

**Milford Township Board of Supervisors’
Minutes of January 2, 2024 Meeting**

Call to Order: Chairman Charles Strunk called the meeting to order at 7:09 p.m.

Attendance: Supervisors present: Charles Strunk, Chair; John Mininger, Vice Chair; and Christian Haberle, Member. Staff present: Jeff Vey, Manager; Devan Ambron, Assistant Manager/Secretary/Treasurer; David Winkler, Public Works Director; Gregg Kravitsky, Zoning Officer; Pete Andersen, Penonni Engineering; and Kate Harper, Timoney Knox.

Approval of Minutes:

Approval of the Meeting Minutes of December 5, 2023 was tabled at this time.

Financial Report: Having reviewed the current bills list, Mr. Strunk made a **MOTION** to approve the invoices for payment, along with the Treasure’s Report of December 31, 2023. Mr. Haberle seconded the motion. The motion passed unanimously.

Mr. Vey presented the annual Contribution(s) to the Fire Companies totaling \$64,800 and the annual contribution to the Milford Township Volunteer Fire Company on behalf of the Upper Bucks Senior Citizens Activities Center for monthly rent totaling \$6,000.

Mr. Mininger made a **MOTION** to approve the annual contributions to the Milford Township, Trumbauersville, and Richland Township Volunteer Fire Companies and the contribution to the Milford Township Volunteer Fire Company on behalf of the Upper Bucks Senior Citizens Activities Center. Mr. Haberle seconded the motion. The motion passed unanimously.

Recognition of Board of Supervisor, Thomas Courduff: Mrs. Ambron recognized Mr. Courduff’s years of service and achievements. Mr. Courduff served as a Milford Township Supervisor for over 16-years. Mr. Courduff served on the Milford Trumbauersville Area Sewer Authority Board, Milford Township Water Authority Board, Pennsylvania State Association of Township Supervisors Watershed Advisory Council of the Delaware River Basin Committee, and a member of the Bucks County Planning Commission Technical Advisory Committee. Mr. Courduff was a member of Eastern Pennsylvania Water Pollution Control Operators Association for over 50-years and a Life Member and former President of Pennsylvania Municipal Authorities Association. Mr. Courduff was the recipient of the Governor’s Award for Local Excellence in 2000 along with the Sahli Award. Mr. Vey presented Mr. Courduff with an honorary plaque and thanked him for his dedication to Milford Township and its residents and stated it was an honor to work alongside Mr. Courduff.

Announcements:

Amendment to 2024 Meeting Schedule. Mr. Vey stated there is an amendment to the approved 2024 Meeting Schedule. The November Board of Supervisors meeting will take place Wednesday, November 6, 2024 due to Election Day falling on Tuesday, November 5, 2024. Mr. Vey announced a work session will be held Tuesday, January 9, 2024 at 8:00 a.m. at the Township Building and will be advertised as required.

Mr. Haberle made a **MOTION** to approve the amendment to the 2024 Meeting Schedule along with the addition of a Work Session to be held on Tuesday, January 9, 2024 at 8:00 a.m. at the Township Building. Mr. Mininger seconded the motion. The motion passed unanimously.

Donation of Property, Buck Road, TMP No. 23-001-088. Mr. Vey reported a donation of .31 acres of woodlands, located on Buck Road, have been donated to the township at no cost. This was done for tax purposes.

Mr. Mininger made a **MOITON** to accept the donation of property located on Buck Road, TMP No. 23-001-088, consisting of .31 acres. The motion was seconded by Mr. Haberle and passed unanimously.

Other Business:

Authorize Solicitor to Advertise Zoning Amendments. Mr. Vey presented the proposed Zoning Amendment which includes Sec 404.B6.a(5). Performance Standard Subdivision and 529. Exceptions to Building Height. Mr. Vey stated currently in the PI District, the maximum building height may be increased to fifty (50) feet provided that a special exception is granted by the Zoning Hearing Board. Mr. Vey stated the amendment would include the inclusion of the PC District and the site area is greater than 5-acres and meets the expressed criteria that is currently in the ordinance which states: All Fire Department equipment must be capable of accessing the building from all sides; The building must be equipped with a sprinkler system that utilizes sprinkler heads acceptable by the Board of Supervisors; Fire Department connections and standpipes must be installed in locations acceptable to the Board of Supervisors; and Applicant must grant to the Bucks County Airport Authority, its successors and assigns, an Avigation Easement that provides the Bucks County Airport Authority's, its successors and assigns, with the right, but no the obligation, to remove obstructions on any portion of the property in an Approach, Transitional, Horizontal and/or Conical Zone of the Airport Zone (See Section 643 and 644 below) where the potential exists for an obstruction to penetrate those zones creating a hazard to air navigation. Mr. Vey stated there has been discussions regarding the equipment needs of the Fire Company along with procedure. Mr. Vey questioned if this should be permitted by Special Exception with a fee of \$550 or Conditional Use where the fee is \$1,600. Mr. Vey stated it is his understanding that if they meet the expressed criteria for a Conditional Use approval an approval would be granted, and a Special Exception has the capability of more conditions being applied. Mr. Vey asked Mrs. Harper if there was wording, or what is the legality, to help meet the capital needs of the Fire Company. Can there be an imposition as a condition, to make some sort of contribution to the Fire Company over time. Mrs. Harper said the Board has the right to ask if the applicant will accept such conditions and the question is should that be done by the Board of Supervisors or Zoning Hearing Board. Mr. Vey asked if this could be done as a condition. Mrs. Harper replied it is always safer to ask. The amendment also includes a revision to Section 404.B6. Performance Standard Subdivision in the RD Zoning District, only single-family housing types (Sec. 404.B6.b (1) Single Family Detached, (2) Detached Dwelling-Off Center, and (3) Village House, shall be permitted by Conditional Use where the site is a minimum of 50-acres and adjoins an SRM or VC-2 Zoning District. Mr. Vey stated the amendment incorporates the inclusion of the VC-1 Zoning District and a condition to allow these uses is demonstration to the satisfaction of the Board of Supervisors that improvements for traffic impact are satisfactorily addressed. Mr. Vey asked if there were any problems with the PC-Planned Commercial District and the requirement for 5-acres being added to Section 529 and what the preference is, Zoning Hearing Board or Conditional Use. Mr. Vey stated he has always been under the impression that conditions are instilled to a Special Exception. Mrs. Harper said Special Exceptions and Conditional Uses are both allowed uses unless someone proves it is a detrimental use. Mr. Vey asked if the expressed criteria are met by a Conditional Use, can the Board of Supervisors add conditions. Mrs. Harper stated all Fire Department equipment access on all sides is already in there. Mr. Vey asked about contributing to the Fire Company for equipment that may be needed for taller building. Mrs. Harper stated the language may be changed to state the entire building, from all sides including the roof. Mr. Vey stated if it can be addressed by either board, then Conditional Use. Mr. Vey stated the amendment would be advertised for adoption at the February 6, 2024 Board of Supervisors meeting.

Mr. Mininger made a **MOTION** to authorize advertisement of the proposed Zoning Amendment. The motion was seconded by Mr. Haberle and passed unanimously.

Renewal of Township Manager Contract. Mrs. Harper stated the Township Managers Contract stays exactly the same with the exception that the contract is for a 2-year period, which is permitted.

Mr. Mininger made a **MOTION** to approval renewal of the Township Managers Contract for a 2-year period. The motion was seconded by Mr. Haberle and passed unanimously.

Land Development:

Moyer Milford Square, Preliminary Plan of Subdivision, 2060 Allentown Road, TMP No. 23-010-081. 3-Lot subdivision in the VC-2 Zoning District. The Preliminary Plan of Subdivision for the Moyer Milford Square proposal was tabled.

Powell, Preliminary Plan of Subdivision, Wright Road/Old Woods Road, TMP No. 23-020-064, 23-020-064-001, 23-020-066. Mr. Bob Irick of Irick, Eberhardt & Mientus was in attendance to present the proposal. Mr. Irick stated the lot line change involves three properties owned by Aaron and Elaina Powell, Dick and Nina Helm, and Milford Township. The properties are located on Old Woods and Wright Road. A total of approximately 143,000 square feet is being swapped. After conveyance each lot will remain the same size. Plans were submitted and reviewed by Pennoni Engineering, the Bucks County Planning Commission, and the Milford Township Planning Commission. Several conditions have been recommended which include a 25' wide easement to access the rear parcel so it does not become land locked. Mr. Powell stated a discussion was had regarding a fee simple conveyance and providing additional land for parking up to 5 cars, which is intended for a future trail. Other conditions include no further subdivision and reorientation of property lines. Mr. Irick asked the Board if there were any questions or concerns at this time. Mrs. Harper stated she has drafted a Resolution. The Township land was purchased using County Open Space funds and the Resolution will be required to be approved by the County. Mrs. Harper noted the Resolution grants the requested waivers. Mr. Mininger asked if the Powell's are okay with deed restriction. Mr. Irick stated they are. Mrs. Harper said the County should be okay with the swap, which enhances the open space that the County helped buy. Mr. Vey stated he did have a discussion with the County a few months ago and does not anticipate any problems. There will be need for a revision of deed restrictions. Mr. Strunk asked why Milford Township would want to do this. Mr. Vey stated we have the wooded land along Butter Creek. When acquired the original owner dictated the shape of the lot, this will clean up the shape. There is also a field that is unused which becomes a maintenance issue. The swap will also help the Powell's with their agricultural endeavor, which we always support and gives the Township access to the Butter Creek corridor which solves the problem on where a trail head could go. Mrs. Harper asked if we are certain the 25' access provides suitable ground for future use. Mr. Vey stated the easement goes along the hedge row to the woods. There was mention that there was an error noted, the site is to be served by public water and sewer. Mr. Vey stated the Resolution cleans that up listing that the site is served by on-lot water and septic. Mr. Irick noted there is no building proposed with this project and there is no net loss of open space. Mr. Strunk stated he likes the Township owned field. Mr. Vey asked Mr. Winkler if Public Works mows the field and how often. Mr. Winkler stated the field is mowed 2-3 times per year depending how wet it is. Mr. Helm stated the area the Powell's are willing to exchange is full of wildlife and he is glad it will be persevered for nature. There were no further comments at this time.

Mr. Mininger made a **MOTION** to approve **Resolution No. 2024-06**, granting Preliminary/Final approval, with conditions, for the application of Aaron Powell on Wright Road involving Milford Township open space preserved land. Mr. Haberle seconded the motion. Mr. Strunk voted nay. The motion passed.

Gold Street Properties (Biddle Tract), Preliminary Plan of Minor Subdivision, Krammes Road, TMP No. 23-010-012. Mr. William Benner of Benner and Wild, along with Bob Dandi of Gold Street Properties, and Mr. Bob Irick, of Irick, Eberhardt and Mientus, were in attendance to present the proposal. Mr. Benner stated the project was previously granted, by Resolution, final approval. Mr. Benner said the proposal is now a 2-lot subdivision. The change was initiated due to the Turnpike condemning a portion of the tract. The plan reflects compliance with the required regulations. Mr. Benner stated the proposal has received a favorable review from the Milford Township Planning Commission with conversation focused primarily on the Subdivision and Land Development Ordinance and road improvements. Mr. Benner stated Gold Street Properties is requesting Preliminary Plan approval at this time. The plans would need to be brought into compliance with the Pennoni review letter dated October 12, 2023 which include waiving improvements on Krammes Road, sidewalks, curbs, and the ownership and maintenance

of open space. The intent is to add a conservation easement to the 2-lots which the property owner will maintain. A discussion was had regarding stormwater management. The prior plan proposed connection of underground storm sewer pipe, a more simplified proposal would be to have these separate and distinct, an NPDES permit would not be needed for this approach, the Bucks County Conservation District has endorsed this approach. Mr. Irick stated the conservation easement equals the open space requirement and the right-of-way is offered for dedication. Two houses are proposed with a backup septic system for each lot. A fee-in-lieu of required recreation land would be offered. The applicant is requesting sediment and erosion be deferred until the time of building permit application as the lots will be sold individually and they would like the flexibility on where the house is to be built. Mr. Irick stated the applicant is also offering a fee-in-lieu of roadway improvements. Mrs. Harper stated she has drafted a Resolution and presented a summary. The plans must be revised in accordance with the Pennoni review letter dated October 12, 2023, and the Bucks County review letter dated November 16, 2023. Mr. Benner stated the applicant needs action on the requested waivers. The Resolution states a fee-in-lieu of road improvements, dedication of the ultimate right of way, and prior to Final Plan approval the plans must be revised. It is noted the preliminary approval will expire in two years from the date of the Resolution if plans for final subdivision approval are not submitted. Mr. Benner stated he would like to add that the timing of the fee-in-lieu be made at the time of issuance of an occupancy permit. Mrs. Harper stated that can be discussed at time of Final Plan approval. Mr. Benner stated with the anticipation of Preliminary Plan approval the project now has status for being placed on the market. Mrs. Harper said her worry would be if half is assigned to lot 1 and half to lot 2, and lot 2 is shocked by the cost it could be a problem. Mr. Irick stated the fee-in-lieu could be added to the agreement of sale. Mr. Strunk noted there are six zoning issues and 11 SALDO issues and it is not ready for approval. Mr. Benner stated some of the SALDO issues are very minor and standard. Some of the comments Mr. Andersen has raised are due to the waivers that were just discussed and if plans were submitted that addressed these comments the basic configuration would not change. Mr. Benner stated here are no problems with the draft Resolution. Mrs. Harper said the waivers and timing of contribution would be worked out with final approval. Mrs. Harper noted the conservation easement doubles with the PPL easement and asked if that impacts any additional restrictions. Mr. Vey stated that would depend on where the trail goes, the intent is to access Township open space. Mr. Benner noted PLL does not own the land. Mr. Irick stated he will sit down with Mr. Vey to discuss the best trail location. Mr. Benner said it is his understanding that the plan would show a 20' wide easement with no obligation on the developer it would be an easement for future use. Mr. Mininger asked Mr. Strunk what he would like to see for preliminary approval. Mr. Strunk said he thought we were too far away to grant preliminary. Mr. Mininger asked Mr. Haberle what his thoughts were. Mr. Haberle noted the Township will have the opportunity on final to make any adjustments and doesn't know if there is anything he is waiting for on the preliminary side. Mr. Benner said the only thing that will be seen with final would be the stormwater management, easement, roadside swales, and driveway pipes. Mr. Mininger pointed out that the Pennoni review letter comments Z-2 states the open space is to be dedicated to Milford Township, not fee simple. Mrs. Harper said that land would have to be added to the lots subject to a Conservation Easement. The grantee of the conservation easement would be Milford Township. The conservation easement would prevent further subdivision and structures within the easement. Mr. Benner added the only thing allowed in the conservation easement would be the trail easement. There was no further discussion.

Mr. Mininger made a **MOTION** to approve **Resolution No. 2024-07**, granting Preliminary Plan approval of a two-lot subdivision with conditions for Gold Street Properties, LLC, located on Krammes Road. The motion was seconded by Mr. Haberle and passed unanimously.

Milford Village, Section 1W-Stonewall Village Apartments, John Fries Highway, TMP No. 23-010-175-001. Mr. Del Markward and Mr. Marty Smith were in attendance. Mr. Smith distributed a revised waiver request letter dated January 2, 2024. The applicant is requesting Preliminary Plan approval for the Stonewall Village Apartment. Mr. Smith said discussions have been had with the Township a few times over the month and he would like to know where it stands. Mrs. Harper stated a draft Resolution was

distributed December 5, 2023, and she is unsure it reflects all discussion. Number 8 talks about a traffic study being done on Mill Hill Road. Mr. Markward stated he does not know where that stands. Mr. Courduff stated Mr. Hiser agreed to the traffic study at a meeting, and it was up to the discretion of the Township when the study went forward. Mrs. Harper said it should be done now to see if final approval needs more. Mr. Markward stated he does not believe a study should be done at this time and has requested a waiver. Mrs. Harper noted the Traffic Engineers are pretty good at predicting the needs. Mr. Markward said they have already agreed to do the improvements and Old Bethlehem Pike is a mile from Cherry Blossom Drive and there will be no idea what traffic will look like until people start using it. It may be 4-years until we have a good sense of what traffic will look like. Mr. Courduff noted that the Township receives phone complaints regarding traffic on Mill Hill Road. Mr. Courduff stated the roundabout had something to do with the traffic on Mill Hill Road and we would have had no idea what was going on until the roundabout was complete. Mr. Hiser agreed to that. If there is no change or traffic gets worse than a traffic study should be done, not a full one. Mr. Markward said they are in favor of doing what makes sense. Mr. Mininger inquired as to waiver request 5, location of electric, telephone and communication facilities, which requires all electric, telephone and communication facilities to be underground. It is noted on the request letter that the site is currently served by overhead cables and this request is to allow portions of the project to be served by overhead cables. Mr. Smith noted underground cables will also be utilized in most areas. Mr. Mininger asked where specifically the over electric and telephone lines are located. Mr. Markward said on the other side of Mill Hill Court, the west side. The lines cross over where Mill Hill has been relocated to cover the east side of Mill Hill Road with a set of cables lines on their side. Mrs. Harper said prior to final approval the plans must be revised to address concerns made by the Fire Company, Bucks County Planning Commission, etc. Mr. Haberle noted a waiver is being requested for curbs on Mill Hill Court and the Township owns property halfway down and to not install sidewalks prevents future connection. Mr. Smith said a trail or sidewalk will attach from Mill Hill to the Township property. Mr. Vey stated there was discussion that it is easier to put a trail head on the east side. Mr. Haberle asked if there was any opposition to allow parking for a trail head on that side of the road, some degree of access maybe an easement. Mr. Markward stated he does not have a problem on the front of it, but engineering will need to be done. Mr. Mininger stated he has no opinion of the requested waiver of pipe materials or size and as far as the underground utilities, he does not have a problem with keeping the existing poles. Mr. Mininger said he is still undecided with street standards and curbs, and most of the traffic is going to be generated by the apartments. Mr. Markward said it will be a back door driveway for the apartments. They have agreed to overlay the road, a full overlay to make a cleaner road and install a walking trail which will be fully paved down to the cul-de-sac. Mr. Mininger asked Mr. Winkler his opinion on curbs. Mr. Winkler asked where the stormwater will be going. Mr. Smith replied to the storm basin. Mr. Vey said it seems like an oversized inlet is in the cul-de-sac. Mr. Winkler asked if it will be overlaid all the way from the court to the cul-de-sac. Mr. Markward said yes. Mr. Vey asked if all the water from the cul-de-sac and parking heads east. Mr. Smith replied to the two basins located on the plan. Mrs. Harper noted the waivers presented tonight are not included in the draft Resolution. Mrs. Harper asked the Board if a traffic study should be done. Mr. Markward stated they do not want to do it and Mr. Smith mentioned it was done with the Conditional Use for the Seventh Revised Master Plan, as required. Mr. Smith said any future studies will include Old Bethlehem Pike and Mill Road. Mrs. Harper asked if the latest revision date is on the plan. Mr. Smith said it has been drawn but not submitted yet. Mrs. Harper said the traffic study should be pulled and reviewed and it would not be voted on tonight. The plan was tabled.

Correspondence:

Bucks County Airport Authority Meeting Minutes. Mr. Mininger stated the Bucks County Airport Authority Meeting Minutes of November 8, 2023 are available for review.

Quakertown Area Planning Committee Meeting Minutes. Mr. Vey reported the Rotho Blaas Sketch Plan was discussed at the October 10, 2023 Quakertown Area Planning Committee Meeting. After

discussing the proposal, it was decided that a review letter would be sent with the Bucks County Planning Commission comments related to the proposed use, existing dwelling, transportation impact study, street improvements, recreation land facilities, registered landscape architect, screening, and sewage facilities. Additional comments about the lighting, refuse collection and stormwater management were to be added to the review.

Milford Township Water Authority Meeting Minutes. Mr. Vey reported the Milford Township Water Authority Meeting Minutes of November 14, 2023 report Trumbauersville Borough is finalizing the plan for interconnection at Well #3. Upon completion of the plan, it will be presented to the Board for review and comment.

Milford Trumbauersville Area Sewer Authority Meeting Minutes. Mr. Vey stated the Milford Trumbauersville Area Sewer Authority Meeting Minutes of November 20, 2023 discuss the update of the 537 Plan, the completion of the pad and driveway for the new building on Allentown Road, and receipt of revised plans for the Turnpike interchange. Pennoni has applied for a permit to work in the stream for the sewer main repair.

Reports:

Code Enforcement Departmental Report. Mr. Kravitsky presented the December 2023 Code Enforcement Report. A total of 16 permits were issued in December: 7 residential renovation permits, 1 residential accessory permit, 2 commercial permits, 5 zoning permits, and 1 single family dwelling. A total of 11 Use & Occupancy permits were issued and 11 fire inspections were performed. No Zoning Hearing Board applications were received.

Public Works Departmental Report. Mr. Winkler presented the December 2023 Departmental Report. The Public Works Department had a busy month cleaning up after storms. Weiss Road had to be closed twice and Walnut Lane was closed for two days due to poles falling in the roadway. The crew finished putting up snowplow stakes throughout the Township. Dead trees were removed from the right-of-way on Carvers Hill, Canary and Old Woods Road and ditches were cleaned on Fels Road.

Park Board Minutes. Mr. Vey presented the December 13, 2023 Park Board Meeting Minutes. The Board discussed the brush clearing at Fernbrook Park along with removal of trees that were hanging over the trail. The pavilion is scheduled for demolition in the spring. The Park Board discussed the splash pad and Ms. Gigova and Mr. Hertz met earlier in the month to discuss the butterfly garden. Further discussion will be had on the plantings and a timeline for working on the project. Field reservations will be discussed at the next meeting.

Milford Fire Company Report. Chief Butler presented the Milford Fire Company December 2023 Report. Chief Butler reported a total of 21 calls were received for the month, 361 for the year. The Special Service vehicle should be done and heading to get outfitted the end of the month. Chief Butler said he hopes to have the vehicle in service in March. The purchase of a new engine is moving forward. The State Grant and AFG grant are being worked on. Chief Butler said year-end reports should be distributed this week.

Trumbauersville Fire Company Report. Mr. Strunk stated the Trumbauersville Fire Company Report is available for review.

Manager Reports. Mr. Vey stated he has nothing new to report.

Escrow Release:

Chatham Creek, Millstone at Park Side, Foulkes Mill Road, TMP No. 23-010-145, Escrow Release Request #5. Mr. Andersen stated there aren't any issues preventing approval of the requested escrow release.

Mr. Mininger made a **MOTION** to approve the Chatham Creek, Millstone at Parkside Escrow Release #5 in the amount of \$822,099.90. Mr. Strunk seconded the motion. The motion passed unanimously.

Mr. Haberle submitted a letter to the Township regarding health insurance required by 1933 Act 69.

Mr. Mininger asked is there was an update on Foulkes Mill Road construction. Mr. Andersen stated the road is open to local traffic. There seems to be one problem after another. Some of the watermain had to be reconstructed. Some of our instructions have been misinterpreted regarding the sanitary sewer. Mr. Vey asked Mr. Winkler if we can access the road to plow. Mr. Winkler stated yes.

Adjourn:

With there being no further business Mr. Mininger made a motion to adjourn the regular scheduled meeting of the Board of Supervisors at 9:11 p.m. Mr. Strunk seconded the motion and the motion passed unanimously.