

Springfield Township, Bucks County

Board of Supervisors

MINUTES

October 27, 2009

Jim Brownlow, Chairman, called the meeting to order at 7:30 p.m. and opened with the Pledge of Allegiance.

The Supervisors held an executive session prior to the meeting to discuss personnel matters.

Supervisors Present: Karen Bedics, Jim Brownlow, Barbara Lindtner, Volker Oakey, and Rob Zisko.

Also present: Sandy Everitt, Secretary/Treasurer; Scott MacNair, Co-Township Solicitor; Rich Schilling, Township Manager; and Bob Wynn, Township Engineer.

Jim Brownlow commented on a newspaper article that appeared in today’s paper about a mailing sent out to Springfield Township residents about one of the candidates running for supervisor and another candidate running for auditor in the Township. Someone mailed postcards casting aspersions on Bruce and Mary Whitesell. Jim personally wanted to go on record that he abhors this type of underhanded deed. He opened the floor for other Board comments.

Volker Oakey was contacted by the newspaper and made comments that were published. The post card had nothing to do with what kind of candidates the individuals are and certainly did not contain any information that could be readily confirmed. The card certainly does not reflect how we should interact with other people.

Karen Bedics knows both of the Whitesells as being very active publicly. They both donate a lot of time to the party they are affiliated with. She felt the attack was totally unwarranted and questions whether it was politically motivated or was just an attempt to make them look bad in the public eye. The comments on the card were of such a personal nature that she feels no one in politics would make such statements. She feels this card would be the basis of a lawsuit if the Whitesells learn who did the mailing.

Barbara Lindtner echoed that this was a mean-spirited action. Whether someone agrees with their political position or not, the Whitesells willingly volunteer in the community and there is no place in our community for this type of action. The attack was not about politics; it was very personal in nature. She knows it does not represent the feelings of the Board or what most of the community feels about this couple.

Rob Zisko was not aware of the mailing or the newspaper article until he came to the meeting. He said this is just wrong and attacks like this generally backfire on individuals who commit them.

Approval of Minutes

Barbara Lindtner **moved** to approve the October 13, 2009, minutes as corrected by Rob Zisko. Volker Oakey **seconded**; the motion **passed** unanimously.

Bills for Approval

Karen Bedics **moved** to approve the following bills paid from October 14 through October 27, 2009:

- | | | | | | |
|-------------------------|----|-----------|-------------------|----|----------|
| 1. General Fund | \$ | 21,827.31 | 4. Open Space | \$ | 2,461.24 |
| 2. Subdivision & Escrow | \$ | 911.09 | 5. Farmers Market | \$ | 560.00 |
| 3. Liquid Fuels | \$ | 806.16 | | | |

Barbara Lindtner **seconded**; the motion **passed** unanimously.

Reports

Road Department – Accepted as presented (posted)

Police Report – (Posted on the website) Rich Schilling presented highlights for Chief Laudenslager.

Township Manager/Zoning Report – **Highlights:**

- The Township should learn in mid-November if they will receive any funding for the Recreation Plan. With State funding cuts, Rich is concerned we may not receive funding for the Recreation Plan and is concerned about our payback from the State for the almost completed Act 537 Plan.
- The Freeh Lane Dirt/Gravel Road Grant project was completed, and the Township received a letter from the Conservation District commending the Road Department for their work on that project.
- The 2010 draft budget reflects that the Township is moving ahead with the CDBG Grant.
- The first negotiation session with Officer McDonald for the police contract took place on October 14. Another meeting is scheduled for Thursday, October 29. Rich hopes to complete contract negotiations after the next two meetings.
- Implementation of the GIS program/training should begin in the near future. Rich will send a general memo to the committees asking which members want to receive GIS training and he'll make plans for them to attend.

Zoning – (Posted)

Jim Brownlow asked that Rich arrange for Irene Elinich, Springfield's appointed delegate to the EIT Tax Collection Committee, to make regular reports to the Board, so that the Board can stay apprised of what is occurring.

Public Comments on Agenda Items

Pete Jones – Pete asked if police coverage could be increased on Salem Road. Because of the work being done on Route 309, cars are using Salem as a cut-through in the morning and after work around 5:00 p.m. Traffic is very heavy at those times and is traveling too fast for that road. Rich will pass this information on to Chief Laudenslager.

Governmental Matters

1. Natural Gas Drilling – Scott MacNair reported on two recent major rulings by the State Supreme Court related to natural gas drilling. One is in Oakmont Borough and the other is in Salem Township. The challenge in both of these cases relates to Zoning Ordinance provisions that go to either the locational or operational aspects of drilling for natural gas. The cases deal with whether or not the State's Oil & Gas Act preempts the townships or boroughs ability to put ordinances in place that define the same types of things that are contained within the Oil & Gas Act. There is a specific preemption provision in the Oil & Gas Act which states that the Acts provisions cannot also be covered in local ordinances. The PA Supreme Court in the Oakmont Borough case decided that Oakmont's ordinance was not preempted because it only went to the locational aspects of the wells. Local ordinances can specify what districts drilling can occur in, but may not tell the drilling companies how to operate the drilling operation. Karen expressed concern about the additives put into the water during the fracking process of well drilling and its possible effect on the groundwater. Scott MacNair indicated this was operational and would be covered by the Oil & Gas Act. Scott brought up that the equipment used to do gas drilling is extremely heavy and often causes road damage. Most companies are willing to bond the roads, but that is also an unclear area in the Oil & Gas Act; specifically, if drilling companies are required to bond roads and if so, for how much. Although this is an operational aspect and cannot be required in township ordinances, most companies want to be permitted into the township, and they are willing to work with the township on items such as road bonding.

Scott suggested that the Township may want to consider adding a new use, perhaps mineral extraction, as a permitted activity in certain districts. He does not feel we should go further than stating what districts the use will be permitted in, because to do so may cause the ordinance to be preempted by the Oil & Gas Act.

Barbara Lindtner **moved** to ask the Planning Commission to review what districts natural gas drilling should be permitted in and report back to the Board. Karen Bedics **seconded** the motion. Rob Zisko is anxious to get the report from the Planning Commission about the Central Business District, which will generate income for the Township. Jim Brownlow said that when the Board meets with the Planning Committee in a joint session, the Board can help them prioritize the various tasks that have been assigned to them. Jim called for the question. The motion **passed** unanimously.

Public Hearing – Ordinance Amending the Subdivision & Land Development Ordinance

This ordinance relates primarily to creating consistency between the newly enacted Stormwater Ordinance #152 and the currently existing SALDO provisions. After a 30-day review, the Bucks County Planning Commission issued a September 9 letter recommending adoption of the ordinance with no modifications. The ordinance hearing was advertised on October 13 and October 20. A copy of the ordinance was sent to the Bucks County Law Library and was available for review there and at the Township Building.

Scott MacNair opened the hearing for public comment.

Evan Pelligrino, Urwiler and Walter, asked if the Township would be supportive of an applicant obtaining permits for stabilization of existing stream banks. Bob Wynn said that the proposed riparian buffer ordinance specifically permits restoration of stream banks.

Rob Zisko asked what was meant by *(3) requiring developers to design and construct offsite improvements if determined necessary by the Township*, listed under Public Hearing on the agenda. Bob Wynn said that requirement appears in the current SALDO and applies only to subdivisions (not single-family homes) that have runoff from stormwater offsite.

The public comment time was closed. Karen Bedics **moved** to adopt Ordinance 153 amending the SALDO Ordinance #103, specifically Sections 516 and 518. Volker Oakey **seconded**; the motion **passed** unanimously.

Planning Matters

1. Herman Subdivision – This subdivision received preliminary plan approval by the Board on March 24, 2009. A final plan was been submitted in late summer, reviewed by Bob Wynn’s office on August 21, by Bucks County Planning Commission on August 19 and by Springfield’s Planning commission on September 2 at which time they recommended conditional final approval by the Board. Action is required by December 1, 2009. Evan Pelligrino, Urwiler & Walter, presented for the applicant. This 4-lot subdivision is located on State & Hottle Roads. One of the lots is a farmland lot. Currently, the Zoning Ordinance does not permit a new dwelling on a farmland lot. However, a revision to the Zoning Ordinance is pending that would allow a house to be built on the farmland lot. Some minor design changes would be required to the final plan to permit this. A letter was sent to Clemons, Richter Walsh & Reiss which Scott MacNair discussed with Tim Fulmer of Bob Wynn’s office. Mr. Herman is challenging whether or not he needs to conserve the 21 acres. Section 509.B.2.a. in the Zoning Ordinance specifies that if you have overlapping resources, you look to the highest open space ratio first. Bob Wynn explained that this section, coupled with others, was to prevent excessive amounts of land needing to be conserved.

Mr. Herman would like to obtain final approval on this plan, but wait to see if an amendment comes through permitting a home to be built on the farmland lot. If that comes to fruition, he may opt to submit a revision to this plan to permit the farmland lot to have a building lot. Rob Zisko **moved** to grant conditional final approval based upon completion of the items listed in the Township engineer’s review letter of August 21, 2009. Volker Oakey **seconded**; the motion **passed** unanimously.

2. Springtown Knoll – Landscape Replacement – This subdivision of 21 lots is located off Drifting Drive and has only 3 occupied dwellings. The remaining development is overgrown lots with installed sidewalks. The street trees and right-of-way area are not being maintained. Many of the trees installed in 2008 died. Bob Wynn’s letter to the Township dated October 15, 2009, discusses his numerous attempts to contact the developer to obtain a schedule for when the trees would be replaced. The developer made several early commitments to replace the trees that he did not meet. Now, the developer does not return phone calls from the Township engineer. The Developer’s Agreement permits the Township to declare the developer in default. This requires a 30-day written notice to give the developer an opportunity to complete the improvements. Bob Wynn asked the Board to authorize the solicitor to begin this default procedure. Barbara Lindtner **moved** to declare this developer in default of the developer’s agreement, authorize the solicitor to send a letter giving the developer 30-days in which to complete the required work, and if at the end of the 30 days the work is not completed, the Township can draw upon the developer’s letter of credit to complete the work. Karen Bedics **seconded**; the motion **passed** unanimously.

3. The Ridings – Stormwater Seepage Bed Repair – Bob Wynn indicated that the Ridings is still under the 18-month maintenance period. Shortly after the maintenance period commenced, a design flaw was discovered in 2 of the lots relating to the lot seepage beds. Reshetar actually informed the Township engineer of this problem, which

also occurred in a home in the Ridings owned by the developer. He devised a fairly simply solution to correct the problem which he did on his own property. However, he has ignored many letters written to him about repairing the problem on the other two properties, and now is not returning phone calls from the Township engineer. He signed for the most recent certified letter, indicating he received the letter, but has not responded to it. Barbara Lindtner **moved** to authorize the solicitor to write a letter declaring the developer to be in default and if the corrections are not made by the developer, authorize the solicitor to place a demand against the Maintenance Bond to have the work completed. Karen Bedics **seconded**. Barbara asked what would happen if a problem occurs after the completion of the maintenance period on March 23, 2010. Bob Wynn's office will do an inspection before the end of the 18-month maintenance period. The bonding company is still responsible even after the 18 month maintenance period as long as the defects were found and the developer was notified of them before the end of the 18-month period. Jim Brownlow called for the question. The motion **passed** unanimously.

Old Business

1. Request to change Ambulance Service Run Cards for Route 309 – Kermit Gorr, St. Luke's Emergency & Transport Service, sent an email to the Township about a patient care issue at Valley Manor Nursing Home. In it he requested the Board to change the Lehigh County and Bucks County run card for Valley Manor Nursing Home in order to dispatch the closest basic or advance life support unit to Valley Manor. He is also seeking approval for Bucks and Lehigh County Emergency 911 Centers to use the same run card to reduce dispatch errors. Kermit shared this email with Adam Maziuk of UBREMS, who was present for this discussion. There has been no progress on Bucks County level toward going with a standardized method of dispatching ambulances by closest available unit as discussed when the county representative spoke with the Springfield Township supervisors this summer. Since that time, Adam and Kermit have been working well together to remedy some situations that could be hazardous to residents with regard to who is dispatched to handle emergencies. Currently, Lehigh Valley sometimes responds to some calls at Valley Manor. Because they are often busy with calls in their immediate areas, they sometimes refer those calls to Allentown's EMS squads, when the most practical EMS squad to handle those calls would be the closest appropriate available unit in Bucks County. In order to make this change effective, the township must make this request.

Karen Bedics **moved** to authorize the Township Manager to write a letter on behalf of the Board to request the county to adopt the updated run card for ambulance service for Valley Manor Nursing Home. Rob Zisko **seconded**; the motion **passed** unanimously.

Barbara Lindtner asked Scott MacNair whether Open Space funds could be utilized to match the DCNR Grant funding that the Township will receive for preparing a Parks and Recreation Plan. Scott will look into this and respond to the Board later. Rich Schilling feels that the County funding can be used for this purpose, but Scott will confirm that this is accurate. He was dismissed from the meeting at 8:55 p.m.

New Business

1. Fuel, Oil and Salt Bid Awards – Bids openings for Fuel, Oil and Salt for 2010 were conducted on October 20.

Fuel Bids – Received one bid from Inergy Propane, LLC, DBA Farm & Home Oil Company. Bob Wynn recommended that the township award the bid to Inergy Propane, LLC. Karen asked if the bid prices were fixed or if they could go up. Rich Schilling advised that the prices are fixed.

Rob Zisko **moved** that the bid be awarded to Inergy Propane, LLC for:

- a) Unleaded gas (89 octane) at a price of \$2,6450 for a total estimated cost of \$18, 515 based upon an approximate quantity of 7,000 gallons, and
- b) No. 2 heating oil at a unit price of \$2.5645 for a total estimated cost of \$5,129 for approximately 2,000 gallons, and
- c) No. 2 diesel fuel (ultra low sulfur) at a unit price of \$2,619 for a total estimated cost of \$13,095 based upon an approximate quantity of 5,000 gallons.

Volker Oakey **seconded**; the motion **passed** unanimously.

Salt Bids – The following salt bids were received and opened on October 20:

- a) Cargill, Inc. \$39,315
- b) Ocean Port, LLC \$32,445

- c) International Salt Co., LLC \$33,565
- d) Eastern Salt Co., Inc. \$32,475

Bob Wynn recommended acceptance of the low bid received from Oceanport, LLC, which is less than the \$78.63/ton low bid received last year from International Salt Co., LLC. Next year, Rich Schilling will be looking into going on the State Contract bid which is currently coming in at about 58.45/ton.

Karen Bedics **moved** to award the 2010 salt contract to Ocean Port, LLC, in the amount of \$32,445 based upon an estimated quantity of 500 tons. Rob Zisko **seconded**; the motion **passed** unanimously.

2. Zoning Officer Position – This item entails two issues. The 2009 budget eliminated the zoning officer position as well as the part-time zoning officer position. The Board requested and Rich Schilling agreed to assume the duties of both zoning positions in addition to his full-time role as Township Manager. Since that move, a significant increase in permit applications took place. This resulted in the Township Manager doing considerably more work in zoning in 2009 than he had in 2008. The supervisors recommended a \$5,000 bonus for Rich Schilling in recognition of the additional workload he has carried without remuneration. Second, the Board recommended that Jim Brownlow be authorized to sign an employment agreement re-establishing the part-time zoning officer position as part of the 2010 budget at an annual salary of \$20,000 and awarding the part-time position to Rich Schilling. This would result in Rich serving full-time as Township Manager and part-time as zoning officer.

Karen Bedics **moved** to award a \$5,000 bonus to Rich Schilling for his extra work in 2009 as part-time zoning officer, to re-establish the position of part-time zoning officer in the 2010 budget and to authorize the Board Chairman to sign an employment agreement awarding this part-time position to Rich Schilling in addition to his full-time manager's position. Volker Oakey **seconded**.

Barbara Lindtner commented that the personnel discussion on this issue took place prior to the Board receiving the draft 2010 budget. While she is appreciative of the extra work Rich Schilling has done in the dual positions during 2009, and is in favor of the bonus, she would not have agreed to re-establishing the part-time zoning position had she been aware of the budget deficit. However, she will stand by her original support of re-establishing the position in 2010. Her concern is the \$100,000+ deficit in the 2010 budget and the expense amounts that will be needed to balance the budget.

Rob Zisko would have liked to see this split into two separate motions. He feels that Rich Schilling has done a very good job in 2009 and Rob favors the \$5,000 bonus. He does not feel the Township can afford the additional 2010 salary for a part-time zoning officer, and would have favored Rich seeking part-time work somewhere else in 2010.

Jim Brownlow feels that Rich justly earned the bonus for 2009. He pointed out that the Township must provide for all the required Township services, which includes the additional zoning work that will be required in 2010 because of the new, strict Zoning Ordinance. Jim feels our new Zoning Ordinance is probably one of the strictest Ordinances in the County, and someone must police the requirements contained in the Ordinance. Second, the Township will be implementing a new GIS system—someone must oversee that system. Jim feels the position would have been required in any case. He feels that by doing it in this way, the Township has preserved a quality individual on the Township staff while also providing the required service to Township residents in a fiscally responsible fashion. While adding this part-time zoning officer position in 2010 may require budget cuts in other areas, Jim feels the part-time zoning officer position must be re-established.

Volker Oakey agrees with other comments about Rich Schilling's 2009 efforts in zoning. He also agrees that the part-time zoning officer position is needed in the 2010 budget. He recalled that in 2009, the Board eliminated both the full- and part-time zoning officer positions. There has been a reduction in the amount of zoning work required in 2009, but not enough of a reduction to justify elimination of both zoning positions again in 2010. He does not think that the Board would have eliminated the part-time zoning officer position in 2009 had they realized how heavy the zoning workload would be. He also feels there are other areas in the budget that can be cut to offset this position being added.

Jim called for the question. Voting **yes**: Karen Bedics, Jim Brownlow, Barbara Lindtner, Volker Oakey. Voting **no**: Rob Zisko.

On behalf of the Board, Jim Brownlow also recognized the extra work performed by the office staff and the excellent work performed by the Road Department, neither of which received a salary increase in 2009. The police department, covered by a contract agreement, did receive salary increases in 2009. In recognition of the heavy work load carried by the office staff and road crew and their combined efforts to keep the budget at a lower-than-anticipated deficit, Volker Oakey **moved** to award a 2% bonus to all full-time township employees not covered by a bargaining agreement, excluding the Township Manager, who received a separate bonus. Barbara Lindtner **seconded** the motion. Karen pointed out the total for the six bonuses would be approximately \$4,979. Jim called for the question. The motion **passed** unanimously.

3. 2010 Budget – 5-year Capital Equipment / Facilities Improvement Plan –

Willard Helm, Fire Chief, Springtown Volunteer Fire Company, presented a summary of where the Springtown Fire Company is to date in the 2009 budget as well as a summary of past budgets showing budget vs. actual from 2006 through 2009 to date. He also provided a 1-3 year and 5-10 year Goal Plan for the Department. Will offered to answer any questions from the supervisors.

Jim Brownlow asked what the Fire Company's expectations were from the Township for 2010, other than the Fire Relief Association Aid, which is a pass-through from the State to the Township for the Fire Department's Relief Association. Will pointed out that the Relief Association check is used strictly for firefighters' gear, rescue equipment, and anything related to firefighters' safety (helmets, boots, bunkers, pants, gloves, eye protection, hose, fire extinguishers, etc.). It costs \$2,800 to fully outfit a single fire fighter, and the Fire Company budgets annually to outfit 6 firefighters (approximately \$16,800). The department has been spending more than the budgeted figure because of replacement of worn out uniform items.

Will said the Fire Department looks forward to continued coverage of the Workmen's Compensation (mandated by the state), vehicle insurance, payment of the monthly truck payment, the annual truck lease payment and the normal township donation. Per Rich Schilling's request, the Fire Department will provide a letter to the Township listing these requests. The Fire Company will provide a copy of their 2010 budget to the Township as soon as it is adopted.

UBREMS, Adam Maziuk, Director – Adam distributed their 2010 budget and various other information to the Board. UBREMS anticipates receiving \$900,000 revenue by the end of 2009. The 2010 budget anticipates \$850,000 revenue. UBREMS has been submitting grant applications as they become aware of them to help compensate for some of the revenue losses incurred annually. Payroll expenses for 2010 will be about \$670,000 to keep services available 24/7. Operating expenses will be in the \$200,000+ range. Truck expenses will be about \$22,000, up from \$18,000 last year because of the new ambulance payment.

In meeting with various townships, Adam noted that Tinicum, Nockamixon, Durham and Haycock Townships and Riegelsville Borough are all adopting various EMS tax increases as well as a fire tax. The law allows .5 mill for EMS and up to 3 mills for fire departments. This tax is helpful in that the EMS and fire companies can prepare their budgets knowing exactly what they will be receiving from various townships and boroughs. Barbara Lindtner asked if an adopted EMS/Fire tax could be rescinded at a later date. Rich thinks they can, but he will check with the solicitor. Although the current economy with people out of work is a negative, it has helped UBREMS in that they have ample employees to man the ambulances even though their pay rate for EMS providers is lower by \$5 +/- than most other local EMS companies. This is helping to avoid having to pay overtime. Conversely, they are concerned that because of the economy their donations from individuals may go down as well as grant funding that historically has filled in the gaps in their revenues.

2010 Budget Discussion – Rich Schilling provided the timetable by which budget steps must occur. 20 days public notice by newspaper advertisement must be given, the budget must be available for public inspection for those 20 days and adoption of the budget must take place by December 31. From the time the Board votes to advertise the budget review period, the budget can be revised up to 10% in the aggregate or up to 25% in any major category of the budget. If the changes exceed those percentages, the budget would need to be re-advertised with an additional 20-day review period before adoption. There is no limit to how much the budget can go down. In order to adopt the budget on December 8, the budget would need to be advertised after the November 10 meeting.

Volker questioned the decision of the Pension Committee to accelerate the payment for the unfunded pension liability. He asked for the difference between the minimum and maximum payments that could be made into the pension plans. He feels we should opt to pay less toward the pension liability in the 2010 budget. At the end of 2009,

an estimated \$200,000 will remain in the Township's reserve fund. Volker thinks that we should anticipate at least \$50,000 revenue in the 2010 budget from DEP as reimbursement toward the Township's expected total refund of +/- \$115,000 from DEP for revising the Act 537 Plan. It was the consensus of the Board to budget only \$40,000 revenue for Act 537 reimbursement. If the Township receives nothing in 2010, that \$40,000 can come from the operating reserve. The Board did not feel it was necessary to lease/purchase a new police vehicle this year. If the Chief's vehicle is not safe to use, the Chief can use another vehicle to go back and forth to work. Rich will check with our solicitor to see if we can use County Open Space money to match the DCNR grant money for creating a recreation plan. It was the consensus of the Board to lower the Recreation Plan expenditure in 2010 from \$20,000 to \$10,000. Sandy Everitt will put the agreed upon changes in red in the budget and provide a revised copy to the Board before the next meeting, which will be a special advertised budget work session at 7:00 p.m. on Thursday, November 5.

Public Comment

Will Helm thanked the Board for the Township's support of the Springtown Fire Department over the years.

Supervisors Comments

Karen Bedics asked for an update on completion of the Open Space Plan by Heritage Conservancy. Rob Zisko spoke with Jeff Marshall, Heritage Conservancy, who said they planned to have the Open Space Plan completed by the end of 2009 or early 2010.

Barbara Lindtner announced there is a breakfast at Springtown Fire Company on Sunday, November 1.

Adjournment

At 10:35 p.m., Rob Zisko **moved** to adjourn the meeting. Volker Oakey **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Sandy Everitt
Secretary/Treasurer

Next meeting: November 5, 2009

Approved: December 8, 2009