

Board of Supervisors

MINUTES

November 22, 2011

Barbara Lindtner, Chairperson, called the meeting to order at 7:30 p.m. and opened with the Pledge of Allegiance.

Supervisors Present: Karen Bedics, Barbara Lindtner, Dave Long, Volker Oakey and Rob Zisko.

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

Minutes

Rob Zisko **moved** to adopt as presented the November 9, 2011, minutes. Karen Bedics **seconded**; the motion **passed** unanimously. Adoption of the November 17, 2011, minutes was tabled until the next meeting.

Bills for Approval

Karen Bedics **moved** to approve the following bills paid from October 22 through November 17, 2011:

1. General Fund	\$ 36,618.29	4. Open Space Arm	\$216,569.88
2. Special Fees Fund	\$ 80.00	5. Liquid Fuels	\$ 18,519.07
3. Open Space EIT	\$ 18,713.68	6. Subdivision & Escrow	\$ 2,334.61

Rob Zisko **seconded**; the motion **passed** unanimously. Rob Zisko noted that the \$4,429.87 paid from the General Fund for PPL litigation legal fees was not budgeted in the 2011 budget.

Public Comment - None

Public Hearing for Ordinance Adopting Springtown Water Authority Resolution No. 07-06

Scott MacNair, Co-Solicitor, advised that public notice regarding the ordinance was advertised on November 8 in the Upper Bucks edition of The Intelligencer; proof of publication was received. The Bucks County Law Library received notice of the Ordinance on November 8, where it has been available for public review. There was no public comment on the ordinance. There being no comments from the supervisors, Barbara Lindtner **moved** to adopt Ordinance 2011-162 that adopts Springtown Water Authority Resolution No. 07-06 that establishes specifications for water system construction standards. Dave Long **seconded**; the motion **passed** unanimously.

Planning Matter

Sutch Tract Subdivision - Bob Wynn advised the Board that the date the Board adopted the resolution for the planning module sent to DEP for this subdivision was prior to the date that the Township Planning Commission executed Component 4A. Therefore, it is necessary for the Board to readopt the Resolution in order to address the administratively incomplete review comment from DEP. Rob Zisko **moved** to adopt Resolution 2011-16 for the Sutch Tract Subdivision's Planning Module as requested in Tim Fulmer's October 31, 2011, letter. Volker Oakey **seconded**; the motion **passed** unanimously.

Old Business

Draft Subdivision & Land Development Ordinance - The Planning Commission presented a written response dated August 17, 2011, to several changes the Board made to the SALDO revision as provided to them in a letter from Bob Wynn dated July 27, 2011. The Planning Commission agreed with most of the proposed revisions suggested by the Board; however, they submitted several suggestions/objections to some of the changes made by the Board. Following a lengthy and thorough discussion, the Board authorized Bob Wynn to make the following revisions to the SALDO to address the Planning Commission's concerns:

1. The definition of **Subdivision, Minor** contained within Section 202 will be revised to read as follows: "*The first division or redivision, with the exception of a lot-line adjustment, of a lot, tract, or parcel of land existing on the date of adoption of Ordinance 12 on March 16, 1971, by any means into not more than two lots.*" (Four members of the Board were for this change, one member was against the change.)
2. Section 410, Wetland Delineation, Subsection 3, second sentence is revised to read "*The Township may require an independent review of the wetland delineation provided by the applicant, with the Township selecting a qualified professional **after notification to the applicant**, and with the applicant responsible to pay the cost of such review.*" (Four members of the Board were for this change, one member was against the change.)
3. Section 509, Cul-de-sac Streets, Subsection 7, the last sentence is revised to read "*The center of the 'loop' of the P-loop street shall contain a minimum of two (2) lots or be retained as permanent open space.*" (It was the unanimous consensus of the Board to make this change.)
4. Section 520, Water Supply, Distribution Systems, and Fire Protection, Subsection 3.E., first sentence is revised to delete the phrase "*in the presence of a Township official.*" (It was the unanimous consensus of the Board to make this change.)
5. Section 520, Water Supply, Distribution Systems, and Fire Protection, Subsection 3.F., first sentence is revised to replace the word "*alternation*" with "*alteration.*" (It was the unanimous consensus of the Board to make this change.)

Scott MacNair pointed out that the MPC definition of a "subdivision" included the wording "*or other divisions of land including changes in existing lot lines.*" Bob Wynn suggested that in the SALDO, a minor subdivision be defined as "*the first division or redivision, with the exception of a lot-line adjustment, of a lot, tract or parcel of land existing on the date of adoption of Ordinance No. 12 on March 16, 1971 by any means into not more than two lots.*" He suggested a separate definition be added for lot-line adjustment as "*a division that is not creating any new lots.*" This will be refined and included in the final revision. (Four members of the Board were for this change, one member was against the change.) Bob Wynn will review the entire document to be certain it is consistent with this wording change.

It was the consensus of the Board to authorize Bob Wynn to send the revised, draft SALDO to Bucks County's Planning Commissions for review.

Bobb Carson brought up another issue. He said that Scott MacNair told the Planning Commission that a non-conforming lot is only non-conforming based on dimensions, whereas the Planning Commission felt that a non-conforming lot included any lot that had no road frontage, i.e., a landlocked lot. Scott MacNair advised the Planning Commission that a lot with no road frontage was not a non-conforming lot. The Planning Commission does not agree with this and feels that the definitions should be changed in both the Zoning and Subdivision and Land Development Ordinances to make certain that a lot without road frontage is called a non-conforming lot. Scott MacNair said that the Commonwealth Court case regarding Halderman actually addressed the Township's Zoning Ordinance and the definition of non-conforming lots. Scott will do additional research on this topic, including whether the Township's Zoning Ordinance can be stricter than the MPC (which is the same as what is in the Township's Zoning Ordinance); therefore, this issue will be addressed later. Bob Wynn will check with his staff member who is acquainted with GIS as to whether there is any way to know how many non-conforming lots there are in Springfield Township.

New Business

Appointment of Full-Time Road Department Worker - Karen Bedics **moved** to appoint James Stahley to a full-time position as a CDL, heavy equipment operator in the road department effective December 1, 2011, at \$20.00 per hour, contingent upon Mr. Stahley passing a physical by a Township-selected physician. Barbara Lindtner **seconded**; the motion **passed** unanimously. He will be entitled to all benefits outlined in the 2011 Non-Uniformed Employees Policy.

Correspondence

Discussion took place about a November 3, 2011, letter from PennDOT regarding the planned closing of State Road 4067 over Branch Cooks Creek. As PennDOT suggested, Rich Schilling forwarded this letter to the EMS, the Police Department and the Fire Department. He also contacted PennDOT about the potential conflict of another bridge closure on Route 412, which involves a detour using State Road 4067. Rich was advised this would not be a conflict and that the bridge improvements on SR 4067 would be accomplished in two days.

Public Comment

Bill Ryker, Ebert Road, said he is representing residents of Nemeth, Giffert and Ebert Road in the ongoing storm water investigation. He wanted to make the Board aware of the status of the investigation and to ask the Board's advice as to what the potential end is as far as our Township toward this investigation. He attended the November 7 Upper Saucon Board of Supervisors meeting. They invited him to attend the November 22 morning Planning Commission meeting, which he did. The meeting was very brief. They gave him a GIS map, which proved that Flint Hill is a mountain and the highest point in Bucks County. The records he has obtained from both Springfield and Upper Saucon under the Right-to-Know Law identified two properties which he stated did not conform with zoning laws but had owners who were difficult to deal with.

Rich Schilling summarized that in 2002, Upper Saucon did not require Flint Hill Farms to install storm water provisions for a huge farm building and a huge, related impervious trail that surrounds the building. Since Upper Saucon seems unwilling to effect retroactive storm water management requirements for that property, both Scott MacNair and Rich Schilling suggested that the residents secure legal assistance. Scott MacNair also suggested that the residents contact the Lehigh Valley Conservation District about possible pollution of nearby streams. Bob Wynn pointed out that Mr. Reese (Springfield Township) actually complained about the water runoff from the other property as early as 2002, which is when the Flint Hill Farm building was constructed.

Supervisors Comments

Karen Bedics requested that the Board give Certificates of Appreciation to the Community Day Committee for their hard work over the past five years overseeing this successful community event. Rich Schilling will invite them to the December 13 meeting to receive the certificates.

Rob Zisko thanked Karen Bedics, Scott Douglas, Hans Reimann and others who went out on a Saturday to clean up local roadways.

Adjournment

At 9:35 p.m., Rob Zisko **moved** to adjourn the meeting. Karen Bedics **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt
Township Secretary

Next meeting: December 13, 2011 – 7:30 p.m.

Approved: December 13, 2011