

HULMEVILLE BOROUGH COUNCIL
Meeting Minutes
March 7, 2016

The regular monthly meeting of the Hulmeville Borough Council was held on the above date at the Borough Hall, 321 Main Street.

Councilmember's Present

Thomas Wheeler, President
Raymond Johnson, Vice President
Judy Coleman
Dan Mandolesi
Mayor Dave Harris
Dale Walton Jr.
Nick Lodise

Staff in Attendance

Solicitor Robert DeBias
Secretary Dorothy Omietanski
Treasurer Diane McKairnes
Police Chief Bob Juno
Water & Sewer Clerk Pat Slater
Fire Marshal Bill Wheeler

Councilmember's Absent: Debbie Mahon

Staff Absent: Authority Chair Jim Clark and HHS President Marce Heald

Guests in Attendance: Eric Schmid, Sheri Wheeler, Ed Preston, Keith Truskin, Joseph Kiss, Michael McCormick of McCormick Management Services, Mario Canales PCS, Francis Ernst of JF Hamill Land Survey, James Esposito of Curtain & Heefner LLP and Donna DeAngelis Lehmann court reporter.

Call to Order: Mr. Wheeler called the meeting to order at 7:37pm; all those present joined in the Pledge of Allegiance.

Minutes: The minutes were not approved due to edits that have not been submitted yet. Mr. Wheeler requested to move approving the minutes to the work session.

Public Comment:

- Eric Schmid informed council that he and Jim Clark met with engineering firms and have made their final selection. Moving forward they will be working with Carroll Engineering located in Warrington PA.
- Mr. Schmid also wanted to inform council of two upcoming events. The first event is the annual Easter Egg Hunt held at borough hall on March 19th at 12 noon and the other is the meet and greet which has been moved to April 10th at the William Penn Firehouse from 12-2 pm.

Land Development:

Mr. Wheeler informed council that he would be abstaining from the discussion and vote for the land development application for Kiss Electric because he owns property next to the property in discussion.

The applicant and his attorney were confirmed to be present and made introductions of who else was attending the meeting which included a financial officer and a construction manager.

A copy of the deed and lease were presented to Mr. De Bias.

The attorney for Mr. Kiss pointed out that they would like this to be the preliminary and final and they have 7 waivers not 5 to present to council.

The attorney for Mr. Kiss summarized the construction they are doing is for a 6,000 square foot building located off Main Street on 6 acres of land.

The court reporter swore in Michael McCormick, Joseph Kiss and Francis Ernst.

Ms. Wheeler stated the application has been reviewed by:

Pickering, Corts & Summerson-letter of review dated February 2, 2016
Hulmeville Borough Fire Marshal-letter of review dated February 16, 2016
Bucks County Planning Commission- letter of review dated February 9, 2016
Glance Associates, Inc. -letter of review dated February 9, 2016

The following materials were also submitted with the application:

*Post Construction Storm water Management & Erosion and Sediment Control Report prepared by L.J.Byrne Engineering, LLC dated May 2, 2014 and last revised January 15, 2016.

* Wetland Delineation and Investigation Report prepared by P&W Land Consultants, Inc. dated November 12, 2015 and last revised January 27, 2016.

* Comment response letter prepared by J F Hamill Land Surveying & Consulting LLC dated January 26, 2016.

A conditional use was granted for the application on September 14, 2014. The Borough Zoning Hearing Board granted the following four (4) variances, subject to certain conditions.

1. Section 27-701.2.E to permit a Wetland Buffer of 41 feet instead of the required 50 feet in accordance with Option B submitted by the Applicant.
2. Section 27-904 to eliminate the requirement for off street loading dock and/or berths/space for the 6,000 square foot building.
3. Section 27-503.3.A to permit a side yard along the southeastern border of the property with the Tax Map Parcel 16-5-51 of five (5) feet instead of 25.
4. Section 27-503.5 to eliminate the requirement for a ten (10) foot Buffer Yard along the southeastern border of the property with the Tax map Parcel 16-5-51.

The conditions imposed in connection with the granting of the above variances are listed on the Land Development Plan, sheet 1 of 6.

The Borough Planning Commission met on February 23, 2016 to review the plans and to discuss the review letters with the applicant and the public.

The applicant and council addressed the issues in the Glance Associates review letters as follows:

GENERAL REVIEW

1. Wastewater flow from this lot can flow by gravity to the existing 18" sewer main on the Main Street if and only if the inter-municipal agreement with Middletown Township and BCWSA is amended. The sewer main in front of the lot on Main Street is not part of the Hulmeville sanitary sewer system but instead part of the Middletown Township/BCWSA system. A signoff from them for available conveyance and treatment capacity will be required, or else the tie-in will need to be made to the Hulmeville sanitary sewer system near Ford Avenue. – **KKL WILL COMPLY**
Note they will have an application with BCWSA to tie into their service. A special agreement

will be made directly with BCWSA and they will receive a bill directly from them. Hulmeville will provide BCWSA the meter readings.

TECHNICAL REVIEW

The following should be added to the plans, on sheet no. 3:

1. The water and sanitary sewerage extensions are hereby offered to the Hulmeville Municipal Authority for their ownership and maintenance. Note the sewer will be through BCWSA.
2. The Hulmeville Municipal Authority will accept dedication, upon satisfactory installation, of the water and sewerage facilities located within the road right of way.
3. There shall be and 18" vertical clearance or a 10' horizontal clearance between the water and sewer lines.
4. The water and sewer systems shall be installed in accordance with the Hulmeville Borough, Hulmeville Municipal Authority and PA DEP standards.
5. The Hulmeville Municipal Authority must be notified at least 48 hours in advance of any tie-in to the water main and sewer main.
6. The owners of the lots will be required to pay the Authority's and other municipal government tapping fees and inspection charges prior to obtaining a permit to connect to the water and sewer systems.
7. A street opening permit will need to be obtained from Penn DOT for installation of the water and sewer on Main Street. The permit will need to be acquired in the Authority's name.

KKL WILL COMPLY with the above 7 items.

GENERAL ITEMS

KKL WILL COMPLY with all of the following items

- a. Standards specifications and standard detail sheets shall be used for the construction of the water and sewer facilities. In general these conform to the requirements of the Department of Environmental Protection.
- b. The Authority will require that the water and sewer facilities be inspected by an agent of the Authority throughout the construction project.
- c. The water and sanitary sewage facilities must be properly tested in accordance with the specifications prior to acceptance by the Authority.
- d. The Contractor must provide liability insurance in an amount acceptable to the Authority, listing, Hulmeville Borough, the Authority and the Authority's Engineer, Glace Associates, Inc. as Additional Insured.
- e. The Contractor shall submit catalog cuts/shop drawings for the proposed water and sewer facilities to the Authority's engineer for approval prior to the start of construction.

- f. Upon approval of the design of the water and sewer systems, the developer's Engineer will need to prepare the appropriate number of sets of documents and plans for a Penn DOT permit for the water and sewer work to be completed on Main Street. The application shall be in the name of the Authority and provided to Glace Associates for review prior to submission to Penn DOT.
- g. An escrow account shall be established by the developer with the Borough to cover the cost of inspection fees for the water and sewer construction.
- h. The revised plans shall be resubmitted for additional review.

Bucks County Planning Commission

- 1. Waivers-Sheet S-1 of the plan indicates that waivers are requested from the subdivision and land development ordinance provisions regarding showing existing features within 400 feet of the site, curbs and sidewalk improvements, and from parking setbacks, and dimensional requirements. In accordance with the requirements of Section 512.1 (b) of the Pennsylvania Municipalities Code, Borough officials should determine whether waivers should be allowed in whole or in part.
- 2. Rear yard setback- The dumpster is proposed within the required yard setback. Compliance with zoning ordinance Sections 27-614 and 27-717.12 regarding setback and screening requirements should be assured and/or revised accordingly if determined to be necessary.

KKL WILL COMPLY. They are changing the plan.

- 3. Buffer yard and planting plan-Zoning ordinance Section 27-717.2 states that a minimum buffer yard of 10 feet is required along a rear yard unless a greater yard width is otherwise indicated, and Subsection 9 provides the required standards for plants in buffer yards. Borough officials should ensure that the plan complies with the minimum buffer and planting standards required by zoning ordinance.

***rear buffer yard waiver request was voted on by the planning commission and was a unanimous yes. Mr. Canales noted that a fee of \$6,100 would be reasonable as a "fee in lieu of" KKL if council waives the requirement. The area behind the building is wet lands and is owned by the turnpike so there would be no need for a buffer.**

Pickering, Corts & Summerson

REQUESTED WAIVERS

The applicant has requested the following five (5) waivers from the Borough's Subdivision and Land Development Ordinance (SALDO). Pickering, Cort and Summers recommends that any waiver of required improvements be reviewed as a fee-in-lieu-of having those improvements installed, with the cost savings realized by the applicant contributed to the Borough.

The following five waivers received yes votes with fee-in-lieu of clause

- 1. Waiver from SALDO Sections 22-515 and 22-517, which requires the installation of curbs and sidewalk, and the widening of existing streets. No improvements are proposed along Main Street.

Due to the amount of wet lands and because there are no sidewalks on either side of the property Mr. Kiss feels it would not make sense to put in sidewalks or curbs. Mr. Canales offered a price of \$69,352 (\$24,200 road widening, \$29,920 curbs and \$15,232 sidewalks) to be paid by KKL in lieu of sidewalks, curbs and road widening. Mr. Esposito pointed out that in the state of PA road widening is not a charge that the borough can collect in lieu of having it done. He presented a case in Solsbury Township. Council waived the charge but stated if PENDOT requires the road to be widened KKL must comply with the request. Mr. Esposito then presented three proposals that his client collected for sidewalk and curb installations. Two of the proposals were the same at \$21,760. He would like to submit those estimates for consideration when setting the fee to be charged to KKL. Council proposed a \$20,000 fee to be collected from KKL in lieu of sidewalk and curb installation and KKL agreed.

2. Waiver from SALDO 22-516.4, which states that no less than 20 feet of open space shall be provided between the edge of any parking area and the outside wall of the nearest building. The applicant is proposing to park cars closer than 20 feet from the building. Waiver granted.
3. Waiver from SALDO Section 22-516.5, which requires all parking stall dimensions to be 10 feet wide by 20 feet deep. The applicant is proposing parking stall dimensions of 9 feet wide by 18 feet deep. Waiver granted.
4. Waiver from SALDO Section 22-516.9, which requires all parking areas to be set back from all property lines at least 15 feet. The rear parking area is only set back from the property line 12 feet. Waiver granted.
5. Waiver from SALDO Section 22-703.3.B, which requires the location, names and widths of streets, the location of property lines and names of owners, the location of watercourses, sanitary sewers, storm drains and similar features within 400 feet of any part of the land to be subdivided or developed to be shown on the plan. Waiver granted.

Two additional waivers were submitted by Mr. Esposito:

1. Waiver from SALDO Section 22-519.1, which requires within any land development street trees to be planted along all streets where suitable street trees do not exist. Waiver granted.
2. Waiver from ZO 27-717.2 which requires a 10 foot wide buffer yard along the rear yard. The rear of the property backs up to wooded land owned by the PA Turnpike Commission. Waiver granted.

Land Development Plans

1. The proposed impervious surface ratio, as specified in the Zoning tabulation on sheet 1 of 6, shall be reviewed and revised as required. Mr. Canales calculates the ration at 24.6 percent. **KKL WILL COMPLY**
2. The Owner Certification on Sheet 3 of 6 shall be revised to remove the references to the Borough Engineer and this certification shall be signed and dated by the Owner. **KKL WILL COMPLY**

3. The Federal Emergency Management Agency (FEMA) finalized updating all of Bucks County's flood insurance rate maps on September 16, 2014 and new maps became effective on March 16, 2015. The submitted plans show the old map limits. As such the floodplain shown on these drawings must be updated to match the revised maps. **KKL WILL COMPLY**
4. Zoning Ordinance (ZO) Section 27-701.2.D states in part that any individual tree greater than 15 inch caliber may not be removed in a land development proposal without approval of Borough Council. All trees greater than 15 inches within the limits of disturbance shall be located and added to the plan set. If no trees meeting this requirement exist within this are, a note to this affect shall be added to the plan set. **KKL WILL COMPLY, KKL also agreed that these will be no clear cutting of trees on the property.**
5. ZO Section 27-503.4 specifies design guidelines for non-residential buildings in the LIC Zoning District. **KKL WILL COMPLY with the design guidelines.**
6. The applicant is proposing an illuminated sign at the Main Street entrance. All signage must meet the requirements of ZO Section 27-800 and shall be designed and submitted to the Borough Zoning Officer for review and approval. **KKL will comply; the sign will not be illuminated internally but with just a spotlight.**
7. SALDO Section 22-506.6 states any applicant who encroaches within the legal right of way of a state highway is required to obtain a highway occupancy permit from the Pennsylvania Department of Transportation. Since the proposed construction will impact Main Street (S.R. 2027) a state highway, a Penn DOT highway occupancy permit will be required. **KKL WILL COMPLY**
8. The applicant is proposing to extend an 8 inch water main approximately 800 feet along Main Street. Complete design and construction plans, notes, details and specifications shall be prepared and submitted to the Hulmeville Municipal Authority for their review and approval. The in-depth review of this system is deferred to the Authority. The Borough should be in receipt of written evidence that the Authority has reviewed plans for this extension and is satisfied that all their concerns and issues have been addressed. **Discussed the actual line is 12", KKL WILL COMPLY with connection to and extension of the 12 inch line.**
9. The applicant is proposing to connect into an 18 inch sanitary sewer line on the west side of Main Street. Complete design and construction plans, note, details and specifications shall be prepared and submitted to the Hulmeville Municipal Authority for their review and approval. The in-depth review of this system is deferred to the Authority. The Borough should be in receipt of written evidence that the Authority has reviewed plans for this extension and is satisfied that all its concerns and issues have been addressed. **KKL WILL COMPLY they will be connecting into BCWSA line**
10. SALDO Section 22-519.1 requires within any land development street trees to be planted along all streets where suitable street trees do not exist. Borough Council and the Planning Commission may wish to determine if street trees are required for this project. **Planning commission voted to waive planting street trees. COUNCIL GRANTED A WAIVER.**
11. The operations and maintenance agreement for privately owned storm water facilities and BMPs, as required by Section 704 of Ordinance 252, Hulmeville Borough Neshaminy Creek

Watershed Act 167 Storm water Management Ordinance, shall be prepared and submitted to the Borough and Borough Solicitor for review and approval. This agreement must be filled out and executed by the applicant and then submitted to the Borough for recording. A copy of this agreement was previously attached for the applicant's use. **KKL WILL COMPLY**

12. Review and approval must be obtained from the Bucks County Conservation District for the erosion and sedimentation control measures to be utilized during the construction of this project. **KKL WILL COMPLY**
13. Since the limits of disturbance for this project may be greater than one (1) acre a Department of Environmental Protection NPDES Permit may be required. **KKL WILL COMPLY**

Fire Marshal letter

Fire Marshal Wheeler submitted a drawing as well as an outline of the three requirements he needs them meet.

1. The plans must show a designated fire lane from the entrance on Main Street to the rear of the property. No parking shall be allowed in the fire lane. Vehicles temporarily stopped for loading or unloading will be allowed. **KKL WILL COMPLY**
2. The fire apparatus access lane shall be maintained a minimum of 24 feet wide for the entire length. Turns will have an inner radius of at least 30 feet and an outer radius of at least 54 feet. **KKL WILL COMPLY**
3. The fire apparatus access lane shall be marked in accordance with section 503.3 and D103.6 of the fire code. Signs shall be posted on both sides of the apparatus access lane from the beginning (e.g., Type "A") to the end e.g., Type "C") and approximately every 200 feet (e.g., Type "D"). Note that along parking stalls and the side of the building, curb painting is an acceptable alternative to posting signs. Fire Marshal provided some examples of acceptable signs and curb painting. **KKL WILL COMPLY**

Motion made by Mr. Mandolesi seconded by Mr. Johnson to approve the preliminary and final Land Development Plans for KKL Property Holdings, LLC, and Tax map Parcel 16-005-052 with the following conditions:

KKL agrees to make all the changes to the plans and comply with all the conditions agreed to in all four review letters and to any additional comments they received from the Hulmeville Borough Planning Commission on February 23, 2016 and the Hulmeville Borough Council on March 7, 2016.

KKL agrees to set up and fund an escrow account with the borough to cover legal fees, engineering fees and inspection fees that the borough incurs from this project, and to secure public improvements as recommended by the borough engineer.

KKL agrees to a "fee in lieu of" payment in the amount of \$20,000.00 for the waiver's that were granted or KKL may choose to do the work instead of making the payment.

Applicant will execute land development improvement, storm water management and BMP's agreement prepared by the solicitor and approved by the borough engineer.

The following waivers have been agreed upon by council:

1. Waiver from SALDO Section 22-515 and 22-517 which requires the installation of sidewalks and curbs.
2. Waiver from SALDO Section 22-516.4 which states that no less than 20 feet of open space is provided between the edge of the parking area and the outside wall.
3. Waiver from SALDO Section 22-5 16.5 which requires all parking stalls to be 10 feet by 20 feet.
4. Waiver from SALDO Section 22-516.9 which requires all parking areas to be set back from all property lines by at least 15 feet.
5. Waiver from SALDO Section 22-703.3B which requires the location, names and widths of streets, the location of property lines and names of owners, the location of watercourses, sanitary sewers, storm drains and similar features within 400 feet of any part of the land to be subdivided or developed to be shown on the plan.
6. Waiver from SALDO 22-519.1 which requires street trees to be planted.
7. Waiver from O 27-717.2 which requires a 10 foot buffer yard along the rear yard.

Motion passed 5-0-1(Mr. Wheeler abstaining from the vote).

Mr. DeBias asked for 30 days to complete the paperwork which was granted by Mr. Ernst.

Public Comment:

Mr. Preston wanted to make council aware of a special event coming up in 2017. He is planning to bring the Vietnam Traveling Memorial Wall to Pennel. The wall is about a football field long so he needs to host it at the Pennel ball fields. The wall will be on display for three days from 7/14-16/17. Pennel has committed to providing one officer for the event. If he should need more support he is asking if he can have use of a Hulmeville Police officer as well. He will pay for their time. He would also like to request that Walnut Street be closed off to everyone except residents during the event. He plans to have all parking off site at locations like Hoover Elementary and the Woods School. He is going to honor local families who had someone serve during the Vietnam War. The event will be open from 9-9 and he is expecting around 3,000 people a day. He is going to call the event The Wall In Bucks County. The cost of the event will be roughly \$20,000 and he taking donations and anyone who would like to help out at the event. He is hoping the boy scouts can help out by collecting trash.

Police Report:

- Mr. Johnson read the report for the month of February 2016: 8 Incidents, 25 Traffic, 4 Parking, 2 Accidents, 3 Assists, 0 Summary, 1 Criminal, 7 District Court, 0 County Court, 1 EMS for a total hours worked: 197, Total Salary \$4,221.00.
- The police vehicle is due to arrive next week. Chief Juno will fax Mr. DeBias the bill of sale which came to \$40,329.44. The police committee has also decided to sell the old police car.
- Chief Juno would like to purchase orange signs that are used for the parade and other police activity. The signs are for no parking temporary order of the police. He will find out how much they cost and present it at the next monthly meeting.

Fire Marshal:

- The Fire Marshal reported working 11 hours and 15 minutes and completed 5 inspections.

Borough Property:

- Mr. Mandolesi had to fix the back door at borough hall.
- Mr. Mandolesi sent out three bids for lawn service. He sent bids to Boone, Penn Green and Harvey Spencer. Mr. Wheeler has one more lawn service he would like Mr. Mandolesi to send a bid to.
- Mr. Mandolesi confirmed that he is still holding off on the wall repair. Mr. Johnson did receive the rules for the grant. The application needs to be submitted by March 24, 2016.

Trash:

- Mr. Lodise submitted the recycling report for the year.

Streets:

- The speed limit sign at the end of town was knocked down in an accident.
- The stop sign at Reetz & Lincoln is back up.
- Mr. Lodise fixed the downspout on the back of borough hall.

Personal: no report

Finance:

- Ms. Coleman came across an old passbook that showed a balance of \$168. She was not sure if the account was active or closed. Mr. Wheeler believes the account is closed but will look into the matter.

MS4: no report

Floodplain: no report

Zoning: no report

Solicitor Report:

Mr. DeBias will be working on the documents for Kiss Electric.

Mayor: no report

Treasurer's Report: Treasurer's Report of March 7, 2016 was made available for inspection:

- **General Fund Checking** Balance as of February 1, 2016: \$ 46,491.33
Expenses Totaled: \$ -24,307.65
Income Totaled: \$ 7,879.27
General Fund Checking Balance as of February 29, 2016: **\$ 30,062.95**
- **Sewer Fund Checking** Balance as of February 1, 2016: \$126,068.95
Expenses Totaled: \$ -17,619.88
Income Totaled: \$ 26,521.81
Sewer Fund Checking Balance as of February 29, 2016: **\$ 134,970.88**
- **Sewer Fund PLGIT** Balance as of January 1, 2016: \$350,834.19
Interest December: \$ 133,46
Deposit: \$ 0

Expense	\$ - 0
Sewer Fund PLGIT Balance as of February 29, 2016:	<u>\$350,967.65</u>
• Highway Aid PLGIT Balance as of January 1, 2016:	\$ 21,709.35
Interest December	\$ 7.01
Deposit	\$ 0
Expenses	<u>\$ -6,586.52</u>
Highway Aid PLGIT Balance as of February 29, 2016:	<u>\$ 15,129.84</u>
• General Fund PLGIT Balance as of January 1, 2016:	\$ 11,743.76
Interest December	\$ 4.47
Deposits	\$ 0
Expenses Total:	<u>\$ 0</u>
General Fund PLGIT Balance as of February 29, 2016:	<u>\$ 11,748.23</u>

Bills: A copy of the bill list dated March 7, 2016 was provided to Council and offered for review by the public. Note two bills were added one for Pickering, Corts and Summerson for \$896 and Tough Rugged Computing for \$2,518.34.

• General Fund beginning balance as of March 2, 2016:	\$ 38,712.70
ending balance as of March 7, 2016:	\$ 13,450.40
• Sewer & Water beginning balance as of March 7, 2016:	\$ 134,698.46
ending balance as of March 11, 2016:	\$ 118,405.17
• Highway Aid beginning balance as of March 7, 2016:	\$ 13,996.96
ending balance as of March 7, 2016:	\$ 12,871.96

A motion was duly made by Mr. Mandolesi seconded by Mr. Lodise and carried unanimously to approve the bill list dated March 7, 2016; motion carries 6-0-0.

Old Business:

- Mr. Johnson did make contact with the owner of the garage on Main Street. The owner will remove all debris from the back of the garage. He would like to keep the pallets there but will secure them. He is going to get a dumpster for the trash.

The meeting was adjourned at 10:32pm; motion made by Mr. Walton seconded by Mr. Mandolesi.

Respectfully Submitted

Dorothy Omietanski,
Hulmeville Borough Secretary