

Springfield Township, Bucks County
Board of Supervisors Meeting
November 14, 2006

Present: Chairman Jim Brownlow, Vice Chairman Chuck Halderman, Rod Wieder; Rob Zisko, Karen Bedics, Township Manager Rich Schilling, Treasurer Sandy Everitt, Chief of Police Scott Huber, Solicitor Terry Clemons

The meeting was called to order by Chairman Brownlow at 7:32 p.m. with the Pledge of Allegiance. Brownlow begins meeting by informing the audience that under Old Business the 2007 Budget discussions will be held last.

Minutes from October 24 Meeting

Halderman requested correction to page 3, where it states *line* basin be changed to *lined* basin. Halderman motions to accept the minutes as corrected. Bedics seconds the motion. Board votes in favor of the motion 4-0-1 (Wieder abstains).

Bills for Approval (October 21-November 9, 2006):

Zisko motions to approve the bill list. Wieder seconds the motion. Board votes unanimously in favor of the motion.

Road Department Report:

Posted

Brownlow comments that he appreciates the Road Department and not enough praise is given to them. A lot has been accomplished this month as reflected in their report.

Police Department Report:

Huber states that there was a 25 % increase of incidents in the month of October. Huber addressed Bedics' previous question on a pedestrian accident where pedestrian was struck and the State Police response. Chief Huber clarified that the dispatcher did not handle the call correctly. Bedics asked if the person was reprimanded. Huber says he wasn't told. Brownlow requested that Huber show a graph with overall statistics in his next report. Halderman asks for clarification. Brownlow says just do a graph on the major items. Halderman requests that the reports be more specific.

Manager's Report:

Schilling senses distrust with the different governmental agencies in regards to sewage testing. It seems the township could take a very proactive stand where an officer is present during PERC test and he would basically be the township's consultant and the developers' escrow could be charged for this service. Schilling states since we are receiving a new dump truck the old dump truck is not needed and another municipality has expressed interest. Schilling requests authorization to sell the old truck and attachments for a price not less than \$11,000. Delivery of truck would be sometime in January 07. Zisko motions to authorize manager to sell the old dump truck and plow/attachments to another municipality for no less than \$11,000; Halderman seconds the motion. Board votes unanimously in favor of the motion.

Halderman talks about the sewage enforcement person. This person would look at sewage planning module submittal for accuracy. Wynn looks for completeness, but he is not a sewage engineer. This person would be paid for the developer. This is a policy decision and requires a motion/vote per solicitor. Brownlow clarifies that the applicant would be charged. Manager states that we would want a geologist. Brownlow asks this be put on the work session and have manager get the information i.e. costs etc. Brownlow mentions open space referendum and do we have someone looking at how we will obtain the money. Manager states by ordinance when you established the Open Space Committee that was one of their tasks. Zisko states that people from Tinicum Township are coming to the Open Space meeting on December 13th to present their process and ideas. Zisko also states that they are talking about the ranking system. Solicitor says he was also contacted by potential lenders.

McNair reads his memo on “Open Burning Regulation/Ordinance 85”, which does permit burning of yard waste. He states Schilling was contacted by a resident over burning that now takes place in the township claiming that it is illegal according to DEP. Schilling contacted DEP, Ron Furland, who provided a PowerPoint presentation and offered to come to our township to present it. Springfield ordinance permits burning and DEP says there is a regulation where Bucks County is in an air basin. If you are in this air basin and have a single family or two-family home, you are permitted to burn refuge. However, studies by DEP and EPA of this area determined our ozone levels and burning could be detrimental for Bucks County. DEP says you cannot do burning because it presents a threat of harm to the environment. McNair further explains that there is no statute prohibiting individual burning. If a neighbor complains they must contact DEP who would contact the township and if the township does nothing, the DEP could urge the board to enact an ordinance that would prohibit yard waste burning. There are no civil consequences with the current ordinance. The DEP encourages townships to prohibit, but it is not strictly prohibited.

Public Comment on Agenda Items:

Paul Mosinskis comments on old business item: Noise Ordinance. He points out that nowhere does it say you can't shoot, hunt, target nor ride a quad or motorcycle; it states you must do so responsibly and what impact the activity has on others. He urges the board to take those matters into consideration. He asks which perspective their opinions come from. Are their reasons for the greater good of the township? He asks the board to consider all the residents when making decisions.

Public Hearing - Ordinance 135 (Adoption of Act 4):

Solicitor gives background. This has been advertised for adoption. It imposes a tax freeze, which are also named on the county ordinance. It provides that it would apply to any properties made subject to agricultural easement to the county program in the future and it applies not just to 2007, but also to the future until the board by another ordinance lifts that freeze. One other thing it also does is that there are two parcels in Springfield that have agricultural conservation easements not listed in the county ordinance. Halderman asks how can we get the county make a term on there that is attractive to people. Clemons says he thinks it was done inadvertently and he is working on a solution

with their solicitor. Halderman asks how can we get this to the school board and ask for their help. Brownlow says you're raising an issue before the ordinance is passed. Motion to adopt ordinance and then send a letter to the Palisades School Board is a suggestion. Public comment is asked for by solicitor. Bedics says her concern is the lost revenue from these properties. That will shift the tax burden to the residents who do not have an easement. Solicitor states we do not know how much that shortfall is. He mentions the preferential tax assessment program. Zisko says two farmers he spoke to would be more interested in the future if they're not paying big taxes. Once a farm is preserved, they're agricultural forever. We can repeal this in the future if necessary. Bedics says the rest of the residents will bear the brunt of this. Jim Hopkins says six years ago we did a printout of this. He states the amount of tax revenue is pretty small. You can look at this from when we started the Open Space Committee this in 1997. It was adopted in 1999 and a record exists. Solicitor says it's not a rollback and they would continue to pay according to their current millage provided that the county and school district adopts it. Attorney Litman asks if anyone studied the effect on public education. Michael Frank did an extensive study on this and the need to have open space easements and his conclusion is the more property subject to open space easement, the less demands for taxes on that particular property.

Bedics would like to table this until she gets figures on tax increases to the general population. Halderman seconds the motion. Schilling states that there was PowerPoint presentation from Northampton County, which was handed out previously that show the liability and the school district burden. Clemons suggests multiplying the millage of the assessment of those particular properties. Zisko states that his family pays around \$6,000-\$7,000 under Act 319 assessment in taxes on the land preserved. He says less than \$10,000 total taxable amount. Halderman asks is there a value on the resource. Bedics asks if the school district would be in a position to rescind. Clemons states that the tax freeze only works as long as each has an ordinance in place, i.e. ordinance is adopted and in two years school district rescinds, they have the authority to do so, just like the twp and the county. The Council Rock School District has had this in effect 5 years and no discussion of rescinding. Central Bucks also has it and there are a lot of agricultural properties in Buckingham Township. Solicitor's only question is the extent of the information you are asking for available. Someone has to do the math to quantify what that means. Halderman motions to adopt Act 4 and mail copies to the other townships and the school district. Wieder seconds the motion. Board votes 3-1-1. Bedics voted no because she is not sure what the impact will be to other residents; Zisko abstains because his family has property in preservation and would be affected.

Planning Matters:

Yourtee Subdivision: Clemons states that this resolution would be acceptance of improvements. Zisko motions to approve Resolution #2006-26. Wieder seconds the motion. Board votes unanimously in favor of the motion.

Old Business:

BCTMA: Jim Hopkins read a written memo to the Board, which outlines the proposed Quakertown to Lansdale rail line. The BCTMA have a full-time person on staff from a

consulting engineering firm and a grant from the federal government and that the program will be completed next fall (Sept 2007) when they will solicit funds for the rail line. Hopkins asks board if they want him to act as liaison to Upper Bucks Chamber of Commerce. Zisko motions to allow Hopkins to represent the township. Wieder seconds the motion. Board votes unanimously in favor of the motion.

Upper Bucks Regional EMS Funding Request:

Board previously approved \$20,000 funding to EMS to help them continue providing service for the balance of this calendar year. \$237,900 is now being requested based on number of people in municipality. They are requesting \$60,304.50 at the current level, which is not 100 % coverage. Bedics asks if the use of the building was taken into consideration. Schilling states that it has not been taken into consideration. They first came back with \$40,000 and now its \$60,000. Schilling believes that so far that Durham is not on board and this will increase the proposal. Zisko reminds board of the EMS tax of \$52 to offset the costs associated with this. This would include police protection. Schilling clarifies the tax is for those employed in the township. Halderman restates we need to find out the building costs. Brownlow states several questions come to mind: 1) we've gone from \$2,000/year to \$22,000 and now they're asking for \$60,000. Even if we instituted the EMS tax it only amounts to about \$25,000. Brownlow mentions the donation to the fire company. Zisko says we need to implement a tax because not having ambulance service would be detrimental. It's an added benefit to our residents. Brownlow wants to know if it has to be Upper Bucks EMS. Halderman agrees with Brownlow. Bedics says we just received correspondence where townships are mandated to fund emergencies. Schilling says nothing is passed, but they are trying to pass a law. Clemons says the request is to pay it on a quarterly basis. The EMS tax would have to be enacted by an ordinance. Brownlow says it will only work if everyone gives his share. Zisko suggests speaking about this at work session. Schilling states that the Board needs to consider that this would affect the budget. Brownlow asks who determines what that money is used for. Clemons says tax information is available. Hopkins says OPT was replaced by this tax. Zisko motions to authorize solicitor to do paperwork for advertisement for EMS tax. Bedics seconds the motion. Board votes unanimously in favor of the motion. Determination to move forward will be made at November 28th meeting. Representative from Upper Bucks EMS should be present and a better understanding of how many ambulances service the township and where their areas are and how much support we provide to them. Brownlow says we need to seek alternatives. Solicitor has local tax and it has to be advertised once a week for three consecutive weeks. Clemons suggestion is to authorize the advertising if you want that option available by the end of the year. Zisko motions to authorize to advertise. Bedics seconds the motion. Board votes unanimously in favor of the motion. Bedics will contact a board member from EMS to be present.

Noise Ordinance:

Clemons reviews the drafted ordinance. Schilling states that he received a call from State Representative Clymer who asked the board to give consideration in adopting an ordinance. Zisko responded to Mosinskis' earlier comments: we do not have the manpower to enforce this right now. Halderman questions Clemons on noise check in

Haycock, which costs \$1,200. Clemons stated there is an eight-hour time in conducting the measurements and testifying in court costs approximately \$1,200. Halderman: is this ordinance going to be enforceable? Clemons: I think I initially said it's not a land use ordinance. The ordinance I prepared is a stand-alone ordinance, which is a police-powered ordinance and not enforced as a zoning violation. It could be something as simple as the township owning decibel meter and submitting evidence to a District Justice. Zisko says we can revisit this issue in a year or two when we have more people. Halderman says he is against the noise ordinance and believes that it is unenforceable. Wieder comments that he has lived in the township for 50 years and the worst noise comes from the motorcycles and cars on Richlandtown Pike and he resents the pressure from Clymer and Wonderling. He says he is opposed to the noise ordinance unless a huge problem can be shown. Halderman says everybody rides a four-wheeler and it's unenforceable. Solicitor says to enact the ordinance, you advertise and hold a public hearing. Bedics motions to advertise to adopt the drafted noise/nuisance ordinance; Brownlow seconds the motion. Board votes 3 opposed and 2 for the motion. Motion is denied.

New Business:

- 1) Authorization for Solicitor to prepare conservation easement for Freeh property: Clemons would like a motion to authorize him to prepare easement that mirrors county, state agricultural criteria. Motion for authorization by Zisko; Wieder seconds the motion. Halderman asks solicitor is there any additional language to protect us. Clemons replies it is a policy decision for the board. Some townships have additional conditions that they require along with the county easement and agricultural security laws. County and agricultural board takes the position that the easement should mirror their easement; Halderman asks for examples. Solicitor gives Wrightstown. Easement on 100 acres that you pay \$6,500/acre limits construction of new buildings. It requires forest management plan for township review; prohibits use of pesticides, herbicides within restricted areas that would have potential to go into streams and a laundry list of "thou shalt nots". Zisko says you're allowed to build one additional house for family members where county and state must review it. No other building envelopes are held out, just the 4 acres for the house or barn. Cost: \$94,000. Bedics asks if the property is on a watercourse. Zisko: Cook's Creek runs through part of it. The Stonebacks follow Bucks County Conservation District's practices where they don't use pesticides. They use herbicides. Bedics: that's still not good for water. We want to preserve our water. Zisko states that this is on the agenda because they hope to settle within 3 weeks. I want to avoid the Keller situation from happening again. Zisko amends motion to authorize Clemons to prepare documents for easement that mirrors county and state and attend settlement. Bedics seconds the amended motion. Board votes unanimously in favor of the amended motion.
- 2) Approval of Springtown Water Authority Seal: Simmons says it should be approved by Supervisors. The old seal reads Springfield Township Bucks County corporate seal 1976 Pennsylvania versus the Springtown Water Authority. Bedics motions to approve the seal for Springtown

Water Authority as presented. Zisko seconds the motion. Board votes unanimously in favor of the motion.

- 3) Naceville – Bond extension was received so therefore no action is necessary.

Schilling states that Mr. Metzger and his lawyer are present and asks Clemons to remain. Litman speaks of the correspondence that was sent to the township today. Solicitor says this is not an agenda item and you are not obliged to receive this in public comment. Brownlow says why not address the letter at joint Planning Commission / BOS meeting. This was addressed considerably at last Planning Commission meeting. Schilling states that the Planning Commission listened to this last week. Clemons says the Planning Commission is trying to get direction from Bucks County and once they finalized this, they will have a public meeting to discuss zoning ordinance. Planning Commission does not want to delay and once they get to public comment at the public meeting, they will take this into consideration before forwarding to the board. Brownlow states we will wait till public hearing. Is my letter included in tonight's meeting? Litman asks whenever Planning Commission finally resolves some zoning issues with the draft ordinance that the Board evaluates and really considers the proposed zoning ordinance and not rubber stamp it. Schilling states this board isn't a rubber stamp for anything.

Old Business:

2007 Budget

Schilling wants a general consensus of where the board is on the budget so that by November 28th the township can have a clear-cut budget to advertise. The township must advertise the budget as being available for public comment and inspection. The public comment period is for 20 days. This being said the township can adopt the budget then either on December 19th at a special meeting or at the December 26th meeting the township can formally adopt the budget. The budget must be adopted by December 31st. If there are changes to be made, it can be amended during the first 45 days of 2007.

Brownlow asks for overview, which Schilling presents: Initially the internal budget discussions and the previous work session included an expanded police department. In looking at the costs we have since prepared 2 separate budgets. The first budget shows the police expansion and limited growth in other areas such as administration and road department. This budget in essence spends \$277,000 more than our expected revenue. The second budget shows limited growth in administration and the road department. This version is a balanced budget (revenues versus expense).

Schilling states expansion is police vs. non-police or both. The road crew is a priority. Schilling further states, "I do not know the cost of the current police department until done with collective bargaining and I cannot make any recommendation to expand the police department." Brownlow states we need to get oriented to this tonight to finalize it at the next meeting. Huber states he took \$20,000 for mobile data units and

budgeted for portable truck scales at a total cost of \$7,000. Additionally there are problems with our police vehicles: the unmarked car has 140,000 miles on it and has had significant problems in the past year. The 2003 vehicle use for regular patrol with 80,000 miles is starting to have mechanical problems, and the third vehicle is a 2005 Ford Expedition, which is running well. Huber states the need to replace the unmarked car for safety factors. That item is \$12,000. New car needed for patrol. Two officers requested by Huber, one being for a detective position; one for salaried patrolman. This is due to serious investigative time where officers are forced to use hours each shift dedicating to more serious offenses where they are unavailable for patrol. However, we do not get the coverage calls and we miss a lot of incidents and calls and other issues with State Police. The significant increase in calls just for October was 25%. Total year to date is 18% compared to last year. Huber commented that he just received the two budgets tonight at the meeting and did not get time to digest it.

Zisko says that the balanced budget seems to be a good budget, and although Chief wants more officers, we don't have the money.

Correspondence:

Letter from Michael Mahoney on Hawk Rd

Zisko motions for Board to vote for Mr. Stoneback on the FSA Committee Election Ballot. Wieder seconds the motion. Board votes unanimously in favor of the motion.

Public Comment:

Ken Simmons says 7-member Water Authority is at full force and going forward. He updated the board on progress.

Supervisors Comments:

Bedics expressed concern about the weeds on Slifer Valley Rd across from the Dunlap property. She contacted Pursell due to poor visibility. He contacted PennDot. They sprayed weedkiller where the watercourse is. Can we send letter to refrain from using herbicides for weed control. Township Manager will handle.

Bedics states to table Community Day, but she would like board to authorize Manager to send Hans Reimann a thank you for landscaping work at the township building. Zisko motions to authorize the township manager to send Reimann a thank you letter. Halderman seconds the motion. Board votes unanimously in favor of the motion.

Halderman comments on rezoning and says we need to get Bucks County to finish zoning ordinance. Manager says Planning Commission directed him to get info on Bucks County and that he contacted the County and was told that \$2,000 - \$3,000 would be the approximate amount needed to finish the process. Zisko motions to pre-approve the potential changeover from URDC to the Bucks County Planning Commission in the event that our Planning Commission desires this with a \$3,000 cap

for expenditure. Bedics seconds the motion. Board votes unanimously in favor of the motion.

Zisko motions to adjourn the meeting. Wieder seconds the motion. Board votes unanimously to adjourn at 10:50 p.m.

Respectfully Submitted,

Richard H. Schilling
Township Manager/Secretary