

**SPRINGFIELD TOWNSHIP, BUCKS COUNTY
BOARD OF SUPERVISORS MEETING
DECEMBER 14, 2004**

The meeting was called to order by Chairman Rod Wieder with the Pledge of Allegiance at 7:30 p.m. Members present were Vice Chairman Pete Lamana, Chuck Halderman, Rob Zisko and Jim Brownlow. Solicitor Jim McNamara was present.

MINUTES OF NOVEMBER 9, 2004

Rob Zisko moved to approve the minutes as presented. Second by Pete Lamana. Vote was 4 YES. Rod Wieder abstained.

BILLS FOR APPROVAL

The Treasurer presented a bills list showing disbursements of \$82,222.58 from the General Fund for the period November 9 to December 10, 2004. Chuck Halderman moved to approve the Bills List as presented. Second by Jim Brownlow. Vote was unanimous.

REPORTS

Road Department and Code Enforcement Department reports are posted on the bulletin board near the door of the meeting room.

Police Report – Officer-In-Charge Scott Huber reported a total of 80 incidents for the month of November. There were 5 traffic accidents 3 of which were reportable. There were 13 traffic arrests. The 2004 Ford Expedition is now in service for daily patrol. The department has received numerous compliments from residents and other police departments concerning the vehicle.

The police department secretary has been doing very well. She is receptive to new procedures and learns very quickly.

Solicitor's Report – Jim McNamara reported on the following:

Springfield Township v. Halderman – The Pennsylvania Supreme Court has declined to hear the township's appeal of the Commonwealth Court Decision that held that Mr. and Mrs. Halderman did not subdivide their property when they deeded two separate described parcels in separate deeds. This ends the litigation between the Haldermans and the Township.

Meyle v. Springfield Township – The court has signed a final Order ending all the litigation between Rick Meyle and Springfield Township. The above-ground pumping station that was the subject of the dispute will remain although it will be screened and insulated by the Milford-Trumbauersville Area Sewer Authority and certain funds will be paid to Mr. Meyle by the Authority, Springfield Township and the developers of adjoining property who will receive four Equivalent Dwelling Units in return.

DelGuericco Litigation – The DelGuericco litigation between Springfield Township, its supervisors and the DelGuericco's has also been resolved. Certain funds are being paid by the township's insurance company and the Del Guericco's will further limit the recycling portion of their operation, will construct a building to house that part of the operation and have agreed to certain restrictions on their trash collection business.

PUBLIC COMMENT AGENDA ITEMS

NONE

PLANNING

Evergreen Estates Final Approval – Attorney Lynn Maddock, representing Robert Sugarman, Bruce Fritchman and several Bodder/Haupts Bridge Road residents were present

Attorney Marc Jonas representing Gigliotti Group

Attorney Maddock expressed the concern of the neighbors about serious water problems on Bodder and Haupts Bridge Roads. Bruce Fritchman stated the preliminary approval was based upon stormwater calculations that assume the property will remain as it is now. Currently there are large pine trees growing on the land. It is possible that future property owners could remove the trees and at that point, the stormwater calculations would not be accurate. If there are fewer trees on the parcel there will be more runoff from the road and on to their properties.

Attorney Maddock stated there is an intense concern that pollutants such as pesticides, fertilizers and salt and car oil will find their way into Cooks Creek, an exceptional value stream.

Mr. Fritchman stated the residents were made aware today of letter received by Mr. Sugarman that the applicant is interested in negotiating and is willing to enlarge the detention basin. Mr. Fritchman asked that applicant offer an extension to pursue a settlement of the problem. This will show there is a serious intention to negotiate with the neighbors.

Attorney Marc Jones stated the applicant does not intend to offer an extension. Mr. Jonas stated the plans are “clean”, the applicant has more than complied with township regulations. There is no reason to extend the time to vote on the plan.

Chuck Halderman feels it would be wrong to move forward with the final approval. There is concern that the property could be considered an agricultural use. This means the owners could cut all of the trees down if they want to. Chuck believes there should be more investigation into this. Chuck would like to require the developer to get another engineer to do a separate study.

Hans Reimann reminded the Board that the trees on the property are evergreens and these don't manage stormwater like a deciduous forest. Hans believes the catch basin should be larger and the amount of trees the developer leaves will not help with management of water runoff.

Solicitor McNamara stated the Township's options are really limited. We have a board of supervisors who have made a decision based on their own township engineer's approval from the information provided.

Chuck Halderman moved to deny the plan at this time based on the stormwater runoff. Nothing in our ordinance says that more trees won't be cut down in the future.

AMENDED TO INCLUDE COMMENTS BY CHUCK HALDERMAN.

- 1: Lots 2,3,4,5 no stormwater control measures to the receiving basin.**
- 2: If trees are removed by these lots excessive water runoff will adversely impact adjacent property owners.**
- 3: The basin elevation (331 ft) and th road elevation is (333 ft). It is possible that if the water on the road is six inches – twelve inches deep water will back fill into basin.**
- 4: The emergency spillway is at elevation of (334 ft) and the roadway is at an elevation of (333 ft) and more than 12 inches of rain fill the road there is a possibility that water will back fill into the basin over the emergency spillway.**
- 5: Nothing in the Springfield Ordinance prohibits the future homeowners from cutting down trees in an agricultural zoning district. This will effect the basin design calculations because its design is based on 50% trees.**

6: There is no mention in the plan that the excavation and grading may impact on the adjacent landowners pond, changing the existing stream that fills that pond is not mentioned.

Rob Zisko stated he does not believe there should be an ordinance requiring the homeowners to keep trees on their property. Rob approved the plan based on what Bob Wynn says meets the criteria.

Pete Lamana seconded the motion just to get the vote.

Discussion

Bruce Fritchman stated the neighbors do not want to stop development. The issue is harming Cooks Creek and flooding of Bodder Road. We do not want this development to make the situation worse than it is now and we feel we have that right, Bruce stated.

Attorney Jonas stated the plan has been approved by your Township Engineer and meets the ordinance you have on the books. The final approval should be passed tonight and no extension given. The applicant has in good faith made efforts to negotiate with the neighbors and they are not satisfied with this.

Pete Lamana moved to close discussion. Seconded by Jim Brownlow.

Chairman called for a vote on Mr. Halderman's motion to deny the plan. Vote was Mr. Halderman – YES. Mr. Lamana, Mr. Zisko, Mr. Wieder and Mr. Brownlow –NO

Jim Brownlow moved to grant final approval to the Evergreen Estates Major Subdivision conditioned upon completion of outstanding items listed in the letter dated December 13, 2004 from C. Robert Wynn Associates:

1. Terms of the drainage easement across Lot 1, which contains the proposed stormwater management facility, must clarify the existence of the proposed monitoring well, and permit access to same for the purpose of conducting groundwater monitoring as deemed necessary by the Township. Right-of-way and easement documents must be executed in a manner satisfactory to the Township, prior to plan recordation.
2. Verification of receipt of an NPDES Permit for discharge of stormwater runoff during construction activity must be submitted to the Township when received from PADEP, prior to plan recordation.
3. Development/Financial Security Agreement must be executed between the applicant and Township, to guarantee installation of required improvements.
4. The design of the temporary sediment basin shown on sheet 5 of 13 has been enlarged from that previously proposed, in order to manage increased runoff from the construction site, and to provide sufficient volume for sediment storage prior to discharge of stormwater from the site. The following design issues must be addressed with respect to the sediment basin calculations.
 - A. As the configuration of the basin during sediment control use is substantially larger than that necessary for the permanent condition, grading associated with the sediment basin will encroach outside the limits of the drainage easement to be established on Lot 1. Erosion and sedimentation control plan must be revised to note that the grading for the basin is temporary, pending completion of permanent stabilization activity, which will allow reconfiguration of the basin to meet the design grades shown on the Grading and Landscape Plan. Modifications necessary to convert the sediment basin into the permanent stormwater management facility include regarding of the basin bottom to ensure that ponding of stormwater runoff will occur within the established drainage easement; conversion of the outlet structure to the permanent configuration; and adjusting the side slopes, top of berm elevation, and spillway elevation to correspond with that shown on the grading and landscape plan.

- B. Outlet structure design information contained on Pages 96 thru 99 of the Stormwater Management Report appears to reflect the permanent stormwater management facility, instead of the temporary erosion control standpipe, which will be in place during construction activity. Design calculations associated with the sediment basin must be revised to include information relative to the temporary erosion control standpipe to verify that the basin will dewater as required without overtopping, and dewatering will occur at rates within the allowable predevelopment flow discharge rates.

Seconded by Pete Lamana. Vote was Mr. Wieder, Mr. Lamana, Mr. Brownlow and Mr. Zisko – YES. Mr. Halderman – NO.

Cummings Subdivision (Walking Purchase Farms) – Scott Mease was present.

Scott stated this subdivision is located at the intersection of Route 412 and Route 212. It consists of 45 acres and is proposed to be subdivided into 4 lots.

Pete Lamana moved to grant Final approval to the Cummings Subdivision conditioned upon completion of outstanding items listed in Wynn Associates letters dated December 2, 2004 and November 19, 2004:

1. Plan has been revised to identify a floodplain drainage easement with bearing and distance information for the unnamed tributary to Silver Creek which traverses a portion of Lot 3. As noted in our prior review dated August 23, 2004, three copies of the legal description for the drainage easement, each signed and sealed by the responsible surveyor, must be submitted to the Township for preparation of the drainage easement by the Township Solicitor.
2. Verification of final approval of the plan and carbonate geology report should be received from Kent B. Littlefield, PG, Township Geologist, in accordance with conditions of the preliminary plan approval, and as noted in the August 31, 2004 SAIC correspondence.
3. In accordance with the preliminary plan approval, Lots 3 and 4 are proposed to share driveway access to Route 412. That portion of the driveway for Lot 3 located on Lot 4 is to be contained within an easement described by metes and bounds on the record plan. Three copies of the legal description for the shared driveway easement, each signed and sealed by the responsible surveyor, should be submitted for preparation of the shared driveway easement agreement by the Township Solicitor.
4. Each lot is proposed to be deed restricted from further subdivision. Proposed deed restriction and any additional declaration/covenant required to be recorded at the Bucks County Courthouse must be accomplished in a manner satisfactory to the Township Solicitor.
5. Dedication of Hellertown Road (Route 412), dedication of Springtown Road 9SR 212) and granting of a bike/pedestrian path easement along Springtown Road (Route 212) must be accomplished pursuant to the plan and in accordance with requirements of the Township Solicitor. Three legal descriptions of each area, each signed and sealed by the responsible surveyor, must be submitted for review and document preparation.
6. Two existing wells are to be abandoned. Wells must be capped and sealed in accordance with Bucks County Department of Health and PADEP regulations. Verification of proper well closure must be received prior to plan recordation.
7. Sewage Facilities Planning Modules must be executed by the Bucks County Department of Health and approved by Springfield Township and PADEP, unless an exemption is granted by PADEP.
8. Verification of approval for proposed driveway entrance construction for Lot 1, Lot 2, and Lots 3 and 4 must be received in writing from Pen DOT.
9. Correspondence dated October 13, 2004 has been received from Mease Engineering, PC requesting a waiver from obtaining erosion and sedimentation control plan approval from the Bucks County Conservation District. Since installation of the individual driveways is, at a minimum, a requirement of subdivision plan approval and must be installed pursuant to the

approved plan. The waiver from obtaining E & S approval for the entire site is conditioned upon the applicant securing Bucks County Conservation District approval to permit construction of the shared driveway (Lots 3 and 4) prior to plan recordation (or after plan recordation subject to execution of a Development/Financial Security Agreement with the Township). Additionally, a note must be placed on the record plan (sheet 1 of 4) advising future lot owners of their responsibility to obtain individual erosion and sedimentation control plan approval for earth disturbance prior to Township issuance of a zoning/building permit.

10. Outboundary property monumentation must be installed prior to plan recordation and be certified in writing by the responsible surveyor.
11. A Development/Financial Security Agreement must be executed between the applicant and Township to guarantee installation of all improvements required pursuant to the approved plan and Subdivision Ordinance. Additionally, if the former dwelling, sheds, or any other miscellaneous structures which remain on the site prior to the time of plan recordation must also be guaranteed to be removed within the escrow agreement.

Second by Jim Brownlow. Vote was unanimous.

Schmoock Lot Line Adjustment – Scott Mease was present

Scott stated the property boundary between Tax Parcel 42-4-176-9 (Edgar) and Tax Parcel 42-4-176-4 (Schmoock) is proposed to be revised to convey 0.191 acres between both parcels. The lots were created as part of the Edgar subdivision which was approved by the Township in 1990.

Chuck Haldereman moved to approve the Schmoock Lot Line Adjustment conditioned upon the outstanding items listed in Wynn Associates letters dated November 18 and December 2, 2004:

1. Lot line adjustment will result in realignment of the common property boundary between Tax Parcel 42-4-176-9 and 42-4-176-4, to eliminate several bends in the existing property boundary. The proposed lot line adjustment will also establish an access easement across Tax Parcel 42-4-176-9 in favor of Tax Parcel 42-4-176-4 to encompass the limits of existing driveway serving the dwelling on Tax Parcel 42-4-176-4. Three copies of the legal description for the access easement, all containing original seal and signature by the responsible surveyor, must be submitted to the Township for review. Access easement must be established in a manner satisfactory to the Township, concurrent with plan recordation. Additionally, lot line adjustment plan must be revised to reference the existing access easements within the “pole” portion of both lots, which were established as part of the previously approved Edgar Subdivision.
2. Lot line adjustment plan shows the approximate location of the existing sewage system drain field on Tax Parcel 42-4-176-4 about 80-990 feet from the existing property line with Tax Parcel 42-4-176-9. Conveyance of property to Tax Parcel 42-4-176-9 will result in the distance between the proposed property boundary and approximate sewage system drain field being reduced to 50-60 feet. Information contained on the Edgar Subdivision Plan that received approval in 1990 indicates that the approximate location of the absorption area may be 40-50 feet to the existing property boundary, which may result in the existing drain field being located at or near the proposed property boundary upon revision of the lot line as proposed. The location of the existing sewage system drain field on Tax Parcel 42-4-176-4 must be clarified, to ensure that the drain field will be located wholly within Tax Parcel 42-4-176-4 and will comply with minimum requirements of PADEP relative to setbacks from adjoining property boundaries.
3. The Township approves a waiver of Section 505.16, 506.3.A, 512, and 513, which require cartway widening, cartway reconstruction/overlay, drainage improvements, curb, and sidewalk.
4. Plan notes that several rebar are to be set along the perimeter of the parcels involved in the lot line adjustment subdivision, as well as at the proposed property boundary, where same intersects the existing tract boundary. Additionally, a concrete monument is proposed to be installed along the right-of-way of Tumblebrook Road (which is already dedicated to the Township as part of

the Edgar Subdivision). In accordance with Section 522.2 of the Subdivision Ordinance, rebar to be set along the perimeter of the parcels involved in the lot line adjustment subdivision must instead be set utilizing concrete monuments. (Rebar may be utilized for the proposed revisions to the common property boundary between Tax Parcel 42-4-176-9 and 42-4-176-4). All property monumentation must be installed and be certified in writing by the responsible surveyor prior to plan recordation.

5. The following engineering/drafting detail items must be satisfactorily addressed:
 - A. Zoning district boundaries and the municipal boundary between Upper Saucon Township and Springfield Township must be shown on the location map in accordance with Section 402.G of the Subdivision Ordinance.
 - B. Plan must be revised to clarify the break distances along the rear of Tax Parcel 42-4-176-4, as a result of the lot line adjustment subdivision.
 - C. Boundary information for the right-of-way area along Tumblebrook Road must be added to the plan, as was described by metes and bounds information on the Edgar Subdivision Plan.
 - D. The sum of distances along the existing property for segment having a bearing of South 34°09'50" East must be clarified, as the sum of the individual segments does not equal the total length labeled in plan view.
 - E. Location of the existing well serving the dwelling of Tax Parcel 42-4-176-9 must be shown in plan view to verify that same is not in the area involved in the lot line adjustment conveyance.

Second by Rob Zisko. Vote was unanimous.

Penn Meadows Subdivision/Schmoyer request to purchase property.

As requested by the Supervisors, Solicitor McNamara researched certain legal issues in connection with a proposal by Mr. and Mrs. Schmoyer that would allow them to purchase an access lane to their land-locked property Tax Parcel 42-3-12). It appears, from reviewing an access agreement between the developer and the Schmoyer's dated January 30, 2002, that the easement granted to the Schmoyer's runs only to their parcel with the rest of this lane, running to the Open Space Area, remains deeded to the Homeowners' Association. As Solicitor McNamara understands the proposal, the Schmoyer's, if they acquire this access easement in fee simple, then would grant an easement to the Homeowners' Association allowing pedestrian access to Old Bethlehem Pike. Mr. McNamara feels it will be pedestrian access because bollards are supposed to be constructed by the developer that would limit vehicle access, but the approved plan of the Penn Meadows Subdivision calls for the construction of a paved 4-foot wide strip for bicycles and pedestrian access from the village of Zion Hill via Old Bethlehem Pike, through the easement and thus to the sidewalks being constructed in the Penn Meadows Subdivision and ultimately the Open Space Area. You will recall, at one time this Open Space Area was to be dedicated to Springfield Township. However, the Board of Supervisors rejected dedication because the Open Space Area included a retention basin and certain wetlands requiring maintenance and chose not to become responsible for the long term maintenance of these facilities.

A question remains as to whether, with ownership by the Homeowners' Association, the Open Space Area is to be accessible to the general public or only to the association members and their invited guests. Solicitor McNamara believes the supervisors should be consulted regarding their understanding of the use of the Open Space and most particularly, the pedestrian and bicycle path. Besides running down the center of the access easement, the bicycle path was to be a stone path surrounding the Open Space Area.

If the conveyance is permitted it should be consolidated with the remaining lands, and the Waiver of Land Development proposed by Mr. Moffett would be reasonable. However, since the developer would not be required to construct the pedestrian/bike path improvements and the Solicitor recalls a waiver was given for sidewalk improvements in return for the construction of the pedestrian/bike path. He believes it is reasonable to require a contribution to the township based on the cost that would be saved by the developer.

The Supervisors requested the Solicitor convey to Attorney Moffett that they will not support the transfer of the strip of land contained in the Easement to the Schmoyer's. They see no reason to exempt the developer from the additional expense required as part of the approved subdivision of paving a portion of that strip. In addition, given the potential in the future for transfer of the Open Space in the development to the township, title to that strip of land may be important.

OLD BUSINESS

High Meadow Farm Subdivision – In a letter dated November 29, 2004, Ruff-Hall Builders request an extension for the completion of improvements for the High Meadow Subdivision to June 30, 2005.

Chuck Halderman moved to grant the extension requested for High Meadow Farms to June 30, 2005. Second by Pete Lamana. Vote was unanimous.

G&H Land Investment Company – Request to release escrow funds for infiltration pits not installed on Lots 2 and 3, as stated in C. Robert Wynn Letter of December 14, 2004. Pete Lamana moved to authorize release of escrow funds held to guarantee installation of infiltration pits on Lots 2 and 3. These requirements will be met prior to issuing building permits. Second by Jim Brownlow. Vote was unanimous.

2005 Budget – Chuck Halderman moved to approve the 2005 Budget as submitted, noting there is no tax increase proposed for 2005. Seconded by Jim Brownlow. Vote was unanimous.

NEW BUSINESS

Vacancies – Vacancies exist on the Zoning Hearing Board, Historic Commission, Planning Commission, EAC and Vacancy Board. These vacancies have been advertised in Penny Power with a request for letters of interest by December 27, 2004.

PUBLIC COMMENT

Pat McGinnis discussed ditch erosion on the frontage of his property. Pat lives on Bodder Road. The Board will have the Road Foreman contact the Township Engineer and meet with Mr. McGinnis to discuss the situation.

Hans Reimann thanked the Board for having the letter from the Bucks Conservation District to him regarding his neighbor's property. Hans is still waiting for a detailed report on the saturation on both sides of Route 309, which appears to Hans to be an illegal junk yard.

There is also a bulldozer stuck in the mud on Mr. Metzger's Route 212 property. Hans would like to know what is being done about this. Hans feels Mr. Metzger is working very close to the creek that runs through his property. Chuck Halderman commented this would be controlled by the Conservation District. They should be contacted to look into the matter.

Dennis Steskal discussed the meeting nine months ago with Bucks County Water & Sewer Authority. Dennis feels this was an illegal meeting. What is happening with the water system?

Also, people are parking on the wrong side of Route 212 to go in to the post office. Dennis is afraid someone is going to step out and be hurt. This is a very dangerous situation.

Robert Bell read a statement regarding the cost of the classified advertising for the township manager and payments to the labor attorney. He considered the expenditures indiscriminate spending.

Leanora Halderman discussed the treatment of her family by Chief Bell and his wife.

SUPERVISORS' COMMENTS

Chuck Halderman – would like to have a representative of DEP talk to the Board about water issues.

Jim Brownlow – is also concerned about the watershed however; he is not clear what the township can do to protect the water. The Planning Group is currently working on the Zoning Ordinance. This matter will certainly be discussed and efforts made to do what is possible.

Pete Lamana stated Scott Huber was appointed Officer-In-Charge at the October 6, 2004 meeting, he is proving to be quite capable.

Jim Brownlow – no comments

Rob Zisko – no comments

Rod Wieder wishes everyone a Happy Holiday Season.

MOTION TO ADJOURN

Pete Lamana moved to adjourn the meeting at 9:20 p.m. Seconded by Chuck Halderman. Vote was unanimous.

Respectfully Submitted

Barbara A. Smith
Secretary