

MINUTES OF THE MEETING OF THE LOWER SOUTHAMPTON TOWNSHIP BOARD OF SUPERVISORS HELD ON WEDNESDAY, DECEMBER 11, 2013 AT 7:30 PM IN THE ADMINISTRATION BUILDING, 1500 DESIRE AVENUE, FEASTERVILLE, PA 19053

Roll Call: Keith Wesley  
Joseph McFadden  
Ed Shannon  
Patrick Irving  
Kim Koutsouradis

Staff: John McMenamin, Township Manager  
Francis Dillon, Township Solicitor  
Joe Galdo, Finance Director  
Carol Drioli, Zoning Officer  
William Wiegman, Police Chief  
William Oettinger, Fire Marshal  
John Genovesi, Township Engineer  
Janet Hude, Township Secretary

---

Keith Wesley called the meeting to order at 7:30 p.m. followed by the Pledge of Allegiance.

CHECK PRESENTATION BY THE FEASTERVILLE BUSINESS ASSOCIATION

Rose McMenamin came forward and thanked the Board of Supervisors for allowing the Feasterville Business Association to present checks to different organizations with money that was raised from their Annual Golf outing.

- ✓ Women's Place Recovery Center - \$600.00 - accepting Chief Bill Wiegman
- ✓ American Red Cross - \$600.00 - accepting Jane Ward
- ✓ Hope Foundation - \$600.00 - accepting Kelly Harold & Barney Rafferty
- ✓ Lower Southampton Police Dept - \$600.00 - accepting Chief Bill Wiegman
- ✓ Lower Southampton Library - \$600.00 - accepting Linda Pupkiewicz
- ✓ Sunshine Foundation - \$600.00 - accepting Kristen Fallstick
- ✓ Neshaminy Seniors Center - \$600.00 - accepting Bill Ensley
- ✓ SeanMe - \$600.00 - accepting Dan Finley

Ms. McMenamin said a contribution was also made to the Manion Foundation for the Heroes Run of \$1,000.00 - benefit the Lower Southampton Veterans Advisory Council.

The following organization will receive a check but were unable to attend:

- ✓ Juvenile Diabetes - In memory of Dan Milello - \$500.00
- ✓ Twilight Wish Foundation - \$500.00
- ✓ NOVA - \$600.00
- ✓ Libertae - \$600.00

PUBLIC PORTION:

Rick Scheinert came forward to announce that Santa Claus will be coming to the Lower Southampton Library on Saturday, December 21<sup>st</sup> from 11 am to 2 pm. Mr. Scheinert said this year each child that brings a canned good or other non-perishable item with them will get to have their very own picture taken with Santa! Monetary donations will also be welcome from anyone who is moved by the spirit of giving. In the past, this program has fed as many as 60 families in Lower Southampton Township; they were each given a turkey with two bags of groceries. The families were selected with the help of the Police

Department, the school district and the Department of Public Services. We are also asking for assistance and support from the Township, Supervisors and residents of Lower Southampton for this wonderful and caring event. Rebecca Scheinert named the sponsors for this special event as follows: G.A.L.S. Softball, the Lower Southampton Police Department, the Lower Southampton Fire Department (LS6FD) and the Lower Southampton Park and Recreation Department, John Kennedy Ford, Office Max, Bottom Dollar, Lower Southampton PBA, Acme Foods, TD Bank, Edward Langel's Insurance Company, Conestoga Bank, Shear Style, Trevoze Pizza, Shirt Gallery, Impact, Primo Hoagies, Trevoze Shoes, Giant Food Store, John Kennedy Ford Employees, the office and staff of Lower Southampton Public Works and many more we also have some private donors that have also helped to make this possible.

1. CONSENT AGENDA
  - a. APPROVAL OF ACCOUNTS PAYABLE DECEMBER 11, 2013
  - b. APPROVAL OF CERTAIN RE-OCCURRING MONTHLY BILLS
  - c. APPROVAL OF RESOLUTION 2013-49 INCREASING SEWER RATES

Joseph McFadden made a motion to approve the following:

To approve Accounts Payable for December 11, 2013, subject to Audit.

To approve certain re-occurring monthly bills.

To adopt Resolution 2013-49 increasing sewer rates.

Seconded by Patrick Irving  
Motion passed with a vote of 5-0

2. PATIENT FIRST FEASTERVILLE, LLC, 65 E STREET ROAD, PRELIMINARY/FINAL LAND DEVELOPMENT

MOTION: Kim Koutsouradis made a motion to open the hearing. Seconded by Ed Shannon  
Motion passed with a vote of 5-0

Fronefield Crawford, attorney for Applicant, said Carl Wright is the Principle for the Applicant - he is a developer of entities called Patient First, which are medical clinics - essentially walk in clinics with an amazing variety of medical facilities, they have been able to open several already - one in Montgomeryville and they are quite impressive. Mr. Crawford said with him tonight is Carl Wright, Brendon Walsh the Broker we have been working with, Gary Bowman, representative for St. Stephen's Church and Bill Roundtree the Project Engineer. Mr. Crawford said in a nut shell we have been working with St. Stephen's Church to subdivide off the western segment of their property and to develop that property for this Patient First facility and so we have worked with your staff, as well as gone before the Zoning Hearing Board for a variance and also have gone before the Planning Commission and now we are before you as the Board of Supervisors this evening. Mr. Crawford said first he would ask Gary Bowman to give some history on how St. Stephen's Church and ourselves were able to work through this together.

Mr. Bowman said we recently celebrated our 60<sup>th</sup> Anniversary at St. Stephen's Lutheran Church on Street Road near Bustleton Pike; we have a rich legacy here in Lower Southampton Township. Mr. Bowman said well over sixty years ago the Chartered Members of our church met at the Cemetery Chapel up off of County Line Road which at that time they began to plan for the new congregation here on Street Road, they purchased a sizable piece of property, which we have used for many years and over the

time as we experienced population in the area , it decreased and we found that we can take care of our parking needs on the upper parking lot with the additional parking spots that are going to be provided for by Patient First and we found that we have some severe needs at the church primarily capital improvement needs - the complete facility needs a new roof, which right now will cost between \$300,000.00 + depending on oil prices in addition to HVAC. Mr. Bowman said well over two years ago we decided we have a piece of property - the lower parking lot - which is not used very much - maybe at Easter and Christmas - those special holidays - that we felt it's a major asset and before we went about doing anything else we wanted to look at our assets and see how we could best use them. Mr. Bowman said we determined that the lower parking lot was the best asset to give life to the church another 25 years at least so we could take care of the facility and also remain a viable congregation in our community. Mr. Bowman said we have many, many people in our congregation that are residents of Lower Southampton Township and they come to our community and worship and we also make use of the community throughout the week - there is a Day Care Center at the church and we open up our doors to as many of those in the community as we can. Mr. Bowman said so we elected to take this parcel of land, we put it out to see what we could find, we had a variety of people that were interested in it - companies, we turned some down because we honestly felt they were not a fit for a church community, not a fit for where we were located and then Patient First came along and they seemed to meet our needs as a congregation, fit on the property and also provide us with the revenue that we would need to sustain our congregation for a good period of time - well into the future and also maintain that wonderful building that is there on Street Road. Mr. Bowman said so with that we come to the Board tonight with this plan - we have been working on it for almost two years - we think it is going to meet our needs and we sure hope it meets the needs of Lower Southampton Township and he wants to thank the Board for this opportunity to spend tonight with you and share the plan with you and answer as many questions as these folks can answer. Mr. Bowman said thank you very much for your kind consideration.

Mr. Crawford said he will ask Carl Wright to present the case. Mr. Crawford noted that they had worked very hard and very close with all representatives of the Township the officials, the employees, the Zoning Hearing Board, the Planning Commission and we really want to thank them for their guidance in getting to this point tonight, we would not be here without them and so he wants to thank that whole team and he thinks Ms. Drioli was instrumental in leading that team.

Mr. Wright said he is the Real Estate Developer for this project and what that means is that he is Patient First's exclusive developer for Pennsylvania and New Jersey. Mr. Wright said his job is to find the property, get the approvals and build the building and then have Patient First enter into a twenty year lease agreement with options - it is a long term commitment to the community. Mr. Wright said Patient First has been around for thirty-two years, they are one of the largest urgent care providers in the country, they have over 3,000 employees - employ 300 doctors and we expect to create fifty jobs here in Lower Southampton Township. Mr. Wright said it is open from 8 am to 10 pm everyday of the year, walk-ins, no appointments necessary, average in and out time is fifty-two minutes, and it's much cheaper than the ER, much quicker than the ER and also serves the needs of the community. Mr. Wright said it was actually founded by a Dr. Sauers and he was a former Air Force Surgeon, he worked in the ER after the service, he was frustrated that most of the patients in the ER really had non life threatening situations and kind of clogged up the system and truly interfered with the real life threatening conditions, so he founded Urgent Care, so thirty years later, Dr. Sauers is still the CEO, it is privately held - almost fifty centers and they are truly wonderful people to work with and we believe they will be an asset to this community.

Mr. Wright went over the site plan and noted that there are currently two entrances to the lower parking lot and we will be closing one of them and constructing a 7,000 square foot Patient First building at this location. Mr. Wright showed on the site plan that there are

twenty parking spaces assigned to the Church. Mr. Dillon said those twenty parking spaces are going to be subject to a cross easement between the facility and the Church - Mr. Wright said that is correct, those twenty parking are exclusive for the Church and will be recorded that way along with the easement. Mr. Dillon said so the Church has parking behind it as well as these additional twenty spaces - correct.

Mr. Wesley asked if it is all out patients. Mr. Wright said that is correct and they have on site x-rays, on site prescriptions and an on site lab - it is very convenient.

Mr. McFadden asked do you have an anticipation of what the day to day volume is going to be. Mr. Wright said they average 120 patients a day over a fourteen hour period.

Mr. Shannon asked if they take all insurance and things like that. Mr. Wright said 93% of their patients have insurance and they take most major insurances.

Mr. Irving asked how many parking spaces are assigned to the clinic. Mr. Wright said we have 38 parking spaces and 20 parking spaces for the Church.

Mr. Dillon said there is a review letter from the Township Engineer dated December 5, 2013, as well as a letter dated December 9, 2013 regarding the Sewage Facility Planning Module. Mr. Dillon said we had a conference call yesterday addressing the issues in these two letters with John Genovesi, Township Engineer, myself and the Applicant. Mr. Dillon noted that on page one item #1 talks about the two parcels are to be consolidated - that's agreed too. Mr. Dillon said just to point out item #2 talks about a variance that has been granted regarding having a single charging station and there was another variance - set back of 50 feet - that variance was also granted. Mr. Dillon said items #3 through #19 - are will comply. Mr. Dillon said there are two matters, however, that have to be addressed individually. Mr. Dillon said the first one is #16 - comment was made by Mr. Genovesi that the increase and length of this chamber would further reduce peak flows to the neighbor's property, originally there was 78 feet of length in the chamber and this has been increased to 595 feet - Mr. Genovesi are you satisfied with this - Mr. Genovesi said yes. Mr. Dillon said the next one is item #18 - which talks about the Applicant's request for a waiver from the requirement of Section 303.C.5.b that a safety factor of 50% not be applied to the design infiltration rate. There was a considerable discussion on this and he knows the Engineers have discussed it over the last day and the proposal is that the safety factor is 6% and he thinks that Mr. Genovesi will have to explain what that is and what his recommendations are. Mr. Genovesi said the bed design according to the Ordinance requires that you take the actual measured infiltration rate - that is derived from a test in the field, you take that and you cut it in half so that the bed is in fact twice as big as it should be to make the bed they would need on this site would be quite large and quite expensive and we have done other things to compensate for that - such as increasing the amount of perforated pipe from 78 feet to over 500 feet - we wanted to see what the effect would be of rising their infiltration rate and seeing what waiver in fact they needed from the Ordinance. Mr. Genovesi said so the Ordinance requires a safety factor of 50%, with the bed they designed with the infiltration rate that they have they are asking for a waiver to reduce the safety factor to 6% - the bed is quite deep because the soils near the surface do not perk - the bed is almost 10 feet deep and as he said it will have other features to compensate for the fact that reducing the safety factor - that is the explanation and it is fine with him.

Mr. McFadden asked if Mr. Genovesi could he go ahead and maybe amplify a little bit on the risks associated with a reduction in the safety factor - he is not sure he understands what that is. Mr. Genovesi said one of the risks would be that the life of the bed could be reduced - instead of lasting thirty years it would last twenty years. The bed though meets other requirements that are standard as far as DEP is concerned. The bed is sized so that the entire 2-year designed storm is contained within the bed, so all the water that comes in on the 2-year storm will infiltrate back into the ground water. Mr. McFadden said so a reduction in the safety factor does not necessarily equate to increase risk more

runoff or flooding in this area. Mr. Genovesi said that is correct - all engineers like to use these conservative safety factors, a safety factor of 50% would be nice - on this site the infiltration rate is low it's not like 2 or 5 inches per hour - it's like .2 inches per hour - so we are dealing with a site that has difficult soils. Mr. Genovesi said in his opinion the safety factor of 50% would be a burden on the Applicant and they are spending a fair amount to increase the length of pipe that will store water and then release it in a very measured manner over a period of time - so yes we are giving them a break on the safety factor, but we are also getting a large benefit in the amount of pipe that we are using to store water for the other design storms.

Mr. Wesley said he has a question under "General Comments" "C 5 Section 518-6" SALDO requires that the bottom of the slopes be a minimum of five feet from the property line to allow for the transition to existing grade and it says they are applying for a waiver. Mr. Dillon said they are no longer applying for a waiver. Mr. Wesley said so they are going to do a level spread then. Mr. Genovesi said they are going to construct the system with a level spreader and that will be constructed at a minimum of five feet from the property line. Mr. Wesley asked Mr. Genovesi to explain C 7 as it pertains to the retaining wall. Mr. Genovesi said if you are familiar with the site there is a retaining wall that runs along the driveway that comes down off of Street Road, it's a stone retaining wall, it looks to be in pretty good shape - the building is going to be fairly close to that retaining wall and we are looking for details of the proposed building and looking for some concrete information from their Structural Engineer that will definitively assure us that the construction of the building will have no affect on that retaining wall. Mr. Genovesi said certain construction features can be used to build the building, so that its effect on the wall will be minimized so we are going to be looking for those types of details to be provided. Mr. Dillon said Mr. Genovesi has assured us that this is being done, because he has to sign off on the final plan and until he receives that information he is not signing off on the final plan.

Mr. Shannon asked who maintains the retaining wall and who will continue to maintain this retaining wall. Mr. Genovesi said the wall is on the Shopping Center's property and the plans that he has in his files indicates that it was built some 20-30 years ago with the Shopping Center - he assumes then that it belongs to the Shopping Center and they maintain it. Ms. Drioli said the Shopping Center has three owners and it belongs to one of those owners. Discussion ensued.

MOTION: Kim Koutsouradis made a motion to grant Preliminary/Final Subdivision Land Development approval of Patient First Feasterville, LLC at a public meeting on December 11, 2013, the Plan is a Subdivision Land Development plan, which consists of fourteen sheets, dated July 12 2013, last revised November 8, 2013, the plans were prepared by Penn E & R, 2755 Bergey Road, Hatfield, PA 19440. The approval of these plans is subject to all of the terms, conditions and provisions as follows;

- ✓ The length of the chamber in the underground infiltration bed should be increased by 595 lineal feet.
- ✓ Section 303.c.5.c requires a safety factor of 50% be applied to the design infiltration rate. A waiver was granted to allow a safety factor of 6%.

It is the responsibility of the Applicant to incorporate all of the foregoing items into the Final Plan prior to recording. The Applicant shall comply with all of the requirements of the Bucks County Conservation District that may be applicable at this time pursuant to §402.3(j)(2) of the Ordinance and any and all requirements of the Pennsylvania Department of Environmental Protection including, but not limited to, those requirements pertaining to sewage facilities planning modules.

Applicant shall obtain, beyond appeal, any and all reviews, permits and approvals of any and all government agencies which may have jurisdiction over this Plan, including, but not limited to, the Pennsylvania Department of Transportation, the Bucks County Planning Commission, the Bucks County Conservation District, the Bucks County Water & Sewer

Authority, the Lower Southampton Planning Commission, the Lower Southampton Township Department of Public Works and the Lower Southampton Township Fire Marshal.

Applicant shall be required to revise the Plan and to complete all of the required revisions set forth in this approval prior to recording the Plan, which will be addressed by the Township in a timely manner. Applicant shall be required to post such funds as required by the Township to reimburse the Township for any and all professional services and fees associated with the land development review and approval of the Plan prior to recording.

Prior to issuance of any building permits, Applicant shall be required to execute such appropriate Land Development Agreements, Site Development Security Agreements and Storm Water maintenance and Monitoring Agreements as determined appropriate by the Township Solicitor and to post such security as may be required to guarantee the installation of any public improvements in an amount determined by the Township Engineer prior to the issuance of any permits pursuant to this Land Development approval. Applicant shall be required to post such escrow funds as required by the Township to reimburse the Township for any and all professional services fees associated with the permitting process, inspection and final approval of the project and improvements. Failure to satisfy the conditions of this paragraph may result in delay in the issuance of permits for this project or may result in the violation of the express terms and conditions of this approval.

Applicant is under continuing obligation to comply with terms, conditions and provisions of these preliminary final approvals. Any failure to comply may subject the Applicant to the penalties provided for violation of the Zoning Ordinance of Lower Southampton, the Subdivision and Land Development Ordinance or general ordinances of the Township of Lower Southampton and any other such penalties as may be provided by law.

The Applicant will be required to comply in all respects with each and every requirement of the Lower Southampton Township Code of Ordinances (the "Code"), specifically but not limited to, the Lower Southampton Township Subdivision and Land Development Ordinance, Chapter 22 of the Code (the "Ordinance") and the Lower Southampton Township Zoning Ordinance, Chapter 27 of the Code (the "Zoning Ordinance"), as well as all of the municipal Ordinances and regulations and with the laws and regulations of every level of government having jurisdiction over any aspect of this property.

Seconded by Patrick Irving

Motion passed with a vote of 5-0

MOTION: Kim Koutsouradis made a motion to close the hearing. Seconded by Joseph McFadden

Motion passed with a vote of 5-0

Mr. Dillon asked Mr. Crawford for a thirty day extension of time to write the approval letter. Mr. Crawford said that was fine.

3. ADOPT FINAL ANNUAL OPERATING BUDGETS FOR 2014

MOTION: Joseph McFadden made a motion to adopt Final Annual Operating Budgets for 2014. Seconded by Kim Koutsouradis

Motion passed with a vote of 5-0

4. ADOPT FINAL CAPITAL RESERVE FUND BUDGET

MOTION: Ed Shannon made a motion to adopt the Final Capital Reserve Fund Budget. Seconded by Patrick Irving

Motion passed with a vote of 5-0

5. ADOPT FINAL SEWER CAPITAL RESERVE FUND BUDGET

MOTION: Patrick Irving made a motion to adopt the Final Sewer Capital Reserve Fund Budget. Seconded by Kim Koutsouradis  
Motion passed with a vote of 5-0

6. ADOPT FINAL LIBRARY CAPITAL RESERVE FUND BUDGET

MOTION: Kim Koutsouradis made a motion to adopt the Final Library Capital Reserve Fund Budget. Seconded by Ed Shannon  
Motion passed with a vote of 5-0

7. ADOPT FINAL OPERATING RESERVE FUND BUDGET

MOTION: Patrick Irving made a motion to adopt the Final Operating Reserve Fund Budget. Seconded by Ed Shannon  
Motion passed with a vote of 5-0

8. ADOPT RESOLUTION 2013-50 TAX LEVY

MOTION: Joseph McFadden made a motion to adopt Resolution 2013-50 Tax Levy. Seconded by Patrick Irving  
Motion passed with a vote of 5-0

Manager's Report

PADOT - as reported at the last meeting the PADOT Bustleton Pike/Bridgetown Pike Interconnect was awarded - Armour & Sons won this award. Mr. McMenamin said he talked to Fred Herb the Principal there and he stated that he had just received the letter to proceed on December 4<sup>th</sup>, he is starting his staging area, which will be located at Buck Road and Bridgetown Pike - most of the work done will not interfere with traffic other than an occasional lane closing, because most of the work will be small cuts in the road to run the fiber optics. Mr. McMenamin said he did express to Mr. Herb our concerns about the traffic light at Elmwood Avenue and he said that he would proceed as quickly as possible to start that and get it up and running, he will put this close to the front of the construction, and make it a top priority, which will probably not start until March. Discussion ensued.

RDA GRANTS AWARDED - LED Street Lights - \$226,880.00; Police Vehicles - \$150,000.00; Fire Marshal-Emergency Vehicle & Associated Equipment - \$79,032.00; Tri-Hampton Rescue Squad - Advanced Life Support Ambulance - \$87,161.00; Lower Southampton Fire Dept. - Command Vehicle - \$50,000.00; Total was \$593,073.00

Mr. McMenamin said he will need an Executive Session to discuss litigation and personnel.

Mr. Koutsouradis said first he would like to thank the FBA and Mr. Scheinert and his daughter for coming here tonight - people like this help to make our community great. Mr. Koutsouradis said lastly he would like to thank the Board members and everybody else out there and wish everyone a happy and safe holiday season.

Mr. Shannon said just a comment about the FBA - they have made closed to \$10,000.00 to contribute to various local organizations as everyone has seen tonight and also to wish everyone a happy and safe holiday season.

Mr. Irving wished everyone a happy and safe holiday and it was great to see Mr. Scheinert and his daughter working together for a good cause.

Mr. McFadden said that as everyone knows we had some snow this past week would like to thank the Public Works Crew for the bang up job that they did. Mr. McFadden noted

that the Veterans Advisory Council is collecting various items to be taken to the Del Val Veterans Home so do not hesitate to bring them to the Township building to be picked-up at the end of next week. Mr. McFadden said he would also like to thank all the Township employees and everyone else for a great year and to wish everyone a Merry Christmas and a happy and prosperous New Year.

Mr. Wesley noted that for 2014 the Township is not raising local taxes and he is very proud of that, this was a collaborative effort and he would like to thank all the Township employees and Department Heads and my fellow Board Members for this. Mr. Wesley also wanted to wish everyone a happy and safe holiday season.

Mr. McMenamin noted that there are no agenda items for the December 18<sup>th</sup> meeting so that meeting will be cancelled.

Chief Wiegman noted that tomorrow night at the Library at 6 pm is the Blue Light Ceremony for fallen Officers, which the FBA will be holding along with the Police Department there will be a choir along with several Reverends from the area - everyone is invited.

Board recessed to Executive Session at 8:25 pm

Board reconvened at 9:30 pm

MOTION: Patrick Irving made a motion to approve resolution with DVIT in the sum of \$18,413.42 to settle dispute. Seconded by Joseph McFadden  
Motion passed with a vote of 5-0

MOTION: Joseph McFadden made a motion to give Finance Director, Joe Galdo an increase of \$5,000.00 effective December 17, 2013 for his six month evaluation.  
Seconded by Patrick Irving  
Motion passed with a vote of 5-0

MOTION: Keith Wesley made a motion to adjourn. Seconded by Joseph McFadden  
Motion passed with a vote of 5-0

There being no further business the meeting adjourned at 9:40 pm.

---

Ed Shannon, Secretary

#### Summary of December 11, 2013 Work Session

- ✓ Mr. McMenamin talked about the City of Philadelphia Water Department as he has at previous work sessions regarding the monies that the Township has paid them and the objection letters that were sent to them. The City of Philadelphia Water Department has offered the Township \$263,000.00 credit and Mr. McMenamin would like to counter this amount with a fee of \$350,000.00. There was a lengthy discussion on this - one Board member suggested to ask for \$600,000.00, but Mr. McMenamin felt that there was no way the Philadelphia Water Department would even consider this and Mr. Savona, the attorney who did the contract with them also agreed. Consensus being that the Township would go with the \$350,000.00 counter offer.
- ✓ It was noted that there would be a 10.00 increase in sewer invoices starting January 1, 2014.