

**Milford Township Board of Supervisors’
Minutes of July 2, 2024**

Call to Order: Vice Chair Mininger called the meeting to order at 7:02 p.m.

Attendance: Supervisors present: John Mininger, Vice Chair; and Christian Haberle, Member; Charles Strunk, Chair was absent. Staff present: Jeff Vey, Manager; Devan Ambron, Assistant Manager/Secretary/Treasurer; Pete Andersen, Pennoni, and Kate Harper, Timoney Knox.

Approval of Minutes: Mr. Haberle made a **MOTION** to approve the Minutes of June 4, 2024. Mr. Mininger seconded the motion. The motion passed unanimously.

Financial Report: Having reviewed the current bills list, Mr. Haberle made a **MOTION** to approve the invoices for payment, along with the Treasure’s Report of May 31, 2024. The motion was seconded by Mr. Mininger and passed unanimously.

Public Hearing:

Conditional Use. 400 Commerce Drive Associates LP, 400 Commerce Drive, TMP No. 23-010-168-004. Proposed warehouse use in the Arterial Overlay District. Mrs. Harper opened the hearing at 7:03 p.m. Mrs. Harper stated the applicant seeks Conditional Use approval as the site is located in the Arterial Overlay District. The applicant has requested the hearing be continued to August 6, 2024. Mrs. Harper marked the exhibits, T-1 Proof of Publication and T-2 Letter from Benner and Wild confirming their client request to continue the hearing to August 6, 2024. Mrs. Harper noted the reason for the requested continuance is the Zoning Hearing Board is holding a hearing on part of the application on July 9, 2024, and the Board of Supervisors cannot grant an approval unless zoning approval is granted.

Mr. Haberle made a **MOTION** to approve the continuance of the Conditional Use Hearing of Four Hundred Commerce Drive Associates LP, to a date certain, August 6, 2024. The motion was seconded by Mr. Mininger and passed unanimously.

Zoning Hearing Board:

Four Hundred Commerce Drive Associates LP, 400 Commerce Drive, TMP No. 23-010-168-004. Mr. Kravitsky stated the Zoning Hearing Board will meet on Tuesday, July 9, 2024, at 7:00 p.m. to hear the application of Four Hundred Commerce Drive Associates LP for the property located at 400 Commerce Drive. The applicants seek a Variance to permit a driveway opening measured at the street line to be approximately 42 feet where 35 feet is permitted under Section 519.f.

Other Business:

Awarding of Splash Pad Safety Surface Bid. Mr. Vey stated requests for bids for surfacing of the splash pad was advertised. One bid was received from Safety Surfaces and Coatings, LLC with a total bid amount of \$35,810. The bid includes a two-color design with a wave detail with installation on July 8, 2024.

Mr. Haberle made a **MOTION** to award the Splash Pad Safety Surface Bid to Safety Surfaces and Coatings, LLC with a bid amount of \$35,810. Mr. Mininger seconded the motion. The motion passed unanimously.

PennDOT Right-of-Way Acquisition/Temporary Construction Easement Allentown Road/Route 663. Mr. Vey stated PennDOT has submitted documentation for required right of way acquisition, drainage easement, channel easement, riparian buffer easement, and a temporary construction easement for the 663/Allentown Road widening project. Mr. Vey noted all documentation seems to be in order and asked Mrs. Harper if we must worry that the deed is in the consideration of the sum of \$1. Mrs. Harper stated no. Mr. Collins of Mill Hill Road asked if this purchase gives PennDOT additional property. Mr. Vey stated yes, it is right of way for construction.

Mr. Haberle made a **MOTION** to approve the Settlement Statement for Direct and Indirect Damages totaling \$13,300 along with **Resolution No. 2024-16**, granting approval for Charles Strunk to execute any documents related to the Pennsylvania Department of Transportation, Offer to Purchase and Summary of Just Compensation. Mr. Mininger seconded the motion. The motion passed unanimously.

Allentown Road Speed Limit Reduction Request. Mr. Vey reported a request has been received from Alex Parzych of Allentown Road to reduce the speed limit on Allentown Road between Steinsburg/Rosedale Road and Limeport Road. Mr. Parzych has reached out to the PennDOT Traffic Unit. It was explained that in order for the department to change the speed limit the township would need to request a speed limit study to see if a change is warranted. It was noted the department will field view the location in the coming weeks to see what counter measurers can be implemented to improve safety at the location. Mr. Winkler stated the answer isn’t dropping the speed and there is no point in going from 40 mph to 35 mph. Mr. Mininger stated he drove the area and notice the curve ahead sign is leaning over. Mr. Winkler stated a request for different types of signage could be made. Mr. Vey said there are advisory 20 mph signs in place and when you hit the turn there is a

very visible arrow with 2 diamonds, there are also stop ahead warning signs in the area. Mr. Haberle said he recommends holding the request until PennDOT field views the location as noted in their email to which Mr. Mininger agreed.

Purchasing of Garage Door Openers. Mr. Vey reported two quotes have been received for garage door openers for the newly constructed garage at the administrative building, one from G.C. Nichols in the amount of \$2,300 and the other from Gruber Doors LLC in the amount of \$2,634.60. Mr. Vey stated he recommends approval of the Gruber Doors LLC quote. The difference between the two quotes is the G.C. Nichols requires the light in bay one to be moved and an electrical outlet to be installed. Gruber on the larger door, proposes a jackshaft opener with the others being chain.

Mr. Mininger made a **MOTION** to accept the quote from Gruber Doors LLC, in the amount of \$2,634.60 for the installation of 4 garage door openers. The motion was seconded by Mr. Haberle and passed unanimously.

Pool Pro Service Contract. Mr. Vey stated under the State Swimming Pool Regulations we are required to have a commercial pesticide license for the administering of chemicals to the splash pad and having 3rd party at this point gets us up and running.

Mr. Mininger made a **MOTION** to accept the Pool Pro Service Contract for the administering of chemicals to the splash pad. Mr. Haberle seconded the motion. The motion passed unanimously.

Holding Tank Request, 1770 Wentz Road, TMP No. 23-002-144. Mr. Vey reported a request to waive holding tank requirements has been received to enable a hair salon at 1770 Wentz Road. Mr. Vey stated this is problematic. The Act 537 Plan states holding tanks are limited to the correction of failing on-lot sewage disposal systems only after all other reasonable corrective measures have been taken. A discussion was had regarding the existing holding tanks in the township. Per Ordinance, a \$1,000 bond is required to ensure the installation, maintenance, and use of the holding tank is in accordance with the terms in the ordinance. Mr. Mininger stated spoke with the Health Department regarding the request and since this is a commercial operation a DEP permit would be required. Mr. Vey stated he thinks the answer is no. Mr. Mininger said he is leaning that way, however; he does not think the request seems unacceptable. Mrs. Harper said the use would be considered a nonimpact accessory use. Mr. Vey noted the problem is the holding tank not the business. Mrs. Harper said you are required by state to allow the use, however; she does not think you are required to allow a holding tank, and this business is a home-based business that has impact. Mr. Mininger noted he has no problem with the use itself. Mr. Vey asked if the wording in the 537 should be changed to allow holding tanks and incinerating toilets. Mr. Haberle said he would like more information from DEP, there may be a benefit to a holding tank and installation could be contingent upon the tank being removed if the business wasn't in operation. Mr. Robert Smith asked if the property owner who made the request has a marginal system. Mr. Vey stated no, the septic system is functioning, it is not adequately sized to handle an accessory hairdresser use. Mr. Haberle asked if passing the 537 prohibits the ability to permit in the future. Mr. Vey replied what the 537 plan says is holding tanks are not permitted and are only allowed for repair and asked what we want to allow. The ordinance states an annual permit, contract with an approved hauler and receiver, requirement for alarms, and implications of inspections. Mr. Vey stated the Act 537 needs to get passed and he will send wording out. The holding tank regulations need to be resolved then application can be made to DEP. There are also appendix's that need to be revised. Mr. Haberle said he thinks this is a separate issue and has no intention of changing the 537 for this request. Mr. Vey asked if incinerating toilets should be addressed to which Mr. Mininger and Mr. Haberle stated no.

Dedication of Mill Hill Road East Extension. Mrs. Harper said the engineer is okay with accepting dedication of Mill Hill Road East Extension through LifeQuest, however; there is a disagreement with the maintenance security. Mr. Vey stated there is a plan that shows Delores Drive up to Alpas/SKAOS shown as a private road, which should be included in the 18-month maintenance security. Mr. Markward has noted this is a private road and is not being offered for dedication. Mr. Vey said there is good potential that Delores will become a public road with access to Old Bethlehem Pike. It was questioned if Delores is a private road and is not being dedicated, then why would financial security be needed. If there was roadway failure it would be up to them to repair. Mr. Vey asked if the township should hold the 18-month security and inspect at the end of the maintenance period. Mrs. Harper said Mill Hill Road East is a public road and Delores Drive is private, nevertheless, money should be escrowed for benefits of the public. Mr. Vey noted deliveries will be made from 663 and private access to the Alpas site will be made off Old Bethlehem Pike. Mr. Vey asked Mr. Andersen regarding the Delores Drive portion of roadway, what 15% cost would be. Mr. Andersen said approximately \$30,000. Mrs. Harper stated they are asking to not put up that money and stated if the Board wanted to accept dedication of Mill Hill Road East, which is acceptable in view of the engineer, it should be conditioned upon an acceptable security. Mr. Andersen noted LifeQuest is responsible for storm sewer, lighting, and landscaping. All public improvements will have escrow posted and feels Delores should be included and Delores was part of the original escrow. Mr. Mininger said he has no problems accepting dedication conditioned upon approval of the attorney, engineer, and manager. Mr. Andersen said the maintenance amount needs to be discussed and they are ready to dedicate. Mr. Haberle clarified that there is no question on 15% contingency of Mill Hill Road East and the problem is with 15% of Delores Drive. Mr. Haberle said at this point Delores Drive has no use and is blocked off and when Alpas goes to develop that would give the township the opportunity to addresses it. Mr. Andersen stated that is a good point and an inspection could be performed then. Mr. Haberle said he sees the benefit to not have an

escrow in place for a road that is not built. Mr. Mininger asked if there were any stormwater issues to which Mr. Andersen stated no and escrow will be kept for storm sewer on Delores Drive. Mr. Mininger stated he is okay with the exclusion of Delores Drive in the maintenance escrow if there is adequate posting of security for the maintenance period. Mr. Mininger asked if that sounded reasonable to staff. Mr. Andersen stated a punch list was issued last week for the portion of Mill Hill Road East running through St. Luke's property. He is hopeful that next month the St. Luke's portion can be dedicated followed by the western boundary through Portzer Road.

Mr. Haberle made a **MOTION** to accept the Deed of Dedication of Mill Hill Road East as presented, contingent upon significant escrow being provided in the financial security agreement for maintenance period to end in 18 months. The motion was seconded by Mr. Mininger and passed unanimously.

Correspondence:

Quakertown Borough Fire Police Assistance Request. Mr. Vey stated a request has been received from Quakertown Borough for Fire Police assistance at the annual Fourth of July Community Day Celebration. The event is scheduled to take place July 4, 2024.

Mr. Mininger made a **MOTION** to approve the request made by Quakertown Borough for the annual Fourth of July Community Day Celebration taking place on July 4, 2024. The motion was seconded by Mr. Haberle and passed unanimously.

Bucks County Airport Authority Meeting Minutes. Mr. Mininger reported the apron project is going well and should be done by the end of the month. The Young Eagles cancelled in July and will start again in August.

Quakertown Area Planning Committee Meeting Minutes. Mr. Vey reported the QAPC minutes note a meeting was had with QAPC and PennDOT to discuss maintenance and capital projects. The QAPC reviewed the Conditional Use for Last Chance Ranch and a Zoning Map amendment on Tollgate Road in Richland Township. The action was to endorse the recommendations in the Bucks County Planning Commission review.

Milford Township Water Authority Meeting Minutes. Mr. Vey stated the meeting minutes of May 14, 2024 are available for review. The minutes reflect escrow releases and the preparation of bid documents for the painting of the water tower. Mr. Andersen stated the bid documents will be available this year for a spring of 2025 start. Mr. Mininger asked what the cost would be for the painting project. Mr. Andersen stated approximately \$1.5 million.

Milford Trumbauersville Area Sewer Authority Meeting Minutes. Mr. Vey stated the meeting minutes of May 20, 2024 reflect PennDOT's submission of a revised right of way plan providing a right turn lane to avoid conflict with the pump station. A discussion was had regarding the turnpike interchange. Mr. Vey stated the minutes are available for review. Mr. Robert Smith stated the Authority is waiting for the 537 to be submitted to DEP along with the copper study that will take 2-years.

Reports:

Code Enforcement Departmental Report. Mr. Kravitsky presented the June 2024 Report. A total of 25 permits were issued in June: 9 residential renovation permits, 3 commercial permits, 5 zoning permits, 5 residential accessory permits, 1 single family dwelling, and 2 residential additions. A total of 13 Use & Occupancy permits were issued and 11 fire inspections were performed.

Public Works Departmental Report. Mr. Winkler presented the June 2024 Public Works Report. Mr. Winkler stated most of the month was spent on the splash pad. 17 yards of concrete was poured and the plumbing for the pumps was completed. The electrical inspector was out to perform an inspection. All the bonding passed and has been backfilled. Weed spraying along curbing and guide rails was completed throughout the township. The crew installed certified playground mulch at both playgrounds at Valley View II and repaired the Milford Pointe walking trail along Rosenberger Road. The site distance was opened at Engelman Bridge.

Bucks County Consortium 2024 Fuel Bid. Mr. Winkler stated he is looking for approval for the 2024 Bucks County Consortium Fuel Bid for ultra-low sulfur diesel and unleaded gasoline. The lowest bidder was Riggins.

Mr. Mininger made a **MOTION** to accept the 2024 Bucks County Consortium Fuel Bid and award to Riggins, Inc. for delivery of ultra-low sulfur diesel and unleaded gasoline. Mr. Haberle seconded the motion. The motion passed unanimously.

Park Board Meeting Minutes. Mr. Vey presented the June 12, 2024 Park Board Meeting Minutes. The minutes reflect maintenance issues with trash in township owned open space. Debris clean-up will be given more time and attention this fall. Mr. Jerry Hertz will continue with the arboretum path this fall to ensure all poison ivy/sumac is dead. A discussion was had regarding a sunshade for the stage area for the concerts in the park. The plantings around the stage are in and there was an incident with deer eating some of the foliage. The Healthy Kids Running would like to use the track only at Molasses Creek Park in the fall.

Trumbauersville Fire Company Report. Mr. Mininger stated the written report is available for review.

Milford Fire Company Report. Mr. Mininger stated the written report is available for review.

Manager Report. Archeology/Michael Baker Professional Contract Agreement. Mr. Vey stated he has had discussion with Michael Baker Institute to contract services for archeological services. This will be on the next Board of Supervisors Meeting Agenda for discussion.

Archewild Services. Mr. Vey stated he has had discussions with Archewild regarding streambank restoration. A contract will be presented at the next Board of Supervisors Meeting.

Escrow Release:

300 Commerce Drive, Parking Lot Expansion, TMP No. 23-010-168-003. In House Escrow Transfer Request. A request has been received from Three Hundred Commerce Drive to transfer existing funds, approximately \$4,000, from the In-House Escrow Fund to the newly created Construction Escrow Account.

Mr. Mininger made a **MOTION** to approve the funds remaining in the In-House Escrow Account be transferred to the Construction Escrow Account. The motion was seconded by Mr. Haberle and passed unanimously.

Public Comment on Non-Agenda Items:

Mr. Ray Dougherty of Lucky Lane stated the township open space has been cut to the ground causing water problems on his property. The trees were part of the plan and conservation rules and laws state they should be kept there. This will speed up the volume of water and cause erosion. The lights across the street are now on a motion detector and shine right into his house. Mr. Dougherty stated he did a right to know request and discovered Mr. Kravitsky was over to meet with the neighbor and exchanged information to make it look like he was harassing her. Mr. Dougherty stated Mr. Kravitsky only inspected 1 light, there was a camera overlooking the patio and you can still see the lens of the light in his bathroom. The neighbor's driveway was cut, covered with crushed stone and sod that has died and rotted, and still goes up to the property. The fence behind the driveway had a ditch dug and rocks were placed to divert water onto his property ruining the improvements he made. The dirt is being dug out along his property and in the winter, there is nowhere for the water to go, and it ices the sidewalk. Mr. Dougherty further stated there are dead branches from the neighbor's trees that hang over his property and the neighbors shed is too close to the property line and lights hit the windows of the shed preventing him from sitting on his deck without seeing the lights. Mr. Dougherty said he is not going to be going anywhere anytime soon and there is a lot to be taken care of before he can. The township needs to conclude what they said they would take care of, the fencing. Mr. Dougherty asked why there are only two properties left that are causing problems. It was stated that the downspout on the neighbor's house runs to the curb and the cracks across the driveway may be allowing the water to be running into the electric lines. The cracks in the street were fixed and they are back already. Mr. Dougherty said the neighbor's dogs bark all day nonstop. Bark collars were put on them and now the collars disappeared. The sign in the neighbor's yard that reads 27 POS is still up and has been up since August 20, 2023. It was taken down at one point and time then reappeared. Mr. Dougherty said there must have been a verbal warning because he found no evidence with the right to know he submitted. He did complain to Mr. Kravitsky and one sign was removed by another neighbor, but the other sign remains. Mr. Dougherty said the last thing is the patio next door that crosses the property line. The patio is nonpermeable and fills up with water. Sometime last year the water was made to go towards the shed then down the property line. He wants these things to come to an end. Mr. Dougherty said he asked Mr. Kravitsky to come out to go over the final projects, which need to be done before he can sell, and there is an outstanding bill he would like sent to him. Mr. Dougherty noted he would not have these issues if he had known there was a Homeowner's Association.

Mr. Robert Smith of Hillcrest Road inquired as to the property the school district owns on Pumping Station Road and asked if there was an update on the plan and how this will affect the neighboring properties. Mr. Vey stated revisions have not been submitted, everything has evolved around a spine road that will curve to connect to Old Bethlehem Pike. Wetlands are present in that area and the latest discussion had was that a plan be submitted with connection to East Swamp and vacate at the church. Mr. Vey stated they are in the process of updating the plan and he can't say what is going to happen. Mrs. Harper said they are talking about single family dwellings and the original plans were cutting off Pumping Station. Mr. Smith asked if Pumping Station would stay open. Mrs. Harper stated the developer would rather not build the spine road and again, nothing has been submitted. Mr. Haberle stated he did see Bucks County Court approved the sale of the property. Mr. Smith said he has one other question regarding Foulkes Mill Road. We are now into year 2 of a 60-day closure. Mr. Smith asked if the signs are ever going to be taken down. Mr. Andersen said Foulkes Mill was widened last week and a meeting was had with PennDOT and adjustments had to be made. The road will be open after the paving of Allentown Road and Foulkes Mill Road. Mr. Andersen said he thinks the signs can come down and he will notify the inspector.

Adjournment: With there being no further business Mr. Haberle made a **MOTION** to adjourn the meeting of July 2, 2024 at 8:26 p.m. The motion was seconded by Mr. Mininger and passed unanimously.