

# BUCKINGHAM TOWNSHIP

P.O. Box 413, Buckingham, Pennsylvania 18912  
Phone (215) 794-8834 • Fax (215) 794-8837

Website - www.buckinghampa.org



## BOARD OF SUPERVISORS REGULAR BUSINESS MEETING

## AGENDA

JANUARY 23, 2019

### Call to Order 7:30 p.m.

1. Public Comment (Maximum 30 minutes)
2. Board's Announcements
3.
  - a. Consideration of approving Payment Request No. 9, to GS Developers, for work completed on the **Pump Station & Generators and Upgrades PH 2 – General Contract BT-17-03**, in the amount of \$27,450.00.
  - b. Consideration of approving Payment Request No. 4, to Derstine Company, LLC, for work completed on the **Buckingham Village WWTP 2017 Plant Upgrades – General Contract BT-17-04**, in the amount of \$24,240.00.
  - c. Consideration of approving Payment Request No. 11, to Eastern Environmental Contractors, Inc. for work completed on the **Fieldstone Spray Field Upgrades – General Contract BT-17-01**, in the amount of \$25,798.28.
  - d. Consideration of approving Payroll for the weeks ending January 6, 2019 and January 20, 2019, and the Bill List for the meeting of January 23, 2019.
4. Consideration of approving draft Supervisor's Minutes of the January 7, 2019 Reorganization and Regular Business Meeting, and the January 7, 2019 Work Session.
5. Consideration of accepting the **Request for an Extension** of the time to complete the Improvements as set forth in the Stormwater Facility Development Contract to January 24, 2020, covering "Margaret N. Speaker", TMP 6-21-101-001.
6. Consideration of accepting **Request for Extension** to the allowable review time under the provisions of the PA Municipalities Planning Code to May 1, 2019, for "**Penn's Purchase II**", Township File SA 2018-04.
7. Consideration of approving **Resolution No. 2389**, A Resolution of the Buckingham Township Board of Supervisors Adopting and Approving Buckingham Township, Bucks County, Pennsylvania Agricultural Security Area Proposal with an Addition/Modification.

**BOARD OF SUPERVISORS  
REGULAR BUSINESS MEETING  
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8. Additional Business / Manager's Items:
- Consideration of approving Purchase Order to Bergey's Truck Centers for a New Mack 6 Wheel Dump Truck in the amount of \$109,760.42.
  - Consideration of approving Purchase Order to Lancaster Truck Bodies for a Galion/Goodwin Dump Body in the amount of \$52,140.00.
  - Consideration of authorizing township staff to advertise the 2019 Buckingham Township Road Improvement Project Bid.
  - Consideration of acknowledging receipt of a Proposal for the Addition of an Agricultural Security Area submitted by Nicholas and Robin Lykon for TMP 06-018-159, containing 70.708 Acres, 4921 Lower Mountain Road.
  - Consideration of revising the January 11, 1989 Revised Final Plan Approval of SA 88-23, "Rushford, Kasel & Canavan" to allow the driveway access to Lot 1 from Fell Road, and acknowledging 4335 Fell Road to remain as the property address for TMP 06-004-068-001, per the current homeowner's request.

160210



**Buckingham Township Board of Supervisors**  
**Meeting Minutes**

The regular meeting of the Buckingham Township Board of Supervisors was held January 23, 2019 in the Township Building, 4613 Hughesian Drive, Buckingham, Pennsylvania.

Present:	Jon Forest	Chairman
	Maggie Rash	Vice-Chairman
	Paul Calderaio	Member
	Dana S. Cozza	Township Manager
	Daniel Gray	Township Engineer
	Craig A. Smith, Esquire	Township Solicitor
Not Present:	John Ives	Bucks County Planning Commission
	Tom Kelso	Township Water/Wastewater Consultant

*Mrs. Rash called the regular meeting to order at 7:30 p.m.*

**PUBLIC COMMENT**

**Ruckman Way/ Church School Estates**

The following individuals addressed the Board about their concern that a property in their neighborhood recently purchased by Ruckman Realty PA, LLC is apparently being used as a group home or sober living facility.

Robert A. Woodruff, 4044 Mechanicsville Road  
David Mettelle, 4090 Ruckman Way  
Paul O'Moore, 3990 Mechanicsville Road

Mr. Woodruff said he was present to speak for the neighbors and requested an update on questions raised during the last Board of Supervisor's meeting regarding the property located at 4065 Ruckman Way and owned by Ruckman Realty PA, LLC; specifically, 1) Did the township verify that the on-site septic system was adequate for the number of persons occupying the residence, 2) Is the current fire protection system compliant with a multiple occupant dwelling, and 3) Has the township verified that the water is suitable for drinking by associated family members?

Mrs. Cozza responded the township had called Mr. Brosius of the Bucks County Health Department, but did not yet have a response. Mrs. Cozza reported that Mr. Kettler, Director of the Building Department, visited the site and performed an initial inspection with the following items noted. (i) There appeared to be no recent construction. However, there was a finished basement with two bedrooms that the previous occupant apparently completed without a permit. (ii) The basement bedrooms do not have an egress directly from them, as required per the building code and this will need to be remedied. (iii) There are 6 total bedrooms in the home, with 4 on the second floor and 2 in the basement. (iv) It appears that a fire suppression system and security cameras were recently installed. Mrs. Cozza said the owner was very cooperative and willing to fix whatever was needed.



Mrs. Cozza explained she understood that the property owner had spoken with the immediate property neighbors offering to relocate the driveway from Ruckman Road to Church School Road to address what had been one of the neighbors' largest concerns regarding traffic and safety. The property owner has sought and been provided with the proper permit application for the driveway relocation from the township. Mr. Smith said the township would need to sign off on the plan change, but noted the Board of Supervisors are supportive of that action.

Mr. Woodruff expressed his appreciation that the preliminary items have been addressed. Nonetheless he restated his view expressed at the last Supervisors' meeting that the zoning in the R-1 district prohibits unrelated individuals living together in a sober living facility when the facility is structured as a for profit enterprise. He said if the township ordinances forbid commercial activity in a residential zone, then the sober living facility should be prohibited. Mr. Smith said he has advised the Township that it must, under federal law, specifically the Fair Housing Act, the Americans with Disabilities Act and the federal Rehabilitation Act, make "reasonable accommodation" from its zoning laws for this use. Mr. Smith went on to explain that to not do so could expose the Township to significant liability claims.

Mr. Smith asked what Mr. Woodruff's attorney advised? Mr. Woodruff said they had discharged their previous lawyer and had contacted Jordan Yeager of Curtin & Heefner, with whom they were still speaking.

Mr. David Mettille said that following extensive time he and the neighbors have spent researching this topic, they found that there are townships within Pennsylvania with zoning boards that have changed their zoning to address this situation by limiting the number of persons living in a home to 6 persons or less. Mr. Woodruff said there are not more than 6 persons in the other neighborhood homes, so why should this home be allowed to have 14 unrelated persons who are customers of the enterprise. Mr. Smith said federal law treats it as a family, and the number of occupants is set by the ability of the home or unit to accommodate them, which is an enforceable building and safety issue that, as discussed earlier, the Township is monitoring.

Mrs. Rash questioned is the issue more the number of persons living in the house, or that the house is being used as a sober living facility?

Mr. Paul O'Moore said his opinion is both the number of persons living in the house and the way the commercial operator has approached the whole thing. He said that residents/occupants of the house deserve the same protections of zoning, quality to life, traffic and safety as anyone else. Mr. Smith asked if it was a large family of 14 people in the home, would Mr. O'Moore have the same concerns, and Mr. O'Moore said of course not.

Mr. Mettille said he has no issue with the sober home or the number of residents, as he has five daughters, rather that his point is that the commercial enterprise using the home may generate \$300,000 because of their customers, and no other homes along that street can generate that much income from within their homes. Mr. Mettille suggested that the community must clearly limit the amount of money they can make by marketing to persons. Mr. Smith said the township cannot regulate how much money people may make.



Mr. Forest said if Mr. Yeager, the attorney representing the homeowners, has case law or experience in addressing neighbors' concerns with sober living facilities, he should contact Mr. Smith.

Mr. Smith said the township has the ability to limit the number of persons based on the physical ability of the house to accommodate those people, with the septic system based on the number of bedrooms, but cannot argue against the principle that a sober living facility has to be treated as a family. Mr. O'Moore said they were not asking him to. Mr. Smith said perhaps he misunderstood, as he thought they were asking for a change in the zoning ordinance. Mr. Smith said he welcomed an exchange of ideas and that he would welcome Mr. Yeager to call him. Further, he offered that he would call Mr. Yeager to discuss addressing neighbors' concerns.

### **Anderson Road Property**

Ms. Karen Fenner and Ms. Lauren Schoeler, residents of Stover Trail, requested information on permitted uses of the two parcels listed for sale along Anderson Road, one 49 acres and the other 22 acres. They had been told the land was wetlands and would never be built on. Mr. Gray said the lands are in the AG2 Zoning District and that under the B-1 use, single family dwellings on 5 acres would be permitted by right. Alternatively, a Living Community development could be constructed with a mix of twins, townhomes and single-family homes clustered around 50% Open Space Area. However, the properties were known to have many natural resources, such as floodplain, wetlands, and limestone, which could make them challenging to develop because of the Township's natural resource protection standards. Mrs. Rash suggested if the properties were permanently preserved by the property owners, the development could be limited.

### **BOARD'S ANNOUNCEMENTS**

Mr. Forest announced that current events are available on the Buckingham Township website, and residents should check it frequently at [www.buckinghampa.org](http://www.buckinghampa.org).

### **REQUESTS FOR PAYMENT, PAYROLL and BILL LIST**

**Consideration of approving Payment Request No. 9, to GS Developers, for work completed on the Pump Station & Generators and Upgrades PH 2 – General Contract BT-17-03, in the amount of \$27,450.00.**

*Mr. Forest made a motion, seconded by Mrs. Rash to approve Payment Request No. 9, to GS Developers, for work completed on the Pump Station & Generators and Upgrades PH2 – General Contract BT-17-03, in the amount of \$27,450.00. The motion carried unanimously.*



**Consideration of approving Payment Request No. 4, to Derstine Company, LLC, for work completed on the Buckingham Village WWTP 2017 Plant Upgrades – General Contract BT-17-04, in the amount of \$24,240.00.**

*Mr. Forest made a motion, seconded by Mrs. Rash to approve Payment Request No. 4, to Derstine Company, LLC, for work completed on the Buckingham Village WWTP 2017 Plant Upgrades – General Contract BT-17-04, in the amount of \$24,240.00. The motion carried unanimously.*

**Consideration of approving Payment Request No. 11, to Eastern Environmental Contractors, Inc. for work completed on the Fieldstone Spray Field Upgrades – General Contract BT-17-01, in the amount of \$25,798.28.**

*Mrs. Rash made a motion, seconded by Mr. Forest to approve Payment Request No. 11, to Eastern Environmental Contractors, Inc. for work completed on the Fieldstone Spray Field Upgrades – General Contract BT-17-01, in the amount of \$25,798.28. The motion carried unanimously.*

**Consideration of approving Payroll for the weeks ending January 6, 2019 and January 20, 2019, and the Bill List for the meeting of January 23, 2019.**

*Mr. Forest made a motion, seconded by Mrs. Rash to approve Payroll for the weeks ending January 6, 2019 and January 20, 2019, and the Bill List for the meeting of January 23, 2019 in the total amount of \$900,833.95. The motion carried unanimously.*

#### MINUTES

**Consideration of approving the draft Supervisors' Minutes of the January 7, 2019 Reorganization and Regular Business Meeting and the January 7, 2019 Work Session.**

*Mr. Forest made a motion, seconded by Mrs. Rash to approve, as most recently presented, the draft Supervisors' Minutes of the January 7, 2019 Reorganization and Regular Business Meeting and the January 7, 2019 Work Session. The motion carried unanimously.*

#### BUSINESS

**Consideration of accepting the Request for an Extension of the time to complete the Improvements as set forth in the Stormwater Facility Development Contract to January 24, 2020, covering "Margaret N. Speaker", TMP 6-21-101-001.**

*Mr. Forest made a motion, seconded by Mrs. Rash to accept the Request for an Extension of the time to complete the Improvements as set forth in the Stormwater Facility Development Contract to January 24, 2020, covering "Margaret N. Speaker", TMP 6-21-101-001. The motion carried unanimously.*



**Consideration of accepting Request for Extension to the allowable review time under the provisions of the PA Municipalities Planning Code to May 1, 2019, for “Penn’s Purchase II”, Township File SA 2018-04.**

*Mr. Forest made a motion, seconded by Mrs. Rash to accept the Request for Extension to the allowable review time under the provisions of the PA Municipalities Planning Code to May 1, 2019, for “Penn’s Purchase II”, Township File SA 2018-04. The motion carried unanimously.*

**Consideration of approving Resolution No. 2389, A Resolution of the Buckingham Township Board of Supervisors Adopting and Approving Buckingham Township, Bucks County, Pennsylvania Agricultural Security Area Proposal with an Addition/Modification.**

*Mr. Forest made a motion, seconded by Mrs. Rash to approve Resolution No. 2389, A Resolution of the Buckingham Township Board of Supervisors Adopting and Approving Buckingham Township, Bucks County, Pennsylvania Agricultural Security Area Proposal with an Addition/Modification. The motion carried unanimously.*

**ADDITIONAL BUSINESS / MANAGER’S ITEMS**

**Consideration of approving Purchase Order to Bergey’s Truck Centers for a New Mack 6 Wheel Dump Truck in the amount of \$109,760.42.**

**Consideration of approving Purchase Order to Lancaster Truck Bodies for a Galion/Goodwin Dump Body in the amount of \$52,140.00.**

*Mr. Forest made a motion, seconded by Mrs. Rash to approve the Purchase Order to Bergey’s Truck Centers for a New Mack 6 Wheel Dump Truck in the amount of \$109,760.42 and the Purchase Order to Lancaster Truck Bodies for a Galion/Goodwin Dump Body in the amount of \$52,140.00. The motion carried unanimously.*

**Consideration of authorizing township staff to advertise the 2019 Buckingham Township Road Improvement Project Bid.**

*Mr. Forest made a motion, seconded by Mrs. Rash to authorize the township staff to advertise the 2019 Buckingham Township Road Improvement Project Bid. The motion carried unanimously.*

**Consideration of acknowledging receipt of a Proposal for the Addition of an Agricultural Security Area submitted by Nicholas and Robin Lykon for TMP 06-018-159, containing 70.708 Acres, 4921 Lower Mountain Road.**

*Mr. Forest made a motion, seconded by Mrs. Rash to acknowledge receipt of a Proposal for the Addition of an Agricultural Security Area submitted by Nicholas and Robin Lykon for TMP 06-018-159, containing 70.708 Acres, 4921 Lower Mountain Road. The motion carried unanimously.*


**Consideration of revising the January 11, 1989 Revised Final Plan Approval of SA 88-23, “Rushford, Kasel & Canavan” to allow the driveway access to Lot 1 from Fell Road, and acknowledging 4335 Fell Road is to remain as the property address for TMP 06-004-068-001, per the current homeowner’s request.**

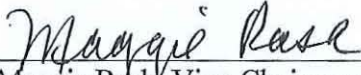
*Mr. Forest made a motion, seconded by Mrs. Rash to approve revising the January 11, 1989 Revised Final Plan Approval of SA 88-23, “Rushford, Kasel & Canavan” to allow the driveway access to Lot 1 from Fell Road, and acknowledging 4335 Fell Road is to remain as the property address for TMP 06-004-068-001, per the current homeowner’s request. The motion carried unanimously.*

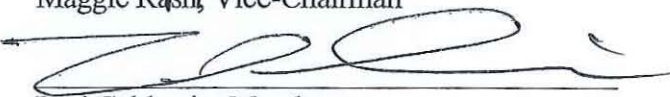
*Mr. Forest made a motion, seconded by Mrs. Rash to adjourn the meeting at 8:31 p.m. The motion carried unanimously.*

**Approved by the Board of Supervisors on the 27<sup>th</sup> day of February, 2019.**

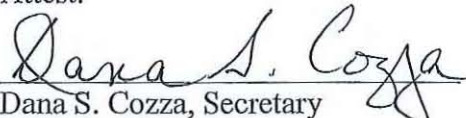
**Buckingham Township Board of Supervisors**

  
\_\_\_\_\_  
Jon Forest, Chairman

  
\_\_\_\_\_  
Maggie Rash, Vice-Chairman

  
\_\_\_\_\_  
Paul Calderaio, Member

Attest:

  
\_\_\_\_\_  
Dana S. Cozza, Secretary

*Minutes respectfully submitted by Lori Wicen.*

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