr. Golden stated that Upper Southampton Township receives taxes from various sources. Property taxes are based on the actual improvements to the property and may change due to land development, County assessment, or an assessment appeal. The earned income tax is derived from the income of Township residents. Mercantile taxes are based on the annual earnings of the business.

Mr. Froggatt stated his support of proposal three, and does not see a change in the tax base as a result of this proposal.

A MOTION WAS MADE BY MR. ULLRICH AUTHORIZING ADVERTISEMENT OF AN ORDINANCE TO REZONE THE NORTH SIDE OF INDUSTRIAL HIGHWAY, TWO PARCELS ON THE SOUTHEAST CORNER OF INDUSTRIAL HIGHWAY, AND ONE SIDE OF JAMES WAY; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF APPOINTING A SOUND ENGINEER TO REVIEW AND PROVIDE RECOMMENDATIONS ON NOISE REGULATIONS OF THE ZONING ORDINANCE:

Mr. Golden presented a proposal from Traffic Planning and Design, Inc., who are sound engineers, to review sound issues regarding two daycares in the Township. The cost of this service is $1,000 plus expenses and meetings.

Mr. Williams stated that the sound engineer should be able to provide recommendations to buffer the sound levels if it is determined that the sound levels, which may include the human voice, exceed what they should be.

Mr. Froggatt stated that Township resident, David George, is a sound engineer and volunteered his services in resolving this matter.

A MOTION WAS MADE BY MR. FROGGATT TO APPOINT TRAFFIC PLANNING AND DESIGN, INC. AS THE TOWNSHIP SOUND ENGINEER AT A COST NOT TO EXCEED $1,000.00, AND THE TOWNSHIP STAFF HAS THE OPTION TO UTILIZE THE SERVICES OF DAVID GEORGE AS A SOUND ENGINEER; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.
DISCUSSION OF POLICE GRIEVANCE REGARDING CARRY-OVER OF COMPENSATORY TIME:

A MOTION WAS MADE BY MR. STEVENS TO DENY THE GRIEVANCE FILED BY OFFICER MILTON WARRELL REGARDING THE PAYOUT OF 73.5 HOURS OF COMPENSATORY TIME ACCUMULATED IN 2002; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

A MOTION WAS MADE BY MR. STEVENS TO DENY THE GRIEVANCE FILED BY OFFICER MILTON WARRELL REGARDING THE PAYOUT OF 18.75 HOURS OF COMPENSATORY TIME ACCUMULATED IN 2002; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

OTHER BUSINESS

Ch. Biuckians stated that information has been received from DEP regarding a Municipal Watershed Academy to be held in Towamencin Township on June 24th and 25th. A $50.00 registration fee is required. Ch. Biuckians would like to attend and requested the information be sent to the Planning Commission and the Environmental Advisory Council.

Ch. Biuckians stated that at the road tour in 2002, fencing and planting on the Township Pole Barn property was approved. She asked the progress of this project. Mr. Golden stated that the project will be completed in the spring.

Ch. Biuckians asked if estimates have been received for backup electrical service for the Township Building. Mr. Golden stated that one quote has been received, and two others are pending. Mr. Golden will provide the estimates at the Board of Supervisors meeting on April 15, 2003.

Ch. Biuckians stated that money was budgeted in 2003 to hire an architect to review the handicap accessibility of the Township Building and to provide better utilization of space. Mr. Golden stated that a request for proposal needs to be prepared outlining the scope of work. This will be provided at the April 15, 2003 meeting. Mr. Golden requested permission to make minor renovations on the first floor to improve efficiency.


Ch. Biuckians noted that the Churchville Road street sign located on the Street Road traffic light pole is spelled incorrectly.

Mr. Stevens asked for an update on the stormwater projects.

Mr. Golden stated that there are six projects that were recently approved. For the Miller Drive Project, easements have been prepared, the design is complete, the permit has been received from the State, and the Township is awaiting the permit from the County. The field work has been obtained on the New Road/Yale Drive project and the design is approximately 50% complete. The design for the Cybus Way, Carlin Drive project is 90% complete, and Tri-State Engineers are preparing the permits. The field work has been obtained for the Whitney/Waverly Road project and the design is about to begin. For the Gravel Hill piping project, the field work has been obtained, and the design plan is started, and the Casey Circle Culvert, the base plan and easements have been prepared, and the railroad and property owners need to be contacted.

Mrs. Brager stated that the settlement proposal from Commerce Bank to locate a branch at the corner of Davisville and County Line Roads should have been discussed at a public meeting, rather than at an executive session.

Mr. Golden stated that the Board of Directors of Bethanna will not provide public access along the perimeter of their property for a pedestrian trail connecting Tamanend Park and the Community Center.
Mr. Ullrich stated that the Courier Times recently had an article regarding FAIR, a nonprofit organization collecting used cell phones for distribution to the elderly and asked that this information be put on the government channel and the website.

**SOLICITOR’S REPORT**

Mr. Williams stated that the Clear Channel appeal is still pending with Commonwealth Court and the Outdoor Partnership appeal is pending with the Court of Common Pleas. He stated that the Clear Channel and Outdoor Partnership land development appeal is scheduled for March 26, 2003 at 7:00PM with the Township Zoning Hearing Board. The Defulgentis, 87 Street Road, zoning appeal is scheduled for April 2, 2003. Mr. Williams stated that the Rusden, 1243 Street Road, use and dimensional variance appeal is pending with the Court of Common Pleas, and the Chiusolo, Stump Bridge Road zoning appeal for variances to allow encroachment on wetlands and floodplains and a front yard setback encroachment has been recently filed.

**ADJOURNMENT**

Being no further business to come before the Board, **A MOTION WAS MADE BY MR. FROGGATT TO ADJOURN AT 10:10PM; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.**

Respectfully submitted,
Walter C. Stevens
Secretary/Treasurer
A regular meeting of the Upper Southampton Township Board of Supervisors was held on Tuesday, April 1, 2003, at 7:30PM in the Library Meeting Room, 947 Street Road, Southampton, PA 18966.

MEMBERS PRESENT: Lola Biuckians, Chairperson  
Stephen Ullrich, Vice-Chairman  
Walter C. Stevens, Secretary/Treasurer  
Keith Froggatt, Asst. Secretary/Treasurer  
Estelle Brager, Member

ALSO PRESENT: Joseph Golden, Township Manager  
Donald Williams, Township Solicitor  
Mark Showmaker, Fire Marshal

The meeting was called to order by Ch. Biuckians at 7:30PM. A quorum was established.

A moment of silence was held for those serving our country in these difficult times.

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS AND REPORTS

Mr. Ullrich stated that he and Ch. Biuckians have attended several meetings with legislators regarding Woodhaven Road. He stated that at a meeting on March 20, 2003. Senator Greenleaf stated his support of a contingency plan proposed by the Tri-County Coalition, which would close Evans Road and direct traffic onto Route 1. This plan will increase traffic on Street Road. Mr. Ullrich stated that a meeting was held with Congressman Greenwood's staff on March 25, 2003. Congressman Greenwood is on the appropriation committee that funds state projects from the federal level. Congressman Greenwood’s staff stated that the "No Build" is not an option, something will be done. They stated that the final plan selected by PennDOT may be different than the alternatives previously proposed. Mr. Ullrich thanked the members of the Citizen's Alliance of Upper Southampton for their work in designing an alternative proposal. He stated however, that the Route 1 proposal will put additional traffic onto an already heavily traveled Street Road. Mr. Ullrich stated he will not support the Route 1 proposal, and proposed two different ideas. He stated these ideas were his and did not necessarily reflect the views of the rest of the Board of Supervisors. The first is to widen Byberry Road to Huntingdon Pike, widen Huntingdon Pike to County Line, and widen County Line from Huntingdon Pike to New Road. He also proposed that PennDOT purchase the vacant Exxon station and widen the intersection of Second Street Pike and County Line Road. Mr. Ullrich's second idea is to widen Byberry Road to Buck Road, then widen Philmont Avenue to Huntingdon Pike for traffic traveling in that direction. Mr. Ullrich stated that Upper Southampton did not cause the Byberry Road traffic problem and should not be the solution for the problem. Mr. Ullrich stated that he will not support any proposal that links County Line Road with the Woodhaven Road project, nor will he support any proposal that widens County Line Road between Pine Road and Second Street Pike.

COMMUNITY CONCERNS

Steve McLaverty, 66 Gravel Hill Road, stated his approval of the Route 1 alternative for Woodhaven Road proposed by the Citizen's Alliance Group. Mr. McLaverty asked that the Board of Supervisors not support PennDOT's Byberry Road Alternative. He stated that the Byberry Road Alternatives include the widening of County Line Road.

Thomas Cunningham, 1230 Melody Lane, stated that PennDOT’s proposal to widen County Line Road will have minimal results because traffic will back up on Second Street Pike. Mr. Cunningham also stated his disapproval of rezoning portions of Industrial Highway. He stated that the rezoning will impact the commercial properties, and Upper Southampton will lose businesses.
Ch. Biuckians stated that the Board of Supervisors authorized advertisement of the Rezoning Ordinance and that in approximately thirty (30) days there will be a public hearing to further discuss the ordinance.

Mr. Cunningham stated his approval of the National Rifle Association.

Ch. Biuckians stated that “Community Concerns” is for residents of Southampton who have concerns.

Jim Weldon, President of the Citizen’s Alliance for Westwood, stated that traffic on Woodhaven Road travels north, and widening roads for the Woodhaven Road project will allow for more urban sprawl and more traffic at a faster pace into Upper Southampton Township.

James O’Neill, president of Citizen’s Alliance of Lower Moreland and Bryn Athyn, stated that the widening of County Line Road and/or Byberry Road will reduce property values and the quality of life for those who live there.

APPROVAL OF THE REGULAR MEETING MINUTES OF MARCH 18, 2003:

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE THE REGULAR MEETING MINUTES OF MARCH 18, 2003; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

APPROVAL FOR PAYMENT OF THE APRIL 1, 2003 INVOICES:

Mr. Golden presented the accounts payable for April 1, 2003 as follows:

- General Fund - 107,688.42
- Street Lighting Fund - 15,568.36
- Fire Hydrant Tax Fund - 21.37
- Fire Protection Fund - 57,523.96
- Park & Recreation Fund - 10,597.80
- Library Tax Fund - 82,591.18
- Rescue Squad Tax Fund - 42.74
- Garbage & Refuse Fund - 67,607.64
- Capital Projects Fund - 7,787.82
- General Sinking Fund - 469.40
- Storm Water Capital Reserve Fund - 80.00
- Highway Aid Fund - 7,244.01

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE FOR PAYMENT THE APRIL 1, 2003 INVOICES, IN THE AMOUNT OF $357,223.70, SECONDED BY MRS. BRAGER; MR. STEVENS ABSTAINED FROM PAGE 13, VENDOR 2406, CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

PRESENTATION BY MR. MATT FLECK OF THE TRI-HAMPTON RESCUE SQUAD:

Mr. Matt Fleck, President of the Tri-Hampton Rescue Squad, stated that Upper Southampton established a Capital Reserve account for the Rescue Squad in 1992. He asked that $60,000 be released from the Capital Reserve account to the Rescue Squad for the purchase of a new ambulance. The total cost of the ambulance is $132,000. Mr. Fleck stated that the ambulance will be housed in Upper Southampton Township, and will be an advanced life support unit.

Ch. Biuckians asked what guarantee would the Township have that the ambulance would belong to Upper Southampton. Mr. Fleck stated that an agreement would be feasible. Mr. Williams stated that Upper Southampton could be the first lien holder on the title for a certain period of time.

Mr. Froggatt asked what additional funds would be used to purchase the ambulance. Mr. Fleck stated that the Rescue Squad’s General Fund would pay the additional money.
Mr. Ullrich asked why the Capital Reserve Fund was initially set up in 1992. Mr. Fleck stated that in 1991 a referendum was passed approving additional tax money for the Rescue Squad. He stated that the Board of Supervisors at that time decided to hold the additional tax increase in escrow. This money was originally to go towards a new building, but any type of equipment, to be used in Upper Southampton Township would be permitted. Mr. Ullrich asked why Lower Southampton did not have a Capital Reserve Fund for the Rescue Squad. Mr. Fleck stated that the tax millage in Lower Southampton is higher, and that the Rescue Squad has $72,000 of the tax dollars in a building fund.

Mrs. Biuckians asked why this request was not made during the budget process. Mr. Fleck stated that the first quarter payroll expenses are over budget and the money that was to be used for the ambulance paid the deficit.

Mr. Froggatt asked what the Rescue Squad’s in-service time is currently. Mr. Fleck stated 90%.

A MOTION WAS MADE BY MR. STEVENS AUTHORIZING THE SOLICITOR TO PREPARE AN AGREEMENT IN CONSULTATION WITH THE TOWNSHIP MANAGER AND THE TRI-HAMPTON RESCUE SQUAD TO PROTECT THE TOWNSHIP’S CONTRIBUTION FOR A NEW AMBULANCE, SECONDED BY MR. FROGGATT, CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF ADOPTING RESOLUTION #2003-6 ESTABLISHING A FEE SCHEDULE:

Mr. Golden stated that the current fee schedule was last updated in 1996. He stated that the proposed fee schedule is expected to generate a 5% increase in revenue. Mr. Golden stated that the most significant increase is the refundable escrow deposit for the review of subdivision and land development plans. He stated that the fee for a copy of the Comprehensive Plan of $25.00 has been added to the fee schedule. After extensive review, the staff recommends adoption of the proposed fee schedule.

A MOTION WAS MADE BY MRS. BRAGER TO ADOPT RESOLUTION #2003-6 ESTABLISHING A FEE SCHEDULE AS AMENDED FOR UPPER SOUTHAMPTON TOWNSHIP; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF WITHDRAWING AN APPEAL OF THE ZONING HEARING BOARD DECISION #02-02, REGARDING LUIS LONDONO, 860 SECOND STREET PIKE:

Mr. Williams stated that the Board of Supervisors previously opposed a Zoning Hearing Board decision regarding a swimming pool application for Luis Londono, 860 Second Street Pike. He stated that the newly adopted Codification clearly explains whether swimming pools are impervious or non-impervious.

A MOTION WAS MADE BY MR. FROGGATT TO WITHDRAW APPEAL #02-02 FOR LUIS LONDONO, 860 SECOND STREET PIKE, SOUTHAMPTON, DUE TO THE ADOPTION OF THE CODIFICATION; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF ENTERING INTO A PUBLIC ENTITY POTENTIALLY RESPONSIBLE PARTY AGREEMENT REGARDING NJ DEP LITIGATION:

Mr. Williams stated that this litigation deals with the BEMS Landfill in New Jersey of which Upper Southampton Township has been named as a third party defendant, along with approximately 120 other third party defendants. The case is through an alternative dispute resolution system with the New Jersey State Court System. The parties that have similar interest work together to share the cost of gathering information and legal representation. He stated that there are 15 to 20 parties presented with this agreement, all are municipalities. Mr. Williams also stated that Upper Southampton Township can withdraw from this agreement at any time. Mr. Williams stated that Special Counsel Joseph Lalley recommends Upper Southampton Township enter into this agreement.

Mrs. Biuckians asked if there was an estimate of cost. Mr. Williams stated that Upper Southampton Township’s share of the cost is based on the cost to close the landfill and the percent of responsibility
assigned to Upper Southampton Township by the parties of the agreement. Upper Southampton Township's share for the agreement will be on a per capita basis. Mr. Williams stated that no documents have been presented providing information regarding the waste that Upper Southampton has alleged to have taken to the landfill. The Township has done extensive research for information to prove that the Township did not take anything to this landfill. Mr. Williams stated that the next step is for the Township's group in conjunction with other groups, to decide how to resolve the issue, possibly by mediation arbitration versus the court system.

Mr. Stevens asked if expenses incurred could be transferred to the trash haulers. Mr. Froggatt asked if New Jersey could be responsible for these costs if Upper Southampton Township is proved innocent of all alleged allegations. Mr. Williams stated it would be difficult to collect legal fees from anyone. Mr. Golden stated that costs will be submitted to the Township insurance companies from those years involved.

A MOTION WAS MADE BY MR. ULLRICH TO ENTER INTO A PUBLIC ENTITY POTENTIALLY RESPONSIBLE PARTY AGREEMENT REGARDING THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION LITIGATION; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

OTHER BUSINESS

Mr. Stevens asked for a quarterly budget review at a future meeting.

Mr. Stevens stated the Township's Personnel Policy was last updated in 1996. He proposed a committee to review and update the existing policy to be presented to the Board of Supervisors.

A MOTION WAS MADE BY MR. STEVENS TO ESTABLISH A COMMITTEE COMPOSED OF MR. STEVENS, MR. FROGGATT, MR. GOLDEN, AND MR. SABOL TO UPDATE THE PERSONNEL POLICY; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Mr. Froggatt asked if the July 1, 2003 Board of Supervisors meeting could be held at the newly renovated Carriage House.

A MOTION WAS MADE BY MR. FROGGATT TO HOLD THE JULY 1, 2003 BOARD OF SUPERVISORS MEETING AT THE CARRIAGE HOUSE IN TAMANEND PARK; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Mr. Froggatt stated that the Southampton Band is looking for a place to store equipment and perform concerts. He asked that the Township consider the Barn in Tamanend Park. Mr. Froggatt asked that the Township staff evaluate the Barn and determine if the Township owned equipment in the Barn can be housed elsewhere.

Mrs. Brager stated that there are two parcels in the Township that are zoned Campus Industrial and asked that the Board of Supervisors consider rezoning these two parcels to residential.

A MOTION WAS MADE BY MRS. BRAGER TO REZONE THE TWO CAMPUS INDUSTRIAL PARCELS TO RESIDENTIAL. Motion died for lack of second.

Mr. Ullrich stated that a new State law requires vehicles driving through a work zone to have their headlights on.

Mr. Ullrich stated that on August 5, 2002, the Board of Supervisors through the Solicitor submitted a proposal to Centennial School District in the amount of $400,000 for the purchase of Shelmire Field. Mr. Ullrich asked that Mr. Williams contact the Solicitor of the Centennial School Board to request an answer to Township's proposal.
Mrs. Biuckians stated that a letter was received from State Representative Scott Petri regarding a proposed Bill concerning impact fees. She asked that the members of the Board of Supervisors and Mr. Williams review this Bill. She asked for a discussion of the Bill at the next Board of Supervisors meeting.

**SOLICITOR'S REPORT**

Mr. Williams stated that his written report was submitted previously. He stated that a hearing was held with the Zoning Hearing Board on March 26, 2003 for the Clear Channel and Outdoor Partnership land development appeal. Mr. Williams stated that once transcripts are received, briefs will be submitted by both parties and a decision will then be made by the Zoning Hearing Board.

Mr. Williams stated that an appeal hearing is scheduled on Wednesday, April 2, 2003, for Defulgentis, 87 Street Road, who is requesting a use variance to operate a real estate office in a residential zone.

Mr. Williams stated that several letters have been sent to SEPTA regarding the Southampton Train Station. He stated that their legal department is currently working on a license agreement and he will inform the Board when it is received.

Mr. Thomas Cunningham, 1230 Melody Lane, stated his disapproval of spending Township or Federal funds on the SEPTA-owned train station.

**ADJOURNMENT**

Being no further business to come before the Board, A MOTION WAS MADE BY MR. FROGGATT TO ADJOURN AT 8:52PM; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Respectfully submitted,
Walter C. Stevens
Secretary/Treasurer
UPPER SOUTHAMPTON TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
APRIL 15, 2003

A regular meeting of the Upper Southampton Township Board of Supervisors was held on Tuesday, April 15, 2003, at 7:30PM in the Library Meeting Room, 947 Street Road, Southampton, PA 18966.

MEMBERS PRESENT:  Lola Biuckians, Chairperson
             Stephen Ullrich, Vice-Chairman
             Walter C. Stevens, Secretary/Treasurer
             Keith Floggatt, Asst. Secretary/Treasurer

ALSO PRESENT:  Joseph W. Golden, Township Manager
                 Donald Williams, Township Solicitor

The meeting was called to order by Ch. Biuckians at 7:30PM. A quorum was established.

A moment of silence was held for those who have lost their lives and are still serving our country in these difficult times.

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS AND REPORTS

Ch. Biuckians announced that the Park & Recreation Board approved a new open gym schedule at their April 8, 2003 meeting. The times coincide when tow recreation attendants are on duty at the Community Center. The hours are as follows:

- Monday 6:00PM until 8:00PM
- Tuesday 6:00 PM until 9:00PM
- Thursday 6:00 PM until 8:00PM
- Friday 6:00 PM until 9:00PM
- Sunday 1:00 PM until 4:00PM

Mr. Robert Donohue, member of the Upper Southampton Historical Advisory Board, stated that several meetings have been held with SEPTA regarding the Southampton Train station. The Historical Advisory Board has proposed to SEPTA an interim license agreement which would allow volunteers to stabilize the building to keep it from further deterioration. He stated that SEPTA has proposed a long term lease agreement with terms that are unfavorable to the Township, however nothing has been received in writing. Mr. Donohue asked that the Township Solicitor contact SEPTA's general counsel office to find out what terms and conditions SEPTA is proposing. He asked that the Board of Supervisors authorize the Township Solicitor to contact SEPTA's general counsel. Mr. Williams stated that he has written three letters to SEPTA previously, and will contact SEPTA in regards to obtaining the lease information.

COMMUNITY CONCERNS

Kathryn Mendla, 975 Woodland Drive, stated that she wrote to Senator Erickson of Delaware County who is Chair of the local government committee. She asked him to support legislation that would allow municipalities to say no to billboards without legal costs. She stated that Senator Erickson responded that he would work on this issue with local senators and township representatives. Kathy Mendla also stated that Senator Greenleaf will work on this bill but would like to speak to the Upper Southampton Township Board of Supervisors. She stated that this legislation will allow municipalities to say yes or no to billboards, and asked residents and the Board of Supervisors for their support.

Christopher Mendla, 975 Woodland Drive, stated his support of the National Rifle Association. He stated that the National Rifle Association supplies excellent training for police officers.
Ch. Biuckians stated that training is available for police officers through the County at no cost. Training is also available through the FBI and other sources.

Philip Mornesi, 1435 Glen Echo Road, asked about the storm water project for Casey Circle. Mr. Golden stated that a meeting was held earlier this evening with the Township Engineer and residents of Casey Circle regarding enlarging the Casey Circle culvert and stream bank stabilization. He stated that the Engineer has also submitted plans to the Railroad for permission to modify the railroad culvert at Gravel Hill Road. Mr. Mornesi stated that the Board of Supervisors should oppose the widening of County Line Road because additional water runoff from the proposed widening will cause greater erosion downstream.

Josa Muncan, 431 County Line Road, stated that Mr. Ullrich was opposed to the Woodhaven Road Route 1 proposed alternative because it will bring additional traffic to Street Road but that the widening of County Line Road from Second Street Pike to New Road will also bring additional traffic. Mr. Muncan asked that the Board of Supervisors oppose all widening of County Line Road.

Ch. Biuckians stated that the PennDOT Environmental study has been delayed until June 2003.

Dan Walsh, 1217 County Line Road, thanked Mr. Stevens and Mr. Froggatt for their support in opposing the widening of County Line Road. He asked that the Board of Supervisors support the Tri County Coalition and Citizen's Alliance of Southampton by opposing the widening of County Line Road.

Mary Jane Hazell, 1114 Warwick Street, Philadelphia, member of the Somerton Civic Association, stated that her area of Philadelphia is inundated with traffic due to Woodhaven Road as it is now. She stated that she did not want to see any roads in Lower Moreland or Bucks County widened. She stated that she did not want to see Woodhaven Road end at the Boulevard. This would not decrease the traffic in Somerton and would increase traffic on Street Road. Ms. Hazell stated that she would like all communities, Lower Moreland, Bucks County, and Philadelphia to work together to find a solution. She stated that the original proposed plan from the 1960's uses State owned land and would not inundate traffic in any area. She stated that the Somerton Civic Association does not support a major highway in any neighborhood, and would like to see traffic relief on Byberry Road.

Jim O'Neil, president of the Citizens Alliance of Bryn Athyn and Lower Moreland, discussed the concept of "induced traffic". He stated that if additional lanes are added to a road, more cars will use that road. Mr. O'Neil stated that his group is looking forward to meeting with the Somerton Civic Association and any other group to discuss the Woodhaven Road expansion.

Jack Ellery, 3915 Summers Drive, Huntingdon Valley, stated that the country has spent $70 million on war with Iraq, has no money for prescriptions for seniors, and there is no money for education. He stated that he is against spending $100 million dollars to widen County Line Road simply to get people home ten minutes faster.

Thomas Cunningham, 1230 Melody Lane, stated that too much money is spent on schools. He stated that the Township should ask New Jersey to throw out the lawsuit due to lack of cause.

Debbie Spadafora, 938 Rozel Avenue, asked that the trash collectors put the trash cans back on resident's properties rather than the street.

APPROVAL OF THE REGULAR MEETING MINUTES OF APRIL 1, 2003:

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE THE REGULAR MEETING MINUTES OF APRIL 1, 2003; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

APPROVAL FOR PAYMENT OF THE APRIL 15, 2003 INVOICES:

Mr. Golden presented the accounts payable for April 15, 2003 as follows:

- General Fund - 46,223.73
- Street Lighting Fund - 1,111.70
- Park & Recreation Fund - 3,679.27
- Garbage & Refuse Fund - 44,703.32
- Vehicle Replacement Fund - 15,838.39
- Storm Water Capital Reserve Fund - 2,272.00
- Highway Aid Fund - 8,572.47
- Payroll Clearing Fund - 2,720.00

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE FOR PAYMENT THE APRIL 15, 2003 INVOICES, IN THE AMOUNT OF $125,120.88, THE ESCROW INVOICES IN THE AMOUNT OF $12,338.05 AND THE DOG LICENSE INVOICE IN THE AMOUNT OF $223.00; SECONDED BY MR. ULLRICH; MR. STEVENS ABSTAINED FROM PAGE 4, VENDOR 901 AND PAGE 12, VENDOR 2406, CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

PUBLIC HEARING AND CONSIDERATION OF APPROVING A CONDITIONAL USE APPLICATION, SUBMITTED BY KENNY’S BAR FOR PROPERTY LOCATED AT 1134 STREET ROAD, TMP #48-17-35:

Mr. Williams stated that this legal hearing is required by the Upper Southampton Township Zoning Ordinance. The Board of Supervisors will hear evidence presented by the applicant, make findings of fact, conclusions of law, and issue a written decision. All witnesses must be sworn in by the court reporter. Mr. Williams presented the following as evidence for the Board of Supervisors: (BOS1) Conditional Use Application dated March 11, 2003, (BOS2) Proof of Publication of Notice of Hearing, (BOS3) Upper Southampton Township Zoning Ordinance (prior to codification), and (BOS4) minutes from the March 3, 2003 Upper Southampton Township Planning Commission meeting regarding the preliminary plan of land development for Kenny’s Bar.

Mr. Williams asked if any residents requested party status. Mr. Austin Penecale, 61 Kutcher Road, Southampton requested party status. Mr. Richard Tompkins is Attorney for Austin Penecale.


Mr. Brush stated that the Applicant is requesting a conditional use in order to expand the bar and restaurant. The following were witnesses for the Applicant.

1. Mr. Arthur Hall Adams, Architect. Mr. Hall designed the building and testified regarding the proposed changes to the building, the HVAC system and sprinkler system, ADA compliance, and the Bluebox Music Level Monitor system.

2. Mr. Stephen Lange, P.E. for Fioravanti, Inc., Consulting Engineers and Contractors, testified about parking, ADA compliance, buffering and stormwater management.

3. Mr. Joseph Shields, Applicant, testified in support of the application. He stated that Kenny’s Bar wants to expand its business to provide more of a food business. The kitchen will be approximately five (5) times larger than the existing kitchen. Mr. Shields agreed to all the conditions imposed by the Planning Commission as set forth in the minutes from the Planning Commission dated March 3, 2003. Mr. Shields agreed to install a Pulsar Bluebox Music Level Monitor or similar device to monitor the levels of noise. Mr. Shields will provide employee security.
Mr. Austin Penecale testified that there have been disturbances in the past regarding Kenny’s Bar such as noise, rowdy patrons, and activity in the parking lot after hours. Mr. Penecale is not opposed to the expansion but requested the issues of noise, rowdiness and parking lot activity be addressed.

A MOTION WAS MADE BY MR. STEVENS TO APPROVE THE CONDITIONAL USE APPLICATION FOR KENNY’S BAR AND RESTAURANT, INC., 1134 STREET ROAD, SOUTHAMPTON, PA, TMP #48-17-35; SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE REAR PORTION OF THE BUILDING SHALL BE DESIGNED SO THAT EXIT AND ENTRANCEWAYS ARE OFFSET FROM THE MAIN SEATING AREA.

2. MUSIC (LIVE OR RECORDED) SHALL NOT BE TRANSMITTED ONTO THE DECK AREA.

3. TECHNOLOGICAL EQUIPMENT (A/K/A BLUEBOX MUSIC LEVEL MONITOR) SHALL BE BUILT INTO THE IMPROVEMENTS. THIS EQUIPMENT WILL SHUT DOWN AMPLIFIED SOUND IF THE INTERIOR DECIBEL LEVEL EXCEEDS A LEVEL SUCH THAT THE TOWNSHIP NOISE REGULATIONS WOULD BE VIOLATED.

4. SECURITY PERSONNEL (CAN BE BAR EMPLOYEES) SHALL BE USED FOR DAYS OR NIGHTS WHEN PARKING LOT PATROL IS ANTICIPATED TO BE NECESSARY TO INSURE THAT THE NEIGHBORHOOD REMAINS QUIET AND PEACEFUL FOR THE BENEFIT OF RESIDENTIAL NEIGHBORS AND THE TOWNSHIP.


6. ALL SLIDING WINDOWS SHALL BE CLOSED DURING TIMES OF ENTERTAINMENT AND/OR AT SUCH TIMES AS EXCESSIVE NOISE IS BEING PRODUCED BY THE PATRONS.

7. NO AMPLIFICATION OF NOISE OR LIVE ENTERTAINMENT SHALL BE PERMITTED IN THE REAR DINING AREA.

8. APPLICANT SHALL CONSTRUCT A SIX (6) FOOT VINYL OR CHAIN LINK FENCE ALONG THE PROPERTY LINE OF THE SUBJECT PREMISES AND TMP #48-016-146.


SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

CONSIDERATION OF AUTHORIZING ADVERTISEMENT OF BIDS TO PURCHASE ELECTRICAL COMPONENTS TO PROVIDE EMERGENCY ELECTRIC SERVICE TO THE ADMINISTRATION BUILDING:

Mr. Golden stated that two proposals have been received to provide emergency electrical service to the administration building from the fire company generator. Mr. Golden stated that bids for labor only are less than $10,000, however bids for the equipment are in excess of $10,000, therefore, competitive public bidding is required. He stated that he will prepare the bid and specifications for the equipment only. Mr. Golden asked that the Board of Supervisors authorize advertisement of the bid for the purchase of electrical components to provide emergency electric service to the Administration Building.
A MOTION WAS MADE BY MR. FROGGATT TO AUTHORIZE ADVERTISEMENT OF BIDS FOR THE PURCHASE OF ELECTRICAL COMPONENTS TO PROVIDE EMERGENCY ELECTRIC SERVICE TO THE ADMINISTRATION BUILDING; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

DISCUSSION ON SHELMIRE FIELD:

Ch. Biuckians stated she received a phone call on April 11, 2003, from Mr. Grossi of the Centennial School Board Finance Committee. Mr. Grossi stated that the Finance Committee had rejected the Board of Supervisors offer to purchase Shelmire Field. Ms. Biuckians stated that no formal letter of rejection has been received. Ch. Biuckians asked Mr. Williams if the Board of Supervisors could make another offer without a formal rejection of the first offer, and asked if any of the Board members were interested in submitting another offer.

Mr. Williams stated that the Township is in negotiation, and can make another offer.

Mr. Ullrich stated that past offers have been fair and reasonable.

Mr. Williams stated that an agreement of sale would require an appraisal.

Mr. Froggatt asked if Mr. Grossi had suggested an amount that may be acceptable to the Centennial School Board Finance Committee. Ch. Biuckians stated that Mr. Grossi indicated that $600,000 may be enough for the Finance Committee to present it to the School Board for a vote, but that there was no guarantee.

Mr. Williams stated that if the offer was found acceptable, a formal Agreement of Sale would be brought before the Board of Supervisors at a Public Meeting for approval.

Mr. Art Cox, 439 Rick Road, stated that Shelmire Field is the last piece of ground in the southwest corner of the Township that can be used by children, and asked that the Board of Supervisors continue negotiations to purchase the property.

A MOTION WAS MADE BY MR. ULLRICH TO AUTHORIZE THE TOWNSHIP SOLICITOR TO MAKE AN OFFER OF $600,000 TO THE CENTENNIAL SCHOOL BOARD FOR THE PURCHASE OF SHELMIRE FIELD SUBJECT TO ENTERING INTO AN ACCEPTABLE AGREEMENT OF SALE, WITH A TIMELY RESPONSE; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

DISCUSSION OF DRAFT LEGISLATION REGARDING IMPACT FEES:

Ch. Biuckians stated that a letter was received from State Representative Scott Petri regarding a proposed Bill concerning impact fees. She stated that Mr. Williams and the Pennsylvania Association of Township Supervisors have reviewed the draft legislation. Mr. Williams stated that impact fees are good for the Township but that there are many requirements that have to be met. He stated that one issue that should be addressed is the Township's responsibility to find an applicant should impact fees need to be refunded. Mr. Williams stated that the Applicant should request a refund. Ch. Biuckians stated that Upper Southampton Township would not be able to meet the criteria for new development. Mr. Williams stated that the legislation addresses redevelopment, but that the Township should make sure that they can impose the impact fees for redevelopment.

A MOTION WAS MADE BY MR. FROGGATT AUTHORIZING THE TOWNSHIP MANAGER TO SUBMIT A LETTER TO MR. PETRI EXPRESSING THE TOWNSHIP’S CONCERNS REGARDING THE DRAFT LEGISLATION ON IMPACT FEES; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.
CONSIDERATION OF AWARDING A BID FOR THE REMOVAL OF ASBESTOS IN A BUILDING LOCATED AT 1176 SECOND STREET PIKE, SOUTHAMPTON:

An EPA and State Certified Asbestos Inspector, Eagle Industrial Hygiene Association, Inc. determined that there is asbestos in the building located at 1176 Second Street Pike. The asbestos must be removed prior to demolition. Three bids were received for the removal of this asbestos. They are as follows:

- Diamond Huntbach Construction Corp. - $2,500
- Greencourse Environmental Remediation, Inc. - $2,890
- Plymouth Environmental Co., Inc. - $3,575

It is recommended that the Board award the bid to Diamond Huntbach Construction Corporation.

A MOTION WAS MADE BY MR. FROGGATT TO AWARD A CONTRACT TO REMOVE ASBESTOS IN THE BUILDING LOCATED AT 1176 SECOND STREET PIKE, TO DIAMOND HUNTBACH CONSTRUCTION CORPORATION, IN THE AMOUNT OF $2,500; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

CONSIDERATION OF AWARDING A BID FOR THE DEMOLITION OF A DWELLING AND SHED AT 1176 SECOND STREET PIKE, SOUTHAMPTON:

The following bids were received for demolition of the building at 1176 Second Street Pike.

- Tinari Contractors, Inc. - $7,950
- Donnelly Contracting, Inc. - $10,700
- Geppert Bros., Inc. - $12,300

It is recommended that the Board award the bid to Tinari Contractors, Inc.

A MOTION WAS MADE BY MR. FROGGATT TO AWARD A CONTRACT TO DEMOLISH THE BUILDING AT 1176 SECOND STREET PIKE TO TINARI CONTRACTORS, INC., IN THE AMOUNT OF $7,950; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

CONSIDERATION OF AWARDING A CONTRACT FOR THE PURCHASE OF UNLEADED REGULAR GASOLINE, #2 HEATING OIL, AND DIESEL FUEL:

A bid opening on behalf of the consortium was held on April 9, 2003 for the purchase of unleaded regular gasoline, unleaded premium gasoline, #2 heating oil, diesel fuel, and propane, delivered and undelivered. The bids are as follows:

(BIDS NOT REPRODUCED HERE - SEE OFFICIAL MINUTES)

A MOTION WAS MADE BY MR. ULLRICH TO AWARD A CONTRACT TO SUNOCO, INC., FOR THE PURCHASE OF 10,000 GALLONS OF #2 HEATING OIL FOR LESS THAN 6,000 GALLONS DELIVERED AT A FIRM PRICE OF 0.9394/GALLON; FOR 27,000 GALLONS OF LOW SULFUR DIESEL FOR LESS THAN 6,000 GALLONS DELIVERED AT A FIRM PRICE OF 0.9605/GALLON; AND 40,000 GALLONS OF UNLEADED REGULAR GASOLINE FOR GREATER THAN 6,000 GALLONS DELIVERED AT A FIRM PRICE OF 0.8210/GALLON, FOR THE CONTRACT PERIOD MAY 1, 2003 UNTIL APRIL 30, 2004; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

OTHER BUSINESS

Ch. Biuckians asked that a public hearing to be held by SEPTA on May 5th at the Bucks County Court House in Doylestown be advertised on the Township's Government Cable Channel.
Mr. Froggatt asked for a quarterly budget review and a discussion of the current interest rates for the 1999 bond issue be put on the May 6, 2003 Board of Supervisors regular meeting agenda.

Mr. Froggatt asked the Township Solicitor to look into a "Do Not Feed the Geese" ordinance so that areas of the Township may apply for federal permits to control the geese population. Mr. Williams stated that the County has a program and he will check on it.

Mr. Froggatt stated that Northampton Township has proposed a stormwater project for the Hilltop Road area in Northampton. He requested a copy of Northampton’s plans so that Upper Southampton Township’s Engineer can review them to see how the project may impact Upper Southampton and possibly Lower Southampton, and to discuss the feasibility of a joint project. Mr. Golden will request the plans.

Ch. Biuckians stated that Townships need to cooperate together for the release of water from detention basins. She stated the detention basin release times should be staggered so that all storm water is not released at the same time.

Mr. Stevens stated that comments regarding the Cable TV Franchise Agreement are due by May 4, 2003.

**SOLICITOR’S REPORT**

Mr. Williams stated that his written report was submitted previously. He stated that the Court of Common Pleas rendered a decision regarding the Rusden Zoning Appeal at 1243 Street Road. Mr. Rusden was requesting a use variance for a business office in a residential area. The Court of Common Pleas upheld the decision by the Upper Southampton Township Zoning Board and dismissed the appeal. Mr. Williams stated that there is a thirty-day right of appeal to the Court of Common Pleas.

**ADJOURNMENT**

Being no further business to come before the Board, A MOTION WAS MADE BY MR. FROGGATT TO ADJOURN AT 10:20PM; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

Respectfully submitted,

Walter C. Stevens
Secretary/Treasurer
UPPER SOUTHAMPTON TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
MAY 6, 2003

A regular meeting of the Upper Southampton Township Board of Supervisors was held on Tuesday, May 6, 2003, at 7:30PM in the Library Meeting Room, 947 Street Road, Southampton, PA 18966.

MEMBERS PRESENT: Lola Biuckians, Chairperson
Stephen Ullrich, Vice-Chairman
Walter C. Stevens, Secretary/Treasurer
Keith Froggatt, Asst. Secretary/Treasurer
Estelle Brager, Member

ALSO PRESENT: Joseph Golden, Township Manager
Richard Sabol, Assistant Township Manager
Bradford Lare, Township Solicitor
Mark Showmaker, Fire Marshal

The meeting was called to order by Ch. Biuckians at 7:30PM. A quorum was established.

The Pledge of Allegiance was led by Josh Mathews, a fifth grader from Davis Elementary School.

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS AND REPORTS

Ch. Biuckians presented a plaque to the Upper Southampton Township Public Works Department for excellent work during the 2003 President's Day snow storm. Mr. Wayne Crompton, Public Works Director accepted on behalf of the Public Works Department.

COMMUNITY CONCERNS

Ms. Susan Consalvo, 54 Fairhill Road, stated her concern with the creek located on her property. She stated that there has been massive eroding of the creek bank over the years, and it is ruining the foundation of a barn located on her property. Ms. Consalvo stated that the creek originates on the Lower Moreland side of County Line Road. She stated that the creek has stormwater drainage from Lower Moreland, excessive water from County Line Road, and pool water infiltration. She stated that the widening of County Line Road will cause more hardship on property owners that have the creek running through their properties.

Ch. Biuckians stated that the Township has no rights to the creek. She stated that the water belongs to the Commonwealth of Pennsylvania, and that the property owner is responsible for the land. Ch. Biuckians suggested Ms. Consalvo contact the Department of Environmental Protection and ask them to evaluate the situation, especially regarding the emptying of swimming pools into the stream.

Ms. Debbie Spadafora, 938 Rozel Avenue presented pictures and stated her concern with trash cans that J. P. Mascaro is leaving in the streets after pick-up. She asked that the Township help in asking J. P. Mascaro to return the trash cans onto the resident's properties. Mr. Golden stated that he has notified J. P. Mascaro, and is monitoring the problem.

Mrs. Brager stated that J. P. Mascaro can be fined for recurring problems. Mr. Ullrich stated that J. P. Mascaro has 8 working hours to correct problems. Mr. Stevens will discuss the problem at the SWBSWC (Southwestern Bucks Solid Waste Committee) meeting scheduled for next week.

Joseph and Nancy Thompson, 604 Hampton Avenue, discussed a situation regarding their Day Care property, Jolly Toddlers, located at 275 Second Street Pike. Mr. Thompson stated that he is currently
involved in a lawsuit with neighboring property owner Mr. Schreiner, 990 Cushmore Road. He stated that in 2000, Mr. Schreiner purchased a .475 acre parcel of property from R. L. Stephenson which is located adjacent to his property. This piece of property was zoned Limited Industrial when purchased, and contained a 50 foot buffer. After this property was purchased by Mr. Schreiner, the parcel was rezoned R-3 and trees which were part of the buffer were removed. Mr. Thompson asked the Board of Supervisors to change the zoning of this parcel back to Limited Industrial. Ch. Biuckians asked that the Township Solicitor, Township Manager, and the Township Engineer prepare a report regarding this request.

Dan Walsh, 1217 County Line Road, asked for support against the widening of County Line Road. Mr. Walsh stated his support of the Tri-County's Route 1 alternative, and stated that construction on County Line Road will cause increased traffic on Street Road. He stated that Street Road is already heavily traveled. Mr. Walsh questioned the support of an alternative which would widen Byberry Road to Huntingdon Pike, and stated that the Tri-County Coalition was against widening any road in either Lower Moreland or Upper Southampton Township.

Ch. Biuckians stated that residents need to focus on the State and Federal Government Legislators regarding the Woodhaven Road expansion at this time. She stated that the majority of the money for this project will come from the federal government. Mr. Walsh stated that it would benefit the coalition if all Supervisors supported them.

Mr. Ullrich stated that he did not feel the closing of Evans Road would benefit Upper Southampton Township, and therefore did not support the Route 1 alternative proposed by the Tri-County Coalition.

APPROVAL OF THE REGULAR MEETING MINUTES OF APRIL 15, 2003:

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE THE REGULAR MEETING MINUTES OF APRIL 15, 2003; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-1, Mrs. Brager abstained.

APPROVAL FOR PAYMENT OF THE MAY 6, 2003 INVOICES:

Mr. Golden presented the accounts payable for May 6, 2003 as follows:

- General Fund - 98,411.70
- Street Lighting Fund - 20,847.17
- Park & Recreation Fund - 15,690.24
- Rescue Squad Tax Fund - 35,000.00
- Garbage & Refuse Fund - 65,682.67
- Capital Projects Fund - 29,473.27
- Storm Water Capital Reserve Fund - 390.00
- Highway Aid Fund - 5,380.37

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE FOR PAYMENT THE APRIL 1, 2003 INVOICES, IN THE AMOUNT OF $357,223.70, SECONDED BY MRS. BRAGER; Mr. Stevens abstained from page 13, Vendor 2406, CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

PRESENTATION BY MR. MATT FLECK OF THE TRI-HAMPTON RESCUE SQUAD:

Mr. Matt Fleck, President of the Tri-Hampton Rescue Squad, stated that Upper Southampton established a Capital Reserve account for the Rescue Squad in 1992. He asked that $60,000 be released from the Capital Reserve account to the Rescue Squad for the purchase of a new ambulance. The total cost of the ambulance is $132,000. Mr. Fleck stated that the ambulance will be housed in Upper Southampton Township, and will be an advanced life support unit.
Ch. Biuckians asked what guarantee would the Township have that the ambulance would belong to Upper Southampton. Mr. Fleck stated that an agreement would be feasible. Mr. Williams stated that Upper Southampton could be the first lien holder on the title for a certain period of time.

Mr. Froggatt asked what additional funds would be used to purchase the ambulance. Mr. Fleck stated that the Rescue Squad's General Fund would pay the additional money.

Mr. Ullrich asked why the Capital Reserve Fund was initially set up in 1992. Mr. Fleck stated that in 1991 a referendum was passed approving additional tax money for the Rescue Squad. He stated that the Board of Supervisors at that time decided to hold the additional tax increase in escrow. This money was originally to go towards a new building, but any type of equipment, to be used in Upper Southampton Township would be permitted. Mr. Ullrich asked why Lower Southampton did not have a Capital Reserve Fund for the Rescue Squad. Mr. Fleck stated that the tax millage in Lower Southampton is higher, and that the Rescue Squad has $72,000 of the tax dollars in a building fund.

Mrs. Biuckians asked why this request was not made during the budget process. Mr. Fleck stated that the first quarter payroll expenses are over budget and the money that was to be used for the ambulance paid the deficit.

Mr. Froggatt asked what the Rescue Squad's in-service time is currently. Mr. Fleck stated 90%.

A MOTION WAS MADE BY MR. STEVENS AUTHORIZING THE SOLICITOR TO PREPARE AN AGREEMENT IN CONSULTATION WITH THE TOWNSHIP MANAGER AND THE TRI-HAMPTON RESCUE SQUAD TO PROTECT THE TOWNSHIP'S CONTRIBUTION FOR A NEW AMBULANCE, SECONDED BY MR. FROGGATT, CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF ADOPTING RESOLUTION #2003-6 ESTABLISHING A FEE SCHEDULE:

Mr. Golden stated that the current fee schedule was last updated in 1996. He stated that the proposed fee schedule is expected to generate a 5% increase in revenue. Mr. Golden stated that the most significant increase is the refundable escrow deposit for the review of subdivision and land development plans. He stated that the fee for a copy of the Comprehensive Plan of $25.00 has been added to the fee schedule. After extensive review, the staff recommends adoption of the proposed fee schedule.

A MOTION WAS MADE BY MRS. BRAGER TO ADOPT RESOLUTION #2003-6 ESTABLISHING A FEE SCHEDULE AS AMENDED FOR UPPER SOUTHAMPTON TOWNSHIP; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF WITHDRAWING AN APPEAL OF THE ZONING HEARING BOARD DECISION #02-02, REGARDING LUIS LONDONO, 860 SECOND STREET PIKE:

Mr. Williams stated that the Board of Supervisors previously opposed a Zoning Hearing Board decision regarding a swimming pool application for Luis Londono, 860 Second Street Pike. He stated that the newly adopted Codification clearly explains whether swimming pools are impervious or non-impervious.

A MOTION WAS MADE BY MR. FROGGATT TO WITHDRAW APPEAL #02-02 FOR LUIS LONDONO, 860 SECOND STREET PIKE, SOUTHAMPTON, DUE TO THE ADOPTION OF THE CODIFICATION; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF ENTERING INTO A PUBLIC ENTITY POTENTIALLY RESPONSIBLE PARTY AGREEMENT REGARDING NJ DEP LITIGATION:

Mr. Williams stated that this litigation deals with the BEMS Landfill in New Jersey of which Upper Southampton Township has been named as a third party defendant, along with approximately 120 other third party defendants. The case is through an alternative dispute resolution system with the New Jersey State Court System. The parties that have similar interest work together to share the cost of gathering
information and legal representation. He stated that there are 15 to 20 parties presented with this agreement, all are municipalities. Mr. Williams also stated that Upper Southampton Township can withdraw from this agreement at any time. Mr. Williams stated that Special Counsel Joseph Lalley recommends Upper Southampton Township enter into this agreement.

Mrs. Biuckians asked if there was an estimate of cost. Mr. Williams stated that Upper Southampton Township’s share of the cost is based on the cost to close the landfill and the percent of responsibility assigned to Upper Southampton Township by the parties of the agreement. Upper Southampton Township's share for the agreement will be on a per capita basis. Mr. Williams stated that no documents have been presented providing information regarding the waste that Upper Southampton has alleged to have taken to the landfill. The Township has done extensive research for information to prove that the Township did not take anything to this landfill. Mr. Williams stated that the next step is for the Township's group in conjunction with other groups, to decide how to resolve the issue, possibly by mediation arbitration verses the court system.

Mr. Stevens asked if expenses incurred could be transferred to the trash haulers. Mr. Froggatt asked if New Jersey could be responsible for these costs if Upper Southampton Township is proved innocent of all alleged allegations. Mr. Williams stated it would be difficult to collect legal fees from anyone. Mr. Golden stated that costs will be submitted to the Township insurance companies from those years involved.

A MOTION WAS MADE BY MR. ULLRICH TO ENTER INTO A PUBLIC ENTITY POTENTIALLY RESPONSIBLE PARTY AGREEMENT REGARDING THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION LITIGATION; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

OTHER BUSINESS

Mr. Stevens asked for a quarterly budget review at a future meeting.

Mr. Stevens stated the Township's Personnel Policy was last updated in 1996. He proposed a committee to review and update the existing policy to be presented to the Board of Supervisors.

A MOTION WAS MADE BY MR. STEVENS TO ESTABLISH A COMMITTEE COMPOSED OF MR. STEVENS, MR. FROGGATT, MR. GOLDEN, AND MR. SABOL TO UPDATE THE PERSONNEL POLICY; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Mr. Froggatt asked if the July 1, 2003 Board of Supervisors meeting could be held at the newly renovated Carriage House.

A MOTION WAS MADE BY MR. FROGGATT TO HOLD THE JULY 1, 2003 BOARD OF SUPERVISORS MEETING AT THE CARRIAGE HOUSE IN TAMANEND PARK; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Mr. Froggatt stated that the Southampton Band is looking for a place to store equipment and perform concerts. He asked that the Township consider the Barn in Tamanend Park. Mr. Froggatt asked that the Township staff evaluate the Barn and determine if the Township owned equipment in the Barn can be housed elsewhere.

Mrs. Brager stated that there are two parcels in the Township that are zoned Campus Industrial and asked that the Board of Supervisors consider rezoning these two parcels to residential.

A MOTION WAS MADE BY MRS. BRAGER TO REZONE THE TWO CAMPUS INDUSTRIAL PARCELS TO RESIDENTIAL. Motion died for lack of second.

Mr. Ullrich stated that a new State law requires vehicles driving through a work zone to have their headlights on.
Mr. Ullrich stated that on August 5, 2002, the Board of Supervisors through the Solicitor submitted a proposal to Centennial School District in the amount of $400,000 for the purchase of Shelmire Field. Mr. Ullrich asked that Mr. Williams contact the Solicitor of the Centennial School Board to request an answer to Township’s proposal.

Mrs. Biuckians stated that a letter was received from State Representative Scott Petri regarding a proposed Bill concerning impact fees. She asked that the members of the Board of Supervisors and Mr. Williams review this Bill. She asked for a discussion of the Bill at the next Board of Supervisors meeting.

**SOLICITOR’S REPORT**

Mr. Williams stated that his written report was submitted previously. He stated that a hearing was held with the Zoning Hearing Board on March 26, 2003 for the Clear Channel and Outdoor Partnership land development appeal. Mr. Williams stated that once transcripts are received, briefs will be submitted by both parties and a decision will then be made by the Zoning Hearing Board.

Mr. Williams stated that an appeal hearing is scheduled on Wednesday, April 2, 2003, for Defulgentis, 87 Street Road, who is requesting a use variance to operate a real estate office in a residential zone.

Mr. Williams stated that several letters have been sent to SEPTA regarding the Southampton Train Station. He stated that their legal department is currently working on a license agreement and he will inform the Board when it is received.

Mr. Thomas Cunningham, 1230 Melody Lane, stated his disapproval of spending Township or Federal funds on the SEPTA-owned train station.

**ADJOURNMENT**

Being no further business to come before the Board, **A MOTION WAS MADE BY MR. FROGGATT TO ADJOURN AT 8:52PM; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.**

Respectfully submitted,
Walter C. Stevens
Secretary/Treasurer
A regular meeting of the Upper Southampton Township Board of Supervisors was held on Tuesday, May 6, 2003, at 7:30PM in the Library Meeting Room, 947 Street Road, Southampton, PA 18966.

MEMBERS PRESENT: 
Lola Biuckians, Chairperson
Stephen Ullrich, Vice-Chairman
Walter C. Stevens, Secretary/Treasurer
Keith Froggatt, Asst. Secretary/Treasurer
Estelle Brager, Member

ALSO PRESENT: 
Joseph Golden, Township Manager
Donald E. Williams, Township Solicitor
Larry Young, Township Engineer
Mark Showmaker, Fire Marshal

The meeting was called to order by Ch. Biuckians at 7:30PM. A quorum was established.

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS AND REPORTS

Ch. Biuckians stated that the Draft Environmental Impact Statement (DEIS) for the Woodhaven Road Project has been received from PennDOT. There is one copy at the Township Building and one copy located in the Southampton Free Library. Ch. Biuckians stated that the Township Engineer reviewed the DEIS and has prepared a cursory report.

Mr. Young stated that the five (5) alternatives were discussed in detail in the DEIS. The alternatives are the No Build, the Byberry Road Upgrade, the Woodhaven Extension, the Bustleton Avenue, and the Bustleton Avenue Modified. The costs of these alternatives range from $5 million for the No Build to $134 for the Woodhaven Extension. Mr. Young stated that there is a deadline of July 11, 2003 for comments from the public. He stated that the report is only a draft and that there is no design for the project. Mr. Young stated that the DEIS covered environmental issues only, such as wetlands, floodplains, run off, etc. He stated that the alternatives will disturb wetlands, floodplains and cause stream encroachment. He stated that permits will be needed from various agencies, i.e. DEP, Army Corps of Engineers, Wetlands, FEMA, however, PennDOT feels these permits are attainable. Mr. Young stated that all alternatives indicate that there will be no residential properties taken in Upper Southampton Township. He stated that the DEIS is proposing stormwater basins to address the stormwater problems on County Line Road between Buck Road and Huntingdon Pike, but that the stormwater water issues have not been addressed on County Line Road from Huntingdon Pike to New Road. He stated that there are proposals for sound barriers, most of which are located on the Lower Moreland side of County Line Road.

Ch. Biuckians stated that Detective Michael Gleason recently retired after 37 years of service. Mr. Stevens and Ch. Biuckians presented a plaque on behalf of the Upper Southampton Township Board of Supervisors to Mr. Gleason. Mr. Gleason thanked the Board of Supervisors.

Ch. Biuckians stated that PennDOT and the U.S. Army Corps of Engineers have scheduled a Joint Public Hearing to give citizens the opportunity to comment on the Woodhaven Road Draft Environmental Impact Statement (DEIS). Written and oral testimony will be received. The Public Hearing times and locations are as follows:

- Tuesday, June 4, 2003
  Pennsylvania National Guard Armory
  2700 Southampton Avenue
  Philadelphia, PA 19116
  2:00PM to 10:00PM
Ch. Biuckians recommended that all comments also be written.

COMMUNITY CONCERNS

Kathy Mendla, 975 Woodland Drive, stated that on April 21, 2003 Judge Rufe ruled that the erection of billboards would have no impact on the quality of life in Upper Southampton Township. She asked residents to contact their State Senators and Representatives, and ask them to write laws that would give municipalities the legal right to say No to Billboards.

Thomas Cunningham, 1230 Melody Lane, asked residents to contact their Congressmen and Senators regarding the Sunset clause on weapons ban. He stated that society should be able to have any weapon they choose. Mr. Cunningham stated that he is in favor of having Commerce Bank at the corner of Davisville Road and County Line Road, even though it is zoned Residential. He stated that other commercial properties are located in that area. Mr. Cunningham stated that developers should not be required to have 50% open space. He stated that he supported development. Mr. Cunningham also stated that he is against impact fees and that there should not be additional burdens put on developers.

APPROVAL FOR PAYMENT OF THE MAY 21, 2003 INVOICES:

Mr. Golden presented the accounts payable for May 21, 2003 as follows:

- General Fund - 52,412.20
- Street Lighting Fund - 9,168.91
- Park & Recreation Fund - 20,173.26
- Rescue Squad Capital Reserve Fund - 60,000.00
- Garbage & Refuse Fund - 40,738.02
- Capital Projects Fund - 2,500.00
- Storm Water Capital Reserve Fund - 16,992.50
- Highway Aid Fund - 2,932.63

A MOTION WAS MADE BY MRS. BRAGER TO APPROVE FOR PAYMENT THE MAY 21, 2003 INVOICES, IN THE AMOUNT OF $204,917.52 AND THE ESCROW INVOICES IN THE AMOUNT OF $3,448.67; SECONDED BY MR. FROGGATT; Mr. Stevens abstained from page 4, Vendor 901 and from page 16, Vendor 2406, CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

PUBLIC HEARING ON A PROPOSAL TO AMEND THE ZONING ORDINANCE AND MAP TO CREATE A NEW SI ZONING DISTRICT AND TO PROVIDE AREA AND DIMENSIONAL REQUIREMENTS FOR THAT DISTRICT; TO AMEND REGULATIONS FOR USE 53 MANUFACTURING AND ADD A NEW USE 53A RESTRICTED MANUFACTURING TO AMEND THE NOISE, VIBRATION, BUFFER YARD, SCREEN PLANTING AND FENCES, AND OFF STREET PARKING AND LOADING REQUIREMENTS, AND TO REZONE VARIOUS PARCELS THROUGHOUT THE TOWNSHIP:

Ch. Biuckians stated that this past week a discussion took place with a Sound Engineer regarding the SI zoning change. She stated that the Board of Supervisors decided to only hear public comment regarding the zoning change. There will be no voting on this issue.

Jean Knox, 1348 Cushmore Road, stated that there is noise that occurs after midnight, and stated that the Sound Engineer would not hear this noise.

Thomas Clarke, 1110 Cushmore Road, stated that Business Information Group located behind his residence has cut branches off trees in the buffer zone. He stated that headlights now shine into his house. He asked that Business Information Group be required to erect a fence as a buffer to his property.
Robert Shaffer, 1150 Millcreek Road, asked if these discussions are about Industrial Highway, or Industrial Boulevard. Maps currently list this road Industrial Boulevard.

Arthur Greisiger, President R. C. Kletzing Company, 1325 Industrial Boulevard, stated that residents put trash on the Industrial Boulevard properties. He stated that residents knew they were purchasing homes behind a manufacturing area. He stated that these homes took ten (10) feet of property from the Industrial Boulevard property when they were built.

Dick Tucker, 70 James Way, stated that the current ordinance should be enforced. He stated that most properties are already developed and will be grandfathered. He stated that the proposed restricted manufacturing will lower the value of real estate. Mr. Tucker stated that the noise and vibration issues need to be enforced according to the current ordinance.

Thomas Cunningham, 1230 Melody Lane, stated that the noise issues should be resolved. He stated that Upper Southampton currently has too many vacant buildings and the Township should not make it more difficult for the business owner. The Township should make the existing business comply with the current ordinance. He stated that the Township should do what they can to keep businesses in Upper Southampton.

John Koopman, Attorney for FBF Inc., commended the Board of Supervisors for hiring a Sound Engineer. He stated that the Township needs to protect the interests of businesses as well as residents. He stated that most businesses according to the proposed ordinance will be non-conforming. Mr. Koopman stated that when a business is non-conforming, it restricts the business from expanding and depresses the value of the business. He stated that the noise and vibration regulations in the proposed ordinance are not much different than the current ordinance. Mr. Koopman stated that changing the manufacturing use will not help the residents, regulating the noise and vibration will.

D. Edward McAllister, President of FBF Inc., stated that FBF employs 34 people, and would like to remain a good neighbor in Upper Southampton. He stated that noise issues have been addressed with FBF, Inc., and they have complied.

Tom Hines, Vice President of QC Incorporated, stated his concern with changing the zoning. He feels that the enforcement of existing regulations should sufficiently control the noise and vibration. He stated that QC Incorporated has worked with neighbors in regards to fencing, etc. Mr. Hines stated his concern with a ten foot setback on his property. He stated that one survey was taken from the Railroad and another survey was taken from Industrial Boulevard and that there is a ten (10) foot discrepancy, which would affect the setback.

Ed Juliano, 1040 Cushmore Road, stated that many businesses do not have the proper screening. He stated that there are dead trees behind his property. Mr. Juliano stated that all businesses should be required to have the type of screening located on the QC Incorporated property. He stated that the buffer yard requirement needs to be enforced, fences need to be repaired, and dead trees need to be replaced.

Arthur Greisiger, President R.C. Kletzing Company, 1325 Industrial Boulevard stated that residents on Cushmore Road should be required to put in the buffer yard.

Ted Yeggle, 1348 Cushmore Road, stated that the fence behind his property is approximately thirty (30) years old. He stated his concerns with trash being removed from BDS, an asbestos removal company. He stated that there is much room for improvement regarding the ten (10) foot buffer zone. Mr. Yeggle stated that there are other issues besides noise that exist such as stormwater runoff, business operation during late hours, and the maintenance of the buffer zone.

Ed Juliano, 1040 Cushmore Road stated that he met with the Sports Club located on Industrial Boulevard approximately one year ago and offered to share the cost in removing trees from behind their properties and planting evergreens for buffering. He has not heard from the Sports Club.

Dick Tucker, 70 James Way, stated that the issues discussed have all been about Industrial Boulevard, and asked that the Township not include James Way in the proposed ordinance.
Mr. Golden stated that the Upper Southampton Township Planning Commission recommended focusing on establishing effective noise, vibration, and buffer yard regulations, and less emphasis on changing the use designations. He stated that Traffic Planning and Design, Inc. have submitted a proposal to review the Township’s current ordinance, review the proposed ordinance, and provide recommendations and a model noise ordinance.

A MOTION WAS MADE BY MR. FROGGATT TO APPOINT TRAFFIC PLANNING AND DESIGN INC. TO REVIEW THE PROPOSED ORDINANCE, REVIEW THE TOWNSHIP’S CURRENT NOISE AND VIBRATION REGULATIONS, AND PREPARE A MODEL ORDINANCE, AT A COST NOT TO EXCEED $1,900.00; SECONDED BY MR. STEVENS.

Mr. Ullrich stated that the Township should inspect all the properties listed in the proposed ordinance. He stated that fences, trees, etc. should be checked to see if the businesses are in compliance with our current ordinance.

Ch. Biuckians requested the Township Code Enforcement Officer prepare an itemized report regarding current conditions on Industrial Boulevard, James Way, and Jaymor Road. She stated that this report should include results of daytime and two different nighttime sound readings.

Mr. Golden recommended that a professional Sound Engineer be utilized to prepare a model ordinance that will address the noise issues.

Mr. Williams stated that the Traffic Planning and Design, Inc. proposal should include a site inspection of the properties.

Mr. Golden stated the Code Enforcement Officer could present the Sound Engineer with his report on the properties.

Mrs. Brager stated that she approved of restricting the use of parcels for manufacturing and industrial uses that abut residential properties. She stated that land use is important to the proposed ordinance.

Mr. Golden stated that businesses as well as residents whose properties abut the business properties were notified of the Planning Commission meeting and the Public Hearing regarding the proposed ordinance.

Mr. Ullrich stated that neither residents nor the business owners stated their support of a zoning change. He stated that our current ordinance needs to be enforced.

MR. FROGGATT AND MR. STEVENS WITHDREW THEIR MOTIONS.

Mr. Froggatt requested a proposal from Traffic Planning and Design, Inc. which includes sound readings and a site inspection.

Ch. Biuckians stated that more discussion is needed regarding the proposed ordinance.

The Public Hearing closed at 9:00PM.

CONSIDERATION OF APPROVING A PRELIMINARY PLAN OF LAND DEVELOPMENT SUBMITTED BY TILGHMAN BUILDERS, INC., FOR PROPERTY LOCATED AT 1300 CHINQUAPIN ROAD, TMP #48-26-48 (Review period expires on June 30, 2003).

Mr. Edward Chadrow, Engineer for the applicant Tilghman Builders, Inc., presented a preliminary plan of land development, consisting of seven (7) sheets dated January 14, 2002, last revised on February 24, 2003 as prepared by Eastern/Chadrow Associates, Inc. The plan proposes to subdivide an existing 24.87-acre parcel into three lots. One lot consists of an existing single family dwelling, one lot is proposed as dedicated open space, and the third lot is proposed for a single-family dwelling. The applicant is requesting the following waivers:
Section 504.1 - Require secondary streets to have a right-of-way of a minimum of fifty (50') feet with a cartway of thirty (30') feet. The existing right-of-way of Chinquapin Road is 46.5 feet of which 30 feet is from the centerline of the road. The existing cartway width is twenty (20') feet, which is less than the width required by the Ordinance.

Section 512 and 609 - Require sidewalks to be constructed on all frontage streets. The plan does not propose and sidewalks along the frontage with Chinquapin Road.

Section 514 and 610 - Require curbs to be provided along streets abutting subdivision and land developments. Chinquapin Road does not presently contain any curbs. The Applicant has not proposed any curb along Chinquapin Road.

Section 516.4 - Requires side lot lines to be at right angles or radial to the street lines. Many of the lot lines either have excessive jogs and/or are not 90 degrees to the right of way.

Section 516.6 - Prohibits lots which are excessively irregular in shape. Many jogs occur on the common side lot line between Lot 1 and the Open Space Lot.

Section 611.5.9 - Requires water quality standards to be applied to the site. The applicant has implemented water quality standards for the areas, which discharge into the basin. However, Drainage Areas 1 (undetained) and Drainage Area 3 discharge stormwater runoff generated by existing and proposed impervious surfaces. Any on site impervious surfaces must discharge into a water quality basin. A large amount of existing impervious is located within the undetained watershed. Due to the site constraints, slopes and existing features, it would be very difficult to meet this standard. The applicant has provided drywells to intercept a portion of the proposed house on Lot 2 and the existing barn and garage on Lot 1. The Applicant has proposed a trench drain on the existing driveway which discharges into the detention basin. There is a small amount of impervious area leaving the site, which does not meet the water quality standards.

Section 611.4.B.3(iii)(7) - Requires two (2) foot of cover for storm sewer pipe located outside the cartway. The profile on sheet 3 shows less than two (2) feet over the proposed 21" diameter sewer pipe.

Mrs. Brager stated that the Planning Commission approved the preliminary subdivision with the condition that no further subdivision of Lot #1 will be permitted and a note be added to the final plans. Mrs. Brager agreed with this condition. Mrs. Brager stated that she would like the Township to consider purchasing developmental rights for the open space property.

Mr. Steven Brush, Attorney for Tilghman Builders, Inc., stated that the Tilghman’s would not be in agreement with the Planning Commission’s recommendation. He stated that the Tilghman’s would be open to discussions regarding developmental rights.

Mark Showmaker, Fire Marshal, stated that he has not received a response in regard to his letter dated February 15, 2003 requiring a fire suppression line for fire hydrants as required by the International Fire Code and the Land Development subdivision ordinance. Mr. Chadrow stated that public water is not available in that area. Mr. Showmaker stated water is available across Bustleton Avenue at Valley Hill Trail. He stated that in order for building permits to be issued, a fire suppression line or an alternative method for fire suppression will be required.

Mr. Bob Robinson, 1325 Chinquapin Road, stated that there is continual flooding in this area of the Township. He stated that retention basins will not solve the water problem in this area. He stated that the retention basins hold water for a short while, then spills over onto residential properties. Mr. Robinson stated that he and his neighbors currently get water in their back yards, and that the retention basin will create water in their front yards.

Mr. Chadrow explained that the emergency spillway for the retention basin will only be activated during a large storm. He stated that water from the area will run into the basin, be retained, and then will be piped to an existing end wall that is located beneath the intersection of Bustleton Pike and Chinquapin Road.

Mr. Froggatt asked if the detention/retention basins are permitted in front yards, and asked if there is a designated use for the open space.

Mr. Williams stated that there is a provision in the Township zoning ordinance that limits what can be done in front yards. He stated that section 185.30.b states that only "landscape areas, signs, and necessary drives,
parking areas, and walks shall be permitted in the required front yard." Mr. Williams stated that this is a zoning provision that the Board of Supervisors cannot provide relief for.

Mrs. Brager stated that she would like to discuss the possibility of developmental rights. Ch. Biuckians stated that the entire Board of Supervisors must make the decision regarding developmental rights.

Kathy Steiner, 1315 Chinquapin Road, stated that there is constantly water on the existing Tilghman lot. She stated that water from that area drains onto her property and the Robinson's property.

Jim McDonald, 1367 Chinquapin Road, stated that retention basins in that area will not work. Water will spill over onto existing residential properties.

Mr. Showmaker, Fire Marshal stated that a waiver will be required regarding the waterline for the fire suppression system.

Mr. Bob Robinson, 1325 Chinquapin Road, stated that sewer hook up was required for the previous house built by Tilghman Builders. He stated that all residents in that area now are required to hook up to sewer and asked that they not be required to hook up to water also.

Mr. Froggatt stated that on sheet 3 a fence is shown in the open space area, and questioned a pipe from the retention basin labeled sanitary pipe. Mr. Chadrow stated that the fence will be removed and that the pipe is a stormwater pipe.

Thomas Cunningham, 1230 Melody Lane stated that he is opposed to spending Township open space funds on land that can't be used by the Township.

Christine Vosseler, 1860 Bristol Road, stated that she is in favor of purchasing developmental rights on this property which would stop further development. She stated that she did not want to see further development in that area.

Ch. Biuckians stated that residents on Bustleton Pike and Chinquapin Road have suffered due to flooding in that area, and that any further building in this area will have a negative impact on residents. She stated that she is adamantly opposed to granting any waivers for this parcel of property.

Mr. Williams stated that the issues of the fire suppression system, and the retention basin should be discussed further and consideration of the preliminary plan of subdivision/land development should be continued.

A MOTION WAS MADE BY MRS. BRAGER TO TABLE THE CONSIDERATION OF APPROVING A PRELIMINARY PLAN OF LAND DEVELOPMENT SUBMITTED BY TILGHMAN BUILDERS, INC., FOR PROPERTY LOCATED AT 1300 CHINQUAPIN ROAD, TMP #48-26-48 UNTIL THE JUNE 3, 2003 BOARD OF SUPERVISORS MEETING; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

DISCUSSION OF APPLICATION BEFORE THE ZONING HEARING BOARD:

• Case #03-05, William J. Edmonds, 1010 Willow Street, TMP #48-7-285

Mr. William Edmonds submitted an application to the Zoning Hearing Board for a variance to park a commercial vehicle exceeding 3/4 ton loading capacity in his residential driveway at 1010, Willow Street, Southampton. The property is zoned R-3. Section 185-16 Subsection 57 (a) of the zoning ordinance prohibits the parking of commercial vehicles exceeding 3/4 ton loading capacity in an R-3 zoning district.

Steven Brush, Attorney for Mr. Edmonds, presented a petition from neighbors in support of parking the vehicle. Photographs were also presented. Mr. Brush stated that Mr. Edmonds would erect a fence for the immediate neighbor, if requested. Mr. Ullrich asked if any neighbors were opposed to the parking of the truck. Mr. Brush stated he was not aware of any. The Zoning Hearing Board will hear this case at a future date.
DISCUSSION REGARDING IMPROVEMENTS TO THE SEPTA TRAIN STATION:

Mr. Golden stated that SEPTA was contacted previously in regards to a request for a long term lease, in order to repair the roof, at a cost of approximately $1,800 on the abandoned Southampton Train Station. He stated that SEPTA has responded to that request with a 30 day short term lease. Ch. Biuckians stated that at this time, the cost to repair the roof may exceed the original estimate and that thirty (30) days is not long enough to complete the repairs, especially if there are unforeseen problems. Mr. Ullrich stated that SEPTA is requiring specific insurance, such as Railroad insurance that may not be cost effective. Mr. Froggatt stated that Township funds should not be used to repair the roof unless SEPTA provides a long term lease to the Township. Mr. Williams will contact SEPTA.

DISCUSSION OF PROPOSED LEGISLATION KNOWN AS THE GOVERNMENT COMPETITION AGAINST PRIVATE ENTERPRISE ACT:

Mr. Tony Scheivert, Park and Recreation Director stated that House Bill no. 298 and Senate Bill no. 321, known as the "Government Competition Against Private Enterprise Act" prohibits Townships from competing against private enterprise, except for government functions. He stated that this legislation could prohibit local governments from funding or subsidizing local libraries, fire companies and recreational programs. Mr. Scheivert stated that the Park and Recreation Board is requesting the Board of Supervisors ask State Senators and Representatives to oppose this Bill.

Ms. Patricia Myers, Chairperson of the Park and Recreation Board, stated that the Park and Recreation Board at its May 13, 2003 meeting, unanimously passed a motion rejecting House Bill 298 also known as Senate Bill 321. She stated that this bill will limit Park and Recreation planning options by not allowing them to offer any programs that are available through the private sector. She stated that the Park and Recreation Board requests the Board of Supervisors pass a resolution opposing House Bill 298 and Senate Bill 321.

Mr. Ullrich stated that he spoke with State Representative Scott Petrie and that he is opposed to House Bill 298 and Senate Bill 321.

A MOTION WAS MADE BY MR. ULLRICH AUTHORIZING THE TOWNSHIP TO CONTACT STATE AND LOCAL REPRESENTATIVES IN OPPOSITION OF HOUSE BILL 298 AND SENATE BILL 321, KNOWN AS THE "GOVERNMENT COMPETITION AGAINST PRIVATE ENTERPRISE ACT" AND TO PREPARE A RESOLUTION OPPOSING HOUSE BILL 298 AND SENATE BILL 321, KNOWN AS THE "GOVERNMENT COMPETITION AGAINST PRIVATE ENTERPRISE ACT"; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF APPROVING CHANGE ORDER #1 IN THE AMOUNT OF $2,050 FOR THE BIO-RETENTION/WETLANDS CONTRACT:

Mr. Young stated that during the excavation for the Bio-retention/Wetlands project, the Contractor H. L. Nyce & Son, encountered several underground springs. One of the springs was discharging into an underground pipe, which was feeding into the existing pond. In addition, the underground springs required the changing of the grade of the bottom of the constructed wetlands, continuous pumping during construction to enable the Contractor to grade the bottom, and construction of an emergency spillway for the constructed wetlands to allow the overflow of any future water accumulated within the wetlands. A concrete pad uncovered in the area also had to be removed. Tri-State Engineers recommends approving Change Order #1 in the amount of $2,050.00.

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE CHANGE ORDER #1 FOR THE BIO-RETENTION/WETLAND PROJECT, IN THE AMOUNT OF $2,050.00; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.
CONSIDERATION OF APPROVING A PROPOSED STIPULATION FOR TWO TAX ASSESSMENT APPEALS:

Mr. Williams stated that Upper Southampton Township relies on the representation of the Centennial School District in tax assessment appeals. He stated that the tax assessment appeals for TMP #48-001-004-001 Harry and Mary Harp, and TMP #48-001-004-006 and 48-011-004-007, Jameisco, began in 1997. Mr. Williams stated he has monitored these cases over the years, and that he and Jeffrey Garton, Esquire, attorney for Centennial School District believe the settlement is fair and reasonable. He asked that the Board of Supervisors approve the Stipulations and authorize him to sign the same.

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE STIPULATION OF SETTLEMENT FOR TMP #48-011-004-001 AND STIPULATION OF SETTLEMENT FOR TMP #48-011-004-006 AND #48-011-004-007, AND AUTHORIZE THE SOLICITOR TO SIGN THE STIPULATION OF SETTLEMENT ON BEHALF OF THE TOWNSHIP; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

OTHER BUSINESS

• Discussion of Act 511 Ad Hoc Committee: Mr. Golden stated that all five members of the Act 511 Ad Hoc Committee agreed that they had completed the tasks they were originally assigned which was to monitor the transition from the Municipal Tax Bureau to Berkheimer Associates, and to review Berkheimer's information base for accuracy and completeness. The Committee believes the Township staff can continue to monitor the current Tax Collector without the need for the Committee.

A MOTION WAS MADE BY MR. ULLRICH TO ACCEPT THE RECOMMENDATION OF THE FIVE (5) MEMBERS OF THE ACT 511 AD HOC COMMITTEE, TO DISSOLVE SAID COMMITTEE AND ALLOW THE MONITORING OF THE TAX COLLECTOR TO BE PERFORMED BY THE TOWNSHIP STAFF; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Mr. Froggatt asked for a Proclamation to be presented to the Committee at a future meeting.

Mr. Stevens stated that a SWBSWC meeting was held at Northampton Township on May 13, 2003. He stated that there was a discussion on contract provisions regarding the placement of empty trash and recycling containers. J. P. Mascaro and Sons agreed to comply with the Contract Section 3.03.11 manner of collection "Containers must be replaced precisely in the location where they had been set by the household." Mr. Stevens stated that not all householders put their trash out the same way. He stated that upon recent inspection, containers in general have been placed behind the curb or on the street touching the curb. This practice meets the intent of the contract. Mr. Stevens stated that J. P. Mascaro and Sons will place all containers on Rozel Avenue behind the curb, regardless of where the resident placed the containers. He recommended to the Board of Supervisors, that the Code Enforcement division of the Township make routine checks of all streets in the Township to monitor this problem, and when and where necessary, take appropriate enforcement action per Contract Section 2.10 Penalties, all included sections.

SOLICITOR’S REPORT

Mr. Williams stated that his written report was submitted previously. He stated that the appeal for Outdoor Partnership regarding billboards has been filed in the Commonwealth Court, and Mr. Rusden, 1243 Street Road who requested a business office on a residential property and permission to exceed the maximum impervious surface ratio has filed an appeal to the Commonwealth Court. Mr. Williams stated that the Upper Southampton Township Zoning Hearing Board issued a Supplemental Decision denying Mr. DeFulgentis’, 87 Street Road, request for a use variance to operate a real estate office in a residential district.

ADJOURNMENT

Being no further business to come before the Board, A MOTION WAS MADE BY MR. FROGGATT TO ADJOURN AT 10:35PM; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Respectfully submitted,
Walter C. Stevens
Secretary/Treasurer
A regular meeting of the Upper Southampton Township Board of Supervisors was held on Tuesday, June 3, 2003, at 7:30PM in the Library Meeting Room, 947 Street Road, Southampton, PA 18966.

**MEMBERS PRESENT:** Lola Biuckians, Chairperson  
Stephen Ullrich, Vice-Chairman  
Walter C. Stevens, Secretary/Treasurer  
Keith Froggatt, Asst. Secretary/Treasurer  
Estelle Brager, Member

**ALSO PRESENT:** Joseph Golden, Township Manager  
Donald E. Williams, Township Solicitor  
Larry Young, Township Engineer  
Mark Showmaker, Fire Marshal

The meeting was called to order by Ch. Biuckians at 7:30PM. A quorum was established.

**ANNOUNCEMENTS, CORRESPONDENCE, AWARDS AND REPORTS**

**COMMUNITY CONCERNS**

Miriam Logan, 271 Gravel Hill Road, stated her concerns with the Woodhaven Road Project. She stated that this proposal will affect Upper Southampton Township. She stated that there will be additional noise, air pollution, businesses will suffer, and safety issues for school children. She stated that Bryn Athyn Borough Council passed a resolution in support of the Citizens Alliance of Lower Moreland and Bryn Athyn's (CALMBA) efforts to oppose all Build Alternatives and Lower Moreland Supervisors passed a resolution in support of CALMBA's and Tri-County Coalition's efforts which oppose all current Build Alternatives and support the Route 1 Alternative. She asked that the Upper Southampton Township Board of Supervisors support the Coalition's efforts.

Steve McLaverty, 66 Gravel Hill Road, stated that many residents are concerned with the Woodhaven Road Project. He stated that the Citizens Alliance of Southampton (CAS) and the Tri-County Coalition are committed to stopping the Woodhaven Road Project. He asked for the support of the Upper Southampton Township Board of Supervisors. Mr. McLaverty stated that Woodhaven Road was listed as a Capital Improvement thirty (30) years ago. He stated that there is a meeting scheduled on June 19, 2003 at Lower Moreland High School, 7:00PM for residents to prepare for the PennDOT Public Hearings scheduled June 24 and June 26, 2003. He stated concerns of stormwater, tax base erosion, the suffering of businesses on Second Street Pike, and the raising of taxes. He asked that the Board of Supervisors write to Governor Rendell in regards to budgeting Capital Improvements. He asked that the Board of Supervisors support CAS and the Tri-County Coalition.

Jim O'Neill, Spokesperson for Tri-County Coalition, 3456 Hillside Drive, Huntingdon Valley, PA asked for support from government representatives such as James Greenwood and Joe Hoelfel. He stated that the Route 1 Alternative was submitted to PennDOT, but that too much time passed, and the Route 1 Alternative could not be part of the Draft Environmental Impact Statement (DEIS). He stated his disapproval of PennDOT's practices in regard to the Woodhaven Road Project.

Kevin Cave, 841 E. Maple, and Bob Coccia, 847 E. Maple Drive asked about the stormwater project for their area. Mr. Golden stated that Phase II of this project will be completed as soon as possible.
APPROVAL OF THE REGULAR MEETING MINUTES OF MAY 21, 2003:

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE THE REGULAR MEETING MINUTES OF MAY 21, 2003 AS AMENDED; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

APPROVAL FOR PAYMENT OF THE JUNE 3, 2003 INVOICES:

Mr. Golden presented the accounts payable for June 3, 2003 as follows:

- General Fund - 61,475.64
- Street Lighting Fund - 1,828.78
- Park & Recreation Fund - 5,405.62
- Garbage & Refuse Fund - 67,751.54
- Capital Projects Fund - 9,748.47
- Storm Water Capital Reserve Fund - 225.00
- Highway Aid Fund - 2,094.72

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE FOR PAYMENT THE MAY 21, 2003 INVOICES, IN THE AMOUNT OF $148,529.77 AND THE ESCROW INVOICE IN THE AMOUNT OF $124.00; SECONDED BY MRS. BRAGER; Mr. Stevens abstained from page 3 and 4, Vendor 1804 and from page 8, Vendor 2406, CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF APPROVING A PRELIMINARY PLAN OF LAND DEVELOPMENT SUBMITTED BY TILGHMAN BUILDERS, INC., FOR PROPERTY LOCATED AT 1300 CHINQUAPIN ROAD, TMP #48-26-48 (Review period expires on June 30, 2003).

Mr. Steven Brush, Attorney for the Applicant Tilghman Builders, Inc., stated that the discussion on the preliminary plan of land development was tabled at the last Board of Supervisors meeting so that two issues could be addressed, a retention basin in the front yard, and the fire suppression system. Mr. Brush stated the Tilghman's current property consists of the Tilghman's dwelling, a Carriage House, Barn, a 7,000+ square foot tennis court, and extensive parking and driveway area. He stated that there is currently no stormwater management on this property, however, if the preliminary plan is approved, the stormwater management on the entire site will exceed the required meadows concept. He stated that the proposed stormwater basin exceeds the capacity required by the Township ordinance. There are also trench drains. Mr. Brush stated that in addition to the stormwater basin, Mr. Tilghman has agreed to place dry wells around the existing barn, carriage house, and proposed house. He stated that detention/retention basins are located in the front and side yards of various properties in the Township. He stated that Mr. Tilghman will comply with the building code in regards to the fire suppression system. Mr. Brush stated that one building will not impact the areas along Mill Creek. He stated that other areas such as Burgundy Hills, Southampton Hills, and Bryn Gweled do not currently have stormwater retention. He stated that the preliminary plan complies with the Township stormwater ordinance, and requested approval of the preliminary plan of land development.

Mr. Ullrich stated that the location of the detention basin is a zoning issue. He stated that the placement of the basin is a health and welfare and safety issue of the residents of Upper Southampton. He stated that if the basin overflows, it will affect residents. Mr. Brush stated that the detention/retention basin needs to be at the low point which is in the front yard.

Mrs. Brager asked if the Tilghman's would be interested in selling its development rights to the Township. Mr. Brush stated that the Tilghman's would be willing to discuss development rights. Mrs. Brager asked about the depth of the retention basin. Mr. Chadrow stated it would be four (4) to five (5) feet deep.

Mrs. Brager asked if an additional retention basin could be constructed at the 188 foot elevation to capture runoff before it gets to the proposed retention basin on Chinquapin Road. Mr. Chadrow will review this request.
Mr. Ullrich stated that he is not in favor of purchasing development right. He asked Mr. Brush if the Tilghman's would be willing to repay and buyout properties if the stormwater management plan fails. Mr. Brush stated they would not.

Mr. Chadrow stated that the Tilghman's will be removing 2550 square feet of impervious surface by removing the tennis court.

Mrs. Brager stated that sidewalks are important on this property for safety reasons.

Mark Showmaker stated that the water line is approximately 300 feet away, and that the fire code requires a structure to have fire protection. He stated that the fire code requests fire hydrants. He stated that a variance is required under the Subdivision/Land Development Ordinance.

A MOTION WAS MADE BY MR. ULLRICH TO:

A. DENY THE PRELIMINARY PLAN OF SUBDIVISION AND LAND DEVELOPMENT SUBMITTED BY TILGHMAN BROTHERS, INC. FOR THE PROPERTY KNOWN AS CHINQUAPIN ROAD, TMP #48-023-048, UPPER SOUTHAMPTON TOWNSHIP, BUCKS COUNTY, AS SHOWN ON A PLAN PREPARED BY EASTERN/CHADROW ASSOCIATES, INC. DATED JANUARY 14, 2002, LAST REVISED FEBRUARY 24, 2003, FOR FAILING TO COMPLY WITH THE FOLLOWING SECTIONS OF THE UPPER SOUTHAMPTON TOWNSHIP ZONING ORDINANCE AND THE UPPER SOUTHAMPTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE:

1. THE PLAN FAILS TO COMPLY WITH SECTION 510 OF THE UPPER SOUTHAMPTON TOWNSHIP ZONING ORDINANCE. THE PLAN HAS A DETENTION BASIN LOCATED IN THE FRONT YARD ALONG CHINQUAPIN ROAD. SECTION 510 OF THE UPPER SOUTHAMPTON TOWNSHIP ZONING ORDINANCE PROVIDES "ONLY LANDSCAPED AREAS, SIGNS, AND NECESSARY DRIVES, PARKING AREAS AND WALKS SHALL BE PERMITTED IN THE REQUIRED FRONT YARD". APPLICANT HAS FAILED TO OBTAIN A VARIANCE OR OTHER APPROPRIATE ZONING RELIEF FOR THIS ZONING ORDINANCE REGULATION;

2. THE PLAN FAILS TO COMPLY WITH SECTION 504.1 OF THE UPPER SOUTHAMPTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE. THE PLAN SHOWS AN EXISTING CARTWAY WIDTH OF 20' FOR CHINQUAPIN ROAD. SECTION 504.1 REQUIRES A CARTWAY WIDTH OF 30' FOR SECONDARY STREETS;

3. THE PLAN FAILS TO COMPLY WITH SECTION 512 AND SECTION 609 OF THE UPPER SOUTHAMPTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE. THE PLAN SHOWS NO SIDEWALKS ALONG CHINQUAPIN ROAD. SECTIONS 512 AND 609 REQUIRE SIDEWALKS ALONG CHINQUAPIN ROAD UNLESS IN THE OPINION OF THE BOARD OF SUPERVISORS WITH THE ADVICE OF THE PLANNING COMMISSION THEY ARE UNNECESSARY FOR PUBLIC SAFETY AND CONVENIENCE. I MAKE THE SPECIFIC FINDING THAT SIDEWALKS ARE NECESSARY ALONG APPLICANT'S PROPERTY FOR THE PUBLIC SAFETY AND CONVENIENCE;

4. THE PLAN FAILS TO COMPLY WITH SECTION 514 AND 610 OF THE UPPER SOUTHAMPTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE. THE PLAN SHOWS NO CURBS ALONG CHINQUAPIN ROAD. SECTION 514 AND 610 REQUIRE CURBS BE PROVIDED ON BOTH SIDES OF ALL STREETS UNLESS IN THE OPINION OF THE BOARD OF SUPERVISORS, WITH THE ADVICE OF THE TOWNSHIP ENGINEER, THEY ARE UNNECESSARY. I MAKE THE SPECIFIC FINDING THAT CURBS ARE NECESSARY ALONG APPLICANT'S PROPERTY FOR THE PUBLIC SAFETY AND TO PROTECT THE INTEGRITY OF THE STREETS;

5. THE PLAN FAILS TO COMPLY WITH SECTION 516.4 OF THE UPPER SOUTHAMPTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE. HE SIDE LOT LINES OF LOT 1, LOT 2, AND THE OPEN SPACE PARCEL HAVE EXCESSIVE JOGS AND ARE NOT AT RIGHT ANGLES TO THE STREETS. SECTION 516.4 REQUIRES SIDE LOT LINES TO BE AT RIGHT ANGLES OR RADIAL TO THE STREETS;
6. THE PLAN FAILS TO COMPLY WITH SECTION 516.6 OF THE UPPER SOUTHAMPTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE. THE SHAPE OF LOT 1, LOT 2, AND THE OPEN SPACE PARCEL ARE EXCESSIVELY IRREGULAR IN SHAPE. SECTION 516.6 PROVIDES THAT LOTS EXCESSIVELY DEEP IN RELATION TO WIDTH OR LOTS EXCESSIVELY IRREGULAR TO THE SHAPE ARE TO BE AVOIDED;

7. THE PLAN FAILS TO COMPLY WITH SECTION 611.5.d OF THE UPPER SOUTHAMPTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE. THE PLAN ALLOWS UNTREATED STORMWATER FROM IMPERVIOUS SURFACE AREAS LOCATED ON LOT 1 AND LOT 2 TO LEAVE THE SITE WITHOUT MEETING WATER QUALITY STANDARDS. WITH REGARD TO LOT 1, UNTREATED STORMWATER FROM APPROXIMATELY 225 SQUARE FEET OF THE DRIVEWAY LEAVES THE SITE. WITH REGARD TO LOT 2, UNTREATED STORMWATER FROM APPROXIMATELY 1,100 SQUARE FEET OF THE DRIVEWAY LEAVES THE SITE. SECTION 611.5.d REQUIRES WATER QUALITY STANDARDS TO BE APPLIED TO ALL AREAS OF THE SITE:

8. THE PLAN FAILS TO COMPLY WITH SECTION 611.4.B.3(iii)(7) OF THE UPPER SOUTHAMPTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE. THE PROFILE FOR A STORM SEWER PIPE ENTITLED "STORM SEWER PROFILE" AS SHOWN ON SHEET 3 SHOWS LESS THAN 2' OF COVER OVER A PROPOSED 21" DIAMETER STORM SEWER PIPE. SPECIFICALLY, THERE ARE TWO AREAS LOCATED IN THE GRASS AREA WHICH FAIL TO COMPLY. ONE AREA SHOWS THE PROPOSED PIPE WITH ONLY ONE (1) FOOT OF GROUND COVER. ANOTHER AREA SHOWS THE PROPOSED PIPE WITH ONLY 9" OF GROUND COVER. SECTION 611.4.B.3(iii)(7) REQUIRES AT LEAST 2' OF COVER FOR STORM SEWER PIPES WHICH ARE LOCATED OUTSIDE OF THE CARTWAY;

9. THE PLAN FAILS TO COMPLY WITH SECTION 612 OF THE UPPER SOUTHAMPTON TOWNSHIP ZONING ORDINANCE. SECTION 612 REQUIRES APPLICANT TO CONSTRUCT WATER MAINS. THE SYSTEM MUST BE DESIGNED WITH ADEQUATE CAPACITY AND APPROPRIATE SPACED FIRE HYDRANTS FOR FIRE-FIGHTING PURPOSES. APPLICANT DOES NOT INTEND TO CONSTRUCT THE WATER MAIN AND INSTALL HYDRANTS. PUBLIC WATER IS AVAILABLE IN THE GENERAL VICINITY AS IT IS LOCATED IN BUSTLETON PIKE AT OR NEAR THE VALLEY HILL TRAIL SUBDIVISION; AND

B. TO DENY THE REQUEST FOR WAIVERS FROM SECTIONS 504.1, 512, 609, 514, 610, 516.4, 516.6, 611.5.d, 611.4.B.3(iii)(7), AND 612 AS APPLICANT HAS FAILED TO DEMONSTRATE THAT THE PROVISIONS ARE UNREASONABLE AND CAUSE UNDUE HARDSHIP AS THEY APPLY TO THE PROPOSED SUBDIVISION.


SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

DISCUSSION OF ZONING HEARING BOARD APPLICATION:

- CASE #03-06, Dmitry Teslyar, 55 Second Street Pike

Mr. Dmitry Teslyar intends to open a retail paint store at 55 Second Street Pike, Southampton. The property is zoned RS and is owned by Arnold and Evelyn Witkin. The applicant is required to provide 36 parking spaces for the 2,761 square foot building located on the property. He intends to provide only 15 parking spaces.
Mr. Gedalia Vinokurov, Architect for Mr. Teslyar, stated that Mr. Teslyar is proposing a plan for a Benjamin Moore Paint store to be located at 55 Second Street Pike. He stated that 85% of the business will be from subcontractors. He stated that he is seeking a variance for parking. Mr. Teslyar is proposing 15 parking spaces. Mr. Vinokurov stated that Mr. Teslyar proposes to construct a stormwater detention basin on the property.

Mr. Young stated that according to the zoning ordinance, stormwater management is required and that a zoning variance for constructing a detention basin in the buffer yard is required.

Mr. Stevens asked how many employees and how would the inventory be delivered. Mr. Teslyar stated that there will be two (2) employees, and that a tractor trailer will deliver inventory twice a week. Mr. Stevens stated that stormwater will runoff towards Industrial Boulevard.

Mrs. Brager asked if the stormwater detention basin will be calculated for the larger parking area. Mr. Vinokurov stated that it would. Mrs. Brager asked if the existing buffer would stay and asked if the applicant would be willing to install additional trees if necessary. Mr. Teslyar stated he would. Mrs. Brager asked that the large trees located on the property not be destroyed.

Mr. Froggatt stated that if the detention basin will be located in the buffer yard, the application needs to be amended to include the variance for stormwater detention basin. Mr. Froggatt stated that a condition of the variance should be that if there is a change in use, the Township may require additional parking spaces. Mr. Golden will notify the Zoning Hearing Board of this condition.

The Zoning Hearing Board will hear this application at a later date.

CONSIDERATION OF ADOPTING RESOLUTION #2003-7, ADOPTING AN EMERGENCY OPERATION PLAN:

Mr. Showmaker, Fire Marshal, presented the proposed Emergency Operations Plan. He stated that the Emergency Operations Plan (EOP) has been redesigned in accordance with regulations set by the State Emergency Management Agency to be more user-friendly. He requested the Upper Southampton Township Board of Supervisors approve and adopt the Emergency Operations Plan of Upper Southampton Township as amended. Mr. Showmaker stated that when the Emergency Operations Plan is approved by the Upper Southampton Township Board of Supervisors, it will be submitted for approval by the State and County Emergency Management Agencies.

Mr. Ullrich asked about the appointment of the Emergency Management Coordinator. Mr. Showmaker stated that the Emergency Management Coordinator is appointed by the Governor upon recommendation from the Board of Supervisors. The Emergency Management Coordinator must be certified and must have continual training. He stated that his job description included Emergency Management Coordinator.

A MOTION WAS MADE BY MR. FROGGATT TO ADOPT RESOLUTION #2003-7 TO ADOPT AND APPROVE THE EMERGENCY OPERATIONS PLAN OF UPPER SOUTHAMPTON TOWNSHIP; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF ADOPTING RESOLUTION #2003-8, OPPOSING HOUSE BILL 298 AND SENATE BILL 321, KNOWN AS GOVERNMENT COMPETITION AGAINST PRIVATE ENTERPRISE ACT:

A MOTION WAS MADE BY MR. ULLRICH TO ADOPT RESOLUTION #2003-8 OPPOSING HOUSE BILL 298 AND SENATE BILL 321 KNOWN AS GOVERNMENT COMPETITION AGAINST PRIVATE ENTERPRISE ACT; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF APPROVING AN AMENDMENT TO THE "DISPOSAL OF NON-RECYCLED RESIDENTIAL SOLID WASTE" AGREEMENT WITH WHEELABRATOR FALLS,
INC., ESTABLISHING AND REDUCING TIPPING FEES FOR THE REMAINDER OF THE CONTRACT TERM:

A MOTION WAS MADE BY MR. STEVENS TO TABLE THE CONSIDERATION OF APPROVING AN AMENDMENT TO THE "DISPOSAL OF NON-RECYCLED RESIDENTIAL SOLID WASTE" AGREEMENT WITH WHEELABRATOR FALLS, INC., ESTABLISHING AND REDUCING TIPPING FEES FOR THE REMAINDER OF THE CONTRACT TERM; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

DISCUSSION OF PUBLIC WORKS EQUIPMENT PURCHASES:

Mr. Golden stated that the Township approved the purchase of a portable air compressor in the 2003 Budget. He stated that the cost of the air compressor is over $10,000; therefore it must be publicly bid. The Township may piggyback the purchase of an air compressor from the State, County, or Municipal Contracts if the Township authorizes such purchases by resolution. Mr. Golden stated that the state and the county did not bid air compressors this year, but that the City of Harrisburg did. Mr. Golden will prepare a resolution for the next Board of Supervisor’s meeting to piggyback the purchase of the air compressor on the City of Harrisburg’s contract.

A MOTION WAS MADE BY MR. FROGGATT TO TABLE THE DISCUSSION OF PUBLIC WORKS EQUIPMENT PURCHASES; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

OTHER BUSINESS:

Mr. Golden stated that Warrington Township, on behalf of the Bucks County Consortium, opened bids for pipe on June 18, 2002. Chemung Supply Corporation was the only bidder.

A MOTION WAS MADE BY MR. FROGGATT TO AWARD A CONTRACT TO CHEMUNG SUPPLY CORPORATION, FOR THE PURCHASE OF ONE THOUSAND (1,000) FEET OF DELIVERED 18" COR POLY BLACK VINYL PIPE N-12 SMOOTH BORE AT A COST OF $5.57 PER FOOT, ONE THOUSAND (1,000) FEET OF DELIVERED 24" COR POLY BLACK VINYL PIPE N-12 SMOOTH BORE AT A COST OF $8.45 PER FOOT, ONE THOUSAND (1,000) FEET OF DELIVERED 30" COR POLY BLACK VINYL PIPE N-12 SMOOTH BORE AT A COST OF $13.54 PER FOOT, FORTY-ONE (41) 18" CONNECTING BANDS AT A COST OF $5.38 EACH, FORTY-FIVE (45) 24" CONNECTING BANDS AT A COST OF $8.16 EACH, AND THIRTY-FIVE (35) 30" CONNECTING BANDS AT A COST OF $13.54 EACH; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Mr. Golden stated that there is a vacancy in the position of Secretary/Receptionist due to a resignation. The position was advertised in the Bucks County Courier Times. Eight applicants were interviewed by the Township staff. It is the recommendation of the staff that Jennifer Powers be appointed to the position of Administrative Secretary/Receptionist at an hourly rate of $11.00/hour, subject to a six (6) month probationary period.

A MOTION WAS MADE BY MR. STEVENS TO APPOINT JENNIFER POWERS TO THE POSITION OF ADMINISTRATIVE SECRETARY/RECEPTIONIST AT AN HOURLY RATE OF $11.00/HOUR SUBJECT TO A SIX (6) MONTH PROBATIONARY PERIOD, STARTING DATE JUNE 9, 2003; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Mrs. Brager stated that a letter dated May 13, 2003 from State Representative Bernard O’Neill regarding the SEPTA Newtown Rail line. He suggested contacting Delaware Valley Regional Planning Commission and asking for their support in reactivating the SEPTA Newtown rail line.

Mr. Ullrich asked that the Public Works Department add 1176 Second Street Pike to their list of properties that need lawn cutting.
Mr. Ullrich stated that several residents came to the Township to review the Draft Impact Environmental Study (DEIS) for Woodhaven Road, and asked that it be available in the Receptionist's office for review. Ch. Biuckians stated that the DEIS is also available on the internet at www.woodhavenroad.com.

SOLICITOR’S REPORT

Mr. Williams stated that his written report was submitted previously. He stated that his report has been reformatted for easier review. Mr. Williams stated that documents will be forthcoming regarding the correspondence attached to his report.

Mrs. Brager stated that no additional information has been received regarding Commerce Bank since the Executive Session discussion on February 4, 2003. She stated that it is important to move forward in the courts on this matter.

Mr. Williams stated that the appeal was filed by Commerce Bank with the Court of Common Pleas.

A MOTION WAS MADE BY MRS. BRAGER TO AUTHORIZE THE TOWNSHIP SOLICITOR TO CONTACT THE COURT OF COMMON PLEAS TO ESTABLISH A BRIEFING SCHEDULE IN REGARDS TO COMMERCE BANK; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

ADJOURNMENT

Being no further business to come before the Board, A MOTION WAS MADE BY MR. FROGGATT TO ADJOURN AT 9:16PM; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Respectfully submitted,
Walter C. Stevens
Secretary/Treasurer
A regular meeting of the Upper Southampton Township Board of Supervisors was held on Tuesday, June 17, 2003, at 7:30PM in the Library Meeting Room, 947 Street Road, Southampton, PA 18966.

MEMBERS PRESENT: Lola Biuckians, Chairperson
Stephen Ullrich, Vice-Chairman
Walter C. Stevens, Secretary/Treasurer
Keith Froggatt, Asst. Secretary/Treasurer
Estelle Brager, Member

ALSO PRESENT: Joseph Golden, Township Manager
Donald E. Williams, Township Solicitor

The meeting was called to order by Ch. Biuckians at 7:30PM. A quorum was established.

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS AND REPORTS

Ch. Biuckians stated that an Executive Session was held prior to the Regular meeting to discuss two police grievance matters, personnel, and litigation. Mr. Williams stated that the following billboard cases were discussed, Ken Baker v. Upper Southampton Township Zoning Hearing Board Commonwealth Court of PA Docket Number 1527-CD-2002, Ken Baker v. Upper Southampton Township Zoning Hearing Board Commonwealth Court of PA Docket Number 1118-CD-2003, Appeal of Clear Channel Outdoor Zoning Hearing Board of Upper Southampton Township Docket Number 02-10, and Appeal of Outdoor Partnership Zoning Hearing Board of Upper Southampton Township Docket Number 02-11.

COMMUNITY CONCERNS

Mr. Joel Kalman, 105 Paddlewheel Circle, stated his concerns with the illegal use of motorized dirt bikes, scooters, ATVs and quads. He stated that they are a disturbance to the neighborhoods, and cause destruction to properties. Mr. Kalman stated that he has brought this issue to the attention of the Police Department and that they will monitor the problem. He stated that there should also be community policing. Should a resident see the illegal activity, they should contact the police. Mr. Kalman suggested three possible enforcement proposals: enact legislation that would authorize the police to impound or confiscate the ATVs, quads, motor scooters, dirt bikes or go-carts that are being used on public streets, enact legislation that would prohibit the operation of these vehicles on all residential properties except for those located in an R-1 zone, or enact legislation that will prohibit the overnight parking of all vehicles bearing a commercial license plate on public streets. He asked that the Board of Supervisors consider these suggestions to help control these issues.

Ch. Biuckians stated that there have been few phone calls to the Police Department in the past several years concerning this issue, and advised residents that if there is a problem to contact the Police. She stated that the Police currently warn children the first time a complaint is received, but if they are called a second or third time, a citation is issued. She stated that our current ordinances do not address this issue. Ch. Biuckians also stated that surrounding communities are having the same problem, and that they are considering an ordinance to regulate the problem. She stated that Upper Southampton Township may also consider an ordinance.

Mr. Kalman reiterated that residents must contact the Police regarding the illegal use of motorized dirt bikes, scooters, go-carts, ATVs and quads.

Ms. Cheryl Lauer stated that Saturday, June 21, 2003 is Military Family Appreciation Day. This will be held from 10:00AM to 2:00PM at the Days Inn on Route 611 next to the Willow Grove Air Base. She stated that
all active duty military and their families are invited to attend. Approximately 60 vendors have volunteered their time. The appreciation day is being held to show support for members of the military. She stated that residents are invited to attend to show support, however, services offered by the vendors are strictly for the military and their families.

Merrie Clancy, 1447 County Line Road, stated that her son rides his dirt bike on their property. She stated that the Township should provide places for dirt bike riding and skateboarding. Ms. Clancy stated that the widening of County Line Road will also change the quality of life in Upper Southampton Township. She asked for support from all Representatives in opposing the widening of County Line Road.

APPROVAL OF THE REGULAR MEETING MINUTES OF JUNE 3, 2003:

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE THE REGULAR MEETING MINUTES OF JUNE 3, 2003 AS AMENDED; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

APPROVAL FOR PAYMENT OF THE JUNE 17, 2003 INVOICES:

Mr. Golden presented the accounts payable for June 17, 2003 as follows:

- General Fund - 81,128.02
- Street Lighting Fund - 13,078.30
- Park & Recreation Fund - 21,219.42
- Rescue Squad Tax Fund - 9,500.00
- Garbage & Refuse Fund - 41,859.55
- Storm Water Capital Reserve Fund - 35,439.50
- Open Space Fund - 674.50
- Highway Aid Fund - 2,874.87

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE FOR PAYMENT THE JUNE 17, 2003 INVOICES, IN THE AMOUNT OF $205,774.16 AND THE ESCROW INVOICES IN THE AMOUNT OF $7,899.42; SECONDED BY MR. FROGGATT; Mr. Stevens abstained from page 4, Vendor 901; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

PRESENTATION BY MR. TIM PURSEL, OF THE FISCAL 2004 BUDGETS OF THE UPPER SOUTHAMPTON TOWNSHIP SEWER AUTHORITY AND MUNICIPAL AUTHORITY AND CONSIDERATION OF ACCEPTING SUCH BUDGETS:

Mr. Tim Pursel presented the fiscal 2004 budget of the Upper Southampton Municipal Authority. He stated that there is a small anticipated surplus in the 2003 year end operating fund balance. Mr. Tim Pursel stated that the Municipal Authority has just completed a five year project connecting the areas bound by the railroad, County Line Road, Second Street Pike, and Buck Road, with the Township water system. He stated that this will supply approximately 325 existing homes with water and fire protection. He stated that the five-year capital project includes eliminating dead ends for water quality, and replacement of older mains. Mr. Tim Pursel stated that the Municipal Authority adopted the 2004 budget May 5, 2003 without an increase.

Mr. Tim Pursel presented the fiscal 2004 budget of the Upper Southampton Sewer Authority. He stated that since the last rate increase of 4% in 1997, the Sewer Authority has completed approximately $2 million of improvements to the sewer system which includes approximately 5,200 customers. These improvements include manhole and sewer repairs, sewer main replacement, and upgrades to the to the Mill Creek Pumping station, and the Southampton Creek Pumping station. Mr. Pursel stated that the City of Philadelphia through Lower Southampton Township has informed the Authorities that the Authorities share of the capital improvement project for the northeast wastewater treatment facility will be over $800,000 for the next four years, therefore an increase of four dollars ($4.00) per quarter for each customer is required effective July 1, 2003. Mr. Pursel stated that Upper Southampton Township has the lowest flat rate sewers in this part of the state.
DISCUSSION OF ZONING HEARING BOARD APPLICATION:

- Case #03-07, Paul Sanders, 1274 Dennis Road

Mr. Paul Sanders intends to install a 742 square foot in-ground swimming pool and deck, and remove a 93.3 square foot patio on his property at 1274 Dennis Road, Southampton. This will result in an impervious surface ratio of 31.9%, which is in excess of the maximum impervious surface ratio of 25% permitted in the R-3 zoning district. The applicant is seeking a variance from Section 185-22 of the Zoning Ordinance.

The Zoning Hearing Board will hear this case at a later date.

- Case #03-08, Paul & Louise Hillier, 55 Princeton Road

Mr. Paul Hillier intends to construct a 6,000 square foot garage for the storage and maintenance of his personal vehicles on his residential property at 55 Princeton Road, Southampton. The property is located within the R-2 zoning district. This is in violation of Section 185-5, accessory building, of the zoning ordinance, which limits the size of accessory buildings to 500 square feet in residential zoning districts. The applicant is seeking a variance from Sections 185-5, and 185-16(57)(c) of the Zoning Ordinance. Mr. Golden stated that this shed is not included for commercial use, and does not need stormwater management because it is an accessory building. Mrs. Brager stated that the resident currently has two separate garages located on his property.

A MOTION WAS MADE BY MR. FROGGATT TO SEND THE TOWNSHIP SOLICITOR IN OPPOSITION TO THE ZONING HEARING BOARD CASE #03-08, PAUL AND LOUISE HILLIER, 55 PRINCETON ROAD; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF ADOPTING RESOLUTION #2003-9, AUTHORIZING THE PARTICIPATION IN THE PA CAPITAL CITY AUTOMOTIVE AND EQUIPMENT CONTRACT WHICH IS ADMINISTERED BY THE CITY OF HARRISBURG:

A MOTION WAS MADE BY MR. FROGGATT TO ADOPT RESOLUTION #2003-9, AUTHORIZING THE PARTICIPATION IN THE PA CAPITAL CITY AUTOMOTIVE AND EQUIPMENT CONTRACT WHICH IS ADMINISTERED BY THE CITY OF HARRISBURG; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF AWARDSING A CONTRACT FOR THE PURCHASE OF A PORTABLE AIR COMPRESSOR:

With the adoption of Resolution #2003-9, Mr. Williams stated that the Township may participate in the City of Harrisburg's Cooperative Purchasing Program in lieu of the bid process.

A MOTION WAS MADE BY MR. ULLRICH TO AWARD A CONTRACT FOR THE PURCHASE OF A SULLAIR MODEL 185 PORTABLE AIR COMPRESSOR AT A COST OF $13,347; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF AWARDING A CONTRACT FOR STORM SEWER IMPROVEMENTS FOR MILLER DRIVE:

Mr. Golden stated that bids were opened for Storm Sewer Improvements for Miller Drive, Contract #US 48-132, on Thursday June 12, 2003. The seven (7) bids received are as follows:

- Associated Paving Contractors, Inc. - $24,750.00
- K. E. Seifert, Inc. - $36,532.00
- Donato Spaventa & Sons, Inc. - $38,122.00
AFP Contracting, Inc. - $39,926.00
S & H Landscaping Contractor - $42,499.00
Tulio Landscaping, Inc. - $44,299.00
Polaris Construction Company, Inc. - $59,269.00

Mr. Golden stated that the resident located at 194 Miller Drive has not signed the easement necessary for this project.

A MOTION WAS MADE BY MR. STEVENS TO TABLE THE AWARD OF A CONTRACT FOR STORM WATER IMPROVEMENTS FOR MILLER DRIVE; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF AWARDING A CONTRACT FOR THE MILLING OF CERTAIN TOWNSHIP STREETS:

A bid opening was held on June 12, 2003 for the milling of various Township roads. The seven (7) base bids received are as follows:

- Associated Paving Contractors - $22,767.50
- Trinity Paving Company - $25,621.40
- James D. Morrisey, Inc. - $30,963.80
- Delaware Valley Milling, Inc. - $31,350.00
- Roto-Mill, Inc. - $36,974.42
- Haines & Kibblehouse, Inc. - $41,065.00
- N. Abbonizio Contractors, Inc. - $52,820.60

The staff recommends awarding a bid to Associated Paving Contractors, Inc. at a base bid cost of $22,767.50.

A MOTION WAS MADE BY MRS. BRAGER TO AWARD A CONTRACT FOR THE MILLING OF CAMERON ROAD, CYBUS WAY, CLAIR ROAD, HARDING ROAD (341 CLAIR ROAD TO HARDING ROAD), HARDING ROAD (MAPLE AVENUE TO WILLOPPENN DRIVE), HEATHER ROAD, MOYER ROAD, AND WILLOW STREET (MOYER ROAD TO TABOR ROAD) TO ASSOCIATED PAVING CONTRACTORS, INC., AT THE BASE BID OF $22,767.50, TO BE FUNDED BY THE LIQUID FUELS FUND; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Mr. Golden stated that additional roads that do not need milling will also be paved.

CONSIDERATION OF PARTICIPATING IN THE 2004-2006 REGIONAL HAZARDOUS WASTE COLLECTION PROGRAM AND COMMITTING TO ITS PROPORTIONATE SHARE OF THE COST OF THE PROGRAMS IN THE AMOUNT OF $1,576 PER YEAR FOR THREE YEARS:

Mr. Golden stated that the Regional Hazardous Waste Collection Program is a successful program. He stated that the program collects household hazardous waste from Bucks County residents at various locations several times a year. In addition, residents may participate in the Philadelphia and Montgomery County Hazardous Waste Collection Program. He stated that the programs will accept computers and related equipment at some of the scheduled collection sites. Mr. Golden stated that the county receives grant funds which help lower the costs of the program. He stated that the County of Bucks is requesting Upper Southampton Township’s participation in the program for the next three years, with an annual commitment cost of $1,576.

A MOTION WAS MADE BY MR. ULLRICH TO PARTICIPATE IN THE REGIONAL HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM FOR YEARS 2004, 2005, AND 2006, AT AN ANNUAL COMMITMENT OF $1,576; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.
CONSIDERATION OF AWARDING A CONTRACT FOR THE PURCHASE OF AN AUTOMATIC TRANSFER/BYPASS SWITCH:

Mr. Golden stated that bids were opened on Friday, June 6, 2003 for the purchase of an automatic transfer/bypass isolation switch needed to provide emergency power to portions of the municipal building. The two bids received are as follows:

- Cummins Power Systems, Inc. - $8,425.00
- Scott's Emergency Lighting & Power Generation, Inc. - $12,575.00

Mrs. Brager asked what buildings would have emergency power when the project is complete. Mr. Golden stated the administration building, public works, and the police department.

The staff recommends awarding the bid to Cummins Power Systems, Inc. at a cost of $8,425.

A MOTION WAS MADE BY MR. STEVENS TO AWARD A CONTRACT FOR THE PURCHASE OF AN AUTOMATIC TRANSFER/BYPASS SWITCH TO CUMMINS POWER SYSTEMS, INC., AT A COST OF $8,425.00; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF AWARDING A CONTRACT FOR THE INSTALLATION OF AN AUTOMATIC TRANSFER/BYPASS SWITCH TO PROVIDE EMERGENCY POWER TO PORTIONS OF THE MUNICIPAL BUILDING:

Mr. Golden stated that four bids were received for the installation of an automatic transfer/bypass switch to provide emergency power to portions of the municipal building. The bids are as follows:

- Carr & Duff, Inc. - $9,600.00
- Nicholas Buerger - $11,880.00
- Quigley Electric, Inc. - $12,400.00
- Penn Power Systems - $13,475.00

The staff recommends awarding a contract to Carr & Duff Inc. at a cost of $9,600.00.

A MOTION WAS MADE BY MR. STEVENS TO AWARD A CONTRACT FOR THE INSTALLATION OF AN AUTOMATIC TRANSFER/BYPASS ISOLATION SWITCH TO CARR & DUF, INC., AT A COST OF $9,600.00; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

DISCUSSION AND CONSIDERATION OF AUTHORIZING ADVERTISEMENT OF AN ORDINANCE AMENDING THE UPPER SOUTHAMPTON TOWNSHIP ZONING ORDINANCE BY PERMITTING "NO IMPACT HOME-BASED BUSINESS" AS A SECONDARY AND ACCESSORY USE IN A RESIDENTIAL DWELLING:

Mr. Williams stated that State Legislature amended the Pennsylvania Municipality Planning Code and required that No Impact Home-Based Businesses must be permitted in residential districts. He stated that this ordinance will replace an existing home occupation regulation in the Upper Southampton Township zoning ordinance. Mr. Williams stated he has prepared two proposed ordinances, one includes the requirement "No articles shall be sold or offered for sale except such as may be produced on the premises", and the other proposed ordinance does not. The Upper Southampton Township Planning Commission recommended this requirement.

Ch. Biuckians and Mr. Ullrich stated that residents should be allowed to sell items such as Avon, Amway, or craft items from their home. Mr. Froggatt stated that a resident could apply for a variance to sell goods. He asked if the state law provided definitions of retail sales. Mr. Williams stated that the state did not.
Gloria McAvinue, 1654 Bustleton Pike, stated that Northampton is offering a course, “Buying and Selling on eBay”. She stated that she did not understand how this course could be offered when the State is requiring the proposed ordinance.

Mr. Golden stated that Section 1 Paragraph 3, which states “There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature” could be interpreted that retail sales are permitted if such sales are not of a substantial nature.

Mr. Williams stated that the zoning officer will make the interpretation of the ordinance.

Mr. Froggatt asked if the Township could get an interpretation from the state in regards to the ordinance. Mr. Williams will attempt to get the legislative history on this ordinance to see if it addresses the retail sales issue.

Mr. Ullrich asked if specific retail sales, such as web site, Avon, etc. could be included in the ordinance. Mr. Williams stated that they could.

Mrs. Brager stated that she is in favor of a commercial use in a residential neighborhood. Mr. Froggatt stated that plumbing is considered a commercial business.

Mr. Froggatt stated that he is in favor of the state law which does not include any retail sales. Mr. Ullrich, Mr. Stevens, Mrs. Brager, and Ch. Biuckians are in favor of the less restrictive proposed ordinance.

A MOTION WAS MADE BY MR. STEVENS TO AUTHORIZE ADVERTISEMENT OF THE PROPOSED ORDINANCE WHICH INCLUDES “NO ARTICLES SHALL BE SOLD OR OFFERED FOR SALE EXCEPT SUCH AS MAY BE PRODUCED ON THE PREMISES”; SECONDED BY MR. ULLRICH.

Mr. Ullrich asked if amendments and changes could be made to the ordinance after the Public Hearing. Mr. Williams stated that if the amendments are of a substantial nature then the Township must re-advertise and conduct another public hearing. Mr. Ullrich stated that he would like to amend the ordinance prior to advertisement.

MR. STEVENS AND MR. ULLRICH WITHDREW THEIR MOTIONS.

A MOTION WAS MADE BY MRS. BRAGER TO TABLE THE AUTHORIZATION TO ADVERTISE AN ORDINANCE AMENDING THE UPPER SOUTHAMPTON TOWNSHIP ZONING ORDINANCE BY PERMITTING “NO IMPACT HOME-BASED BUSINESS” AS A SECONDARY AND ACCESSORY USE IN A RESIDENTIAL DWELLING; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

DISCUSSION AND CONSIDERATION OF AUTHORIZING ADVERTISEMENT OF AN ORDINANCE AMENDING THE UPPER SOUTHAMPTON TOWNSHIP ZONING ORDINANCE BY PROVIDING DEFINITIONS, PERMITTED DISTURBANCE OF WOODLANDS, REGULATIONS FOR TREES ON WOODED LOTS, AND PENALTIES FOR VIOLATIONS THEREOF:

Mr. Williams stated that the proposed ordinance was recommended by the Township Engineer.

Mr. Cunningham asked if this ordinance applies to a resident removing a tree from their property. Mr. Golden stated that this only applies to the resident if it is part of a Land Development.

Mrs. Brager stated her concern with the Environmental Advisory Board’s recommendation that no more than 15% of woodlands in environmentally sensitive areas shall be altered verses 20% of woodlands. Mr. Williams stated that he consulted with Larry Young regarding this issue, and that Mr. Young felt that 15% was too restrictive.
A MOTION WAS MADE BY MR. ULLRICH TO AUTHORIZE ADVERTISEMENT AN ORDINANCE AMENDING THE UPPER SOUTHAMPTON TOWNSHIP ZONING ORDINANCE BY PROVIDING DEFINITIONS OF PERMITTED DISTURBANCE OF WOODLANDS, REGULATIONS FOR TREES ON WOODED LOTS, AND PENALTIES FOR VIOLATION THEREOF; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF ADOPTING RESOLUTION #2003-10, AUTHORIZING THE PURCHASE OF SHELMIRE FIELD, TMP #48-007-002:

A MOTION WAS MADE BY MR. ULLRICH TO TABLE THE ADOPTION OF RESOLUTION #2003-10 AUTHORIZING THE PURCHASE OF SHELMIRE FIELD, TMP #48-007-002; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

OTHER BUSINESS

Ch. Biuckians reminded residents that the July 1, 2003 Board of Supervisors meeting will be held at the Carriage House in Tamanend Park.

Mr. Stevens asked that 393 County Line Road and 1176 Second Street Pike, properties owned by Upper Southampton Township be surveyed. Mr. Froggatt asked for a cost estimate from Tri-State Engineers. Mr. Stevens asked if the County would provide signs indicating the Open Space properties. Mr. Golden will contact the County.

Mr. Froggatt asked that the owners for the areas located at Street Road and Pickering Street, and Street Road and Sycamore Drive be asked to mow their properties. He stated a safety concern regarding the ballast stone on SEPTA's property located at Second Street Pike and Knowles Avenue.

A MOTION WAS MADE BY MR. ULLRICH TO APPEAL THE DECISIONS OF THE UPPER SOUTHAMPTON TOWNSHIP ZONING HEARING BOARD, CASE #02-10 CLEAR CHANNEL OUTDOOR AND CASE #02-11 OUTDOOR PARTNERSHIP, TO THE COURT OF COMMON PLEAS; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Ch. Biuckians stated her concern with the intersection of Knowles Avenue southbound at Street Road, and asked that a No Turn On Red sign be installed. Mr. Golden will contact PennDOT for permission to install a No Turn On Red.

Mrs. Brager stated that the street signs at Churchville Road and Marge Drive, and Donna Drive and Marge Drive are turned around, and asked that they be corrected.

Mr. Ullrich asked if Willow Street could have No Parking on one side the entire length instead of just a partial length. Mr. Froggatt asked that the Township ordinance be reviewed to see if the entire length of Willow Street should be no parking.

Thomas Cunningham, 1230 Melody Lane asked if a turning lane could be installed on Knowles Avenue at Second Street Pike. Mr. Golden stated that this intersection has been studied by an Engineer, and that the Road is not wide enough to add a left turn lane. He stated that property must be acquired from either Dunkin Donuts or the Railroad in order to widen Knowles Avenue.

SOLICITOR'S REPORT

Mr. Williams stated that his written report was submitted previously. He stated that a briefing schedule has been requested in regards to Commerce Bank. Mr. Williams stated that the Board of Supervisors tabled the discussion on Shelmire Field until July 1, 2003 because the legal documents are not ready.
OTHER BUSINESS

Mr. Thomas McAvinue, 1654 Bustleton Pike, asked if Bustleton Pike could be swept. Mr. Golden stated that Bustleton Pike is a state road. He will contact PennDOT and ask them to sweep all state roads. Mr. McAvinue stated that the stop sign at Chinquapin Road and Bustleton Pike is obstructed by overgrowth of grass/shrubs.

ADJOURNMENT

Being no further business to come before the Board, A MOTION WAS MADE BY MR. ULLRICH TO ADJOURN AT 9:45PM; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Respectfully submitted,
Walter C. Stevens
Secretary/Treasurer
UPPER SOUTHAMPTON TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
JULY 15, 2003

A regular meeting of the Upper Southampton Township Board of Supervisors was held on Tuesday, July 15, 2003, at 7:30PM in the Library Meeting Room, 947 Street Road, Southampton, PA 18966.

MEMBERS PRESENT: Lola Biuckians, Chairperson
Walter C. Stevens, Secretary/Treasurer
Keith Froggatt, Asst. Secretary/Treasurer
Estelle Brager, Member

ALSO PRESENT: Joseph Golden, Township Manager
Donald E. Williams, Township Solicitor

The meeting was called to order by Ch. Biuckians at 7:30PM. A quorum was established.

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS AND REPORTS

COMMUNITY CONCERNS

Thomas Cunningham, 1230 Melody Lane, asked how the Centennial School Board originally acquired Shelmire Field. Ch. Biuckians stated that the Southampton School Authority sold it to the school board for $1.00. Mr. Cunningham stated his concern with taxpayers paying for the property twice. He stated that he disapproved of the restriction by the school board that the property shall revert back to the school district if and when the property is no longer being used for recreational and/or open space purposes.

Mr. Cunningham asked when the Woodland Ordinance would be discussed. Mr. Golden stated that the public hearing is scheduled for August 19, 2003. A copy of the ordinance will be provided to Mr. Cunningham.

Mr. Cunningham voiced his concerns with privatizing schools. Ch. Biuckians suggested that Mr. Cunningham discuss them at a Centennial School Board meeting.

Mr. John Musser, 85 Paddlewheel Circle, commented on the proposed ordinance restricting the parking of commercial vehicles on the street. Mr. Musser stated that he currently parks his commercial van on the street. Mr. Golden stated that the current ordinance prohibits vehicles over 3/4 ton to be parked in residential areas.

APPROVAL OF THE REGULAR MEETING MINUTES OF JULY 1, 2003:

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE THE REGULAR MEETING MINUTES OF JULY 1, 2003; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

APPROVAL FOR PAYMENT OF THE JULY 15, 2003 INVOICES:

Mr. Golden presented the accounts payable for July 15, 2003 as follows:

- General Fund - 19,009.04
- Park & Recreation Fund - 5,780.64
- Garbage & Refuse Fund - 39,466.41
- Storm Water Capital Reserve Fund - 1,672.21
- Payroll Clearing Fund - 5,570.94
A MOTION WAS MADE BY MR. FROGGATT TO APPROVE FOR PAYMENT THE JULY 15, 2003 INVOICES, IN THE AMOUNT OF $71,499.24; SECONDED BY MRS. BRAGER; Mr. Stevens abstained from page 3, Vendor 901; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

PRESENTATION BY EDWARD MURPHY REQUESTING A USE VARIANCE FOR PROPERTY LOCATED AT 150 JAMES WAY, SOUTHAMPTON:

Mr. Edward Murphy, Attorney on behalf of the Comprehensive Learning Center, stated that the Comprehensive Learning Center would like to relocate their Warminster School for autistic children to 150 James Way, formerly the Carrier Pigeon building. He stated that the property is approximately 2.1 acres, is zoned Light Industrial (LI) and maintains a 5,600 square foot office building. Mr. Murphy stated that the school currently has (6) students, but may have eight (8) students in the Fall. He stated that the Comprehensive Learning Center has a Department of Education license for children ages three (3) to fourteen (14). He stated that the property has thirty (30) parking spaces, and that the school currently has six (6) teachers for (6) students, and two (2) administrators. Mr. Murphy stated that the school will be open from 8:00AM to 4:00PM, and that the students will be transported by special vehicles.

Ch. Biuckians asked if the school intended to board students, and if the use variance could be limited to a use for only an autistic school. Ms. Cindy Murphy, Director of the Comprehensive Learning Center stated that it has a day program only. Mr. Murphy stated that the Zoning Hearing Board can impose the condition that the use of the facility may be limited to autistic children only. He stated that the school will be leasing the building for six (6) years, and that the owner is prepared to get a limited use variance.

Mr. Froggatt asked if the school would be willing to install sound buffering if necessary. Ms. Murphy stated that the school will comply with whatever is necessary.

Mr. Stevens asked if the school has the same schedule as public schools. Ms. Murphy stated that there is a ten (10) month school session, with a six (6) week summer school session.

Mr. Murphy stated that he has been in contact with the Township Engineer regarding this property.

Ch. Biuckians stated that the Board of Supervisors is not opposed to the Comprehensive Learning Center's variance application.

DISCUSSION OF PROPOSED RECREATIONAL VEHICLE ORDINANCE:

Mr. Williams stated that the sample ordinance was supplied by the Pennsylvania State Association of Township Supervisors (PSATS). Mr. Stevens asked that the Chief of Police review the sample ordinance. Ch. Biuckians also requested comments from the Upper Southampton Township Planning Commission.

Mr. David Hale, 49 Fern Road, stated his disapproval of prohibiting the use of recreational vehicles on his property.

Mr. Thomas Cunningham, Melody Lane, stated that recreational vehicles should be allowed on private property, and that the noise ordinance should be enforced.

Mr. John Musser, 65 Paddlewheel Circle, stated that his son rides a dirt bike on his property and is against prohibiting it.

Ch. Biuckians stated that a proposed ordinance has to be advertised, and a public hearing held for residents' comments, before it can be passed.
DISCUSSION OF ESTABLISHING A STUDY COMMITTEE FOR THE COMPREHENSIVE PARK, RECREATION, AND OPEN SPACE PLAN:

Mr. Golden stated that the Township received a grant to prepare a park, recreation, and open space comprehensive plan. He stated that DCNR (Department of Conservation and Natural Resources) requires a study committee to review the plan during its progress. It is recommended that the committee be comprised of 7 to 15 representatives which include a member of the Planning Commission, the Park and Recreation Board, the Board of Supervisors, the Centennial School Board, the Businessmen's Association, the Interservice Club, the Environmental Advisory Board, and 2 to 3 residents. Mr. Biuckians stated that letters have been received from two (2) residents expressing interest in the committee.

Mr. Williams recommended a resolution be prepared to establish the committee, and then individual members of the Boards and Commissions can be appointed. Mr. Froggatt requested that the sports clubs be included on the committee, and that the Centennial School Board member be a Southampton resident.

Mr. Thomas Cunningham, 1230 Melody Lane, stated that he would be interested in participating on the study committee to regulate spending.

Mr. Golden will prepare a Resolution and contact all organizations.

CONSIDERATION OF STORMWATER PROJECTS

**Miller Drive:** Mr. Golden stated that Mr. Callahan, property owner at 194 Miller Drive has refused to sign an easement for the project. He stated that a portion of the project, which does not require an easement, could be completed by the Public Works Department. The cost of the project, which includes five (5) inlets and piping, is $7,000. The Board of Supervisors unanimously agreed to proceed with the project.

**Yale/New Road:** Mr. Golden stated that the Engineer has completed the design plan, no easements are necessary. He stated that the estimated cost with a private contractor is $41,000. The cost for completion by the Public Works Department is $18,000. The Board of Supervisors will discuss this project at the August 19, 2003 meeting after the project is reviewed by the Public Works Department.

**Beechwood Drive:** Mr. Golden stated that the paving of Beechwood Drive created stormwater accumulation at 24 Beechwood Drive. The cost of this project is $1,500. The Board of Supervisors unanimously agreed to have the Public Works Department complete this project.

**835 Willow Street:** Mr. Golden stated that water from the ball fields at the Community Center and an adjacent neighbor’s property drain onto 835 Willow Street. Mr. Golden will contact Tri-State Engineers for a cost estimate to install a seepage trench. The Board of Supervisors will discuss at a later date.

Mr. Stevens stated that paperwork has been filed with the Bucks County Conservation District regarding the Whitney Road stormwater project.

DISCUSSION AND CONSIDERATION OF AUTHORIZING ADVERTISEMENT OF AN ORDINANCE AMENDING CHAPTER 24, ARTICLE II OF THE CODE OF ORDINANCES KNOWN AS THE "POLICE PENSION FUND" BY AMENDING PROVISIONS PERTAINING TO SERVICE RELATED, AND NON-SERVICE RELATED DISABILITY:

A MOTION WAS MADE BY MR. FROGGATT TO TABLE THE DISCUSSION AND CONSIDERATION OF AUTHORIZING ADVERTISEMENT OF AN ORDINANCE AMENDING CHAPTER 24, ARTICLE II OF THE CODE OF ORDINANCES KNOWN AS THE "POLICE PENSION FUND" BY AMENDING PROVISIONS PERTAINING TO SERVICE RELATED, AND NON-SERVICE RELATED DISABILITY; SECONDED BY MRS. BRAGER; CARRIED WITH A VOTE OF 3-0-1. MR. STEVENS ABSTAINED.
DISCUSSION OF POLICE GRIEVANCE REGARDING PAYMENT OF VACATION AND PERSONAL TIME:

Mr. Golden stated that the grievance was discussed previously at an Executive Session.

A MOTION WAS MADE BY MR. STEVENS TO DENY THE GRIEVANCE FILED BY OFFICER ALBERT COSTANTINI REGARDING THE PAYMENT OF VACATION HOURS AND PERSONAL DAYS; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

SOLICITOR’S REPORT

Mr. Williams stated that his written report was submitted previously. Mr. Williams stated that a motion for summary judgment will be filed in the near future regarding the NJ BEMS Landfill case.

OTHER BUSINESS

Mr. Froggatt asked if SEPTA has been contacted regarding the sidewalk on Second Street Pike at Knowles Avenue. There is no sidewalk on Second Street Pike which abuts the railroad property. Mr. Golden stated there are several issues that need to be addressed prior to installing a sidewalk; a telephone pole that is supported by a guide rail needs to be relocated, and a stormwater inlet is located in the crosswalk where a handicap ramp should be located. Mr. Golden stated that he will make a formal request to SEPTA to install the sidewalk. Furthermore he will request from SEPTA additional right of way, so that Knowles Avenue can be widened to accommodate a left turn lane. The present width of Knowles Avenue is insufficient for a turning lane.

Mrs. Brager asked if a $47,000 grant was received from the County for reimbursement of the open space purchase at 1176 Second Street Pike. Mr. Golden stated that the purchase price for 1176 Second Street Pike was $153,038.32. The Capital Projects Fund 18 funded the purchase. The County provided a grant for $46,789.00. Mr. Golden stated that $106,249.32, the balance of the purchase price will be transferred from the Open Space Fund 33 to the Capital Projects Fund 18.

Ch. Biuckians stated that the Township will soon negotiate labor contracts for the Public Works Department, and the Police Department. She stated that a review group should be formed to study the current contracts, review the weaknesses and strengths of these labor contracts, and establish goals and direction for the negotiating teams before negotiations begin. Ch. Biuckians suggested two Supervisors, the Township Manager, and the Public Works Director comprise one group, and two Supervisors, the Township Manager, and the Chief of Police comprise the other group.

Mr. Stevens and Mrs. Brager will work with the Public Works Contract, and Mr. Froggatt and Mr. Ullrich will work with the Police Contract.

ADJOURNMENT

Being no further business to come before the Board, A MOTION WAS MADE BY MR. FROGGATT TO ADJOURN AT 8:50PM; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

Respectfully submitted,
Walter C. Stevens
Secretary/Treasurer
A regular meeting of the Upper Southampton Township Board of Supervisors was held on Tuesday, August 19, 2003, at 7:30PM in the Library Meeting Room, 947 Street Road, Southampton, PA 18966.

MEMBERS PRESENT: Lola Biuckians, Chairperson
Stephen Ullrich, Vice Chairperson
Walter C. Stevens, Secretary/Treasurer
Keith Froggatt, Asst. Secretary/Treasurer
Estelle Brager, Member

ALSO PRESENT: Joseph Golden, Township Manager
Donald E. Williams, Township Solicitor

The meeting was called to order by Ch. Biuckians at 7:30PM. A quorum was established.

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS AND REPORTS

Ch. Biuckians stated that an Executive Session was held prior to the regular meeting. Mr. Williams stated that the following cases were discussed at Executive Session:

- Ken Baker v. Upper Southampton Zoning Hearing Board, Bucks County Court of Common Pleas Docket #1527CD2002
- Upper Southampton Township v. Upper Southampton Zoning Hearing Board, Bucks County Court of Common Pleas Docket #1118CD2003
- Upper Southampton Township v. Upper Southampton Zoning Hearing Board, Bucks County Court of Common Pleas Docket #03-04-225-20-5, Clear Channel
- Upper Southampton Township v. Upper Southampton Zoning Hearing Board, Bucks County Court of Common Pleas Docket #03-04-226-24-5, Outdoor Partnership
- Lee v. Upper Southampton Zoning Hearing Board, Bucks County Court of Common Pleas Docket #01-247-2625
- Hellier v. Upper Southampton Zoning Hearing Board Appeal #03-08
- Penecale v. Upper Southampton Township, Bucks County Court of Common Pleas Docket #03-49-07
- Vellucci v. Upper Southampton Township, Bucks County Court of Common Pleas Docket #02-380-27-1

COMMUNITY CONCERNS

Debbie Spadafora, 938 Rozel Avenue restated her concern with the trash situation on her street. She stated that trash cans are left in the street and presented pictures. Mr. Golden stated that trash cans can be put up against or behind the curb. He stated that the current contract specifies that the trash cans are to be returned where they found them and that he has been inspecting for compliance on collections Tuesday and Friday. The Township will fine J. P. Mascaro for any violation found.

Steve McKenna, 945 Cybus Way, presented a chunk of asphalt from Cybus Way. He showed several pictures regarding the condition of Cybus Way, and stated that the road needs to be paved. He asked why the entire length of Cybus Way was not going to be paved, only the portion from Street Road to Pinewood Road. Mr. McKenna stated that the entire top layer of asphalt on Cybus Way is disintegrating.
Mr. Golden stated that the streets scheduled for paving this year are also in bad condition. He stated that Cybus Way from Pinewood to Street Road is being paved as part of the stormwater project that is being done.

Ch. Biuckians stated that because of a curbing issue, the Board of Supervisors has delayed the paving of Carlin Drive.

**A MOTION WAS MADE BY MR. ULLRICH TO DELAY THE PAVING OF CARLIN DRIVE DUE TO AN UNRESOLVED CURBING ISSUE AND ALLOCATE THOSE FUNDS TO THE PAVING OF THE 900 BLOCK OF CYBUS WAY; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.**

Dan Walsh, 1217 County Line Road, thanked the Board of Supervisors for their support against the widening of County Line Road.

Robert Shaffer, 1150 Mill Creek Road, asked if the Township had plans for the SEPTA train station located at Knowles Avenue and Second Street Pike, and suggested that a letter be written to SEPTA asking them to fix it or tear it down. Ch. Biuckians asked that the building inspector evaluate the building and make a recommendation to SEPTA.

Mr. Shaffer asked if there is a new Cable Franchise Agreement with Comcast. Mr. Golden stated that the Township is in the process of negotiating a new Agreement.

Mr. Shaffer suggested that due to the closeness of the Amoco driveway to Knowles Avenue that this driveway be an “entrance only” drive.

**APPROVAL OF THE REGULAR MEETING MINUTES OF JULY 15, 2003:**

**A MOTION WAS MADE BY MR. FROGGATT TO APPROVE THE REGULAR MEETING MINUTES OF JULY 15, 2003; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-1,** Mr. Ullrich abstained.

**APPROVAL FOR PAYMENT OF THE AUGUST 5, 2003 INVOICES:**

Mr. Golden presented the accounts payable for August 5, 2003 as follows:

- General Fund - 102,549.13
- Street Lighting Fund - 12,025.97
- Fire Hydrant Tax Fund - 104.62
- Fire Protection Tax Fund - 1,136.74
- Park & Recreation Fund - 14,965.83
- Library Tax Fund - 1,583.91
- Rescue Squad Tax Fund - 273.26
- Garbage & Refuse Fund - 2,809.32
- General Sinking Fund - 2,319.31
- Road Machinery Fund - 206.17
- Storm Water Capital Reserve Fund - 496.80
- Open Space Fund - 840.00
- Highway Aid Fund - 2,135.25

**A MOTION WAS MADE BY MR. FROGGATT TO APPROVE FOR PAYMENT THE AUGUST 5, 2003 INVOICES, IN THE AMOUNT OF $141,446.31; SECONDED BY MR. STEVENS; CARRIED WITH A VOTE OF 4-1-0,** Ch. Biuckians opposed.
APPROVAL FOR PAYMENT OF THE AUGUST 19, 2003 INVOICES:

- General Fund - 50,949.96
- Street Lighting Fund - 10,221.34
- Fire Hydrant Tax Fund - 35.00
- Fire Protection Tax Fund - 350.00
- Park & Recreation Fund - 17,559.05
- Library Tax Fund - 560.00
- Rescue Squad Tax Fund - 70.00
- Garbage & Refuse Fund - 128,198.50
- General Sinking Fund - 770.00
- Storm Water Capital Reserve Fund - 17,230.26
- Highway Aid Fund - 133,021.45

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE FOR PAYMENT THE AUGUST 19, 2003 INVOICES, IN THE AMOUNT OF $358,965.56 AND THE ESCROW INVOICES IN THE AMOUNT OF $16,643.63; SECONDED BY MRS. BRAGER; Mr. Stevens abstained from page 8, Vendor 901; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

PUBLIC HEARING AND CONSIDERATION OF ADOPTING AN ORDINANCE TO AMEND THE ZONING MAP BY REZONING THE CREEKVIEW ESTATES DEVELOPMENT FROM R2 TO R3:

Ch. Biuckians opened the public hearing.

Ch. Biuckians stated that due to a court settlement this development was developed in a R2 zoning district using R3 standards. She stated that homeowners are required to attain variances due to the setback lines and standards of a R2 zoning district. She stated that changing the zoning to R3 will benefit residents.

Mr. Sol Sauls, 551 Nicole Drive, asked for clarification of the ordinance. Ch. Biuckians stated that R3 zoning is less restrictive than R2 zoning.

Mr. Ullrich suggested that an explanation of the zoning change be included in the motion.

Ch. Biuckians closed the public hearing.

A MOTION WAS MADE BY MR. FROGGATT TO ADOPT ORDINANCE #357, AMENDING THE ZONING MAP OF THE TOWNSHIP OF UPPER SOUTHAMPTON, COUNTY OF BUCKS, COMMONWEALTH OF PENNSYLVANIA BY REZONING TAX PARCEL NUMBERS 48-12-4, 48-12-4-1, 48-12-4-2, 48-12-5, 48-12-7-1, 48-12-8, AND 48-12-121 THROUGH 48-12-171 FROM R-2 LOW DENSITY RESIDENTIAL ZONING DISTRICT TO MODERATE DENSITY RESIDENTIAL ZONING DISTRICT; (These properties were the subject of a substantive challenge to the validity of the Upper Southampton Township Zoning Ordinance and Map. See Stahl v. Upper Southampton Zoning Hearing Board, 606 a.2d.960 (PA Commonwealth 1992). In order to resolve the litigation the Township agreed to permit the property to be developed in accordance with the R-3 Cluster Development zoning requirements (Use 7). The Zoning Map has not been amended to date to reflect the development of these properties as a R-3 Cluster Development). SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

PUBLIC HEARING AND CONSIDERATION OF ADOPTING AN ORDINANCE AMENDING THE ZONING ORDINANCE BY PROVIDING DEFINITIONS OF PERMITTED DISTURBANCE OF WOODLANDS, REGULATIONS FOR TREES ON WOODED LOTS, AND PENALTIES FOR VIOLATION THEREOF:

Ch. Biuckians opened the public hearing.
Mr. Williams stated that the ordinance has been revised to reflect the comments and suggestions made by the Bucks County Planning Commission.

Mr. Golden stated that this ordinance provides specific standards and definitions for disturbing woodlands, which current regulations did not include.

Ch. Biuckians closed the public hearing.

Mr. Froggatt stated that the ordinance restricts residents from removing a tree when applying for a zoning permit to install a shed, pool, etc.

A MOTION WAS MADE BY MRS. BRAGER TO ADOPT ORDINANCE #358, AMENDING THE UPPER SOUTHAMPTON TOWNSHIP ZONING ORDINANCE BY PROVIDING REGULATIONS FOR WOODLAND PROTECTION AND SPECIFICALLY PROVIDING DEFINITIONS, AND REGULATIONS REGARDING PERMITTED DISTURBANCE OF WOODLANDS AND TREES ON WOODED LOTS; SECONDED BY MR. ULLRICH; CARRIED WITH A VOTE OF 4-1-0; Mr. Froggatt opposed.

DISCUSSION OF ZONING HEARING BOARD APPLICATIONS:

CASE #03-11, MICHAEL GARFINKLE, 354 KNOWLES AVENUE:

Mr. Michael Garfinkle intends to construct a 22,500 square foot building for use as a wholesale business and storage on a vacant property located on the east side of Knowles Avenue, approximately 600 feet north of the James Way and Jaymor intersection. The property is zoned LI. The applicant requests variances to permit parking in the required front yard, to permit a detention basin in the required front yard, and to permit a freestanding sign to be located closer to the lot line than one-half of the required front yard.

The Zoning Hearing Board will hear this case at a later date.

CASE #03-12, ACTS RETIREMENT-LIFE COMMUNITIES, 238 STREET ROAD:

ACTS Retirement-Life Communities intends to construct a 8,171 square foot building for use as a fitness center, as part of its existing retirement community at 238 Street Road, Southampton. The property is zoned R-2. The applicant requests a variance from Section 185-30B of the zoning ordinance to construct a stormwater detention basin in the required front yard.

The Zoning Hearing Board will hear this case at a later date.

CONSIDERATION OF ADOPTING RESOLUTION #2003-12, CREATING THE COMPREHENSIVE PARK, RECREATION, AND OPEN SPACE PLAN STUDY COMMITTEE:

Mr. Froggatt stated that a member of the Friends of Tamanend should be included on the committee.

A MOTION WAS MADE BY MR. FROGGATT TO ADOPT RESOLUTION #2003-12, CREATING THE COMPREHENSIVE PARK, RECREATION, AND OPEN SPACE PLAN STUDY COMMITTEE AMENDED TO INCLUDE A MEMBER OF THE FRIENDS OF TAMANEND ON THE COMMITTEE; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF APPOINTING MEMBERS TO THE COMPREHENSIVE PARK, RECREATION, AND OPEN SPACE PLAN STUDY COMMITTEE:

A MOTION WAS MADE BY MR. FROGGATT TO APPOINT EUGENE GROSSI, CENTENNIAL SCHOOL DISTRICT, PATRICIA MYERS, PARK AND RECREATION BOARD, STANLEY GAWEL, PLANNING COMMISSION, DAVID HOCHBERG, ENVIRONMENTAL ADVISORY BOARD, A MEMBER OF THE SOUTHAMPTON BUSINESS AND PROFESSIONAL ASSOCIATION TO BE DETERMINED, ROBERT CAMPBELL, INTERSERVICE CLUB, BILL GROSS, SOUTHAMPTON SPORTS, A MEMBER OF THE
FRIENDS OF TAMANEND TO BE DETERMINED, RESIDENTS KATHY MENDLA, CHRISTOPHER PRICHETT, WENDY WILLIAMS, MARILYN BETZ, TONY SCHEIVERT, PARK & RECREATION DIRECTOR, AND STEPHEN ULLRICH, BOARD OF SUPERVISORS, TO THE COMPREHENSIVE PARK, RECREATION AND OPEN SPACE PLAN STUDY COMMITTEE; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

DISCUSSION AND CONSIDERATION OF AUTHORIZING ADVERTISEMENT OF AN ORDINANCE AMENDING CHAPTER 24, ARTICLE II OF THE CODE OF ORDINANCES KNOWN AS THE "POLICE PENSION FUND" BY AMENDING PROVISIONS PERTAINING TO SERVICE RELATED, AND NON-SERVICE RELATED DISABILITY:

A MOTION WAS MADE BY MR. FROGGATT TO AUTHORIZE ADVERTISEMENT OF AN ORDINANCE AMENDING CHAPTER 24, ARTICLE II OF THE CODE OF ORDINANCES KNOWN AS THE "POLICE PENSION FUND" BY AMENDING PROVISIONS PERTAINING TO SERVICE RELATED, AND NON-SERVICE RELATED DISABILITY.

MOTION DIES FOR LACK OF SECOND.

CONSIDERATION OF ENTERING INTO AN AGREEMENT OF SALE TO PURCHASE PROPERTY AT STREET ROAD, TMP #48-007-002 KNOWN AS THE SHELMIRE FIELD, AT A COST OF $600,000:

A MOTION WAS MADE BY MR. ULLRICH TO ENTER INTO AN AGREEMENT OF SALE TO PURCHASE PROPERTY AT STREET ROAD, TMP #48-007-002, KNOWN AS SHELMIRE FIELD AT A COST OF $600,000; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF ADOPTING RESOLUTION #2003-13, AUTHORIZING THE PURCHASE OF PROPERTY AT STREET ROAD AND DAVISVILLE ROAD, TMP #48-003-001:

Robert Shaffer, 1150 Mill Creek Road, asked what the Township intends to use the property for. Ch. Buckians stated that the property is zoned R-2, and that the property is a key property for the restoration of Southampton Creek, and that the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service recommended the Township purchase this property to protect it from development.

A MOTION WAS MADE BY MRS. BRAGER TO ADOPT RESOLUTION #2003-13, AUTHORIZING THE PURCHASE OF PROPERTY AT STREET ROAD AND DAVISVILLE ROAD, TMP #48-003-001, AT A COST OF $200,000, WITH SETTLEMENT FEES TO BE PAID BY THE TOWNSHIP; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF ENTERING INTO AN AGREEMENT OF SALE TO PURCHASE PROPERTY AT STREET ROAD AND DAVISVILLE ROAD, TMP #48-003-001, AT A COST OF $200,000:

A MOTION WAS MADE BY MR. STEVENS TO ENTER INTO AN AGREEMENT OF SALE TO PURCHASE PROPERTY AT STREET ROAD AND DAVISVILLE ROAD, TMP #48-003-001, AT A COST OF $200,000; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF MAKING AN APPOINTMENT TO THE LIBRARY BOARD:

A MOTION WAS MADE BY MR. FROGGATT TO APPOINT MARY T. LAUFER TO COMPLETE A THREE (3) YEAR TERM, EXPIRING DECEMBER 31, 2004, ON THE LIBRARY BOARD; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.
CONSIDERATION OF APPOINTING A CPA FIRM TO AUDIT FINANCIAL RECORDS:

Mr. Golden stated that the Township submitted requests for proposals from certified public accountants to audit the municipality's financial statements. Four firms submitted proposals as follows:

- Bee, Bergvall & Co. - $9,500
- Lopez, Teodosio - $9,500
- Stanley N. Booz & Co. - $11,900
- Hege, Kramer - $15,000

The Township recommends awarding the audit to Bee, Bergvall, and Company for fiscal year 2003 at a cost of $9,500.

A MOTION WAS MADE BY MR. FROGGATT TO AWARD THE CONTRACT FOR AUDITING THE FISCAL YEAR 2003 TO BEE, BERGVALL, AND COMPANY FOR $9,500; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

SOLICITOR'S REPORT

Mr. Williams stated that his written report was submitted previously. He requested that the Board of Supervisors reconsider letter "K" on the agenda.

A MOTION WAS MADE BY MR. FROGGATT TO AUTHORIZE ADVERTISEMENT OF AN ORDINANCE AMENDING CHAPTER 24, ARTICLE II OF THE CODE OF ORDINANCES KNOWN AS THE "POLICE PENSION FUND" BY AMENDING PROVISIONS PERTAINING TO SERVICE RELATED, AND NON-SERVICE RELATED DISABILITY.

MOTION DIES FOR LACK OF SECOND.

OTHER BUSINESS

Mr. Stevens asked for a breakdown of costs for Southampton Days.

A MOTION WAS MADE BY MR. STEVENS TO AUTHORIZE TRI-STATE ENGINEERS TO SURVEY AND PLACE IRON PINS ON PROPERTY CORNERS AT 1176 SECOND STREET PIKE, TMP #48-14-9 AT A COST OF $500.00; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

A MOTION WAS MADE BY MR. STEVENS AUTHORIZING TRI-STATE ENGINEERS TO SURVEY AND PLACE IRON PINS ON PROPERTY CORNERS AT 393 COUNTY LINE ROAD, TMP #48-5-68, AT A COST OF $2,600; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

A MOTION WAS MADE BY MR. ULLRICH AUTHORIZING PENNONI ASSOCIATES, INC. TO PERFORM A TRAFFIC EVALUATION AT THE INTERSECTION OF KNOWLES AVENUE AND SECOND STREET PIKE AT A COST OF $1,900; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Mr. Golden stated that Benjamin and Frances Cantanese of 1013 Carlin Drive signed the Deed of Easement needed to complete the Carlin Road stormwater project.

A MOTION WAS MADE BY MR. ULLRICH TO ENTER INTO A DEED OF EASEMENT WITH BENJAMIN AND FRANCES CANTANESE, 1013 CARLIN DRIVE, SOUTHAMPTON, AT NO COST TO THE TOWNSHIP FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING STORMWATER MANAGEMENT FACILITIES; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

ADJOURNMENT

Being no further business to come before the Board, A MOTION WAS MADE BY MR. FROGGATT TO ADJOURN AT 9:05PM; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Respectfully submitted,
Walter C. Stevens
Secretary/Treasurer
UPPER SOUTHAMPTON TOWNSHIP
BOARD OF SUPERVISORS
COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC HEARING MINUTES
SEPTEMBER 2, 2003

A regular meeting of the Upper Southampton Township Community Development Block Grant Public Hearing was held on Tuesday, September 2, 2003, at 7:00PM in the Library Conference Room, 947 Street Road, Southampton, PA 18966.

MEMBERS PRESENT: Lola Biuckians, Chairman
Stephen Ullrich, Vice Chairman
Walter C. Stevens, Secretary/Treasurer
Keith Foggatt, Assistant Secretary/Treasurer
Estelle Brager, Member

ALSO PRESENT: Joseph W. Golden, Township Manager
Donald E. Williams, Township Solicitor

Mr. Golden called the Hearing to order at 7:00PM. A quorum was established.

CDBG GRANT PUBLIC HEARING

A public hearing was held to discuss and consider comments concerning the use of approximately $6,700 in remaining Community Development Block Grant Funds for the 2003 to 2005 program years. These funds may be used to benefit low and moderate income properties, eliminate blight, eliminate serious health of safety hazards of recent origin, and historic preservation. The 2000 census determined the low to moderate properties in Upper Southampton Township.

Mr. Golden stated that the 2003 to 2005 Community Development Block Grant Funds allocation was $110,700. Approximately $104,000 has been allocated in 2003, leaving a balance of $6,700 for 2004.

There was no comment from the general public.

Mr. Golden suggested using the remaining $6,700 CDBG funds to pave the entire length of Circle Drive, and if funds permit, pave Pennsylvania Avenue from Moyer Road to Willopenn Drive. He also suggested replacing the roof on the historic farmhouse in Tamanend Park. Ch. Biuckians polled the Board of Supervisors and the general consensus is to use the funds to pave Circle Drive.

Mr. Golden stated that the Community Development Block Grant (CDBG) application is due September 26, 2003. The Board of Supervisors will discuss this grant at the 7:30PM regular meeting.

The Hearing closed at 7:28PM.

Respectfully submitted,
Walter C. Stevens
Secretary/Treasurer
A regular meeting of the Upper Southampton Township Board of Supervisors was held on Tuesday, September 2, 2003, at 7:30PM in the Library Meeting Room, 947 Street Road, Southampton, PA 18966.

MEMBERS PRESENT: Lola Biuckians, Chairperson
Stephen Ullrich, Vice Chairperson
Walter C. Stevens, Secretary/Treasurer
Keith Froggatt, Asst. Secretary/Treasurer
Estelle Brager, Member

ALSO PRESENT: Joseph Golden, Township Manager
Donald E. Williams, Township Solicitor
Larry Young, Township Engineer
Mark Showmaker, Fire Marshal

The meeting was called to order by Ch. Biuckians at 7:30PM. A quorum was established.

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS AND REPORTS

Ch. Biuckians stated that an Executive Session to discuss personnel matters and litigation was held prior to the regular meeting. Mr. Williams stated that the following cases were discussed at Executive Session:

- The Hillier Zoning Appeal, Upper Southampton Zoning Hearing Board, will be discussed at an Executive Session following Other Business.

Ch. Biuckians stated that a CDBG Hearing was held prior to the regular meeting.

A MOTION WAS MADE BY MR. FROGGATT TO MOVE LETTER G ON THE AGENDA TO LETTER F AND LETTER F ON THE AGENDA TO LETTER G; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

COMMUNITY CONCERNS

There are no community concerns.

APPROVAL OF THE REGULAR MEETING MINUTES OF AUGUST 19, 2003:

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE THE REGULAR MEETING MINUTES OF AUGUST 19, 2003 AS AMENDED; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

APPROVAL FOR PAYMENT OF THE SEPTEMBER 2, 2003 INVOICES:

Mr. Golden presented the accounts payable for September 2, 2003 as follows:
• General Fund - 83,306.59
• Street Lighting Fund - 3,208.29
• Park & Recreation Fund - 14,823.60
• Garbage & Refuse Fund - 69,515.69
• Capital Projects Fund - 12,213.11
• Storm Water Capital Reserve Fund - 2,637.52
• Open Space Fund - 910.00
• Highway Aid Fund - 5,202.96

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE FOR PAYMENT THE SEPTEMBER 2, 2003 INVOICES, IN THE AMOUNT OF $191,817.76; SECONDED BY MR. ULLRICH; Mr. Stevens abstained from page 4, Vendor 901; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0

CONSIDERATION OF APPROVING A PRELIMINARY PLAN OF LAND DEVELOPMENT SUBMITTED BY DAVISVILLE BAPTIST CHURCH FOR PROPERTY LOCATED AT 325 STREET ROAD, TMP #48-7-126:

Pastor Ron Schmidt and Ron Jackson, Engineer for Boucher and James Inc., presented a preliminary plan of Land Development submitted by Davisville Baptist Church, for property located at 325 Street Road, TMP #48-7-126. The plan proposes to demolish two existing structures and construct an 8,229 square foot building addition to the remaining existing building. Pastor Schmidt stated that the proposed three (3) building will provide use of space and access to the congregation. He stated that the proposed building will have 1% less impervious surface when complete.

Mr. Ron Jackson stated that the following waivers are requested:

• Section 511.2 - Requires all parking facilities to be confined by curbing. No curb is proposed in the eastern most existing parking area and along the existing cemetery.
• Section 511.3 - Requires a maximum capacity of thirty-six (36) cars within a defined area. In addition, parking area is required to provide eight (8') planting strips. The proposed parking configuration does not provide this.
• Section 511.4 - Requires no less than a twenty (20) foot separation between a building and the curb line in a parking area. The revised plans show seven (7) proposed spaces on the north side of the proposed addition.
• Section 511.5 - Requires twenty-five (25') foot aisles for two-way traffic in parking areas with 90 degree parking. The proposed configuration proposes twenty (20') to twenty-four (24') foot aisles.
• Section 511.8 - Requires all curb lines to have a five-foot (5') radius. The proposed curbed island and curbing around the north side of the proposed addition are two (2) foot.
• Section 521.1 and 521.2 - Requires street trees to be planted within any land development along the sides of all streets where suitable street trees do not exist. Section 521.2 requires street trees to be placed 40 feet apart.

Mr. Jackson stated that the sight distance required by PennDOT and existing overhead wires will not allow trees along Street Road.

• Section 524.6 - Requires parking areas to be designed and located in such a manner that they are visibly secluded from eye level of the surrounding areas. Some of the surrounding areas contain residential areas (R-4 and R-5 zoning districts) and shall be buffered. Buffering techniques consist of plantings, fencing, and berms. There is existing vegetation to the west which visually screens the parking lot. This screening is located on the adjacent lot belonging to Willowbrook Townhomes.
• Section 806.3B - Requires existing features (such as sanitary sewers, storm sewers, water lines, etc.) within four-hundred (400') feet of the proposed land development be shown on the plan.

Mr. Jackson stated that there is a new proposed water line that does not show on the plans but will be added.
Mrs. Brager stated that she is in agreement with the planting of street trees, and would like the buffering planted on Willopenn Drive adjacent to Dorchester Apartments.

Ch. Biuckians asked if the counseling center area was included when calculating the number of parking spaces. Mr. Jackson stated that it was not, but that this area of the property was included in the stormwater management calculations. He stated that the Church would agree to plant the street trees elsewhere on their property.

Mr. Ulrich asked if fire trucks would be able to enter the property. Mr. Showmaker stated yes. He also stated that the new portion of the building will be equipped with a fire suppression system, and the existing section will be equipped with areas of egress.

Ch. Biuckians asked why existing features, such as sanitary sewers, storm sewers, water lines, etc. are not shown on the plans. Mr. Jackson stated that when construction does not affect these utilities, they are not normally shown on the plans. He stated that a decision to install a fire service to an existing water main was decided after the current plans were submitted. He stated that the fire connection line will be shown on the plans as well as all sanitary, storm, and water lines that will be affected by this fire connection line.

Ch. Biuckians asked for an explanation of stormwater management, the phasing of the stormwater management, and a timeline of when the stormwater management will be completed.

Mr. Jackson stated that the stormwater management for this property consists of two (2) underground infiltration systems. All water from the property will remain on the property. He stated that one (1) basin, to be located where the existing building that is to be torn down, will be installed immediately. Mr. Jackson stated that due to financial reasons, the Church is proposing that the second basin along with curbing and piping, on the North side of the property, will be installed within ten (10) years. He stated that the Phase 1 basin will take care of stormwater from the new structure.

Mr. Don Smith, Chairman of the Davisville Baptist Building Committee, stated that the Church will budget money for nine (9) years for the Phase 2 basin which will be completed by the end of the 10th year.

Mr. Williams stated that the timeline will be stated on the plan and will be reflected in approval letters and the Development Agreement, as well as the surety that is required for this project.

Mr. Ulrich asked for approximate costs of Phase 1, and Phase 2, and the percentage of stormwater which will be contained by Phase I and Phase II.

Mr. Jackson stated that the approximate cost for Phase 1 basin, which will contain 1/3 percent of the stormwater is $326,000, and the approximate cost for Phase 2 which will contain 2/3 percent of the stormwater is $425,000. He stated that these costs are at today's prices.

Mr. Mark Labrum, member of Davisville Baptist Church stated that the church will assure, as with surety bond, letter of credit, or Development Agreement, that Phase 2 stormwater management is completed by ten (10) years.

Mr. Froggatt stated that he would like to see street trees planted on the rear of the property.

Mr. Williams asked if Davisville Baptist Church will comply with the following conditions:

1. The Applicant shall comply in all respects with the recommendations set forth in the reviewing agencies reports, unless such recommendations are specifically accepted by the Board of Supervisors.
2. A PennDOT permit will be required for the driveway improvement.
3. That the proposed structure will be equipped with a fire suppression system and serviced by a minimum 6” ductile iron pipe connected to the Township’s water system.
4. The shading used for the existing pavement to remain interferes with the shading used for the rock filter berm on the Erosion and Sediment Control plan. It is recommended that something other than shading be used to represent the rock filter berm.
5. Details and stability calculations for the proposed retaining wall will be required prior to final approval.
6. The depressed curb detail shall specify the class of concrete to be used in the apron and depressed curb.
7. PennDOT traffic control details shall be provided since improvements are being installed in the vicinity of the Street Road curb line.

Mr. Jackson stated that the Church will comply with all conditions.

The Board of Supervisors agreed to grant all waivers. Mrs. Brager is opposed to a waiver for Section 524.6. She would like screening on the North side of the property. Mr. Jackson stated that the Church will agree to plant seven (7) street trees on Willopenn in lieu of Section 521.1 and 521.2. Mrs. Brager would like hedges planted.

Mr. Ullrich asked when the Phase 2 timeline would begin. The Applicant asked that the timeline begin on the date of final approval, pending that a security agreement is agreed to. The Board of Supervisors agreed that the Phase 2 timeline of ten (10) years will begin on the date of Final Plan approval.

Mr. Williams stated that the Development and Security Agreements will be approved by the Board of Supervisors at a public meeting.


WAIVERS:

- SECTION 511.2 - TO PERMIT PARKING AREAS THAT ARE NOT COVERED BY CURBING AS SHOWN ON THE PLAN. THIS WAS NECESSARY FOR STORMWATER MANAGEMENT PURPOSES AND EXISTING CONDITIONS.
- SECTION 511.3 - TO ALLOW PARKING SPACES IN EXCESS OF THIRTY-SIX (36) PARKING SPACES WITHOUT EIGHT (8') FOOT PLANTING STRIPS.
- SECTION 511.4 - TO ALLOW SEVEN (7) PARKING SPACES TO BE WITHIN THE TWENTY (20) FOOT SEPARATION BETWEEN THE BUILDING AND THE CURB LINE ON THE NORTH SIDE OF THE PROPOSED ADDITION.
- SECTION 511.5 - TO ALLOW TWO-WAY TRAFFIC AISLES IN THE PARKING AREAS WITH NINETY (90) DEGREE PARKING TO BE TWENTY (20) TO TWENTY-FOUR (24) FEET INSTEAD OF THE REQUIRED TWENTY-FIVE (25') FOOT AISLES.
- SECTION 511.8 - TO ALLOW THE CURB LINES TO HAVE A RADIUS OF TWO (2') FEET INSTEAD OF THE REQUIRED FIVE FOOT (5') RADIUS IN THE PROPOSED CURBED ISLAND AND CURBING AROUND THE NORTH SIDE OF THE PROPOSED ADDITION.
- SECTION 521.1 AND 521.2 - TO ALLOW APPLICANT NOT TO INSTALL REQUIRED STREET TREES ALONG THE SIDES OF ALL STREETS WHERE SUITABLE STREET TREES DO NOT EXIST.
- SECTION 524.6 - TO PERMIT PARKING AREAS TO BE DESIGNED AND LOCATED IN A MANNER SO THAT THEY ARE NOT VISIBLY SECLUDED FROM THE EYE LEVEL OF THE SURROUNDING AREAS. IT IS NOTED THAT THE WESTERN SIDE OF THE PROPERTY BORDERS ON THE OPEN SPACE BELONGING TO WILLOWBROOK TOWN HOMES, WHICH IS ALREADY SCREENED BY EXISTING VEGETATION.
- SECTION 806.3B - TO NOT REQUIRE THE EXISTING FEATURES WITHIN FOUR HUNDRED (400') FEET OF THE PROPOSED LAND DEVELOPMENT TO BE SHOWN ON THE PLAN.
CONDITIONS:


• APPLICANT SHALL COMPLY IN FULL WITH ALL REQUIREMENTS OF THE UPPER SOUTHAMPTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AND UPPER SOUTHAMPTON ZONING ORDINANCE, UNLESS SPECIFIC WAIVERS WITH RESPECT TO THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE HAVE BEEN GRANTED BY THE BOARD OF SUPERVISORS OR VARIANCES WITH RESPECT TO THE ZONING ORDINANCE HAVE BEEN GRANTED BY THE ZONING HEARING BOARD.

• APPLICANT SHALL COMPLY WITH THE DECISION AND CONDITIONS IMPOSED BY THE ORDER OF THE ZONING HEARING BOARD IN ITS DECISION DATED FEBRUARY 14, 2003 IN APPEAL #02-16.

• THE PROJECT MAY BE CONSTRUCTED IN TWO PHASES. PRIOR TO FINAL PLAN APPROVAL, APPLICANT SHALL SUBMIT A SUMMARY OF PHASE 1 AND PHASE 2 IMPROVEMENTS FOR REVIEW AND APPROVAL BY THE TOWNSHIP ENGINEER. PHASE 2 IMPROVEMENTS WILL BE LIMITED TO THE SECOND DETENTION BASIN AND RELATED IMPROVEMENTS LOCATED ON THE NORTHWEST PORTION OF THE PROPERTY.

• ALL PHASE 2 IMPROVEMENTS SHALL BE COMPLETED WITHIN TEN (10) YEARS AFTER FINAL PLAN APPROVAL. A NOTE SHALL BE PLACED ON THE RECORD PLAN ACCORDINGLY.

• DURING FINAL PLAN APPROVAL, APPLICANT SHALL ADVISE TOWNSHIP OF THE TYPE OF FINANCIAL SECURITY IT WILL USE TO GUARANTEE THE CONSTRUCTION OF THE PHASE 1 AND PHASE 2 IMPROVEMENTS.

• THE NEW PROPOSED STRUCTURE AS WELL AS THE POINTS OF EGRESS IN THE EXISTING STRUCTURES WHICH WILL NOT BE DEMOLISHED SHALL BE EQUIPPED WITH A FIRE SUPPRESSION SYSTEM AND SERVICE BY A MINIMUM 6” DUCTILE IRON PIPE CONNECTED TO THE TOWNSHIP’S WATER SUPPLY.

• APPLICANT SHALL OBTAIN THE NECESSARY PENNDOT PERMIT WHICH WILL BE REQUIRED FOR THE DRIVEWAY IMPROVEMENT.

• THE EROSION AND SEDIMENT CONTROL PLAN SHALL BE REVISED TO CLEARLY MARK THE ROCK FILTER BERM.

• DETAILS AND STABILITY CALCULATIONS FOR THE PROPOSED RETAINING WALL SHALL BE PROVIDED PRIOR TO THE CONSIDERATION OF FINAL PLAN APPROVAL.

• THE DEPRESSED CURB DETAIL SHALL SPECIFY THE CLASS OF CONCRETE TO BE USED IN THE APRON AND DEPRESSED CURB.

• PENNDOT TRAFFIC CONTROL DETAILS SHALL BE PROVIDED SINCE IMPROVEMENTS ARE BEING INSTALLED IN THE VICINITY OF THE STREET ROAD CURB LINE.

• SEVEN (7) STREET TREES SHALL BE RELOCATED OR PLANTED ALONG WILLOPPENN DRIVE WITH THE LOCATION TO BE REVIEWED AND APPROVED BY THE SHADE TREE COMMISSION.

• THE APPLICANT SHALL COMPLY WITH ALL FEDERAL, STATE, AND LOCAL REGULATIONS WITH REGARD TO THE PROPOSED LAND DEVELOPMENT AND APPLY AND RECEIVE ALL APPROPRIATE PERMITS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION AND/OR RENOVATIONS OF THE BUILDING AND IMPROVEMENTS.

SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Mrs. Brager stated that she is in favor of the Land Development for Our Lady of Good Counsel, and the land development of Davisville Baptist Church, however, she stated that she voted against the land development for Our Lady of Good Counsel because she felt it would set a precedent for other business, etc. for delaying
stormwater management. She stated that the Township funds designated for stormwater management should be used to help Our Lady of Good Counsel and Davisville Baptist Church complete their stormwater management before ten years, after the Township's current stormwater projects are complete.

Ch. Biuckians stated that stormwater management began in 1997 and that the Township has completed a great amount of stormwater management. She stated that this subject should be discussed at a workshop meeting.

Mr. Froggatt stated that with three (3) mills it could take six (6) years or more for the Township to acquire enough funds to complete the church's projects, without accounting for projects already planned, by the Township, for stormwater management.

CONSIDERATION OF APPROVING A PRELIMINARY PLAN OF LAND DEVELOPMENT SUBMITTED BY KENNY'S BAR FOR PROPERTY LOCATED AT 1134 STREET ROAD, TMP #48-17-35:

Mr. Stephen Lange, Engineer for Fioravanti, Inc., presented a preliminary plan of land development for property known as Kenny's Bar, located at 1134 Street Road, TMP #48-17-35. The Applicant proposes to construct a 2,813 square foot addition to the rear of the existing building, expand the parking area, and provide a retention basin. The following waivers are requested:

Section 511.2 - Requires that curbing shall confine all parking areas and bays. The proposed parking area does not provide curbing.

Section 511.4 - Requires a minimum of twenty (20) feet of open space between the curb line of any parking area and the outside wall of any building within the CC Zoning District. The Plan does not provide the required minimum for the parking in front of the building. The Applicant agreed to equip the building with a sprinkler system, pursuant to the Fire Marshal.

Section 511.9 - Requires all parking areas to be setback five (5) feet from right-of-ways except at entrance and exit drives. The parking area is located within the legal right-of-way.

Section 517.6 - Requires that the top or bottom edges of slopes shall be a minimum of five (5) feet from property or right-of-way lines. The slopes of the proposed stormwater re-charge basin and the proposed curb located near the trash enclosure are within five (5) feet of the property line.

Section 521.2 - Requires the planning of street trees at least forty (40) feet apart on all streets where street trees do not exist. There are no existing street trees along the front of the property on Street Road and there are no trees proposed.

Section 524.6 - Requires that parking areas be located or designed so that the parking areas are visibly secluded from eye level of the surrounding area. The existing parking area and the proposed extension would not meet this requirement except where the proposed Norway Spruce trees are proposed.

Section 611.4.B.4.k(17) which refers to Ordinance 303A, Section 304.05.D.2.A - Requires no limiting zones be within 48 inches from the bottom of an infiltration facility.

Section 611.5.g - Requires a basin to have a maximum 4v:1h slope. The plan shows 3:1 slopes.

Section 806.3B - Requires the plans to indicate existing features within 400 feet of the site. Existing features are shown within 120 feet of the site.

Mr. Lange addressed several of the waivers. He stated that curbing would deter the natural flow of drainage to the current recharge facility, and that a sprinkler system will be installed.
Ch. Biuckians stated that there is one (1) foot of the parking area located in the buffer yard, and that there is a concrete dewatering box in the stormwater management facility. The applicant agreed to move the parking lot one (1) foot to the north, and has agreed to remove the concrete dewatering box from the plan.

Mrs. Brager stated that she would like to have street trees planted along Street Road. Mr. Lange stated that the trees would be a safety hazard, as they would be located in the sight triangle.

Mr. Stevens asked if trash collection could be scheduled during non-business hours because the dumpster is located next to a parking stall.

The applicant agreed to have trash collection in the morning hours.

The Board of Supervisors agreed to all waivers with two conditions. Section 511.4 with the condition that a sprinkler system be installed, and Section 521.2 that two trees be donated and planted at a place determined by the Shade Tree Commission.

Mr. Williams reviewed all conditions imposed. Mr. Lange on behalf of the applicant agreed to all conditions.

Anita Penecale, 611 Kutcher Road, asked who would monitor the blue box that is to be installed for sound. Mr. Williams stated that the Township will monitor the installation of the blue box to determine compliance with the Conditional Use.

A MOTION WAS MADE BY MR. STEVENS TO APPROVE THE PRELIMINARY/FINAL PLAN OF LAND DEVELOPMENT FOR TMP #48-17-35 AS SHOWN ON A PLAN CONSISTING OF SEVEN (7) SHEETS TITLED KENNY’S BAR, AS PREPARED BY FIORAVANTI, INC., DATED SEPTEMBER 27, 2003, LAST REVISED ON AUGUST 26, 2003, INCLUDING A HYDROLOGY STUDY AND SITE INVESTIGATION REPORT DATED SEPTEMBER 27, 2002 AND A SOIL SEDIMENTATION AND EROSION CONTROL NARRATIVE REPORT DATED SEPTEMBER 27, 2002 WITH THE FOLLOWING WAIVERS AND CONDITIONS:

WAIVERS:

- SECTION 511.2 - TO PERMIT PARKING AREAS AND BAYS THAT ARE NOT COVERED BY CURBING AS SHOWN ON THE PLAN.
- SECTION 511.4 - TO ALLOW TWO (2) HANDICAPPED PARKING SPACES WITHIN TWENTY (20) FEET OF THE FRONT WALL OF THE BUILDING.
- SECTION 511.9 - TO ALLOW THE DRIVE AISLE ALONG STREET ROAD TO BE LOCATED WITHIN FIVE (5) FEET OF THE RIGHT-OF-WAY OF STREET ROAD.
- SECTION 517.6 - TO ALLOW THE TOP OR BOTTOM EDGES OF THE SLOPES OF THE PROPOSED STORMWATER RECHARGE BASIN TO BE WITHIN FIVE (5) FEET OF THE PROPERTY LINE.
- SECTION 521.2 - TO NOT REQUIRE THE APPLICANT TO INSTALL ANY STREET TREES ALONG STREET ROAD.
- SECTION 524.6 - TO ALLOW PARKING AREAS TO BE LOCATED AND DESIGNED WHERE THE PARKING AREAS WILL NOT BE VISIBLY SECLUDED FROM EYE LEVEL OF THE SURROUNDING AREA, EXCEPT FOR THE PARKING AREAS WHERE THE PROPOSED NORWAY SPRUCE TREES ARE TO BE PLANTED.
- SECTION 611.4.B.4.K(17) TO ALLOW THE BASIN INVERT TO BE THIRTY-SIX (36) INCHES INSTEAD OF THE REQUIRED FORTY-EIGHT (48) INCHES ABOVE THE SEASONAL HIGH WATER TABLE.
- SECTION 611.5.G - TO PERMIT THE BASIN TO HAVE A MAXIMUM SLOPE OF 4:1 INSTEAD OF THE PERMITTED 3:1 SLOPE FOR VERTICAL HEIGHT.
- SECTION 806.3.B - TO ALLOW THE PLANS TO SHOW EXISTING FEATURES WITHIN 120 FEET OF THE SITE INSTEAD OF THE REQUIRED 400 FEET.
CONDITIONS:

- The applicant shall comply in all respects with the recommendations set forth in the following reports, unless such recommendations are specifically excepted, changed, or modified by the Board of Supervisors during the approval process: Township Engineer, Third Review, dated August 28, 2003; Bucks County Planning Commission, dated November 4, 2002; Township Planning Commission dated March 3, 2003; Municipal Authorities of Upper Southampton Township dated October 30, 2002; Bucks County Conservation District dated November 21, 2002; Fire Marshal dated August 14, 2003; Shade Tree Commission dated November 27, 2002; Environmental Advisory Council dated November 7, 2002; U.S. Army Corps of Engineers dated April 25, 2003.

- Applicant shall comply in full with all requirements imposed during the conditional use approval for Kenny’s Bar which was held before the Upper Southampton Board of Supervisors on April 15, 2003 as set forth in a written decision dated May 6, 2003.

- Applicant shall comply in full with all requirements of the Upper Southampton Township Subdivision and Land Development Ordinance and Upper Southampton Zoning Ordinance, unless specific waivers with respect to the Subdivision and Land Development Ordinance have been granted by the Board of Supervisors or variances with respect to the Zoning Ordinance have been granted by the Zoning Hearing Board.

- Applicant shall install and equip the building with a sprinkler system pursuant to the recommendation of the Fire Marshal.

- Applicant shall contribute two (2) street trees to be planted in Upper Southampton Township as designated by the Township.

- Applicant shall relocate a portion of the rear parking lot by one (1) foot in order to comply with Section 709.3 A and D of the Subdivision and Land Development Ordinance.

- The dewatering system shall be removed from the basin area.

- Due to the location of the dumpster next to a parking space, trash collection shall be limited to between 8:00AM and 11:00AM. A note will be placed on the plan accordingly.

- The owner of record block on the record plan shall be revised to reflect the current owner of the property.

- The applicant shall comply with all federal, state, and local regulations with regard to the proposed land development and apply and receive all appropriate permits prior to the commencement of construction and/or renovations of the building and improvements.

SECONDED BY MR. FROGGATT; DENIED WITH A VOTE OF 2-3-0.

Ch. Biuckians, Mr. Ullrich, and Mrs. Brager are opposed to approving a preliminary/final plan at this time.

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE THE PRELIMINARY PLAN OF LAND DEVELOPMENT FOR TMP #48-17-35 WITH THE SAME WAIVERS AND CONDITIONS AS STATED IN THE PREVIOUS MOTION BY MR. STEVENS; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

DISCUSSION OF ZONING HEARING BOARD APPLICATIONS:

CASE #03-13, PATRICK & LISA GRESLEY, 770 CHURCHVILLE ROAD:

Patrick and Lisa Gresley intend to construct a 1,697 square foot addition to the side and rear of their existing single-family dwelling, located at 770 Churchville Road, Southampton. This will result in an increase in impervious surface ratio from 21.1% to 27.8%, which is in excess of the 25% allowed in an R-3 zoning district. The applicants request a variance from Section 185-22 of the zoning ordinance to exceed the maximum impervious surface ratio in an R-3 zoning district.
The Zoning Hearing Board will hear this case at a later date.

**CASE #03-14, AMERADA HESS CORPORATION, 724 STREET ROAD:**

Amerada Hess Corporation intends to demolish an existing convenience store at 724 Street Road, Southampton, and construct a 2,480 square foot convenience store on the same lot but at a different location. The property is located in the RS zoning district. The applicant is requesting variances from the front yard setback, side yard setback, rear yard setback, sign area, and sign height regulations of the zoning ordinance. They are also requesting an interpretation that the minimum lot area, minimum lot width, and the minimum lot frontage are existing non-conformities, and if they are requesting a variance from these regulations as well.

Mrs. Brager stated concern with the size of the sign. The applicant requests two (2) 100 square foot signs, and the ordinance limits the size of the sign to 25 square feet. The Board of Supervisors agreed to have Mr. Williams oppose the size of the sign.

A MOTION WAS MADE BY MR. FROGGATT TO SEND THE TOWNSHIP SOLICITOR IN OPPOSITION REGARDING THE SIZE OF THE SIGN TO THE ZONING HEARING BOARD CASE #03-14, AMERADA HESS CORPORATION, 724 STREET ROAD; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

**DISCUSSION AND CONSIDERATION OF AUTHORIZING ADVERTISEMENT OF AN ORDINANCE AMENDING CHAPTER 24, ARTICLE II OF THE CODE OF ORDINANCES KNOWN AS THE "POLICE PENSION FUND" BY AMENDING PROVISIONS PERTAINING TO SERVICE RELATED, AND NON-SERVICE RELATED DISABILITY:**

Mr. Williams stated that several years ago, the Auditor General audited the Police Pension Ordinance and made the finding that our ordinance did not comply with state law. He stated that the Auditor General at that time threatened to withhold state funds. The Township removed the provisions in the Police Pension Ordinance that were in violation of the state law. Under the police contract these items must be negotiated out of the contract. The ordinance was modified, and the police collective bargaining unit filed a grievance and complaint with the Pennsylvania Labor Relations Board. There is a new Auditor General, and it is the belief that those provisions removed can be reinstated to the ordinance, and then will be the subject of collective bargaining during contract negotiations, to have them removed. This ordinance will resolve the unfair labor practice that is pending before the Pennsylvania Labor Relations Board. The Township labor counsel recommends adoption of this ordinance.

A MOTION WAS MADE BY MR. FROGGATT AUTHORIZING ADVERTISEMENT OF AN ORDINANCE AMENDING CHAPTER 24, ARTICLE II OF THE CODE OF ORDINANCES KNOWN AS THE "POLICE PENSION FUND" BY AMENDING PROVISIONS PERTAINING TO SERVICE RELATED, AND NON-SERVICE RELATED DISABILITY; SECONDED BY MRS. BRAGER; CARRIED WITH A VOTE OF 4-0-1, Mr. Stevens abstained.

**DISCUSSION AND CONSIDERATION OF AUTHORIZING ADVERTISEMENT OF AN ORDINANCE AMENDING THE ZONING ORDINANCE TO CREATE AN OFF-PREMISE ADVERTISING SIGN USE AND OVERLAY DISTRICT:**

This ordinance will be sent to the Upper Southampton Planning Commission for review.

**DISCUSSION AND CONSIDERATION OF AUTHORIZING ADVERTISEMENT OF AN ORDINANCE AMENDING THE UPPER SOUTHAMPTON TOWNSHIP ZONING ORDINANCE BY PERMITTING "NO-IMPACT HOME-BASED BUSINESS" AS A SECONDARY AND ACCESSORY USE IN A RESIDENTIAL DWELLING:**

Mrs. Brager stated that she would like the Township ordinance to be more restrictive than state law. Mr. Williams stated that a legal issue could be raised if the Township would make the ordinance more restrictive. Ch. Biuckians stated that the Township needs to be in compliance with state law.
A MOTION WAS MADE BY MR. ULLRICH AUTHORIZING ADVERTISEMENT OF AN ORDINANCE AMENDING THE UPPER SOUTHWESTAMPTON TOWNSHIP ZONING ORDINANCE BY PERMITTING “NO-IMPACT HOME-BASED BUSINESS” AS A SECONDARY AND ACCESSORY USE IN A RESIDENTIAL DWELLING; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF ADOPTING RESOLUTION #2003-14, AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE BUCKS COUNTY DEPARTMENT OF COMMUNITY AND BUSINESS DEVELOPMENT UNDER THE COMMUNITY DEVELOPMENT BLOCK PROGRAM:

Ch. Biuckians stated that a public hearing was held prior to the regular meeting to discuss the use of Community Development Block Grant funds for 2004. The Board of Supervisors decided to use the $6,700 available funds to pave Circle Drive.

A MOTION WAS MADE BY MR. FROGGATT TO ADOPT RESOLUTION #2003-14, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION, FOR THE PURPOSE OF PAVING CIRCLE DRIVE, TO THE BUCKS COUNTY DEPARTMENT OF COMMUNITY AND BUSINESS DEVELOPMENT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF AWARDING A CONTRACT FOR THE PURCHASE OF L&I SOFTWARE TO GEODECISIONS AT A COST OF $15,715:

Mr. Showmaker stated that the existing L&I software is aging and inefficient. It is based in the DOS operating system. The Township can no longer get adequate service and the existing program is not supported by current operating systems such as Windows or Windows XP, and will not allow newer equipment such as printers to work. The proposed system has property file management, and permitting capabilities and may be expanded at a later date to include mapping and plotting, and building layout for preplanning. The system can be further expanded with modules that can handle information for roadway management, water and sewer management, stormwater management, equipment management, code enforcement, resident complaint tracking and requests for service. He reviewed three (3) software programs and visited several municipalities to evaluate programs first hand. Mr. Showmaker recommended the Board of Supervisors purchase L&I software from GeoDecisions, per their proposal of August 6, 2003 at a cost of $15,715.

A MOTION WAS MADE BY MR. ULLRICH TO AWARD A CONTRACT FOR THE PURCHASE OF L&I SOFTWARE TO GEODECISIONS, AT A COST OF $15,715; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF AWARDING A CONTRACT FOR THE PURCHASE AND INSTALLATION OF NEW PLAYGROUND EQUIPMENT AT THE COMMUNITY CENTER:

Mr. Golden stated that the playground equipment at the Community Center is in need of replacement due to age and condition. The Park and Recreation Board researched playground equipment from three different manufacturers and recommends that the Board of Supervisors purchase new equipment from Recreation Resource, Inc. The equipment is available through state contract number 7810-01, Vendor #36830 and meets all ASTM and ADA standards for playgrounds. The Park and Recreation Board specifically recommends the purchase of the BCI Burke Series 3000 Play Structure #3561, 4 swings, and a plastic lumber border for around the equipment at a cost of $17,355.00.

A MOTION WAS MADE BY MRS. BRAGER TO AWARD A CONTRACT FOR THE PURCHASE OF BCI BURKE SERIES 3000 PLAY STRUCTURE #3561, TO RECREATION RESOURCE, INC., AT A COST OF $17,355.00; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Mr. Golden stated that three (3) bids were received for the installation of the playground equipment as follows:
A MOTION WAS MADE BY MR. ULLRICH TO AWARD A CONTRACT TO INSTALL THE BCI BURKE SERIES 3000 PLAY STRUCTURE #3561 TO PARK CONSTRUCTORS CORPORATION, AT A COST OF $3,645.00; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

DISCUSSION OF A POLICE GRIEVANCE REGARDING COMPENSATORY TIME PAYMENT:

Mr. Williams stated that the police bargaining unit filed a grievance regarding the way compensatory time was paid. As part of the grievance procedure, the Police Benevolent Association met with the Board of Supervisors on June 17, 2003.

A MOTION WAS MADE BY MR. ULLRICH TO DENY THE GRIEVANCE FILED BY THE POLICE BENEFICIAL ASSOCIATION REGARDING COMPENSATORY TIME PAYMENT; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

SOLICITOR’S REPORT

Mr. Williams stated that his written report was submitted previously. He stated that he received information on the Hillier Zoning Appeal Case #03-08, and requested an Executive Session to discuss.

OTHER BUSINESS

Mrs. Brager stated that Upper Southampton Township was listed in the June 2003 Money Magazine as one of the top ten towns where homes have appreciated. Upper Southampton Township had a 47.8% accumulative five year price increase in the cost of homes.

Mrs. Brager stated that letter was received from Arthur Cox of Rick Road who would like to have a walking and jogging path at Shelmire Field. She would like to discuss this at a future date.

Mrs. Brager stated the Bucks County Association of Township Officials (BCATO) is requesting a Township contribution towards BCATO’s legal fund which is used to file briefs with state courts on any development appeals from Bucks County that could impact all the townships in the County.

A MOTION WAS MADE BY MR. FROGGATT TO RECESS TO EXECUTIVE SESSION; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH VOTE OF 5-0-0.

ADJOURNMENT

Being no further business to come before the Board, A MOTION WAS MADE BY MR. ULLRICH TO ADJOURN AT 10:30PM; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Respectfully submitted,
Walter C. Stevens
Secretary/Treasurer
UPPER SOUTHAMPTON TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
SEPTEMBER 16, 2003

A regular meeting of the Upper Southampton Township Board of Supervisors was held on Tuesday, September 16, 2003, at 7:30PM in the Library Meeting Room, 947 Street Road, Southampton, PA 18966.

MEMBERS PRESENT: Lola Biuckians, Chairperson
Stephen Ullrich, Vice Chairperson
Walter C. Stevens, Secretary/Treasurer
Keith Froggatt, Asst. Secretary/Treasurer
Estelle Brager, Member

ALSO PRESENT: Joseph Golden, Township Manager
Donald E. Williams, Township Solicitor
Mark Showmaker, Fire Marshal

The meeting was called to order by Ch. Biuckians at 7:30PM. A quorum was established.

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS AND REPORTS

Ch. Biuckians stated that an Executive Session to discuss personnel matters and litigation was held prior to the regular meeting. Mr. Williams stated that the following cases were discussed at Executive Session:

- Teslyar Zoning Appeal, Upper Southampton Zoning Hearing Board, Case #03-06
- Amerada Hess Corporation Appeal, Upper Southampton Zoning Hearing Board, Case #03-14
- Delaware Valley Workers Compensation Trust, et. al. v. Weber, Goldstein, Greenberg & Gallagher, Montgomery County Court of Common Pleas, 98-22739
- Hillier Zoning Appeal, Upper Southampton Zoning Hearing Board, Case #03-08
- Baker v. Upper Southampton Zoning Hearing Board, Commonwealth Court Docket #1527 CD 2002

Mr. Golden stated that the Attorney representing Robert and Renee Frugoli in regards to the final plan of subdivision for property located at 1486 Second Street Pike, has asked that this agenda item be tabled.

A MOTION WAS MADE BY MR. ULLRICH TO TABLE THE CONSIDERATION OF APPROVING A FINAL PLAN OF MINOR SUBDIVISION SUBMITTED BY ROBERT AND RENEE FRUGOLI, FOR PROPERTY LOCATED AT 1486 SECOND STREET PIKE, TMP #48-27-36, LETTER F ON THE AGENDA; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Mr. Mark Showmaker, Director of Emergency Management for Upper Southampton Township, discussed the precautions that the Emergency Management team has taken in anticipation of Hurricane Isabel, and what precautions the homeowner should take to prepare for this storm. He stated that the meetings have been held this week with various groups, i.e. Fire Department, Rescue Squad, and department heads. The Public Works Department has cleared basins, storm drains, and readied the Township equipment. Mr. Showmaker asked that township residents help to clear any storm drains that may have been missed, secure any loose items, and avoid being on the roads during the storm unless it is necessary.

COMMUNITY CONCERNS

Debbie Spadafora, 938 Rozel Avenue, discussed the trash can situation. She would like all residents to put their trash cans on their property, not on the streets. Mr. Golden explained that the contract with J. P. Mascaro states that trash containers must be replaced in the location where they had originally been set by
the householder. He stated that residents are permitted to put trash containers on their property or at curbside. Mr. Golden stated that he has monitored trash collection, and that J. P. Mascaro is in compliance.

Mr. Ullrich suggested that residents could help neighbors that are not home by bringing their trash cans in from the street.

Ch. Biuckians requested that Mr. Golden and Ms. Spadafora meet to discuss the trash situation further.

Kathy Mendla, 975 Woodland Drive, stated her approval of keeping guinea hens on her property. She stated that many residents have had lyme disease, and that guinea hens eat the tics which cause this disease. She stated that she has signatures of people who would like the guinea hens to stay.

Christopher Mendla, 975 Woodland Drive, stated that he received a letter of violation regarding guinea hens on his property. He stated that guinea hens help reduce the tic population which causes lyme disease. Mr. Mendla stated that he would like the ordinance changed so that he may continue to keep his guinea hens.

Phil Rodel, 1180 Gravel Hill Road, asked why the original ordinance was changed and stated that he has raised guinea hens and was never attacked by one.

Barb Rodel, 1180 Gravel Hill Road, stated that her neighbors never complained when she and her husband had guinea hens.

Mr. Williams stated that the codifier recommended the ordinance during the codification process.

Mrs. Brager stated that lyme disease is serious and that the ordinance should be amended to allow guinea hens.

James Day, 757 Cybus Way, Chairman of the Historical Advisory Board, asked that a member of the Historical Advisory Board be appointed to the newly formed Park, Recreation, and Open Space Study Committee.

**A MOTION WAS MADE BY MR. FROGGATT TO APPOINT A MEMBER OF THE HISTORICAL ADVISORY BOARD TO THE COMPREHENSIVE PARK, RECREATION AND OPEN SPACE PLAN STUDY COMMITTEE; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0.**

Mr. Froggatt stated that he would like to review the information received tonight regarding guinea fowl, and discuss it at a future meeting.

Mark Showmaker, 918 E. Maple Drive, stated that he understands the Mendlas' concerns regarding lyme disease however he too has a concern regarding children walking to Stackpole Elementary school and the flock of guinea fowl that stand by the driveway to the school. He stated that the children are intimidated by them.

Thomas Cunningham, 1230 Melody Lane, stated that he is opposed to using taxpayer money to pay for stormwater management on Our Lady of Good Counsel or Davisville Baptist Church. He also stated that he is against spending $600,000 on Shelmire field.

**APPROVAL OF THE CDBG HEARING MINUTES OF SEPTEMBER 2, 2003:**

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE THE COMMUNITY DEVELOPMENT BLOCK GRANT HEARING MEETING MINUTES OF SEPTEMBER 2, 2003; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0.
APPROVAL OF THE REGULAR MEETING MINUTES OF SEPTEMBER 2, 2003:

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE THE REGULAR MEETING MINUTES OF AUGUST 19, 2003 AS AMENDED; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

APPROVAL FOR PAYMENT OF THE SEPTEMBER 16, 2003 INVOICES:

Mr. Golden presented the accounts payable for September 16, 2003 as follows:

- General Fund - 32,142.81
- Street Lighting Fund - 212.07
- Park & Recreation Fund - 2,828.97
- Garbage & Refuse Fund - 38,338.16
- Storm Water Capital Reserve Fund - 11,996.50
- Highway Aid Fund - 2,692.85

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE FOR PAYMENT THE SEPTEMBER 16, 2003 INVOICES, IN THE AMOUNT OF $88,211.36, AND THE ESCROW INVOICES IN THE AMOUNT OF $8,785.65; SECONDED BY MR. ULLRICH; Mr. Stevens abstained from page 6, Vendor 1804; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0

DISCUSSION OF ZONING HEARING BOARD APPLICATIONS:

CASE #03-15, JOHN & NINA CIMINO, 956 WILLOW STREET:

John and Nina Cimino intend to construct a 448 square foot addition to the rear of their existing single-family dwelling, located at 956 Willow Street, Southampton. This will result in an increase in impervious surface ratio from 30.7% to 34.2%, which is in excess of the 25% allowed in an R-3 zoning district. The applicants request a variance from Section 185-22 of the zoning ordinance to exceed the maximum impervious surface ratio in an R-3 zoning district.

The Zoning Hearing Board will hear this case at a later date.

DISCUSSION AND CONSIDERATION OF AUTHORIZING THE SUBMISSION OF TWO PROJECTS FOR FUNDING ASSISTANCE UNDER THE 2004-2008 TRANSPORTATION IMPROVEMENT PROGRAM:

Brian Keaveney, Transportation Engineer for Pennoni Associates, Inc., explained the Transportation Improvement Program. He stated that the Bucks County Planning Commission, together with the Delaware Valley Regional Planning Commission and PennDOT are in the process of updating PennDOT's twelve (12) year transportation plan. He stated that this plan is updated every two years. Mr. Keaveney stated that the Bucks County Planning Commission is soliciting from local municipalities, applications for potential new transportation projects. He stated that the Township may request PennDOT to fund 100% of the cost of the projects, however, projects which have a committed Township local match funding of 100% of engineering services and right-of-way acquisition have received higher priority when the final selection of funded projects is made. Mr. Keaveney stated the two potential projects to be considered:

- Second Street Pike and Knowles Avenue improvements - widen Knowles Avenue to provide westbound left-turn lane, increase corner radii to improve traffic movement, and modernize traffic signal installation
- Second Street Pike closed loop traffic signal system - Interconnection of signals along Second Street Pike between Street Road and County Line Road, and the implementation of improved timing programs and minor upgrade improvements at each intersection.
The applications must be submitted to the Bucks County Planning Commission by September 19, 2003. He stated that public testimony for the new projects in Bucks County will be held at the Bucks County Planning Commission on October 8, 2003. Mr. Keaveney stated that the final selection of projects that will receive funding will be completed by late spring 2004.

A MOTION WAS MADE BY MR. FROGGATT TO AUTHORIZE PENNONI ASSOCIATES INC., TO SUBMIT TWO APPLICATIONS ON BEHALF OF UPPER SOUTHAMPTON TOWNSHIP, FOR TRANSPORTATION IMPROVEMENTS AS PART OF THE 2004-2008 TRANSPORTATION IMPROVEMENT PROGRAM, WITH UPPER SOUTHAMPTON TOWNSHIP FUNDING 100% ENGINEERING COSTS AND RIGHT-OF-WAY ACQUISITION; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

SOLICITOR’S REPORT

Mr. Williams stated that his written report was submitted previously.

OTHER BUSINESS

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE A GENERAL RELEASE IN THE CASE OF DELAWARE VALLEY WORKERS COMPENSATION TRUST ET AL. V WEBER, GOLSTEIN, GREENBERG AND GALLAGHER AS REQUESTED BY THE TRUST; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Mr. Ullrich stated that the baseball field on Gravel Hill Road is in need of better lighting. He stated that a sealed bid for items from Veteran's stadium will be held on September 26, 2003. He requested the Township bid for a bank of lights. Ch. Biuckians asked who is responsible for removing, transporting, and installing the lights. Mr. Golden stated that the Township will be responsible. Mr. Golden will get an estimate to remove, transport and install the lights. Mr. Ullrich will discuss the lighting of Gravel Hill field at a later date.

Mrs. Brager stated that she would like to attend a seminar “Building Community through Local Television” to be held on October 1, 2003 at a cost of $95.00.

A MOTION WAS MADE BY MR. FROGGATT AUTHORIZING MRS. BRAGER TO ATTEND A SEMINAR ENTITLED “BUILDING COMMUNITY THROUGH LOCAL TELEVISION” AT A COST OF $95.00; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

ADJOURNMENT

Being no further business to come before the Board, A MOTION WAS MADE BY MR. FROGGATT TO ADJOURN AT 8:58PM; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Respectfully submitted,
Walter C. Stevens
Secretary/Treasurer
PELLACON TOWNSHIP
BOARD OF SUPERVISORS
BUDGET WORKSHOP MEETING MINUTES
SEPTEMBER 23, 2003

A Budget Workshop meeting of the Upper Southampton Township Board of Supervisors was held on Tuesday, September 23, 2003, at 6:30PM in the first floor conference room at the Township building, 939 Street Road, Southampton, PA 18966.

MEMBERS PRESENT: Stephen Ullrich, Vice Chairperson
Walter C. Stevens, Secretary/Treasurer
Keith Froggatt, Asst. Secretary/Treasurer
Estelle Brager, Member

ALSO PRESENT: Joseph Golden, Township Manager

The meeting was called to order by Vice Ch. Ullrich at 6:30PM. A quorum was established.

BUDGET REVIEW

SOUTHAMPTON FREE LIBRARY:

Vince Musco, Marie Musco, Marie Brandisi, Susan Rork, George Bastian, and Lorraine Rice represented the Library. Mr. Vince Musco presented the 2004 budget request. He stated that the Library had another good year in 2003. He stated that children's programs have expanded and attendance has been high. Mr. Musco stated that revenue is estimated at $547,000 for 2003. The revenue projected for 2004 is $493,000 primarily due to the fifty (50%) reduction in state funding. He stated that the Library is not requesting an increase in the Township contribution. The Library requests the same contribution of $329,000. Mr. Musco stated that there are currently two open positions, an assistant librarian and a clerk, that will not be filled unless the state gives additional funds. He stated that some children's programs will be lost, and that there will be less staff available for reference purposes. The Library is currently open more hours than the state requires, and hours could be scaled down if the deficit in state funds is not restored.

Mr. Musco discussed two problems that need to be corrected. The conference room in the basement needs better handicap accessibility, and the fire door that separates the main Library and the Children's Library needs to be replaced. The estimated cost to replace the door is $24,000. Mr. Musco stated that Community Development Block Grant Funds can be used for handicap access, and asked that the Township correct these two problems.

Mr. Musco assured the Board of Supervisors that the Library will continue to maintain the status of “Library of Excellence”.

SOUTHAMPTON FIRE COMPANY:

Joe Reaney, Godfrey Balas, Glenn McKenney, and Walt McKenney represented the Southampton Fire Company. Mr. Reaney stated that the Fire Company is not requesting additional money from the township. The 2004 contribution request will remain at $230,000. He stated that the fund drive has helped the Fire Company. The fund drive brought approximately $61,000 in 2002 and approximately $50,000 for 2003. Glenn McKenney stated that the Fire Company may receive a fire grant for the replacement of air packs. He stated that the Fire Company pursues all grants possible. Mr. Reaney stated that the Fire Company has three sets of books, one for the state funds, one for the Township funds, and one for the Fire Company funds. He stated that the state recently completed an audit of their funds, and that the Fire Company hired an outside auditor to complete an audit for the Township funds and the Fire Company funds. When the audit is complete, it will be available to the Township.
Mr. Golden asked if the Township could use the room at Hampton Hall for Township meetings held the first and third Tuesday of the month. Mr. Reaney stated that the Fire Company would be open for discussion on this subject.

**FIRE MARSHAL/LICENSES AND INSPECTION:**

Mark Showmaker, Fire Marshal, presented the Fire Marshal and the Licenses and Inspection budget. Mr. Showmaker highlighted salary increase requests for himself and the Deputy Fire Marshal, and the minor equipment account, 411.260 which includes $2,500 for a new lap top computer, $1,500 for a computer projector, $1,000 for equipment replacement and $500 for International fire code module inspection software. He requested a part time inspector, to help with fire inspections and to handle any nuisance complaints that are called into the Township. Mr. Showmaker stated that $6,000 is budgeted in capital outlay, 411.740 for replacement bunker gear for the Deputy Fire Marshal and himself. He stated that the overall 2004 budget requests are less than the 2003 budget requests. The Licenses and Inspection budget highlights include $6,000 budgeted for minor equipment, 413.260, $6,000 for furniture for three employees, $500 for two replacement printers, and $800 for a hand held GPS unit for plotting information. Mr. Showmaker also stated that $5,500 is requested for 413.380, Equipment Maintenance, $3,200 for copier lease contract, $1,500 for maintenance support for L & I software, and $800 for equipment and maintenance calibration.

**TRI-HAMPTON RESCUE SQUAD:**

Matt Fleck and Rich McGee represented the Tri-Hampton Rescue Squad. Mr. Fleck stated that the Rescue Squad has expanded to 24 hours a day, 7 days a week. He stated that the call volume has increased, services rendered have increased, but not enough to cover employee expenses from the extended service. He stated that Upper Southampton Township's call volume does not cover the cost of this service. Northampton has a larger population and Lower Southampton Township has a large call volume. Mr. Fleck stated that the mileage for the Rescue Squad is currently 1.9, and that the Township contribution is near that amount. He thanked the Board of Supervisors for the 2003 increase in contribution and requested the 1.9 mileage amount for the 2004 contribution. Mr. Fleck asked for help from the Township in replacing their current inventory of monitor defibrillators which the manufacturer will no longer service after 2004. The total cost for replacement is projected to be $140,000. He stated that Mr. Showmaker is currently working on getting grant money from Homeland Security to help cover the costs. Mr. Fleck also stated that the reassignment of second and third ambulances into Upper Southampton Township needs to be discussed. Using Tri-Hampton Rescue Squad as second and third ambulances into Upper Southampton, Northampton, and Lower Southampton could increase revenue approximately $90,000. The Board of Supervisors asked Mr. Fleck to supply a map which shows the areas the ambulances cover. The Board will discuss the Tri-Hampton Rescue Squad at a future meeting.

**POLICE:**

David C. Schultz, Chief of Police, presented the Police Budget for 2004. He stated that office salaries, 410.170, reflect an increase for an additional employee due to the appointment of Ms. Carver as a Court Liaison earlier this year. As Court Liaison, Ms. Carver works for two week for approximately half a day while criminal trials are held, is off one week while civil trials are held and then works two weeks thereafter. While she is not service as a Court Liaison, she is performing her clerical duties. Mr. Schultz requested an additional employee to cover the time Ms. Carver is serving as Court Liaison, and for vacations. Mr. Schultz stated that he currently brings an officer in on overtime to cover when needed. He also requested the hiring of an additional police officer due to the retirement of Detective Gleason. Mr. Schultz requested that Firearms, Training, and Supply account 410.221, be increased from 2003 due to the additional costs required for the Tactical Team members. Professional Services, 410.310, has increased slightly to $20,000. He requested $85,100 for Capital Outlay, 410.740, which includes two vehicles and the set up of these vehicles for $62,000, copier lease $3,600, lease of radar speed trailer $6,000, color printer $1,500, two portable radios $7,000, and $5,000 for computer network upgrade. Mr. Schultz requested an Executive session at the next scheduled Budget meeting on September 30, 2003 to discuss a personnel issue.
PUBLIC WORKS:

Wayne Crompton, Director of Public Works, presented the 2004 requests for the Public Works Department. Mr. Crompton reviewed the Capital Outlay account 430.740 requests. He requested a Dump Truck at a cost of $80,000 to replace the current 1989 Dump Truck. He stated that the value of the old truck is approximately $3,500. Mr. Crompton stated that due to additional properties now owned by the Township, he is requesting 8,000 for a riding mower and $2,300 for a mower trailer. He stated that the current radio control tower is obsolete and needs upgrading at a cost of $3,500. He also mentioned that the tire balancer should be replaced at a cost of $4,300, and that the monitor for the mechanic's computer needs to be upgraded at a cost of $2,000.

PARK AND RECREATION:

Mr. Tony Scheivert, Park and Recreation Director, discussed the 2003 budget and the 2004 Budget requests. He stated that program revenues for $2003 are currently at $71,094, and that the revenue will be approximately $100,000 for 2003. He stated that several projects will be completed this year such as the replacement of the Community Center playground, a water fountain at the Community Center, and renovations of the sign in front of Tamanend Park and the electric at the farmhouse. $27,000 was budgeted in 2003 to replace the roof on the barn in Tamanend Park. Since the repairs of the roof were approved for Community Development Block Grand funds, a request was made to use approximately $10,000 of the Capital Construction and Maintenance account 409.600, to replace the roof on the farmhouse.

Mr. Scheivert reviewed his 2004 proposed revenue and expense budget requests. He stated that the Dues and Seminars account 401.420 budget of $1,000 is the same as 2003, as well as Field Maintenance and Supply account 409.380, and 454.370 Printing. Proposed for the Capital Construction and Maintenance account 409.600, is $15,000 for a new heating system in the Community Center Gym, $15,000 for Air Conditioning in the Community Center Meeting Room, Handicap accessibility at the Park and Recreation office $4,000, improved lighting at the Carriage House and parking areas $5,000, removal of trees in the Lion's Grove, $5,000, Security system for the Community Center $6,000, flagpole for outside at the Community Center $2,000, exterior painting of the Farmhouse $5,000 and $9,000 for miscellaneous improvements which may include industrial toilets in restrooms. Also $4,000 if proposed for Minor Equipment, 454.260, for a new phone system for the Park office and a low cost sound system for concerts and special events.

ADJOURNMENT

Being no further business to come before the Board, A MOTION WAS MADE BY MR. STEVENS TO ADJOURN AT 9:00PM; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

Respectfully submitted,
Walter C. Stevens
Secretary/Treasurer
UPPER SOUTHAMPTON TOWNSHIP
BOARD OF SUPERVISORS
BUDGET WORKSHOP MEETING MINUTES
SEPTEMBER 30, 2003

A Budget Workshop meeting of the Upper Southampton Township Board of Supervisors was held on
Tuesday, September 23, 2003, at 6:30PM in the first floor conference room at the Township building, 939
Street Road, Southampton, PA 18966.

MEMBERS PRESENT:  Lola Biuckians, Chairman
                    Stephen Ullrich, Vice Chairman
                    Walter C. Stevens, Secretary/Treasurer
                    Keith Froggatt, Assistant Secretary/Treasurer
                    Estelle Brager, Member

ALSO PRESENT:      Joseph W. Golden, Township Manager
                    Richard Sabol, Assistant Township Manager

The meeting was called to order by Ch. Biuckians at 6:30PM. A quorum was established.

The Board of Supervisors convened to Executive Session at 6:30PM to discuss police personnel matters.
The meeting reconvened at 7:00PM

PRESENTATION OF 2004 MINIMUM MUNICIPAL OBLIGATION OF THE MUNICIPAL
PENSION PLAN AND THE POLICE PENSION PLAN:

Mr. Golden presented the 2004 Minimum Municipal Obligation for the Municipal Pension Plan and the Police
Pension Plan. He stated that the 2004 Minimum Municipal Obligation for the Police Pension Plan is $0, and
the Minimum Municipal Obligation for the Municipal Pension Plan is $54,531, which is the amount the
Township expects to receive from the State. The Board of Supervisors accepted the 2004 Minimum
Municipal Obligation and will discuss further at the regular meeting scheduled October 7, 2003.

A MOTION WAS MADE BY MR. ULLRICH TO AMEND THE AGENDA TO DISCUSS OTHER BUSINESS
AT THIS TIME; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

OTHER BUSINESS

Mr. Brager asked the Board of Supervisors to send a letter to the Pardon Board in favor of pardoning Lt.
Johnson. Mr. Stevens stated that Bucks County Court of Common Pleas will hear Lt. Johnson's petition for
relief under the Uniform Firearms Act on October 6, 2003. He asked that a decision by the Board of
Supervisors be delayed pending a decision by the Bucks County Court of Common Pleas. The Board of
Supervisors will discuss this at a future meeting.

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE RESOLUTION #2003-15, AUTHORIZING THE
ACQUISITION OF TAX MAP PARCEL NO. 48-007-002 IN LIEU OF CONDEMNATION; SECONDED BY
MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

BUDGET REVIEW

Mr. Golden discussed the Earned Income Tax. He stated that the Earned Income Tax is received from
Upper Southampton Township residents, and from non-residents that work in Upper Southampton
Township whose municipalities have not yet enacted an Earned Income Tax. He stated that in 2002,
approximately $1.2 million was received from Township residents and $750,000 was received from non-
residents. Mr. Golden stated that six neighboring municipalities enacted the Earned Income Tax in 2003, for
the first time, which will result in an approximate loss of $53,000 in 2003 and $120,000 in 2004. In addition,
Lower Moreland Township notified the Township that it intends to enact the Earned Income Tax in 2004, resulting in an additional loss of revenue to the Township of $94,000. This loss of non-resident Earned Income Tax will continue as additional municipalities enact this tax in future years. Mr. Golden stated that the Earned Income Tax revenue account, 310.200, has been reduced by $275,000 for the 2004 Budget.

Mr. Golden stated that the current General Fund Millage is 11.55, of which 3 mills goes to the Stormwater Capital Reserve Fund. He stated that the General Fund Budget for 2004 is approximately $1 million over budget. He stated that all accounts in the General Fund need to be reviewed.

The Board of Supervisors discussed Cable TV revenue, 321.800, District Court revenue 331.100, and Interest revenue 341.100. The Rent account 342.200 was reduced to $1,740.00. They reviewed all other revenue accounts. Mr. Sabol stated that a tax anticipation note is budgeted for 2004.

The Board reviewed the Expense accounts. Discussed was Dues and Seminars 400.420, Professional Services 401.310, Engineering 401.313, Solicitor 401.330, Equipment Maintenance 401.380, Supplies 409.200, and Security 409.320. The possibility of eliminating the cleaning of mats for account 409.371 was discussed and the possibility of a new HVAC system for the Administration building for 409.740 Capital Outlay. Mr. Stevens stated that the Township should have maintenance agreements on the HVAC system.

Mr. Golden discussed the Electronic Communication 407.374 account. He stated that the current internet access from Comcast does not allow employees to send e-mail primarily because Comcast provides a dynamic IP address which changes all the time. The Township needs a static IP address in order to be able to respond to e-mail messages. Mr. Golden stated that the cost of a DSL line is $130.00 per month which would include internet access to all employees. The Board of Supervisors discussed eliminating e-mail for all employees except the Administrator.

The Board of Supervisors reiterated the need for an Architect to survey the building for better accessibility.

The Board reviewed the Police accounts. They discussed the vehicle maintenance account 410.230. The Board stated that the cost of repairs and parts need to be scrutinized. The cost of gas and oil was discussed. Mr. Froggatt stated that smaller police cars should be purchased for better fuel economy. Mr. Golden spoke with Police Chief David Schultz regarding the purchase of only one police car for the 2004 Budget.

The Board of Supervisors asked that Mr. Golden meet with all Department Heads in regard to the Budget to discuss the possibility of reducing Budget requests. They reviewed the Capital Outlay account 410.740. They decided that only one vehicle will be purchased for $20,000 and no radar trailer for $6,000. This will reduce the budgeted amount to $43,100.

The Board of Supervisors discussed flex time. They requested the Fire Marshal and the Public Works Director take their flex time as pay rather than time off.

**ADJOURNMENT**

Being no further business to come before the Board, A MOTION WAS MADE BY MR. ULLRICH TO ADJOURN AT 9:30PM; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Respectfully submitted,
Walter C. Stevens
Secretary/Treasurer
UPPER SOUTHAMPTON TOWNSHIP
BOARD OF SUPERVISORS
BUDGET WORKSHOP MEETING MINUTES
OCTOBER 14, 2003

A Budget Workshop meeting of the Upper Southampton Township Board of Supervisors was held on Tuesday, October 14, 2003, at 6:30PM in the first floor conference room at the Township building, 939 Street Road, Southampton, PA 18966.

MEMBERS PRESENT: Lola Biuckians, Chairman
Stephen Ullrich, Vice Chairman
Walter C. Stevens, Secretary/Treasurer
Keith Foggatt, Assistant Secretary/Treasurer
Estelle Brager, Member

ALSO PRESENT: Joseph W. Golden, Township Manager
Richard Sabol, Assistant Township Manager

The meeting was called to order by Ch. Biuckians at 6:30PM. A quorum was established.

The Board of Supervisors held an Executive Session at 6:00PM to discuss police personnel matters.

BUDGET REVIEW:

Mr. Golden stated that the proposed 2004 Budget does not anticipate a cash carryover in the General Fund as in previous years. He stated that the budget has been reviewed by staff since the last meeting. Mr. Sabol stated that the General Fund is currently at 11.55 mils, of which 3 mils is transferred to Fund 032, Storm Water Capital Reserve. He stated that the General Fund can go to 14 mils, with an additional 5 mils if approved by the Bucks County Court of Common Pleas. The Board of Supervisors reviewed the Fire Marshal budget. Mr. Golden reduced 411.100 by $4,000, 411.260 by 4,000, and 411.420 by $1,000. The Board of Supervisors discussed the possibility of all departments cutting their budget requests by ten (10%) percent. Ch. Biuckians stated that a ten (10%) percent cut across the board will reduce the deficit in the General Fund to $311,000. The Board of Supervisors stated that Mr. Golden is to meet with all Department Heads and reduce each department's budget by ten (10%) percent.

Warminster Township requested a $10,000 contribution toward the cost of providing a police officer in William Tennent High School. The Board of Supervisors decided not to contribute towards the salary for this officer.

Mrs. Biuckians questioned whether some expenses in the General Fund could be paid from other funds such as Park and Recreation. Mr. Golden stated that up to 2 mils can be put into the Road and Machinery Fund, in lieu of funding the Vehicle Replacement Fund through the General Fund.

The decision of the Board of Supervisors is to have Department heads meet with Mr. Golden to reduce their budgets.

Mr. Golden stated that medical benefits could possibly be reduced if Township employee's medical insurance is provided through the Public Works Department union. He stated that the stormwater projects could be paid for with the Capital Projects Fund 18, thus allowing the 3 stormwater mils to remain in the General Fund. The Board of Supervisors stated that the 3 mils allocated for stormwater management will not be touched. Mr. Golden requested whether the Public Works labor costs for completing the stormwater projects can be charged to the Stormwater Capital Reserve Fund 32. The Board of Supervisors agreed.
A discussion was held regarding curbing. The Board of Supervisors agreed to have the Solicitor prepare the ordinance to curb Carlin Drive in 2004. The payment of curbing by residents was discussed. The Board will make a decision regarding curbing in 2004.

Mr. Robert Shaffer, 1150 Millcreek Road, stated that the Fire Company, the Library, and the Rescue Squad should also reduce their budget by ten (10%) percent. This could then reduce the milage from these funds, so that there would be less of a tax increase for residents.

The Board of Supervisors reiterated that each Department must cut ten (10%) of their budget.

**ADJOURNMENT**

Being no further business to come before the Board, **A MOTION WAS MADE BY MR. ULLRICH TO ADJOURN AT 8:45pm; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.**

Respectfully submitted,
Walter C. Stevens
Secretary/Treasurer
A regular meeting of the Upper Southampton Township Board of Supervisors was held on Tuesday, October 21, 2003, at 7:30PM in the Library Meeting Room, 947 Street Road, Southampton, PA 18966.

MEMBERS PRESENT: Lola Biuckians, Chairperson
Stephen Ullrich, Vice Chairperson
Walter C. Stevens, Secretary/Treasurer
Keith Froggatt, Asst. Secretary/Treasurer
Estelle Brager, Member

ALSO PRESENT: Joseph Golden, Township Manager
Donald E. Williams, Township Solicitor
Larry Young, Township Engineer
Mark Showmaker, Fire Marshal

The meeting was called to order by Ch. Biuckians at 7:30PM. A quorum was established.

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS AND REPORTS

David C. Schultz, Chief of Police presented awards on behalf of the Board of Supervisors and the Police Department to the Kiwanis Club and Cryan Jewelers. Jim Lafferty, President of the Kiwanis Club accepted the award on behalf of the Kiwanis Club for their donation of life support equipment. John Cryan accepted the award for Cryan's Jeweler's donation of two (2) bicycles to the Police Department.

Ch. Biuckians congratulated the Southampton Watershed Association and the Upper Southampton Environmental Advisory Council for their excellent video regarding the Southampton Watershed. She encouraged all residents to watch the video when it airs on the government channel 13 in the near future.

Ch. Biuckians stated that a meeting was held on Monday, October 20, 2003 with the Pennsylvania Environmental Council, Northampton Township and Upper Southampton Township to discuss solutions for retrofitting detention basins. She stated that the meeting was very informative.

Mrs. Brager stated that she recently attended a conference on Municipal Options for Cleaner Air and Greener Energy. She stated that the conference discussed clean wind energy and how wind farms will eventually replace entirely or in part, power plants that produce pollution. She stated that there are several places, i.e. Carnegie Mellon University and the University of Pennsylvania that are currently purchasing electricity from wind farms. This is a clean alternative source of energy.

COMMUNITY CONCERNS

Ed Moran, Southampton Dairy Queen, stated his concern regarding disgruntled employees in the Police Department.

James McNulty, 823 Churchville Road, discussed an existing business located next to his property. He stated that the resident was cited for a violation previously, but since then has added more equipment to his property. He asked that the Township review this property. Ch. Biuckians asked that Mr. Golden meet with Mr. McNulty to resolve this issue.
APPROVAL OF THE BUDGET WORKSHOP MEETING MINUTES OF SEPTEMBER 30, 2003:

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE THE BUDGET WORKSHOP MEETING MINUTES OF SEPTEMBER 30, 2003; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

APPROVAL OF THE REGULAR MEETING MINUTES OF OCTOBER 7, 2003:

A MOTION WAS MADE BY MRS. BRAGER TO APPROVE THE REGULAR MEETING MINUTES OF OCTOBER 7, 2003; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

APPROVAL OF THE BUDGET WORKSHOP MEETING MINUTES OF OCTOBER 14, 2003:

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE THE BUDGET WORKSHOP MEETING MINUTES OF OCTOBER 14, 2003; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

APPROVAL FOR PAYMENT OF THE OCTOBER 21, 2003 INVOICES:

Mr. Golden presented the accounts payable for October 21, 2003 as follows:

- General Fund - 157,404.01
- Street Lighting Fund - 10,602.95
- Park & Recreation Fund - 5,411.01
- Garbage & Refuse Fund - 48,956.34
- Capital Projects Fund - 9,600.00
- Storm Water Capital Reserve Fund - 12,707.33
- Open Space Fund - 2,600.00
- Highway Aid Fund - 31,641.75
- Police Pension Fund - 600.00
- Municipal Pension Fund - 1,995.00
- Payroll Clearing Fund - 6,918.05

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE FOR PAYMENT THE OCTOBER 21, 2003 INVOICES, IN THE AMOUNT OF $288,436.44; SECONDED BY MRS. BRAGER; Mr. Stevens abstained from page 13, Vendor 2406; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF APPROVING A FINAL PLAN OF LAND DEVELOPMENT SUBMITTED BY KENNY’S BAR FOR PROPERTY LOCATED AT 1134 STREET ROAD, TMP #48-17-35:

Mr. Steven Lange, Engineer representing Kenny's Bar presented the final plan of Land Development for property located at 1134 Street Road, TMP# 48-17-35. He stated that all comments have been addressed. Mr. Young stated that all outstanding issues have been resolved.

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE A FINAL PLAN OF LAND DEVELOPMENT FOR TMP# 48-17-35 AS SHOWN ON A PLAN CONSISTING OF SEVEN (7) SHEETS TITLED KENNY’S BAR, AS PREPARED BY FIORAVANTI INC., DATED SEPTEMBER 27, 2002 LAST REVISED ON OCTOBER 13, 2003 ALONG WITH A HYDROLOGY STUDY AND SITE INVESTIGATION REPORT, DATED SEPTEMBER 27, 2002 AND A SOIL SEDIMENTATION AND EROSION CONTROL NARRATIVE REPORT DATED SEPTEMBER 3, 2003 SUBJECT TO THE FOLLOWING CONDITIONS AND WAIVERS:
CONDITIONS:

THE APPLICANT SHALL COMPLY IN ALL RESPECTS WITH THE RECOMMENDATIONS SET FORTH IN THE FOLLOWING REPORTS, UNLESS SUCH RECOMMENDATIONS ARE SPECIFICALLY EXCEPTED BY THE BOARD OF SUPERVISORS:

- PRELIMINARY PLAN OF LAND DEVELOPMENT APPROVAL LETTER DATED SEPTEMBER 16, 2003
- TOWNSHIP ENGINEER, FINAL PLAN REVIEW LETTER, DATED SEPTEMBER 22, 2003
- BUCKS COUNTY PLANNING COMMISSION DATED SEPTEMBER 30, 2003
- TOWNSHIP PLANNING COMMISSION DATED OCTOBER 6, 2003
- MUNICIPAL AUTHORITIES OF UPPER SOUTHAMPTON TOWNSHIP DATED SEPTEMBER 26, 2003
- BUCKS COUNTY CONSERVATION DISTRICT DATED OCTOBER 3, 2003
- FIRE MARSHAL DATED OCTOBER 3, 2003
- SHADE TREE COMMISSION DATED SEPTEMBER 30, 2003
- ENVIRONMENTAL ADVISORY COUNCIL DATED OCTOBER 2, 2003
- U.S. ARMY CORPS OF ENGINEERS DATED APRIL 25, 2003
- BOARD OF SUPERVISORS CONDITIONAL USE APPROVAL (#03-002) DATED MAY 6, 2003
- APPLICANT SHALL COMPLY IN FULL WITH ALL REQUIREMENTS OF THE UPPER SOUTHAMPTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AND UPPER SOUTHAMPTON ZONING ORDINANCE, UNLESS SPECIFIC WAIVERS WITH RESPECT TO THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE HAVE BEEN GRANTED BY THE BOARD OF SUPERVISORS OR VARIANCES WITH RESPECT TO THE ZONING ORDINANCE HAVE BEEN GRANTED BY THE ZONING HEARING BOARD.
- APPLICANT SHALL COMPLY IN FULL WITH ALL REQUIREMENTS IMPOSED DURING THE CONDITIONAL USE APPROVAL FOR KENNY’S BAR WHICH WAS HELD BEFORE THE UPPER SOUTHAMPTON BOARD OF SUPERVISORS ON APRIL 15, 2003 AS SET FORTH IN A WRITTEN DECISION DATED MAY 6, 2003
- APPLICANT SHALL COMPLY IN FULL WITH ALL REQUIREMENTS OF PRELIMINARY PLAN OF LAND DEVELOPMENT APPROVAL OF THE UPPER SOUTHAMPTON BOARD OF SUPERVISORS ON SEPTEMBER 2, 2003
- THE APPLICANT SHALL COMPLY WITH ALL FEDERAL, STATE, AND LOCAL REGULATIONS WITH REGARD TO THE PROPOSED LAND DEVELOPMENT AND APPLY AND RECEIVE ALL APPROPRIATE PERMITS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION AND/OR RENOVATIONS OF THE BUILDING AND IMPROVEMENTS.

WAIVERS:

- SECTION 511.2 - TO PERMIT PARKING AREAS AND BAYS THAT ARE NOT CONFINED BY CURBING AS SHOWN ON THE PLAN.
- SECTION 511.4 - TO ALLOW TWO (2) HANDICAPPED PARKING SPACES WITHIN TWENTY (20’) FEET OF THE FRONT WALL OF THE BUILDING.
- SECTION 511.9 - TO ALLOW THE DRIVE AISLE ALONG STREET ROAD TO BE LOCATED WITHIN FIVE (5’) FEET OF THE RIGHT-OF-WAY OF STREET ROAD.
- SECTION 517.6 - TO ALLOW THE TOP OR BOTTOM EDGES OF THE SLOPES OF THE PROPOSED STORMWATER RECHARGE BASIN TO BE WITHIN FIVE (5’) FEET OF THE PROPERTY LINE.
- SECTION 521.2 - TO NOT REQUIRE THE APPLICANT TO INSTALL ANY STREET TREES ALONG STREET ROAD.
- SECTION 524.6 - TO ALLOW PARKING AREAS TO BE LOCATED AND DESIGNED WHERE THE PARKING AREAS WILL NOT BE VISIBLELY SECLUDED FROM EYE LEVEL OF THE SURROUNDING AREA, EXCEPT FOR THE PARKING AREAS WHERE THE PROPOSED NORWAY SPRUCE TREES ARE TO BE PLANTED.
- SECTION 611.4.B.4.K(17) TO ALLOW THE BASIN INVERT TO BE THIRTY-SIX (36”) INCHES INSTEAD OF THE REQUIRED FORTY-EIGHT (48”) INCHES ABOVE THE SEASONAL HIGH WATER TABLE.
• SECTION 611.5.G - TO PERMIT THE BASIN TO HAVE A MAXIMUM SLOPE OF 4: 1 INSTEAD OF THE PERMITTED 3:1 SLOPE FOR VERTICAL/HEIGHT.
• SECTION 806.3.B - TO ALLOW THE PLANS TO SHOW EXISTING FEATURES WITHIN 120 FEET OF THE SITE INSTEAD OF THE REQUIRED 400 FEET.

SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

DISCUSSION OF ZONING HEARING BOARD APPLICATIONS:

CASE #03-16, ALEX DURETS & IRINA ATAMANENKO, 1435 STREET ROAD:

Alex Durets and Irina Atamanenko had constructed a single family dwelling in an R-2 zoning district on a lot at 1435 Street Road, Southampton. However, the builder constructed the dwelling within the rear yard setback, allegedly due to a miscalculation. The required rear yard setback is 35 feet. The dwelling is located 31.76 to 34.73 feet from the property line. The owners are seeking a variance from Section 185-74(c) of the zoning ordinance to allow the dwelling to remain in the rear yard setback.

The Zoning Hearing Board will hear this case at a later date.

CASE #03-17, DIANE & JOSEPH STOPKA, 957 E. MAPLE DRIVE:

Joseph and Diane Stopka constructed an above ground pool and gravel driveway at their residential property located at 957 E. Maple Avenue, Southampton, without first obtaining the required zoning and building permits. This resulted in an increase in the impervious surface ratio in excess of the 19% allowed in an R-2 zoning district. The applicants request a variance from Section 185-22 of the zoning ordinance to exceed the maximum impervious surface ratio in an R-2 zoning district.

Ed Oliver, 951 E. Maple Drive stated his concern with the stormwater runoff from 957 E. Maple Drive onto his property. He stated that the pool and the gravel driveway are already constructed on this property, and that his property is the low point of the area which receives this stormwater runoff. Mr. Oliver stated his concern with the information which is included on the plans for 957 E. Maple Drive. He stated that this property has a direct effect on the stormwater management project proposed for this area by the Township, and asked that the Board of Supervisors send the Solicitor to oppose the variance application.

A MOTION WAS MADE BY MR. FROGGATT TO SEND THE TOWNSHIP SOLICITOR IN OPPOSITION TO ZONING HEARING BOARD APPLICATION, CASE # 03-17, JOSEPH AND DIANE STOPKA, 957 E. MAPLE DRIVE; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

PUBLIC HEARING AND CONSIDERATION OF ADOPTING ORDINANCE 359 TO AMEND CHAPTER 24, ARTICLE II OF THE CODE OF ORDINANCES KNOWN AS THE "POLICE PENSION FUND" BY AMENDING PROVISIONS PERTAINING TO SERVICE RELATED, AND NON-SERVICE RELATED DISABILITY:

Ch. Biuckians opened the public hearing. There were no comments from residents or the Board of Supervisors. The public hearing closed.

A MOTION WAS MADE BY MR. FROGGATT TO ADOPT ORDINANCE #359 TO AMEND CHAPTER 24, ARTICLE II OF THE CODE OF ORDINANCES KNOWN AS THE "POLICE PENSION FUND" BY AMENDING PROVISIONS PERTAINING TO SERVICE RELATED, AND NON-SERVICE RELATED DISABILITY; SECONDED BY MR. ULLRICH; MOTION CARRIES WITH A VOTE OF 4-0-1, Mr. Stevens abstained.

PUBLIC HEARING AND CONSIDERATION OF ADOPTING ORDINANCE 360 TO AMEND THE UPPER SOUTHAMPTON ZONING ORDINANCE BY PERMITTING "NO-IMPACT HOME-BASED BUSINESS" AS A SECONDARY AND ACCESSORY USE IN A RESIDENTIAL DWELLING:
Ch. Biuckians opened the public hearing.

Mrs. Brager stated that commercial business should not be allowed in a residential neighborhood. She stated that “substantial nature” should be more defined, and that 25% of habitable floor which is allowed for business activity is too much. Mr. Froggatt stated that a plumber could be considered a commercial business, and therefore commercial business should be allowed. Mr. Williams stated that the ordinance is mandated by state law.

The public hearing closed.

A MOTION WAS MADE BY MR. FROGGATT TO ADOPT ORDINANCE #360 TO AMEND THE UPPER SOUTHAMPTON ZONING ORDINANCE BY PERMITTING "NO-IMPACT HOME-BASED BUSINESS" AS A SECONDARY AND ACCESSORY USE IN A RESIDENTIAL DWELLING; SECONDED BY MR. STEVENS; CARRIED WITH A VOTE OF 4-1-0, Mrs. Brager opposed.

CONSIDERATION OF ENTERING INTO AN AGREEMENT WITH HOUGH ASSOCIATES FOR THE PURPOSE OF SUBMITTING A JOINT RECYCLING PERFORMANCE GRANT ON BEHALF OF UPPER SOUTHAMPTON TOWNSHIP, LOWER SOUTHAMPTON TOWNSHIP, AND NORTHAMPTON:

A MOTION WAS MADE BY MR. STEVENS TO ENTER INTO AN AGREEMENT WITH HOUGH ASSOCIATES FOR THE PURPOSE OF SUBMITTING A JOINT RECYCLING PERFORMANCE GRANT ON BEHALF OF UPPER SOUTHAMPTON TOWNSHIP, LOWER SOUTHAMPTON TOWNSHIP, AND NORTHAMPTON; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF APPROVING AN ADDENDUM TO THE REFUSE COLLECTION CONTRACT WITH J. P. MASCARO & SONS:

This addendum allows for J. P. Mascaro and Sons, beginning in the 2004 calendar year, to dispose of up to 10% of the refuse collected at their own disposal facilities. The remaining 90% will be disposed at Wheelabrator. This addendum has been negotiated by SWBSWC with J. P. Mascaro and Sons in an effort to achieve some savings with relation to disposal of residential refuse. Mr. Williams stated that the original contract for disposal was a court order, and therefore the addendum should be reviewed and approved by the Bucks County Court of Common Pleas.

A MOTION WAS MADE BY MR. STEVENS TO APPROVE AN ADDENDUM TO THE REFUSE COLLECTION CONTRACT WITH J. P. MASCARO AND SONS SUBJECT TO REVIEW AND APPROVAL BY THE BUCKS COUNTY COURT OF COMMON PLEAS; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

SOLICITOR’S REPORT

Mr. Williams stated that his report was submitted previously. He stated that the Board of Supervisors previously discussed Zoning Hearing Board Appeal #03-14, Amerada Hess. He stated that the Board authorized him to oppose the variance application regarding the number of free standing signs on the property. Mr. Williams stated that he has submitted to the Board of Supervisors suggested conditions of settlement. These conditions are:

- allowing one free standing sign no higher than 18 feet off the ground and no larger than 80 square feet. The bottom of the lowest panel will be 6’ from the ground.
- no other free-standing signs shall be permitted on the property. This condition shall be enforceable by the Township and shall be a restrictive covenant that runs with the land that binds Applicant and successor owners. A note shall be placed on the Land Development Plan to establish this restriction.
• all signs located on the subject premises that do not have sign permits shall be immediately removed from the property. The signs include, but are not limited to the various signs for food products, cigarettes, and like consumer products.

Mr. Williams stated that the proposed sign will be incorporated into the record before the Zoning Hearing Board if the Board of Supervisors approve these conditions.

Mrs. Brager stated that the sign is very large and intrusive.

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE THE FOLLOWING CONDITIONS OF SETTLEMENT IN REGARDS TO ZONING HEARING BOARD APPLICATION #03-14, AMERADA HESS CORPORATION; (1) APPLICANT MAY ERECT A SINGLE FREE-STANDING SIGN AS SHOWN ON THE PLAN DATED OCTOBER 14, 2003 ENTITLED "AMERADA HESS CORP." AS PREPARED BY PHILADELPHIA SIGN COMPANY. THE SIGN SHALL BE NO HIGHER THAN 18 FEET OFF THE GROUND AND NO LARGER THAN 80 SQUARE FEET IN SIZE. THE BOTTOM OF THE LOWEST PANEL WILL BE 6' FROM THE GROUND; (2) NO OTHER FREE-STANDING SIGNS SHALL BE PERMITTED ON THE PROPERTY. THIS CONDITION SHALL BE ENFORCEABLE BY THE TOWNSHIP AND SHALL BE A RESTRICTIVE COVENANT THAT RUNS WITH THE LAND THAT BINDS APPLICANT AND SUCCESSOR OWNERS. A NOTE SHALL BE PLACED ON THE LAND DEVELOPMENT PLAN TO ESTABLISH THIS RESTRICTION; (3) ALL SIGNS LOCATED ON THE SUBJECT PREMISES THAT DO NOT HAVE SIGN PERMITS SHALL BE IMMEDIATELY REMOVED FROM THE PROPERTY. THE SIGNS INCLUDE, BUT ARE NOT LIMITED TO THE VARIOUS SIGNS FOR FOOD PRODUCTS, CIGARETTES, AND LIKE CONSUMER PRODUCTS; SECONDED BY MR. STEVENS; CARRIED WITH A VOTE OF 3-2-0, Mrs. Brager, and Mr. Froggatt opposed.

Mr. Williams stated that the preliminary plan of Subdivision and Land Development submitted by Tilghman Builders for Chinquapin Road was previously denied by the Board of Supervisors. Tilghman filed an appeal with the Bucks County Court of Common Pleas. He stated that a conference was held with Judge Bean, Attorney for the Tilghmans, Steven Brush, and himself. Judge Bean remanded the project back to the Board of Supervisors. He stated that Mr. Brush may request a hearing with the Board of Supervisors in the near future.

OTHER BUSINESS

Mr. Froggatt stated that Representatives Bernard O'Neill and Scott Petri are sponsoring House Bill 1500, which will allow a Township to receive 1% tax revenue from township residents that work in Philadelphia. Currently Philadelphia receives all earned income tax monies from Southampton residents. Mr. Froggatt asked that a Resolution supporting House Bill 1500 be prepared for the next Board of Supervisors meeting.

Mr. Stevens stated that the Bucks County Conservation District permit has been received regarding the Whitney/Waverly Road stormwater project. Mr. Young stated that the project is being reviewed to see whether the Public Works Department can complete the work.

ADJOURNMENT

Being no further business to come before the Board, A MOTION WAS MADE BY MR. FROGGATT TO ADJOURN AT 8:45PM; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Respectfully submitted,
Walter C. Stevens
Secretary/Treasurer
A regular meeting of the Upper Southampton Township Board of Supervisors was held on Wednesday, November 5, 2003, at 7:30PM in the Library Meeting Room, 947 Street Road, Southampton, PA 18966.

MEMBERS PRESENT: Lola Biuckians, Chairperson
Stephen Ullrich, Vice Chairperson
Keith Froggatt, Asst. Secretary/Treasurer
Estelle Brager, Member

ALSO PRESENT: Joseph W. Golden, Township Manager
Donald E. Williams, Township Solicitor
Richard Sabol, Assistant Township Manager

The meeting was called to order by Ch. Biuckians at 7:30PM. A quorum was established.

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS AND REPORTS

Ch. Biuckians on behalf of the Board of Supervisors congratulated Mr. Froggatt and Mr. Stevens, on their re-election, and to the School Board members for their re-election. She thanked all residents that came out to vote.

COMMUNITY CONCERNS

Maryann Sola, 1372 Butternut Drive stated her concern with motorized bikes that are being used on property behind her home and those of her neighbors on Gregory Drive and Gravel Hill Road. She asked that the Board of Supervisors establish an ordinance that would prohibit the use of motorized bikes or motorized recreational vehicles in residential areas. Ms. Sola stated that the noise is so loud that her and her neighbors are not able to sit outside on their decks and patios or have their windows open. She stated that this noise pollution has a detrimental effect on her and her neighbor's property and has diminished the quality of life in this area. She stated that the bikes are ridden on private property with permission from the owner.

Mary Donnelly, 1382 Butternut Drive, also stated her concern with the noise generated from the motorized bikes. She stated that she can't enjoy the comfort of her home, that the noise begins early on a Saturday or Sunday morning and continues all day. She stated that owners shouldn't allow this on their property when it detrimentally affects the lives of others in the area.

Bill Dautrich, 1353 Butternut Drive, stated his agreement with comments made by Mrs. Sola and Mrs. Donnelly. He stated that there are motorized scooters that travel on the street. He stated his support on prohibiting motorized vehicles and bikes on residential property.

Ch. Biuckians stated that what you do on your own private property should not have a negative impact on others. She stated that this concern should be addressed and that the Upper Southampton Township Planning Commission should review sample ordinances that address these issues. She thanked those residents that came to speak on this issue.

Mr. Ullrich suggested that model ordinances be obtained through the Pennsylvania State Association of Township Supervisors (PSATS).

Bob Sola, 1372 Butternut Drive asked that the Board of Supervisors address the issue on motorized vehicles in the area.
Joseph Stopka, 957 E. Maple Drive, stated that the Board of Supervisors at their last meeting voted to oppose his variance application #03-17. He was not present at the meeting. Mr. Stopka requests a variance from Section 185-22 of the zoning ordinance to exceed the maximum impervious surface ratio in an R-2 zoning district. He stated that he would like to address issues that were discussed at the last meeting. Ch. Biuckians stated that the discussion of this variance will be rescheduled for the November 18, 2003 meeting so that the Board of Supervisors may review Mr. Stopka’s variance request. Mr. Stopka agreed.

Thomas Cunningham, 1230 Melody Lane stated his concern with the purchase of Shelmire Field. He stated that he did not approve of paying $600,000 for this property. He asked about a possible tax increase for 2004. Ch. Biuckians stated that the proposed budget discussion is on the agenda.

APPROVAL OF THE REGULAR MEETING MINUTES OF OCTOBER 21, 2003:

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE THE REGULAR MEETING MINUTES OF OCTOBER 21, 2003; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

APPROVAL OF THE BUDGET WORKSHOP MEETING MINUTES OF OCTOBER 28, 2003:

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE THE BUDGET WORKSHOP MEETING MINUTES OF OCTOBER 28, 2003; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

APPROVAL FOR PAYMENT THE NOVEMBER 5, 2003 INVOICES:

Mr. Golden presented the accounts payable for November 5, 2003 as follows:

- General Fund - 67,633.17
- Street Lighting Fund - 1,838.78
- Park & Recreation Fund - 10,261.99
- Garbage & Refuse Fund - 67,956.87
- Capital Projects Fund - 267.17
- Storm Water Capital Reserve Fund - 927.62
- Open Space Fund - 1,040.00
- Highway Aid Fund - 36,702.33

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE FOR PAYMENT THE NOVEMBER 5, 2003 INVOICES, IN THE AMOUNT OF $186,627.93, AND THE ESCROW INVOICES IN THE AMOUNT OF $7,621.20; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

DISCUSSION OF ZONING HEARING BOARD APPLICATIONS:

CASE #03-18, PETER AND JOANNE GORI, 1383 BUTTERNUT DRIVE:

Peter and Joanne Gori intend to construct an addition to their existing single family dwelling at 1383 Butternut Drive, Southampton. They also intend to expand their existing driveway by 567 square feet, construct a 120 square foot shed, and construct a one-story entry on their property. This will result in an increase in the impervious surface ration to 27.5%, which is in excess of the 19% allowed in an R-2 zoning district. Also, the one story entry is located 2 feet into the required front yard setback. The applicants request a variance from Section 185-22 of the zoning ordinance to exceed the maximum impervious surface ratio and the front yard setback in an R-2 zoning district.

There is a discrepancy regarding the information that the Board of Supervisors received regarding this Zoning Hearing Board application. The Board requested that this be discussed at the November 18, 2003 meeting, and that the applicants be asked to attend.
CONSIDERATION OF APPROVING RESOLUTION #2003-17 SUPPORTING HOUSE BILL 1500 OF 2003 KNOWN AS THE SUBURBAN TAX FAIRNESS ACT:

Mr. Froggatt stated that the first class city, i.e. Philadelphia, receives four (4%) percent wage tax from residents that live in Upper Southampton Township. Upper Southampton Township does not receive any earned income tax from their residents that work in Philadelphia. Resolution #2003-17 supports House Bill 1500 known as the Suburban Tax Fairness Act which was presented by Representatives Bernard O'Neill and Scott Petri.

A MOTION WAS MADE BY MR. FROGGATT TO ADOPT RESOLUTION #2003-17, SUPPORTING HOUSE BILL 1500 OF 2003 KNOWN AS THE SUBURBAN TAX FAIRNESS ACT; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

CONSIDERATION OF APPROVING THE DRAFT 2004 BUDGET AND AUTHORIZE IT TO BE ADVERTISED AND AVAILABLE FOR PUBLIC INSPECTION:

Ch. Biuckians presented the draft budget for 2004. She stated that the loss of $120,000 in earned income tax in 2003 and an anticipated loss of $275,000 in earned income tax in 2004 due to seven (7) neighboring municipalities and school districts enacting the earned income tax this year and next made balancing the budget difficult. There is an anticipated loss of an additional $400,000 within the next few years as additional school districts and municipalities enact the earned income tax. She stated that Upper Southampton Township relied on this earned income tax to keep taxes low. She stated that the preliminary budget draft began with a one million dollar shortfall. After department heads cut expenses, the Board of Supervisors asked for another ten (10%) percent cut. This balanced budget requires a 7.45 mill increase in the General Fund and a 1.55 mill increase in the Park and Recreation Fund. This will cost the average residential taxpayer approximately $65.00 next year. Ch. Biuckians stated that the General Fund is now capped at 19 mills, there can be no additional increases in the General Fund after this year. She stated that the General Fund pays for Employee salaries, benefits, and general administration expenses. Ch. Biuckians thanked that staff for the time spent preparing the budget. The budget will be available for public inspection over the next four weeks.

Mr. Golden stated that the Township has a total of twenty (20) Funds. To cover the cost of general operating expenses, the General Fund needs an increase of 7.45 mills and the Park and Recreation Fund needs a 1.55 mill increase. One mill equals $47,800. He stated that the Township will continue to aggressively improve its infrastructure, particularly in the area of stormwater management, open space acquisition, street paving, and recreational facilities. Mr. Golden stated that the average residential property, which is assessed at $7,122. will pay approximately $399.00 in total Township real estate taxes next year.

Thomas Cunningham, 1230 Melody Lane stated that the Township needs to continue to cut costs.

Ch. Biuckians proposed that the Township create a committee to establish a five (5) year budget planning process. The Committee would review the way the Township prepares the budget to see if there is a better way of planning for the future.

Eugene Grossi, 1393 Butternut Drive, applauded the Board of Supervisors for being outright and honest regarding the millage increase. He stated that most surrounding communities are already at 19 mills.

A MOTION WAS MADE BY MR. FROGGATT TO ADOPT THE PROPOSED 2004 BUDGET AND AUTHORIZE IT TO BE ADVERTISED AND AVAILABLE FOR PUBLIC INSPECTION; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

SOLICITOR’S REPORT

Mr. Williams stated that in order for the Township to impose 19 mills for the General Fund, the Township needs to petition the Bucks County Court of Common Pleas. The Second Class Township Code allows the Township to impose up to 14 mills, but anything over 14 mills requires court approval. He advised the Board of Supervisors to enact a Resolution authorizing the submission of such petition. The Township will then have a hearing, and if approved by the court will be approved in time to adopt the Budget.
A MOTION WAS MADE BY MR. FROGGATT TO ADOPT RESOLUTION #2003-18 AUTHORIZING AND DIRECTING THE TOWNSHIP SOLICITOR TO FILE A PETITION WITH THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA REQUESTING COURT APPROVAL FOR THE BOARD OF SUPERVISORS TO LEVY AND ASSESS A TAX IN THE AMOUNT OF 19 MILLS FOR GENERAL TOWNSHIP PURPOSES UPON REAL ESTATE LOCATED WITHIN THE TOWNSHIP FOR THE YEAR 2004; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

Mr. Williams stated his written report was submitted previously.

OTHER BUSINESS

A MOTION WAS MADE BY MR. FROGGATT AUTHORIZING THE TOWNSHIP MANAGER TO PREPARE A RESOLUTION TO ESTABLISH A FIVE YEAR AD HOC COMMITTEE FOR THE PURPOSE OF BUDGET PLANNING TO BE PRESENTED AT THE NEXT BOARD OF SUPERVISORS MEETING; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

A MOTION WAS MADE BY MR. ULLRICH TO APPOINT DAVID J. TRUELOVE, ESQUIRE, OF CURTIN AND HEEFNER, LLP AS SPECIAL COUNSEL FOR LABOR MATTERS AT AN HourLY RATE OF $140.00; SECONDED BY MR. FROGGATT; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

Mrs. Brager stated that she recently attended a Cable Telecommunications symposium. She stated that in 1998 the Senate put a temporary moratorium on allowing municipalities to receive a 5% franchise fee of internet fees from the Cable Companies. Senate Bill 150, presently in Congress will make this moratorium permanent. She asked that the Board of Supervisors review Senate Bill 150 and requested a resolution in opposition to this bill. Mr. Ullrich stated that the cable companies are permitted to pass the 5% onto the resident in order to give 5% to the Township. Mrs. Brager will provide copies of Senate Bill 150 to the Board of Supervisors for review.

Mr. Ullrich stated that a member of the Planning Commission, Greg Richman, has been unable to attend many of the Planning Commission meetings due to his employment, and is therefore unable to fulfill his obligations of the Planning Commission. He asked that the Board of Supervisors remove him from the Planning Commission and advertise the vacancy on this board.

A MOTION WAS MADE BY MR. ULLRICH TO REMOVE GREG RICHMAN AS A MEMBER OF THE PLANNING COMMISSION PROVIDED IT IS PERMITTED BY CODE; SECONDED BY MRS. BRAGER.

Mr. Froggatt suggested that the Township give Mr. Richman another chance to fulfill his obligation to the Planning Commission. Ch. Biuckians suggested that the Board of Supervisors ask Mr. Richman to resign.

MR. ULLRICH AND MRS. BRAGER WITHDREW THEIR MOTION.

Mr. Ullrich stated that the Centennial School District recently approved the employment of a School Resource Officer at William Tennent High School. Warminster Township requested that Upper Southampton Township contribute $10,000 towards the salary of this Officer. Mr. Ullrich requested that the Township issue a letter stating that Upper Southampton Township does not agree to contribute towards the salary. He stated that Upper Southampton Township was not included in any discussions regarding this Officer, and has not budgeted for this Officer. Mr. Froggatt stated that this Officer benefits students that live in Upper Southampton Township and asked that Centennial School District provide more information.

A MOTION WAS MADE BY MR. ULLRICH AUTHORIZING THE TOWNSHIP TO SEND A LETTER TO WARMINGER TOWNSHIP STATING THAT UPPER SOUTHAMPTON TOWNSHIP IS NOT WILLING TO PAY A PORTION OF THE SALARY OF THE SCHOOL RESOURCE OFFICER AT WILLIAM TENNENT HIGH SCHOOL AT THIS TIME; SECONDED BY MRS. BRAGER; CARRIED WITH A VOTE OF 3-1-0; MR. FROGGATT OPPOSED.
ADJOURNMENT

Being no further business to come before the Board, A MOTION WAS MADE BY MR. FROGGATT TO ADJOURN AT 8:55PM; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-0.

Respectfully submitted,
Walter C. Stevens
Secretary/Treasurer
A regular meeting of the Upper Southampton Township Board of Supervisors was held on Tuesday, November 18, 2003, at 7:30PM in the Library Meeting Room, 947 Street Road, Southampton, PA 18966.

MEMBERS PRESENT: Lola Biuckians, Chairperson
Stephen Ullrich, Vice Chairperson
Walter C. Stevens, Secretary/Treasurer
Keith Froggatt, Asst. Secretary/Treasurer
Estelle Brager, Member

ALSO PRESENT: Joseph W. Golden, Township Manager
Donald E. Williams, Township Solicitor
Larry Young, Township Engineer

The meeting was called to order by Ch. Biuckians at 7:30PM. A quorum was established.

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS AND REPORTS

Ch. Biuckians stated that an Executive session to discuss labor negotiations and litigation was held prior to the regular meeting. Mr. Williams stated that the following cases were discussed at Executive session:

- Upper Southampton Township v Upper Southampton Zoning Hearing Board, Bucks County Court of Common Pleas Docket # 03-04225-20-5, Clear Channel
- Upper Southampton Township v Upper Southampton Zoning Hearing Board, Bucks County Court of Common Pleas Docket # 03-04226-24-5, Outdoor Partnership

COMMUNITY CONCERNS

Kathy Mendla, 975 Woodland Drive, stated her concern with the 2004 budget. She stated that the State, County and School District need tax increases and asked that the Board of Supervisors review the budget.

Gregg Richman, 111 Snowflake Road, member of the Upper Southampton Township Planning Commission, addressed concerns regarding his attendance at the Planning Commission meetings. He stated that his employment has kept him from attending previously, but that he is ready to participate and reassured the Board of Supervisors that he is committed to serving his appointment.

Franz Kautz, Chairman of the Upper Southampton Township Planning Commission stated that Mr. Richman did not notify the Planning Commission when he could not attend.

Ch. Biuckians stated that if Mr. Richman remains on the Planning Commission, then communication is essential. Mr. Richman reassured the Board of Supervisors that he will attend meetings, and will actively participate on the Upper Southampton Township Planning Commission.

Thomas Cunningham, 1230 Melody Lane, stated his concern with a tax increase.
APPROVAL OF THE BUDGET WORKSHOP MEETING MINUTES OF NOVEMBER 5, 2003:

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE THE BUDGET WORKSHOP MEETING MINUTES OF NOVEMBER 5, 2003; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-1, Mr. Stevens abstained.

APPROVAL OF THE REGULAR MEETING MINUTES OF NOVEMBER 5, 2003:

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE THE REGULAR MEETING MINUTES OF NOVEMBER 5, 2003; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 4-0-1, Mr. Stevens abstained.

APPROVAL FOR PAYMENT THE NOVEMBER 18, 2003 INVOICES:

Mr. Golden presented the accounts payable for November 18, 2003 as follows:

- General Fund - 23,440.40
- Street Lighting Fund - 9,166.14
- Park & Recreation Fund - 22,681.62
- Garbage & Refuse Fund - 40,837.49
- Highway Aid Fund - 29,697.38

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE FOR PAYMENT THE NOVEMBER 18, 2003 INVOICES, IN THE AMOUNT OF $125,823.03, AND THE ESCROW INVOICES IN THE AMOUNT OF $5,710.32; SECONDED BY MR. FROGGATT; Mr. Stevens abstained from page 3, Vendor 901; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF APPROVING A PRELIMINARY PLAN OF LAND DEVELOPMENT SUBMITTED BY MICHAEL GARFINKLE FOR PROPERTY LOCATED AT 345 KNOWLES AVENUE, TMP# 48-12-120-1:

Mr. Steven Brush, Attorney for Michael Garfinkle, submitted a preliminary plan of land development, an erosion and sediment pollution control narrative, and a stormwater management analysis for property located at 345 Knowles Avenue. The plan proposes to construct a 22,500 square foot building for use as a wholesale business and storage. Mr. Brush stated that the Applicant will comply with all conditions listed in the Manager's report dated November 18, 2003, with the exception of reserved parking. The Applicant will comply with the required amount of parking spaces. The following waivers are requested:

- SECTION 511.4 – requires twenty feet (20') of open space between the curb line of any parking area and the outside wall of any building. The Fire Marshal recommends that if this waiver is granted, the proposed building shall have a fire suppression system. The Applicant agreed to install a fire suppression system.
- SECTION 517.6 – requires that the top or bottom of proposed slopes shall be a minimum of five feet (5') from adjoining property lines. The plan proposes grading on the adjacent property located to the south. The proposed grading is for a fire access for the back of the building. The Applicant must acquire this fire access easement prior to final approval.
- SECTION 518.1 – requires that all utility easements be thirty feet (30') wide. The water line easement is only ten feet (10') wide in accordance with the Upper Southampton Township Water and Sewer Authority requirement.
- SECTION 518.3 – requires that nothing shall be permitted to be placed, planted, set or put within the area of an easement and that the area shall be kept as lawn. The Applicant proposes a pavement and a detention basin within this easement.
- SECTION 521.8 – provides a list of the approved trees. The Shade Tree Commission recommends Flowering Plum trees as street trees. Flowering Plum trees are not on the approved street tree list.
- SECTION 611.4.B.5.i – requires that a grade of 2% shall be maintained in the basin bottom. The Applicant proposes a 0.5% slope on the basin bottom.
- SECTION 806.3.B – requires the location, names, widths of streets, the location of property lines and names of owners, the location of water courses, sanitary sewers, storm drains and similar features within four hundred feet (400’) of the site shall be shown on the plans.

Mr. Brush stated that the Applicant will install a safety railing on the cross section if four foot separations between the back edge of the sidewalk and the beginning of the basin side slope cannot be provided. He also stated that part of the detention basin is in the ultimate right-of-way. The Applicant agreed to alter the detention basin if future dedication of the ultimate right-of-way occurs. A note will also be added to the plan, that any future owner will have the responsibility and expense to modify the detention basin should future dedication of the ultimate right-of-way occur.

Mr. Young explained that the detention basin is a combination detention basin and infiltration basin. The basin has an outlet structure at the downstream end, and also has parallel pipes and inlet openings to that lower storms will infiltrate into the soil.

Mr. Stevens asked if this land development would add additional stormwater problems to the Garttmeyer property located on Jaymor Road. Mr. Brush stated that there were be no water flow in that direction.

Mr. Brush on behalf of the Applicant agreed to all conditions.


WAIVERS:

- SECTION 511.4 - TO PERMIT PARKING WITHIN TWENTY (20’) FEET OF THE OPEN SPACE. THE PARKING LAYOUT SHOWS SIX (6) PARKING SPACES WITHIN SIX (6) FEET OF THE PROPOSED BUILDING. THE APPLICANT SHALL PROVIDE A SPRINKLER AND FIRE SUPPRESSION SYSTEM AS RECOMMENDED BY THE FIRE MARSHAL.
- SECTION 517.6 - TO ALLOW GRADING WITHIN FIVE (5’) FEET OF THE ADJOINING PROPERTY ALONG THE GOLDSTEIN’S PROPERTY. THE PROPOSED GRADING IS FOR A FIRE ACCESS FOR THE BACK OF THE BUILDING. THE APPLICANT MUST ACQUIRE THIS FIRE ACCESS EASMENT PRIOR TO FINAL APPROVAL.
- SECTION 518.1 - TO ALLOW A WATER LINE EASEMENT TO BE TEN (10’) FEET WIDE INSTEAD OF THE REQUIRED THIRTY (30’) FEET.
- SECTION 518.3 - TO ALLOW PAVEMENT AND A DETENTION BASIN OVER AN EXISTING EASEMENT AREA WHERE NOTHING BUT LAWN SHOULD BE PLANTED.
- SECTION 521.8 - TO ALLOW FLOWERING PLUM TREES INSTEAD OF THOSE TREES PERMITTED BY THE SUBDIVISION LAND DEVELOPMENT ORDINANCE.
- SECTION 611.4.B.5.i - TO PERMIT A .5% SLOPE ON THE BASIN BOTTOM INSTEAD OF THE REQUIRED 2% GRADE AS THIS IS NOT A CONVENTIONAL BASIN, AN INFILTRATION SYSTEM IS LOCATED AT THE BOTTOM OF THE BASIN.
- SECTION 806.3.B - TO NOT REQUIRE THE LOCATION, NAMES, WIDTHS OF STREETS, THE LOCATION OF PROPERTY LINES AND NAMES OF OWNERS, THE LOCATION OF WATER COURSES, SANITARY SEWERS, STORM DRAINS AND SIMILAR FEATURES WITHIN FOUR-HUNDRED (400’) FEET OF THE SITE TO BE SHOWN ON THE PLANS.

CONDITIONS

THE APPLICANT SHALL COMPLY IN ALL RESPECTS WITH THE RECOMMENDATIONS SET FORTH IN THE FOLLOWING REPORTS, UNLESS SUCH RECOMMENDATIONS ARE SPECIFICALLY EXCEPTED BY THE BOARD OF SUPERVISORS:
APPICANT SHALL COMPLY IN FULL WITH ALL REQUIREMENTS OF THE UPPER SOUTHAMPTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AND UPPER SOUTHAMPTON ZONING ORDINANCE, UNLESS SPECIFIC WAIVERS WITH RESPECT TO THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE HAVE BEEN GRANTED BY THE BOARD OF SUPERVISORS OR VARIANCES WITH RESPECT TO THE ZONING ORDINANCE HAVE BEEN GRANTED BY THE ZONING HEARING BOARD.

THE APPLICANT SHALL COMPLY WITH ALL FEDERAL, STATE, AND LOCAL REGULATIONS WITH REGARD TO THE PROPOSED LAND DEVELOPMENT AND APPLY AND RECEIVE ALL APPROPRIATE PERMITS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION AND/OR RENOVATIONS OF THE BUILDING AND IMPROVEMENTS.

APPICANT SHALL INSTALL A FIRE SUPPRESSION SYSTEM IN THE BUILDING.

SECTION 504-1 REQUIRES AN 80-FOOT WIDE ULTIMATE RIGHT OF WAY ALONG COLLECTOR ROADS. THE PLAN COMPLIES. THE WAIVER SHALL BE REMOVED FROM THE PLAN.

SECTION 510-4 REQUIRES MAXIMUM DRIVEWAY IN INDUSTRIAL LAND DEVELOPMENTS SHALL NOT EXCEED 5%. THE PLAN COMPLIES. THE WAIVER SHALL BE REMOVED FROM THE PLAN.

THE APPLICANT SHALL PROVIDE APPROPRIATE DOCUMENTATION FROM THE UPPER SOUTHAMPTON WATER AND SEWER AUTHORITY APPROVING OF THE PROPOSED REGARDING AND CONSTRUCTION WITHIN AND OVER THE EXISTING SEWER FORCE MAIN EASEMENT.

THE APPLICANT MUST ACQUIRE AN ACCESS EASEMENT FOR THE FIRE LANE FROM THE ADJACENT PROPERTY OWNER TMP #48-012-120 PRIOR TO FINAL APPROVAL.

THE APPLICANT MUST GRANT AN EASEMENT TO THE MUNICIPAL AUTHORITY OF UPPER SOUTHAMPTON TOWNSHIP TO PROVIDE WATER SERVICES TO TMP #48-12-34-01.

THE APPLICANT IS PROPOSING CONCRETE PAVERS FOR THE FIRE ACCESS LANE. A CONCRETE PAVER DETAIL SHALL BE ADDED TO THE PLAN. ALSO INFORMATION SHALL BE FORWARDED TO THE TOWNSHIP ENGINEER ESTABLISHING THE MAXIMUM PERMITTED LOADING FOR THE CONCRETE PAVERS.

SEVERAL STREET TREES ARE PROPOSED IN THE SANITARY SEWER FORCE MAIN EASEMENT. THE PLANS SHALL BE REVISED SO THAT NO TREES ARE LOCATED WITHIN THIS EASEMENT.

THE PLAN SHALL BE REVISED TO SHOW THAT A RETAINING WALL IS PROPOSED IN THE LOADING DOCK AREA ON THE PLAN VIEW OF THE RECORD PLAN. STRUCTURAL CALCULATIONS AND SHOP DRAWINGS WILL BE REQUIRED AND SHALL BE SUBMITTED FOR REVIEW AND APPROVAL AT TIME OF BUILDING PERMITS.

A NOTE MUST BE ADDED TO THE RECORD PLAN STATING THAT THE ULTIMATE RIGHT-OF-WAY IS OFFERED FOR DEDICATION TO UPPER SOUTHAMPTON TOWNSHIP. CUSTOMARILY, UPPER SOUTHAMPTON TOWNSHIP DOES NOT TAKE RIGHT-OF-WAY DEDICATION AT TIME OF APPROVAL, BUT INSTEAD RESERVES THE AREA BETWEEN THE EXISTING AND ULTIMATE RIGHT-OF-WAYS FOR DEDICATION AT A FUTURE DATE. A NOTE SHALL BE PLACED ON THE RECORD PLAN STATING THAT THIS AREA IS RESERVED FOR FUTURE DEDICATION TO THE GOVERNMENTAL AGENCY HAVING JURISDICTION AT THE TIME OF THIS FUTURE DEDICATION. SHOULD FUTURE DEDICATION OF THE ULTIMATE RIGHT-OF-WAY OCCUR, THE OWNER WILL DEDICATE THIS AREA TO UPPER SOUTHAMPTON TOWNSHIP OR OTHER APPLICABLE GOVERNMENTAL AGENCY BY FEE SIMPLE ($1.00 CONSIDERATION).

REALIZING THAT PART OF THE BASIN IS WITHIN THE ULTIMATE RIGHT-OF-WAY, A NOTE SHALL BE ADDED TO THE RECORD PLAN STATING THAT SHOULD THE ULTIMATE RIGHT-OF-WAY BE DEDICATED AT A FUTURE DATE, IT WILL BE THE OWNER'S (AT THE FUTURE DATE) RESPONSIBILITY, AT OWNER'S SOLE COST AND EXPENSE TO MODIFY THE DETENTION BASIN SO THAT NO PORTION OF THE BASIN IS LOCATED IN THE ULTIMATE RIGHT-OF-WAY. THIS PROVISION SHALL BE BINDING ON ALL SUBSEQUENT OWNERS. THE TOWNSHIP SOLICITOR SHALL REVIEW THE WORDING OF THE NOTE PRIOR TO PLACING THIS STIPULATION ON THE RECORD PLAN.

SECTION 510 ZONING ORDINANCE PERMITS ONLY LANDSCAPE AREAS, SIGNS, AND NECESSARY DRIVES, PARKING AREAS, AND WALKS TO BE IN THE REQUIRED FRONT YARD. NO PARKING IS PERMITTED IN THE REQUIRED FRONT YARD FOR PROPERTIES LOCATED IN THE LI DISTRICT. THE APPLICANT SHALL LABEL THE AREA ALONG THE PROPOSED CURB THAT PARALLELS THE FRONT YARD BUILDING SETBACK LINES AS A "NO PARKING ZONE."

SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

DISCUSSION OF ZONING HEARING BOARD APPLICATIONS:

CASE #03-17, DIANE & JOSEPH STOPKA, 957 E. MAPLE DRIVE:

Joseph and Diane Stopka constructed an above ground pool and gravel driveway at their residential property located at 957 E. Maple Drive, Southampton, without first obtaining the required zoning and building permits. This resulted in an increase in the impervious surface ratio in excess of the 19% allowed in an R-2 zoning district. The applicants request a variance from Section 185-22 of the zoning ordinance to exceed the maximum impervious surface ratio in an R-2 zoning district.

Mr. Stopka stated that the Board of Supervisors previously voted to send the Township Solicitor in opposition of his variance request. He asked that the Board of Supervisors reconsider.

Ed Oliver, 951 E. Maple Drive, asked that the Board of Supervisors oppose this variance due to stormwater problems in the area.

Mr. Stopka stated that he had been given verbal approval to install his pool, installed the pool, and then received notification to remove the pool. Mr. Golden stated that all impervious surfaces on his property were not shown on the plan, such as the gravel driveway, structures, and a shed.

The Board of Supervisors reaffirmed that the Township Solicitor will represent the Township in regards to this zoning hearing board appeal.

Mr. Williams stated that Mr. Stopka's zoning hearing board appeal will be heard by the Zoning Hearing Board on January 7, 2004 at 7:00PM.

CASE #03-18, PETER & JOANNE GORI, 1383 BUTTERNUT DRIVE:

Peter and Joanne Gori intend to construct a 40' 2" by 15' 4" square foot two-story addition to their existing single family dwelling at 1383 Butternut Drive, Southampton. They also intend to expand their existing
driveway by 567 square feet, construct a 120 square foot shed, and construct a one-story entry on their property. This will result in an increase in the impervious surface ratio to 27.5%, which is in excess of the 19% allowed in an R-2 zoning district. Also, the one-story entry is located two (2) feet into the required front yard setback. The Applicants request a variance from Section 185-22 of the zoning ordinance to exceed the maximum impervious surface ratio and the front yard setback in an R-2 zoning district.

Mr. Ullrich and Ch. Biuckians raised concern that too many variances to exceed impervious surface ratio are being granted by the Zoning Hearing Board, thereby affecting the effectiveness of the stormwater management improvements.

The Zoning Hearing Board will hear this case on November 19, 2003.

PUBLIC HEARING AND CONSIDERATION OF ADOPTING ORDINANCE 361 TO AMEND THE ZONING ORDINANCE TO CREATE AN OFF-PREMISE ADVERTISING SIGN USE AND OVERLAY DISTRICT:

Ch. Biuckians opened the Public Hearing.

Mr. Williams presented the following exhibits:

- BOS 1 - Proposed Ordinance 361
- BOS 2 - Legal Advertisement and Affidavit
- BOS 3 - Bucks County Planning Commission letter dated November 5, 2003
- BOS 4 - Upper Southampton Township Planning Commission minutes dated September 15, 2003
- BOS 5 - Upper Southampton Township Planning Commission memo dated October 20, 2003

Kathy Mendla, 975 Woodland Drive, asked about the size of billboards. Mr. Williams stated that the size of the sign may not exceed 300 square feet per side with a maximum width of 30’ and a maximum height of 10’.

Mr. Williams stated that this ordinance would effect future applications for billboards, not previous applications submitted by Clear Channel Advertising and Outdoor Partnership.

The Public Hearing closed.

A MOTION WAS MADE BY MR. FROGGATT TO ADOPT ORDINANCE #361 TO AMEND THE ZONING ORDINANCE OF UPPER SOUTHAMPTON TOWNSHIP BY CREATING AN OVERLAY DISTRICT TO BE KNOWN AS THE OPAS OFF-PREMISES ADVERTISING SIGN DISTRICT WHICH ALLOWS OFF-PREMISES ADVERTISING SIGNS AS A PERMITTED USE, WITH SAID OVERLAY DISTRICT BEING THE PENNSYLVANIA TURNPIKE AND 75 FEET ON BOTH SIDES OF THE PENNSYLVANIA TURNPIKE WHERE IT TRAVERSES THE TOWNSHIP OF UPPER SOUTHAMPTON AND WHERE IT IS LOCATED IN A LI LIMITED INDUSTRIAL ZONING DISTRICT OR RS-RETAIL SERVICES ZONING DISTRICT; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

SOLICITOR’S REPORT

Mr. Williams stated that his report was submitted previously. He stated that at a previous meeting the Board asked that the Township Manager and Township Solicitor review a zoning issue for property owned by the Thompsons, known as Jolly Toddlers. He stated that several years ago there was a subdivision approved regarding the Stevenson’s property known as R&S., located on Industrial Boulevard, where a portion of the property was subdivided and conveyed to Mr. & Mrs. Schreiner. The property at the time was zoned LI, Limited Industrial, however when purchased by Mr. & Mrs. Schreiner, was rezoned to Residential. The ordinance to rezone this piece of property was reviewed by the Bucks County Planning Commission, the Upper Southampton Planning Commission and adopted by the Board of Supervisors. The impact of the
zoning change had a severe impact on the Thompson's property. The Schreiner's removed the buffer yard on this piece of property, which has impacted the use of the Thompson's property. Mr. Williams recommended that an ordinance be prepared to change the zoning back to LI Limited Industrial, and forward it to the Bucks County Planning Commission for their comments. The Board of Supervisors can then decide whether to proceed with a public hearing to amend the ordinance.

The Board of Supervisors agreed to have the Township Solicitor prepare the ordinance.

Mr. Williams stated that he will inform the Board of Supervisors when he received the appraisal for the Veit property.

Mr. Williams stated that he is preparing a nuisance ordinance which will address recreational vehicles and animals.

**OTHER BUSINESS:**

Mrs. Brager commended the Township for penalizing J. P. Mascaro for yard waste that was not picked-up on November 12 and November 13.

Mrs. Brager stated that the Township received correspondence regarding some business reassessments. Mr. Williams explained the reassessment process. He stated that changes of assessments are monitored by the Township and School District.

**ADJOURNMENT**

Being no further business to come before the Board, **A MOTION WAS MADE BY MR. FROGGATT TO ADJOURN AT 9:30PM; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.**

Respectfully submitted,
Walter C. Stevens
Secretary/Treasurer
UPPER SOUTHAMPTON TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
DECEMBER 2, 2003

A regular meeting of the Upper Southampton Township Board of Supervisors was held on Tuesday, December 2, 2003, at 7:30PM in the Library Meeting Room, 947 Street Road, Southampton, PA 18966.

MEMBERS PRESENT: Lola Biuckians, Chairperson
Stephen Ullrich, Vice Chairperson
Walter C. Stevens, Secretary/Treasurer
Keith Froggatt, Asst. Secretary/Treasurer
Estelle Brager, Member

ALSO PRESENT: Joseph W. Golden, Township Manager
Donald E. Williams, Township Solicitor
Larry Young, Township Solicitor

The meeting was called to order by Ch. Biuckians at 7:30PM. A quorum was established.

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS AND REPORTS

PRESENTATION BY TOLL BROTHERS FOR AGE-RESTRICTED HOUSING FOR PROPERTY LOCATED AT 1178 STREET ROAD, TMP #48-20-43:

Mr. E. Van Rieker, Planning Consultant, and Mike Palmer Representative from Toll Brothers, presented an Application for amendment to the Upper Southampton Township Zoning Ordinance. Toll Brothers is requesting a zoning change from R-2 to R-6, to permit the development of an age qualified residential community on a 10.2 acre parcel located at 1178 Street Road. Toll Brothers proposes to build three, three-story multi-family condominiums, with 24 units per building. Each building will have underground parking to accommodate 24 parking spaces. An additional 108 parking spaces will be provided adjacent to the buildings. Mr. Van Rieker provided a vicinity map, an aerial map, a draft zoning amendment, and a fiscal impact study. He stated that these units are designed and reserved for 55 year old independent, active individuals. He stated that these condominiums will only have access from Street Road. There will be no access from Provident Road or from Kutcher Road although utility easements may be necessary on Street Road. A traffic signal will be installed if necessary. Mr. Van Rieker stated that Toll Brothers will fully comply with the Woodland Ordinance by preserving 50% of the trees on site. He stated that Upper Southampton Township does not currently have an age-restricted district. Even though Toll Brothers is requesting a change of zoning from R-2 to R-6, it only proposes 7 dwelling units per acre, which is less than the 18 units/acre permitted in an R-6 zoning district. He also stated that there is no 100 year flood plain or alluvial soils on this property. Toll Brothers commissioned a wetlands analysis of the site and the consultant determined that there are no regulated wetlands on the site. Mr. Van Rieker stated that this age qualified development could be a high generator of income for the Township. He estimated approximately $66,000 in revenue, i.e. real estate taxes, earned income taxes, will be generated for the Township, $210,000 for the School District and $40,000 for the County. He stated that there is a strong need for age-restricted housing. He stated that 1/3 of Upper Southampton residents were over 55 years of age according to the 2000 census.

Marilyn Betz, 666 Cedarbrook Road asked about the current owner of this property. Mr. Palmer stated that Gerald Bowen is the equitable owner of the property. Ms. Betz asked if the sale of the property is contingent upon the zoning change. Mr. Palmer stated that he could not discuss the terms of the contract with anyone other than Mr. Bowen. Ms. Betz questioned the size of the property. Mr. Van Rieker stated that the right-of-way and the Kutcher Road access are included in the calculations. Ms. Betz stated that she walked this property, and that the property is very wet, and contains a stream. Ms. Betz questioned whether the Army Corps of Engineers or the DEP can inspect the property to determine whether this property is considered wetlands. Mr. Young stated that this occurs during the land development process. Ms. Betz stated her
concern with underground parking due to the wetness of the property. Mr. Van Rieker stated that an initial inspection by a soil scientist determined that there are no regulated wetlands so that any building problems should be solvable by geo technical analysis, i.e. soil replacement, footings, etc. Ms. Betz asked what type of lighting will be used on the building and parking areas. Mr. Van Rieker stated that 10 to 12 foot free standing light poles will be used, and that there may be some soffet lighting on the buildings. Ms. Betz asked if the Township would be responsible for maintaining the streets, etc. Mr. Van Rieker stated that all streets, trash collection, snow removal etc. will be the responsibility of the condominium association. Ms. Betz asked Toll Brothers to respect Upper Southampton Township’s Comprehensive Plan and allow the property to remain R-2.

Bill Loro, 618 Cedarbrook Road asked why Toll Brothers is proposing this development for a second time. Ch. Biuckians stated that this is the first formal application made by Toll Brothers. Mr. Loro stated his concern with future use of the Kutcher Road access. Mr. Van Rieker stated that a deed restriction could be filed to assure that there will be no use of this access.

Kathy Mendla, 975 Woodland Drive asked why Toll Brothers is continuing their request to change the zoning when previously residents and the Board of Supervisors were opposed. Mr. Palmer stated that Toll Brothers has received phone calls and letters supporting this type of housing. Mr. Palmer stated that there is a need for this type of residence in Upper Southampton Township. Ms. Mendla stated that there are areas in Upper Southampton Township and surrounding areas that can accommodate those over 55. She asked if it is difficult to get access to Street Road. Mr. Palmer stated that this property already has this access to Street Road. Ms. Mendla asked if Toll Brothers will guarantee basements for this development against flooding. Mr. Palmer stated that they would. Ms. Mendla asked if children are allowed in this development. Mr. Palmer stated that there are federal guidelines regarding age-restricted housing that have to be followed, but that children under the age of 19 are not permitted for more than three months.

Bill Wallace, 1218 Street Road stated that the property is currently in disrepair and needs to be addressed. James Wallace, nephew of Bill Wallace asked who is responsible for maintaining and repairing the property. Mr. Palmer stated that Gerald Bowen owns the property.

Mike Loro, 618 Cedarbrook Road showed where Galegon pond was located on the property. Ch. Biuckians stated that she walked the property and a natural basin and stream are located in that area.

Sandy Hoppel, 545 Kutcher Road stated her concern with future use of the Kutcher Road access and stated that the Bowen property always has standing and moving water on the property.

David Faust, 185 Toll Drive asked Mr. Palmer if he had the letters that supported this development. Mr. Faust asked what will be done with the water on the property. Mr. Van Rieker stated that stormwater management will be part of the land development process. Mr. Faust asked why Toll Brothers did not go before the Zoning Hearing Board. Mr. Van Rieker stated that legislative amendments to the zoning text and zoning map are done by the Board of Supervisors. Mr. Faust asked how Toll Brothers is planning to reconcile with the Township’s Comprehensive Plan. Mr. Van Rieker stated that they are asking the Township for an amendment or an extension to the Comprehensive Plan for this type of housing. He stated that the Comprehensive Plan does not address this type of housing.

Ch. Biuckians asked why it is necessary to change the zoning to R-6 if they only propose seven (7) units per acre rather than 18 units per acre that R-6 allows. Mr. Van Rieker stated that multi-family dwellings are listed as R-6 zoning.

Mrs. Brager stated that the Board of Supervisors last year rejected a request to rezone the Bowen Property and surrounding properties. She stated that Southampton Estates provides for the elderly and that Steamboat Station is located in an R-6 zoning district. She stated that if the zoning is changed, then this would allow 180 units to be built on this property. Mrs. Brager stated that this property is zoned for single-family dwellings, and if developed as such, will provide earned income tax to the Township.

Phil Rodel, 1180 Gravel Hill Road, questioned how emergency vehicles will access the property should the Street Road access by unavailable. He asked if the Kutcher Road access would be used. Mr. Palmer stated that Toll Brothers has no intention on using this property; however, the Township may require an emergency access across the Kutcher Road property.
Steve McLaverty, 66 Gravel Hill Road asked if the application and fiscal reports for Toll Brothers were available on the Web site for residents to study. Ch. Biuckians stated that the reports will be available at the Township. Mr. McLaverty was provided with a copy by Mr. Ullrich.

Paul Cornell, 21 Belmont Station stated that age-restricted housing is good for the Township. He stated that his development pays for their trash removal, snow plowing, and also pays taxes to the Township, County, and School District. He stated that amendments can be made to the Comprehensive Plan that could benefit all.

John Fox, 658 Cedarbrook Road stated that the zoning should stay R-2, and not be changed to R-6.

Carl Loscalzo, 360 Holly Drive asked Toll Brothers what the proposed impervious surface coverage is for the proposed development, and what the impervious coverage for R-2. Mr. Van Rieker stated 35%. Mr. Young stated that the impervious coverage ratio in an R-2 district is 19%. Mr. Loscalzo asked if traffic studies will be done, how will Toll Brothers deal with the stream on the property, and how many trees will be destroyed. Mr. Palmer stated that a traffic study will be done, that Toll Brothers is not aware of a stream on the property, and that it is unknown how many trees will be removed.

Mike Rusden, 1243 Street Road asked about the setback for the buildings on the proposed development and whether the former Bowen law office building was included in the proposed acreage. Mr. Van Rieker stated that the setback is approximately 350 feet and that the law office is not included in the project.

Bill Zee, formerly of 650 Cedarbrook Road stated that the property located at 1178 Street Road should remain an R-2 zoning district.

Hans Peters, 975 Woods Road asked if there are unregulated wetlands on the property. Mr. Van Rieker stated that Toll Brothers had a study done regarding regulated wetlands which will be available to the public should the development process go forward. He stated that according the study there are no regulated wetlands on the property. Mr. Peters stated that there are unregulated wetlands on the property.

Gregory Harhi, 1181 Rozel Avenue stated that there is a stream located on the property at 1178 Street Road, and stated his concern with stormwater problems in that area.

**COMMUNITY CONCERNS**

There were no community concerns.

**APPROVAL OF THE REGULAR MEETING MINUTES OF NOVEMBER 18, 2003:**

A MOTION WAS MADE BY MR. ULLRICH TO APPROVE THE REGULAR MEETING MINUTES OF NOVEMBER 18, 2003; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

**APPROVAL FOR PAYMENT THE DECEMBER 2, 2003 INVOICES:**

Mr. Golden presented the accounts payable for December 2, 2003 as follows:

- General Fund - 55,144.16
- Street Lighting Fund - 3,879.92
- Park & Recreation Fund - 12,927.93
- Garbage & Refuse Fund - 10,503.05
- Capital Projects Fund - 1,000.00
- Storm Water Capital Reserve Fund - 1,539.96
- Open Space Fund - 2,210.00
- Highway Aid Fund - 1,080.78
A MOTION WAS MADE BY MRS. BRAGER TO APPROVE FOR PAYMENT THE DECEMBER 2, 2003 INVOICES, IN THE AMOUNT OF $88,285.80; SECONDED BY MR. ULLRICH; Mr. Stevens abstained from page 4, Vendor 1804: CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF APPROVING A PRELIMINARY PLAN OF LAND DEVELOPMENT SUBMITTED BY TRI-COUNTY EYE PHYSICIANS, FOR PROPERTY LOCATED AT 319 AND 333 SECOND STREET PIKE, TMP #48-16-8 AND 48-16-9:

Mr. Dennis Holtz, Esquire, Dr. Richard Prince, Dr. Jeffrey Gordon, Dr. Richard Tax and Greg Glitzer of Gilmore and Associates represented Tri-County Eye Physicians.

Dr. Richard Prince stated that Tri-County Eye Physicians has been located in Upper Southampton Township since its inception. He stated that the business is in need of expansion to add medical services i.e. ambulatory surgery center and an optical laboratory.

Tri-County Physicians submitted a preliminary plan of land development for property located at 319 and 333 Second Street Pike. The plan proposes to construct a 12,299 square foot two-story building addition to an existing 7,910 square foot one-story building. Mr. Greg Glitzer, Gilmore and Associates Inc., on behalf of the Applicant, requested the following waivers:

- SECTION 160-41.D – Requires a minimum distance of twenty (20’) feet between the curbing of any parking area and the outside wall of a building or structure. There are several areas of the proposed parking area that violate this requirement. The Applicant agreed that both the existing and proposed buildings will be provided with a sprinkler system. The Fire Marshal has indicated that the proposed building access is acceptable.
- SECTION 160-41.H – Requires a minimum five (5) foot radius on all curb lines, both existing and proposed. There are several existing radii that have less than a five (5) foot radius. A waiver has been requested to allow existing curb radii of less than five feet to remain. All proposed radii meet the required minimum.
- SECTION 160-41.I – Requires all parking areas to be a minimum five (5) feet from the future right-of-way. The plan shows ten (10) parking spaces within this five (5) foot area. The proposed parking spaces are not setback from the right-of-way line. Therefore, all proposed landscaping along the parking area is to be located within the right-of-way of Second Street Pike. Also, any future maintenance to the curb will require disturbance within the right-of-way. Snow removal may also be a concern, as snow cannot be plowed toward the street.
- SECTION 160-42.A – Requires a minimum width for stand alone sidewalk of four feet and six foot wide for combination curb and sidewalk. Most of the combination curb and sidewalk is only four (4) feet wide. Also, the sidewalk leading from the north parking area to the proposed addition is only three (3) feet wide.
- SECTION 160-47.F – Requires the top and/or bottom edge of slopes to be a minimum of five (5’) feet from property or right-of-way lines. Grading along the south property line is proposed within the required minimum five (5’) feet of the property line. The Applicant has obtained an easement from the adjacent property owner, Wen-Bucks.
- SECTION 160-54.F – Requires parking areas to be designed in such a manner that they are visibly secluded from eye level from surrounding properties. The parking located along Second Street Pike, the north property line and the south property line is not visibly secluded. In most cases, plantings could be installed to address this regulation. Plantings have been added along Second Street Pike to screen the parking along this regulation. Plantings have been added along Second Street Pike to screen the parking along the east property line. However, these plantings are all within the right-of-way and not on the property. Screening has not been provided along the southern property line.
- SECTION 160-85.A(1) – Requires the plan to be drawn in a scale of one (1”) inch equals fifty (50’) feet or one (1”) inch equals one-hundred (100’) feet. The Plan is drawn in a scale of one (1”) inch equals thirty (30’) feet.
- SECTION 160-85.A (7) – Requires 18 inch by 22 inch or 30 inch by 42 inch plan sizes. The Applicant has submitted 24 inch by 36 inch plans. This is the recording plan size required by the County.
- SECTION 160-85.C(2) – Requires the location of streets, utilities, water courses, storm drains, adjacent properties and similar features within four-hundred (400’) feet of any part of the land to be
developed. The Township Engineer does not recommend this waiver since there are questions about the existing basin and associated watershed on the adjacent property.

Mr. Glitzer stated that that the Applicant will comply with all conditions as listed in the Manager’s report dated December 2, 2003.

A discussion was held regarding the plowing of snow towards the ultimate right-of-way of Second Street Pike. The Applicant agreed to plow snow away from Second Street Pike. Dr. Prince stated that Tri-County has an agreement with its neighbor, Wendy’s Restaurant that allows them to plow the snow onto a grass strip located between the properties.

Mr. Young stated that issues regarding the detention basin have been addressed.

Hans Peters, member of the Environmental Advisory Council stated his concern with construction of the detention basin, and the run-off of water from new parking areas prior to the construction of the basin. Mr. Glitzer stated that a swale will be installed and stabilized prior to major construction.

Tri-County Eye Physicians is requesting an overhang, attached to the building above the proposed walkway. However, the overhand will be located within the buffer yard. Section 185-60.C.4 prohibits structures within buffer yards. A variance must be obtained if a decision is made that the building overhang is a prohibited structure within the buffer yard.

Mr. Dennis Holtz, Esquire, on behalf of the Applicant agreed to all conditions.


WAIVERS:

- SECTION 160-41.D – TO PERMIT PARKING WITHIN TWENTY (20’) FEET BETWEEN THE CURBING OF ANY PARKING AREA AND THE OUTSIDE WALL OF A BUILDING OR STRUCTURE AS SHOWN ON THE PLAN
- SECTION 160-41.H – TO PERMIT LESS THAN A FIVE (5’) FOOT RADIUS ON ALL EXISTING CURB LINES AS SHOWN ON THE PLAN.
- SECTION 160-41.I – TO PERMIT TEN (10) PARKING AREAS ALONG SECOND STREET PIKE TO BE WITHIN FIVE (5’) FEET FROM THE FUTURE RIGHT-OF-WAY AS SHOWN ON THE PLAN.
- SECTION 160-42.A- TO PERMIT SIDEWALKS TO BE THE WIDTH AS SHOWN ON THE PLAN INSTEAD OF THE REQUIRED SIX (6’) FEET.
- SECTION 160-47.F – TO PERMIT THE TOP AND/OR BOTTOM EDGE OF SLOPES TO BE A MINIMUM OF FIVE (5’) FEET FROM PROPERTY OR RIGHT-OF-WAY LINES AS SHOWN ON THE PLAN. IT IS NOTED THAT THE APPLICANT HAS OBTAINED AND PRESENTED TO THE TOWNSHIP AN EASEMENT FROM THE ADJACENT PROPERTY OWNER TO PERMIT THE LOCATION OF SUCH SLOPES.
- SECTION 160-54.F – TO PERMIT PARKING AREAS ALONG THE NORTH AND SOUTH PROPERTY LINES OF THE PROPERTY TO BE DESIGNED IN SUCH A MANNER THAT THEY ARE NOT VISIBLY SECLUDED FROM EYE LEVEL FROM SURROUNDING PROPERTIES.
- SECTION 160-85.A(1) – TO PERMIT THE PLAN TO BE DRAWN IN A SCALE OF ONE (1”) INCH EQUALS THIRTY (30”) FEET.
- SECTION 160-85.A(7) – TO PERMIT THE PLAN SIZE TO BE TWENTY-FOUR (24’) INCH BY THIRTY-SIX (36”) INCH AS REQUIRED BY THE COUNTY OF BUCKS.
- SECTION 160-85.C(2) – TO PERMIT THE LOCATION OF STREETS, UTILITIES, WATERCOURSES, STORM DRAINS, ADJACENT PROPERTIES AND SIMILAR FEATURES WITHIN FOUR-HUNDRED (400’) FEET OF ANY PART OF THE LAND TO BE DEVELOPED NOT TO BE SHOWN ON THE PLAN.
CONDITIONS:


- APPLICANT SHALL COMPLY IN FULL WITH ALL REQUIREMENTS OF THE UPPER SOUTHAMPTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AND UPPER SOUTHAMPTON ZONING ORDINANCE, UNLESS SPECIFIC WAIVERS WITH RESPECT TO THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE HAVE BEEN GRANTED BY THE BOARD OF SUPERVISORS OR VARIANCES WITH RESPECT TO THE ZONING ORDINANCE HAVE BEEN GRANTED BY THE ZONING HEARING BOARD.

- THE APPLICANT SHALL COMPLY WITH ALL FEDERAL, STATE, AND LOCAL REGULATIONS WITH REGARD TO THE PROPOSED LAND DEVELOPMENT AND APPLY AND RECEIVE ALL APPROPRIATE PERMITS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION AND/OR RENOVATIONS OF THE BUILDING AND IMPROVEMENTS.

- THE APPLICANT SHALL OBTAIN A DRIVEWAY PERMIT FROM PENNDOT PRIOR TO FINAL PLAN APPROVAL.

- THE APPLICANT SHALL AMEND THE PLANS TO ESTABLISH THAT THE DRAINAGE AREA BOUNDARIES SHOWN ON THE PLAN CORRESPOND TO THE TOPOGRAPHY PROVIDED.

- THERE APPEARS TO BE A NUMBER OF CONFLICTS IN THE UNDERGROUND DETENTION STORAGE BED DETAILS. SECTION A-A SHOWS SIX INCHES OF STONE BELOW THE PIPE. THE STONE INVERTS SHOWN IN THE PLAN VIEW DO PROVIDE FOR THE STONE. SECTION A-A SHOWS A MINIMUM OF 1.8 FEET OF STONE ABOVE THE PIPE. BASED ON THE INVERTS AND GRATE INFORMATION FOR INLET #5 IT DOES NOT APPEAR THAT THIS MINIMUM IS PROVIDED. THE APPLICANT SHALL REVIEW THE DETAILS AND CALCULATIONS FOR CONSISTENCY AND PRESENT SAME AS PART OF THE FINAL PLAN REVIEW PROCESS.


- PARAGRAPH C ON PAGE TWO OF THE EASEMENT ALLOWS FOR THE USE OF ADDITIONAL LANDS ADJOINING THE EASEMENT AREA. THIS APPEARS TO ALLOW FOR ADDITIONAL DISTURBANCE OUTSIDE THE AREAS SHOWN ON THE PLANS. EROSION AND SEDIMENT CONTROLS AND PERMITS COULD BE AFFECTED BASED ON THE AMOUNT OF ADDITIONAL LANDS DISTURBED. A NOTE SHALL BE PLACED ON THE PLAN INDICATING THAT NO WORK SHALL BE PERMITTED BEYOND THE EXTENT SHOWN ON THE APPROVED PLANS.

- BOTH BUILDINGS SHALL BE FULLY EQUIPPED WITH A SPRINKLER SYSTEM IN ACCORDANCE WITH THE RECOMMENDATION OF THE UPPER SOUTHAMPTON TOWNSHIP FIRE MARSHAL. THIS CONDITION IS IMPOSED AS CONSIDERATION FOR THE WAIVER GRANTED FROM SECTION 160-41.D OF THE UPPER SOUTHAMPTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE.
APPLICANT SHALL SUPPLY ANY AND ALL ADDITIONAL INFORMATION REGARDING FEATURES WITHIN 400’ OF THE PROPERTY AS REQUIRED BY THE TOWNSHIP ENGINEER. THIS CONDITION IS IMPOSED AS CONSIDERATION FOR THE WAIVER FROM SECTION 160-85.C(2) OF THE UPPER SOUTHAMPTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE.

PROPERTY OWNERS, ITS SUCCESSORS AND ASSIGNS, SHALL NOT BE PERMITTED TO PUSH OR PLACE SNOW ONTO THE RIGHT-OF-WAY AND/OR ULTIMATE RIGHT-OF-WAY OF SECOND STREET PIKE. A NOTE SHALL BE PLACED ON THE PLAN REGARDING THIS CONDITION WHICH SHALL BE ENFORCEABLE BY UPPER SOUTHAMPTON TOWNSHIP. THIS CONDITION IS IMPOSED AS CONSIDERATION FOR THE WAIVER FROM SECTION 160.41.I OF THE UPPER SOUTHAMPTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE.

SECONDED BY MRS. BRAGER; CARRIED WITH A VOTE OF 4-0-1., Mr. Ullrich abstained.

SOLICITOR’S REPORT

Mr. Williams stated that his report was submitted previously. He stated that a proposed nuisance ordinance which addresses concerns i.e. ATV’s, motor bikes, animals was submitted for the Board of Supervisors to review. He stated that a hearing regarding the request for an additional 5 mill increase is scheduled for Friday, December 5, 2003 at 9:30AM at the Bucks County Court of Common Pleas. Mr. Williams also stated that SEPTA has received the letter from the Township regarding the train station and that a proposed lease should be received in the near future. The Commonwealth Court Appeal hearing for Rusden, 1243 Street Road will be held in Harrisburg on December 9, 2003. Mr. Williams will be attending.

Mr. Stevens asked about the Neumann property located on Forrest Avenue. Mr. Williams stated that the Neumann’s continue to pay a fine to the Township. He stated that he will attempt to schedule a meeting to discuss clean-up efforts with the Neumann’s.

Mrs. Brager requested a status report of the Commerce Bank Appeal. Mr. Williams stated that the Court Reporter never transcribed the Testimony from the hearing of the Zoning Hearing Board on May 23, 2003 and has destroyed all of his records. A Rule 27 conference has been requested with the Judge to discuss how to proceed with the Appeal or have it remanded back to the Zoning Hearing Board. This will be decided by Judge Rubenstein.

ADJOURNMENT

Being no further business to come before the Board, A MOTION WAS MADE BY MR. ULLRICH TO ADJOURN AT 10:40; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Respectfully submitted,
Walter C. Stevens
Secretary/Treasurer
UPPER SOUTHAMPTON TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
DECEMBER 16, 2003

A regular meeting of the Upper Southampton Township Board of Supervisors was held on Tuesday, December 16, 2003, at 7:30PM in the Library Meeting Room, 947 Street Road, Southampton, PA 18966.

MEMBERS PRESENT: Lola Biuckians, Chairperson  
Stephen Ullrich, Vice Chairperson  
Walter C. Stevens, Secretary/Treasurer  
Keith Froggatt, Asst. Secretary/Treasurer  
Estelle Brager, Member

ALSO PRESENT: Joseph W. Golden, Township Manager  
Donald E. Williams, Township Solicitor

The meeting was called to order by Ch. Biuckians at 7:30PM. A quorum was established.

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS AND REPORTS

Ch. Biuckians stated that an Executive session to discuss personnel and litigation was held prior to the regular meeting. Mr. Williams stated that the following cases were discussed at Executive session:

• Tilghman Builders, Inc., v Upper Southampton Township, Bucks County Court of Common Pleas Docket # 0304433-13-5
• Upper Southampton Township v Upper Southampton Zoning Hearing Board, Bucks County Court of Common Pleas Docket # 03-04225-20-5, Clear Channel
• Upper Southampton Township v Upper Southampton Zoning Hearing Board, Bucks County Court of Common Pleas Docket # 03-04226-24-5, Outdoor Partnership

Mr. Williams stated that a real estate transaction was also discussed.

Ch. Biuckians stated that January 5, 2004 will be a reorganization meeting and that appointments will be made to the Boards and Commissions. She stated that the vacancies are listed on the government channel 13 and that anyone interested should contact the Township.

Mrs. Brager stated that Nextel wants to erect a cell tower in Tamanend Park. She stated that Nextel will present their proposal at the Park and Recreation meeting Tuesday, January 13, 2004 at 7:00PM in the Library Conference Room.

Mr. Froggatt congratulated the Southampton Business and Professional Association on their 50th anniversary.

COMMUNITY CONCERNS

There were no community concerns.

APPROVAL OF THE REGULAR MEETING MINUTES OF DECEMBER 2, 2003:

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE THE BUDGET WORKSHOP MEETING MINUTES OF DECEMBER 2, 2003; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0
APPROVAL FOR PAYMENT THE DECEMBER 16, 2003 INVOICES:

Mr. Golden presented the accounts payable for December 16, 2003 as follows:

- General Fund - $42,113.43
- Street Lighting Fund - $301.66
- Fire Hydrant Fund - $3.04
- Fire Protection Fund - $25.56
- Park & Recreation Fund - $21,320.36
- Library Tax Fund - $42.59
- Rescue Squad Tax Fund - $11.56
- Garbage & Refuse Fund - $106,504.40
- Capital Projects Fund - $27,922.00
- General Sinking Fund - $53.24
- Storm Water Capital Reserve Fund - $5,419.90
- Highway Aid Fund - $3,470.12

A MOTION WAS MADE BY MR. FROGGATT TO APPROVE FOR PAYMENT THE DECEMBER 16, 2003 INVOICES, IN THE AMOUNT OF $207,187.86, AND THE ESCROW INVOICES IN THE AMOUNT OF $5,847.46; SECONDED BY MR. ULLRICH; Mr. Stevens abstained from page 4, Vendor 901; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

DISCUSSION OF ZONING HEARING BOARD APPLICATIONS:

CASE #03-19, WILLIAM AND JACKIE COCHRAN, 1374 DENNIS ROAD:

William and Jackie Cochran intend to construct an in-ground swimming pool, with deck and spa, at 1374 Dennis Road, Southampton. This will result in an increase in the impervious surface ratio from 22.9% to 32.0% which is in excess of the 25% allowed in an R-3 zoning district. Upon inspection of the property, the “wood” identified on the plan appears to be a concrete patio, bordered by wood timbers. The applicants request a variance from Section 185-22 of the zoning ordinance to exceed the maximum impervious surface ratio in an R-3 zoning district. The Zoning Hearing Board has scheduled this hearing on January 7, 2004.

Mr. Ullrich, Mr. Stevens and Mrs. Brager are in opposition of this variance.

A MOTION WAS MADE BY MR. ULLRICH TO SEND THE TOWNSHIP SOLICITOR IN OPPOSITION TO THE ZONING HEARING BOARD APPLICATION CASE #03-19, WILLIAM AND JACKIE COCHRAN, 1374 DENNIS ROAD; SECONDED BY MR. STEVENS; CARRIED WITH A VOTE OF 4-1-0, MR. FROGGATT OPPOSED.

CASE #03-20, LAURENCE AND DEBRA TAYLOR, 186 LYNCH DRIVE:

Laurence and Debra Taylor intend to construct a 453 square foot addition to their existing single family dwelling at 186 Lynch Drive, Southampton. This will result in an increase in the impervious surface ratio from 26.2% to 30.95%, which is in excess of the 25% allowed in an R-3 zoning district. The applicants request a variance from Section 185-22 of the zoning ordinance to exceed the maximum impervious surface ratio in an R-3 zoning district.

The Zoning Hearing Board will hear this case at a later date.

Ch. Biuckians stated that a homeowner, when creating additional impervious surface on their property, should make concessions for stormwater runoff on their property.

Mrs. Taylor commended the Board of Supervisors on their stormwater management concern.
Mr. Froggatt stated that should a resident do stormwater management on their property, then they may appear before the Board of Supervisors and ask that they withdraw their opposition to the zoning hearing board application.

A MOTION WAS MADE BY MRS. BRAGER REQUESTING THE UPPER SOUTHAMPTON TOWNSHIP PLANNING COMMISSION REVIEW THE STORMWATER MANAGEMENT ORDINANCE FOR AN AMENDMENT TO REQUIRE STORMWATER MANAGEMENT FOR VARIANCE APPLICATIONS THAT REQUEST AN INCREASE IN THE MAXIMUM IMPERVIOUS SURFACE COVERAGE; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CASE #03-21, COLLEEN WEILER, 1100 INDUSTRIAL BOULEVARD:

Colleen Weiler intends to establish an on-premise catering business, (Use 33, Restaurant), to be known as Arthur’s Catering, at 1100 Industrial Boulevard, Southampton, which is located in the LI zoning district. Use 33 is not permitted in the LI zoning district. The applicant requests a variance from Section 185-16(33) of the zoning ordinance to permit Use 33, Restaurant, in an LI zoning district.

In addition, a restaurant requires a minimum lot area of three acres, a minimum frontage of 250 feet on a collector highway, and a minimum setback of 100 feet from all street and property lines. The property is 2.1 acres in size, has a frontage of 200.04 feet, and the building setback is 50 feet.

The Zoning Hearing Board will hear this case at a later date.

PRESENTATION AND ACKNOWLEDGEMENT OF THE ISSUANCE OF TAX-EXEMPT REVENUE NOTES BY THE WEST NORRITON TOWNSHIP INDUSTRIAL DEVELOPMENT AUTHORITY ON BEHALF OF KEN-CREST SERVICES:

Sean Kilkenny, an attorney from Hamburg, Rubin, Mullin, Maxwell, and Lubin stated that the Bucks County Commissioners will conduct a public hearing on December 17, 2003 to consider the issuance of Tax-Exempt Revenue Notes by the West Norriton Township Industrial Authority on behalf of Ken-Crest Services located at 156 Holly Road, Southampton for the purpose of refinancing an existing loan. He stated that the Bucks County Commissioners are the elected representative by the tax code. Mr. KilKenny stated that he is asking permission from the Upper Southampton Township Board of Supervisors to let the Bucks County Commissioners hear this case.

A MOTION WAS MADE BY MR. FROGGATT THAT THE UPPER SOUTHAMPTON TOWNSHIP BOARD OF SUPERVISORS IS AWARE THAT THE BUCKS COUNTY BOARD OF COMMISSIONERS WILL CONDUCT A PUBLIC HEARING ON DECEMBER 17, 2003, TO CONSIDER THE ISSUANCE OF TAX-EXEMPT REVENUE NOTES BY THE WEST NORRITON TOWNSHIP INDUSTRIAL DEVELOPMENT AUTHORITY ON BEHALF OF KEN-CREST SERVICES LOCATED AT 156 HOLLY ROAD, SOUTHAMPTON AND THAT UPPER SOUTHAMPTON TOWNSHIP DOES NOT OBJECT TO THE BUCKS COUNTY COMMISSIONERS’ APPROVAL; SECONDED BY MRS. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

CONSIDERATION OF ADOPTING RESOLUTION #2003-19 TO APPROVE THE 2004 BUDGET OF ALL FUNDS:

Mr. Ullrich proposed a 2.5% wage increase for non-union personnel and a 2.3% increase for Department Heads. He proposed a budget amendment to reflect this change as the proposed 2004 budget provides for a 3% wage increase for all non-union personnel.

Mr. Williams explained that the Township has no obligation to spend an amount that is budgeted. He stated that the Township can choose to spend less; therefore no amendment to the budget is needed to reduce wage increases.

Mr. Williams stated that a hearing was held in the Court of Common Pleas with Judge Barry McAndrews regarding the Township’s request to increase the tax millage from 14 mills to 19 mills, which is permitted
under the Second Class Township Code. He and Mr. Golden attended the hearing. The tax millage increase was approved by Judge McAndrews on December 5, 2003. (Order to be attached)

Mr. Froggatt stated that non-union employees should get the same raises as the union employees. Ch. Biuckians stated that salary changes can be discussed later.

Robert Shaffer, 1150 Mill Creek Road, reviewed some of the expenditures in the 2004 budget, specifically $230,000 to the Southampton Fire Company, $24,000 for Southampton Days, $4,500 for Tamanend Park day, $15,000 to air condition the Community Center, $7,000 for sports subsidies, $329,000 for the Southampton Free Library, $70,000 for the Rescue Squad, and $8,000 for acoustical tiles in the Carriage House.

A MOTION WAS MADE BY MR. ULLRICH TO ADOPT RESOLUTION #2003-19 APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSE OF MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING THE YEAR 2004; SECONDED BY MR. STEVENS; CARRIED WITH A VOTE OF 3-2-0, CH. BIUCKIANS AND MRS. BRAGER OPPOSED.

CONSIDERATION OF ADOPTING RESOLUTION #2003-20 FIXING THE TAX RATES FOR THE YEAR 2004:

A MOTION WAS MADE BY MR. FROGGATT TO ADOPT RESOLUTION #2003-20 FIXING THE TAX RATES FOR THE YEAR 2004; SECONDED BY MR. STEVENS; CARRIED WITH A VOTE OF 3-2-0, CH. BIUCKIANS AND MRS. BRAGER OPPOSED.

CONSIDERATION OF ADOPTING RESOLUTION #2003-21 ESTABLISHING THE 2004 REFUSE COLLECTION FEE:

A MOTION WAS MADE BY MR. FROGGATT TO ADOPT RESOLUTION #2003-21 ESTABLISHING THE 2004 FEE FOR THE COLLECTION AND DISPOSAL OF RESIDENTIAL SOLID WASTE, YARD WASTE, AND RECYCLABLES; SECONDED BY MR. STEVENS; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

DISCUSSION OF SENATE BILL 150 TO MAKE PERMANENT THE MORATORIUM ON TAXES ON INTERNET ACCESS IMPOSED BY THE INTERNET TAX FREEDOM ACT:

Mrs. Brager stated that when Township’s originally entered into contracts with the cable companies, Township’s received a 5% fee for the right to use the public right-of-ways. Mrs. Brager stated that in 1998 the Senate put a temporary moratorium on allowing municipalities to receive a 5% franchise fee of internet fees from the Cable Companies. Senate Bill 150 will make this moratorium permanent. She asked that the Board of Supervisors authorize the Township Manager to write its U.S. Senators and Representatives expressing opposition to Senate Bill 150.

Mr. Froggatt stated that it is not fair that Cable Companies should pay a tax when telephone companies and other companies that provide internet service are not required to pay.

Mr. Ullrich stated that the cable companies are permitted to pass the 5% onto the resident in order to give 5% to the Township.

A MOTION WAS MADE BY MRS. BRAGER AUTHORIZING THE TOWNSHIP MANAGER TO WRITE TO THEIR CONGRESSIONAL SENATORS AND REPRESENTATIVES EXPRESSING OPPOSITION TO SENATE BILL 150; SECONDED BY MR. FROGGATT; CARRIED WITH A VOTE OF 4-1-0, MR. FROGGATT OPPOSED.
SOLICITOR’S REPORT

Mr. Williams stated that his report was submitted previously. He stated that a proposed ordinance regarding a zoning change to TMP# 48-016-003 has been submitted to the Board of Supervisors. He stated that this ordinance will be sent to the Upper Southampton Township Planning Commission and the Bucks County Planning Commission for review and comment. Depending on the comments from these Commissions, it will then come before the Upper Southampton Township Board of Supervisors for advertisement and review. Mr. Williams stated that the Nuisance ordinance has also been distributed to the Upper Southampton Township Planning Commission for review and comments.

OTHER BUSINESS

The Board of Supervisors commended Ch. Biuckians on her year as Chairman.

The Board of Supervisors would like to create a committee to study, analyze and provide recommendations on issues of financial importance to the Township, including the long term planning of the Township budget. Anyone interested should submit a letter of interest to the Township Manager.

A MOTION WAS MADE BY MR. STEVENS TO ADOPT RESOLUTION #2003-22, CREATING A FINANCE AND LONG RANGE PLANNING COMMITTEE AND ESTABLISHING ITS DUTIES AND RESPONSIBILITIES THEREOF; SECONDED BY MRS. BRAGER; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Mrs. Brager asked that the font on government channel 13 be enlarged.

Mr. Golden stated that an escrow release #1 was received for the Bazakas subdivision, also known as Kendall Court, for $4,922.45. This is for the payment of the Engineer’s and Solicitor’s invoices. The Board of Supervisors will discuss this at the January 20, 2004 meeting.

ADJOURNMENT

Being no further business to come before the Board, A MOTION WAS MADE BY MR. FROGGATT TO ADJOURN AT 8:35PM; SECONDED BY MR. ULLRICH; CARRIED UNANIMOUSLY WITH A VOTE OF 5-0-0.

Respectfully submitted,
Walter C. Stevens
Secretary/Treasurer