

**WRIGHTSTOWN TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF MEETING OF NOVEMBER 17, 2003**

The Wrightstown Township Board of Supervisors Meeting was called to order at 8:00 p.m. by Chair Chester S. Pogonowski. In attendance were Vice-Chair Jane B. Magne and Member/Treasurer Allen G. Masenheimer. Also in attendance were Township Solicitor Terry W. Clemons and Township Administrator Eileen M. Bradley.

The Minutes of the Board of Supervisors Meetings for November 3, 8 and 10, 2003 were accepted as presented.

Ms. Magne made a motion, seconded by Mr. Masenheimer, to authorize payment of Bills dated November 17 in the amount of \$114,546.35. All were in favor.

Ms. Magne made a motion, seconded by Mr. Masenheimer, to authorize payment of Escrow Bills dated November 17, 2003 in the amount of \$4,640.00. All were in favor.

REPORTS: The following reports were presented for October 2003: the Lingohocken Fire Report; the Treasurer's Report; the District Justice Report.

SOLICITOR'S COMMENTS: Land Acquisition: Trivellini Property:

Mr. Clemons related to the Board that the Bucks County Agricultural Preservation Program acquisition of the Trivellini Agricultural Conservation Easement had been approved by the State Agricultural Conservation Commission. Settlement would occur before the end of the year.

Eureka Stone Quarry Litigation Settlement: Mr. Clemons stated that Wrightstown Township and Eureka Stone Quarry were close to a settlement of litigation related to a violation of setbacks by Eureka Stone Quarry. Mr. Clemons gave a brief history of quarry-related litigation dating back to 1977.

Mr. Clemons then reviewed highlights of the proposed settlement agreement:

Eureka Stone Quarry, Inc. may extract stone from 29 acres of the 81 acre Atkinson Farm; this will not result in an increase in the number of tons of stone per year which can be shipped from the Quarry; Eureka will deed restrict the remaining 52 acres of the Atkinson Farm from ever being quarried;

Eureka Stone Quarry, Inc. agrees to enter into a Well Loss Protection agreement for properties within 1,500 feet of its quarries that experience a loss of quality or quantity of water, without having to prove cause;

Eureka will deed restrict ALL property owned by Eureka that is not in the QA District from ever being quarried, or being used for any other quarrying activity; Eureka will agree to never establish a ready-mix concrete plant at the Rush Valley One or Rush Valley Two Quarries;

Eureka will convey to the Township the 18 acre Smith Farm, located along Neshaminy Creek between the Davis Feed Mill and the Bridge to Sackettsford Road;

Eureka will contribute \$75,000.00 to the Township to be applied to the costs of the installation of the traffic light at the intersection of Route 232 and Swamp Road; Eureka will contribute to the Township the sum of \$1,200,000.00;

Eureka will repair the barn in Rushland and keep it properly maintained;

Eureka will establish a tire cleaning facility at both quarries; Eureka will install a load wetting facility at the Rush Valley One Quarry; Eureka will maintain the roadway in front of the Rush Valley One Quarry such that it is free of dust and debris;

Eureka will agree to never seek from PADOT to construct a quarry entrance on Second Street Pike; Eureka will provide a plan and a metes and bounds description of the area which is approved for extraction on the Atkinson tract, provide aerial photographs on an annual basis which will permit the Township to determine where extraction activities are occurring;

Eureka will maintain the bituminous asphalt plant and crushing operations at their present location for a period of not less than twenty (20) years. When moved, it must be in an area having an elevation deeper than its present location;

Eureka will construct an approved landscaped berm around the area where extraction is permitted before any extraction may take place; Eureka will agree to maintain and operate all dust suppression equipment at both Quarries in good and operating condition at all times; Eureka will agree to pay a fine to the Township in the amount of \$150.00 per day for each day that dust from the Quarry operations leaves the site;

Eureka will notify all persons who request their name to be on a notification list that a blast is about to occur; Eureka will

design all blasts at the Rush Valley One Quarry such that the maximum peak particle velocity at structures not owned by Eureka shall be 0.5 inches per second; no blast will exceed 0.75 inches per second;

Eureka will install reverse activated strobes on quarry equipment for use during nighttime operations; Eureka will limit extraction and crushing operations at the Rush Valley Two Quarry to the hours of 7 a.m. to 5 p.m. Monday through Friday, with shipping to occur only from 6 a.m. to 6 p.m. The only weekend activities would be maintenance of equipment;

Eureka will maintain well monitoring data and supply to the Township on the same basis that it provides it to the Department of Environmental Protection.

Mr. Pogonowski called for public comment on this issue.

Mr. John Fowler of Wrightstown Road asked how many years of operation was expected from the quarries. Mr. Clemons said that Rush Valley II had 10 years at its present level of extraction. Rush Valley I had at least 75 years, an additional 25 years with the Atkinson area. All remaining lands would be deed restricted.

Mr. Fowler questioned the late hours of operation, at 1: to 2:00 a.m. Mr. Clemons said that there was no way to restrict hours to daylight, as state contracts often called for evening paving. Hours of operation would be restricted for Rush Valley II.

Mr. Fowler also complained of noise and dust emanating from Better Materials Quarry (BMC). Mr. Clemons said that the Board was attempting to arrange a meeting with the new owners of BMC to discuss multiple issues.

Mr. Mark Shablin of Swamp Road asked where blast monitoring would occur. Mr. Clemons explained that DEP regulations set one site, but that the Township would select the secondary site.

Mr. Shablin mentioned that the landscaping at BMC needed improvement, and hoped that the Eureka plan would be better. Mr. Pogonowski said that the landscape plan would be reviewed and approved by the Board. Berms would be lowered once the quarries ceased operation.

Mr. Shablin asked how the limits of extraction would be enforced. Mr. Clemons noted that aerial photography and

financial reporting would assist in keeping tabs on the rates of extraction.

ADMINISTRATORS COMMENTS: Proposed 2004 Budget: Ms Bradley presented the Preliminary 2004 Budget, with projected revenue of \$1,564,720.68 and expenditures of \$1,357,057.67. The Proposed Final 2004 Budget would be adopted on December 15, 2003. Mr. Pogonowski made a motion, seconded by Ms. Magne, to approve the Preliminary 2004 Budget. All were in favor.

Mr. Pogonowski called for public comment. Mr. Scott Anderson of Worthington Mill Road asked for an update on the requested safety study for Swamp Road. Mr. Pogonowski stated that two letters had been sent to PADOT requesting a study of area roads. No reply had been received from Andrew Warren. The second letter, sent to Transportation Secretary Allen Biehler and copied to Mr. Warren, went out this week. A meeting was also scheduled in Harrisburg with state legislators, PADOT and area managers to discuss common issues. Mr. Pogonowski said that residents could contact Mr. Warren at PADOT with their concerns. Ms. Magne added that Representative Scott Petri would also send a letter of support to Secretary Biehler on behalf of Wrightstown Township requesting a traffic safety study.

Mr. David Dutko of Worthington Mill Road said that this winter would be the first with a four-way stop at Worthington Mill and Swamp Roads. Swamp Road had already iced over this season, and the culvert had to be addressed before the winter. Ms. Bradley would contact PADOT Maintenance to see what could be done.

ROADMASTER REPORT: Mr. Masenheimer noted that the township had taken possession of a new dump truck. The Township would be requesting bids for the old 1985 GMC Dump Truck.

UNFINISHED BUSINESS: Szarko Minor Subdivision Preliminary Plan: Appearing for the applicant were owner Mr. De Forrest Martin, developer Joseph Szarko, and engineer Heath Dumack of Ralph Dumack, Engineers.

Mr. Dumack expressed that the applicant would comply with Pickering, Corts and Summerson, Inc. recommendations. Ms. Magne suggested a tree buffer along the Lot #1 property line. Mr. Szarko preferred to withhold commitment to the buffer until the lot was landscaped as part of construction of the home on Lot #1.

Mr. Pogonowski expressed concern about drainage on Wrightstown Road as the applicant did not propose any stormwater drainage facilities. Mr. Dumack said that he had met with Township Engineer Mario Canales that morning to discuss the installation of French drains along driveways. The drains were oversized to handle more than would be required.

Mr. Charles Doherty of Pickering, Corts and Summerson, Inc. expressed concern that the proposed French drains were designed to handle the proposed impervious surface only. Any future additional impervious had not been addressed by the applicant. Mr. Dumack said that the applicant was not interested in increasing the stormwater oddslot dropping odds management system.

Mr. Clemons asked that the plans be revised to show a table of proposed and maximum impervious surface. He suggested that as a condition of approval, each lot be restricted to the proposed area.

Mr. Martin said that he would agree to restrict the impervious surface of each lot to the amount for which they were currently designed. Mr. Pogonowski instructed Mr. Clemons to draft a resolution for the next meeting.

A Letter of Extension to December 31, 2003 was granted and signed. Mr. Szarko asked if he could clear trees off the lots. Mr. Pogonowski said that nothing could be done until approval.

NEW BUSINESS: Schaffer Minor Subdivision Sketch Plan:

Appearing for the applicant were owner Mr. Don Schaffer, engineer Curtis Rittler, and Mr. Donald Marshall, Esquire.

Mr. Marshall presented a two-lot subdivision consisting of a 2.01 acre lot, a 7.68 acre lot and two acres to be retained as open space. On-lot sand mounds and wells were proposed. The larger lot would also be deed restricted against further subdivision. A septic easement existed with an adjoining property that would be removed by selling two acres to the homeowner.

Mr. Pogonowski expressed concern that the proposed septic system for Lot #1 encroached on an adjacent property line. It was also believed that the system was proposed within an existing drainage swale. Mr. Marshall said that the applicant would consult with De Val Soil to address the issue.

Mr. Tom Iden of Rushland Road pointed out the existing swale as well, along with possible driveway issues. Mr. Pogonowski suggested that the applicant research further.

Letters of Extension: The following Letters of Extension were approved on a motion by Mr. Masenheimer, seconded by Ms. Magne: Reshetar/Park Avenue 8-lot Major Subdivision Preliminary Plan to December 31, 2003; Szarko Minor Subdivision Preliminary Plan to December 31, 2003. All were in favor.

There being no further comment or business, Mr. Masenheimer made a motion, seconded by Ms. Magne, to adjourn the meeting at 10:58 p.m. All were in favor.

Respectfully Submitted,

Eileen M. Bradley
Township Administrator