

## Board of Supervisors Meeting

### MINUTES

February 12, 2008

Jim Brownlow, Chairman, called the meeting to order at 7:40 p.m. and opened with the Pledge of Allegiance. Jim noted for the record that the supervisors held an executive session before the meeting to discuss legal matters.

**All Supervisors Present:** Karen Bedics, Jim Brownlow, Chuck Halderman, Barb Lindtner and Rob Zisko.

**Also present:** Scott MacNair, Solicitor; Sandy Everitt, Secretary/Treasurer; Mark Laudenslager, Chief of Police; and Rich Schilling, Township Manager.

### Approval of Minutes

Rob Zisko **moved** to adopt the January 22, 2008, minutes as presented. Barbara Lindtner **seconded**; the motion **passed** unanimously.

### Bills for Approval

Karen Bedics had a question about a computer repair bill and Rob Zisko pointed out that the Township paid \$8,472.49 from township funds to the township engineer for December and January and paid an additional \$3,404.57 to the township solicitor for January legal services. Sandy Everitt, Treasurer, noted that the current revision of the zoning ordinance and work on revising the SALDO were creating some of the additional engineering and legal expenses. Rob Zisko **moved** to approve the bills listed on the January 23 – February 8, 2008, bills list (\$24,688.25) and on the February 9 – 12, 2008, bills list (\$28,840.51). Barbara Lindtner **seconded**; the motion **passed** unanimously.

### Reports

**Road Department (posted)** – The Road Report was accepted as presented.

**Code Enforcement (posted)** – Scott MacNair commented on the application referenced in this report for a ZHB Hearing scheduled for March 3 for the Kukowski property. The hearing deals with the denial of a zoning permit. Chuck Halderman **moved** to authorize the township solicitor to attend the March 3 Zoning Hearing on behalf of the Board for the Kukowski portion of the hearing. Barbara Lindtner **seconded** the motion. Voting **Yes**: Jim Brownlow, Chuck Halderman and Barbara Lindtner. Voting **No**: Rob Zisko. **Abstaining**: Karen Bedics. The motion **passed**.

**Police Department (posted on the website)** – The police responded to 68 incidents, 10 of which were criminal offenses. There were 5 accidents involving 7 vehicles with 7 injuries. Property valued at \$120 was stolen in January. \$300 of stolen property was recovered. Jim Brownlow asked if Mark had a timeline for hiring the 2 full-time officers authorized in the 2008 budget. Mark plans to present a hiring process to the Board for adoption at the next meeting at which he reports. Karen said she met with Mark and requested that someone should be appointed as a representative from Springfield Township to the Upper Bucks Youth Aid Panel to work with troubled youth when more police staff is hired. Mark explained that this program works with first-time offenders of non-aggressive type crimes and attempts to bring together the victim and the offender in a face-to-face contact, with the intention of reducing repeat offenses.

**Township Manager** – Rich Schilling highlighted several items from his report. He met with representatives from the Springtown Water Authority and Larry Glick, aide to Congressman Murphy, about grant opportunities for the Water Authority. As a result of that meeting, the Water Authority has applied for some grants through Congressman Murphy's office.

He provided a draft of the tentative Cable Franchise Agreement that the Upper Bucks Cable Consortium and Service Electric TV negotiated and agreed upon at a meeting on February 7. The different municipalities

participating in this agreement would like to adopt ordinances that go into effect at the same time after whatever agreement is finally adopted becomes effective. Rich asked that the Board authorize the Township's solicitor to review the proposed contract. Karen Bedics **moved** to authorize our solicitor to review the cable franchise agreement. Chuck Halderman **seconded**; the motion **passed** unanimously. Jim Brownlow noted this was a 10-year, non-exclusive agreement. Rich explained that *non-exclusive* does not prevent other service providers from providing service within the township; it means that the Township is allowing Service Electric to work in the Township's road right-of-ways.

Rich indicated the PA By Way's application must be resubmitted because of the time that has elapsed since the initial application was submitted that included Durham and Lower Saucon Townships. Since it is now an internal loop entirely in Springfield Township, he needs to resubmit it as a new application.

Rich, Bobb Carson, and Bob Wynn and Lombardo Associates met with DEP regarding the Act 537 update. The Task Activity Report prepared by Lombardo Associates has been signed off on and contains the costs for this project—\$197,000+ and the administrative township costs, totaling \$234,000. Fifty percent of this will be reimbursed by DEP upon completion of the project. This project should begin to move within the next two weeks.

Rich submitted the Farmer's Market grant application. We should hear whether this has been awarded in the first week of March. Karen Bedics commended Rich on his efforts to get this grant prepared in a very short time.

Rich met with Mr. Szustak, an architect who has done work for some other municipalities. He will be preparing an information packet (at no charge to the Township) for the Board to review. Rich hopes to meet with some residents and department heads to come up with ideas for redesigning our building. However, from discussion with Mr. Szustak, Rich feels it might be best to do a feasibility study first. Rich hopes to have more information by the second meeting in March.

### **Public Hearing**

**Ordinance 147 – Adopting Springtown Water Authority Resolution No. 07-06 for Enforcement Purposes which Establishes Rules Regulating Connections to the Public Water System; Establishes Standards for Connections from Buildings to Mains; and Prescribes Penalties for Violations** – Scott MacNair explained that the Township needs to adopt Resolution 07-06 of the Springtown Water Authority so that the Township can enforce all the provisions as well as the Authority. It establishes a permitting procedure, provides notice requirements and authority to connect. It also allows for Township inspection of the connections and the water services. Specific penalties ranging from \$30 to \$1,000 if violations continue are listed in the ordinance. The Ordinance was advertised in The Morning Call February 5 and proof of publication was received. It has also been available at the Township Building, The Morning Call and the Bucks County Law Library for the public to review. Scott opened the hearing for public comments; there were neither public nor supervisors comments. Chuck Halderman noted that Ken Simmons could not attend this meeting because of the weather and had called to apologize for his absence. Chuck Halderman **moved** that Ordinance 147 be adopted relating to Springtown Water Authority Resolution No. 07-06. Barbara Lindtner **seconded**; the motion **passed** unanimously.

### **Public Comments on Agenda Items – None**

### **Planning Matters**

**Cohen Subdivision** – The applicant provided an extension until March 31, 2008.

### **Old Business**

**1. Appointment to the Open Space and Environmental Advisory Committees** – Kristy Aller submitted a resume and she is well qualified and willing to serve on both of these Committees. Karen Bedics **moved** that Kristy Aller be appointed to the Open Space Committee and the Environmental Advisory Committee. Rich would like to work with the EAC to redraft the ordinance governing that committee before Kristy's term is set. She is filling an unexpired term on the Open Space Committee that ends December 31, 2008. Rob Zisko **seconded** the motion; it **passed** unanimously.

**2. Resolution 2008-03 Establishing Capital Improvement Fees, replaces Resolution 2006-17** – Rich Schilling stated this Ordinance was needed to make the per-lot fee consistent with the fee recommended by Bob Wynn in the General Fee Schedule. This fee schedule will be reviewed for adoption in the near future. The only change in this

resolution is to increase the per lot contribution fee to \$4,000 (was \$3,000) when curbing, sidewalks and other improvements within a proposed Subdivision are waived at the time the subdivision is completed. This increase is more in line with what other townships are charging. Barbara Lindtner **moved** to adopt Resolution 2008-03 to increase the per-lot contribution to \$4,000 when improvements are waived for a Subdivision or Land Development. Chuck Halderman **seconded**; the motion **passed** unanimously.

**3. Draft Subdivision & Land Development Application and Instructions** – Scott MacNair said one of the major things accomplished in the revised draft was to move a lot of the language that was contained at the end of the Subdivision & Land Development Fee Schedule up to the end of the certification section. The applicant will now be agreeing to these things upon signature of the application. This makes the application more of a contract between the developer and the Township as opposed to before, where the information was simply provided as part of the fee schedule.

The other major change was that the subdivision escrow fees were increased and upon implementation of this changed fee schedule, the application fees will be used by the Township to cover administration costs involved with subdivisions and land development plans. Four corrections were suggested which will be implemented to better clarify the intent of the changes. Chuck Halderman would like a process to be established whereby preliminary submissions can be checked against some type of a checklist to ensure that everything that is required for a new submission is included, before the plan is actually accepted for review.

Chuck Halderman **moved** to accept the Subdivision & Land Development Application and Fee Schedule as corrected. Barbara Lindtner **seconded**. Karen Bedics feels that a short, bulleted checklist should be part of this application so that the applicant can check that everything that is required is included in a submission. It was pointed out that this checklist is already included in the SALDO and is different for various types of submissions. Rich Schilling said that his ultimate goal is to have Dave Taylor be the individual who actually checks submissions to be sure they include what is required before we accept them. Rich would like to have our solicitor prepare a sign-off form so that if Dave Taylor is not available when a submission comes in, the applicant would need to agree that formal acceptance of the plan is dependent upon a review by the Zoning & Planning Administrator. When Dave states the submission is complete, then it will be accepted for review and forwarded to Bob Wynn. Jim Brownlow called for the question. The motion **passed** unanimously.

### **New Business**

**1. Appointment of EAC Chairman** – Rich Schilling stated that at his first meeting, the Board expanded the EAC to 7 members. The EAC Ordinance currently in place states that there are only 3 voting members on the EAC and further states that the Board of Supervisors will appoint the EAC Chairman. That makes this the only committee where the Board of Supervisors selects the chairperson. This procedure was not followed last year, but now that the Ordinance has been located and read, it needs to be followed until it is changed. Rich would like the Board to appoint the chairperson and then he would like to work with the EAC to produce a new ordinance, correcting several areas that now are very cumbersome and unusual. Chuck Halderman **moved** to appoint Scott Douglas as chairman of the EAC and request the EAC to work with Rich Schilling to produce a revised EAC Ordinance. Karen Bedics **seconded**; the motion **passed** unanimously.

**2. Auditor Vacancies** - Rich Schilling advised that one auditor, Frank Nekoranik, had passed away recently. A second auditor, Richard Weigner, resigned, which leaves only one auditor, Judy Franlin. Rob Zisko **moved** to authorize Rich Schilling to advertise for applicants to fill the open auditors' positions. Barbara Lindtner **seconded**; the motion **passed** unanimously. The cutoff date for applications will be March 31.

**3. Board of Supervisors meeting in Zion Hill** – Rich has cleared that the Lutheran Church Annex in Zion Hill (voting place for the Western portion of the township) is available to hold our Board of Supervisors meeting there on February 26. Karen Bedics **moved** to authorize Rich Schilling to advertise that the February 26 Board Meeting will be held in the Lutheran Church Annex in Zion Hill. Barbara Lindtner **seconded**; the motion **passed** unanimously. The Board will evaluate the meeting and perhaps quarterly meetings may be held there if attendance warrants it.

**4. Resolution to transfer Safe Deposit Box** – Rob Zisko **moved** to pass Resolution 2008-04 to authorize Sandy Everitt, Treasurer, to access the Township’s safe deposit box and to transfer the location of the box to the Coopersburg office of QNB. Barbara Lindtner **seconded**; the motion **passed** unanimously.

**5. Sewer Fund Loan** – Sandy Everitt explained that there may be a shortage in the sewer fund account to make loan payments. The loan will be paid off in May 2008, but unless payment for the five remaining EDUs comes in from the Prime Properties Subdivision on Cherry Road by March, the sewer fund bank account may not have enough to pay off the loan. Rob Zisko **moved** to authorize up to \$12,000 as a loan from the General Fund to the Sewer Fund should funds be needed. Chuck Halderman **seconded**; the motion **passed** unanimously.

**6. Request for waiving of Zoning Hearing Board fee for Mesko** – Mike Mesko submitted a written request asking that the \$550 Zoning Hearing Board fee be waived. He must appear to request a variance to allow his landscape sign to stay, even though it exceeds 10 square feet. He was unaware of the size restriction when he purchased a new sign to replace one that had been in front of his property since 1975. His request for a waiver of the fee is based upon the fact that the Board waived the sign for Springfield Elementary School and the \$550 fee is a hardship for him.

Karen Bedics feels that a business owner should have money to pay whatever fees are involved in running the business. Jim Brownlow said the applicant raises two key issues: 1) If the school was not charged a fee, why should he be, and 2) There are other people in Springtown that also have signs larger than 10 square feet, so he didn’t think his sign was too large. Rob Zisko noted that the signs put out by Indigo Gardens, Thompson Motors, and probably the Springtown Inn and the Springtown Fire Department are larger than 10 square feet. The Springtown Fire Department sign is also internally illuminated. Rob Zisko said that the new Zoning Officer has begun enforcing the sign ordinance that has been in place for years. Chuck pointed out that if we waive Mr. Mesko’s fee, other taxpayers will have to pay the cost for his hearing. Rob does not feel that the Board should have waived the Springfield Elementary School’s fees, as our taxpayers also had to cover the cost for that hearing. Barbara Lindtner does not feel the school’s ZHB fees should have been waived or that any other ZHB fees should be waived because it sets a precedent, as illustrated by Mr. Mesko’s request. Rich also noted that the ZHB fees for the Springtown Water Authority were waived and Rob pointed out that not all of Springfield Township would benefit from the public water in Springtown. Barbara Lindtner feels that the whole township actually does benefit from keeping the Water Authority under the control of the Township. There was discussion about signs in Springtown and whether it would be safe to have larger signs there.

The fact that the Mesko application was accepted without money does not negate the fact that a hearing must be held within 60 days. It was noted that the ZHB could make it a condition of their hearing that the applicant would have to pay the hearing fees. Rob Zisko stated he feels the applicant came in with the application without a fee because he was cited by the Assistant Zoning Officer for having his new sign up. He had a thirty-day period in which to correct the problem of the over-sized sign or take it down. Barbara Lindtner asked if the Board should review the sign ordinance, since there are so many residents with signs larger than are permitted by the Zoning Ordinance. Karen Bedics **moved** that the request by Mike Mesko to waive the ZHB fee be denied. Rob Zisko **seconded**; the motion **passed** unanimously.

**7. Name Designation for Unnamed Tributary of Cooks Creek** – The Board received a letter from the United States Board on Geographic Names suggesting *Neruda Run* as the name of a tributary that runs partially within Springfield Township. The name was suggested by a Dennis Steskal, a resident of Springtown, to honor the Chilean Nobel Prize poet Pablo Neruda, and a biographical sketch of the poet accompanied the letter received by the Board. The Board of Supervisors was asked to either: 1) Approve the Proposed Name, 2) Reject the Proposed Name, 3) Take Action as Specified Below (in the letter), or, 4) Render a Decision Without the Recommendation of the Board. Rob Zisko **moved** that we approve the proposed name. Karen Bedics **seconded** the motion. Barbara Lindtner does not feel the name is in keeping with the historic nature of Springfield Township. Jim Brownlow said if the biography had not been included with the letter, he probably would not have had a problem with the proposed name. However, since they did include the biography, he does have a problem with it, in that the biography states that Pablo Neruda was a member of the Communist Party in his home country. Jim Brownlow **called for the question**. The motion was **denied** unanimously. Karen Bedics **moved** that instead of *Neruda Run*, the name *Steskal Run* be suggested, and that Rich Schilling be authorized on behalf of the Board to fill out whatever applications or paperwork need to be submitted. Barbara Lindtner **seconded**; the motion **passed** unanimously. Jim pointed out that

the letter received indicated that the intended honoree could be a commemorative name (which Pablo Neruda was) or must have a long association with the feature (Dennis Steskal does), or have made notable civic contributions to the community (Dennis Steskal has).

### **Correspondence**

Jim Brownlow noted that the supervisors received copies of the correspondence listed on the agenda.

### **Public Comment**

**Bruce Whitesell** stated “It is sleeting!”

### **Supervisors Comments**

**Chuck Halderman** brought the Board’s attention to the junkyard on Richlandtown Pike. He is concerned that it is encroaching upon wetlands and a pond in the area. He is concerned because the Township spent a great deal of money (most of it state grant funds) to clean up that junkyard, and it appears that this use is again expanding greatly. It is his understanding that it can only expand 50% above what it was and he is concerned that we may not have a baseline to know when the site becomes a non-conforming use. Barbara Lindtner understands that some of the vehicles kept on the premises have not been drained. Chuck just wanted to put the thought out to the Board as to whether we would be willing to spend township funds to establish a baseline on what the permitted use on a property is.

**Scott MacNair** received a letter from Attorney Ed Wild addressed to the Board of Supervisors regarding the McArdle Appeal. Mr. Wild requested an opportunity to appear before the Board in Executive Session to discuss settlement negotiations rather than move forward with the matter in court. Mr. Wild mentioned that he discusses this matter with Terry Clemons and has had some back and forth discussion, but felt it might facilitate the process if he attended an Executive Session. Scott MacNair agrees this might bring to a head whether there will or will not be a settlement. Karen Bedics asked that Scott request that the Board receive a copy of what will be proposed prior to the Executive Session so they have time to carefully review it. It was the consensus of the Board they would be willing to meet if it was not the same proposal they had already rejected, that the new proposal comes to the Board ahead of the Executive Session for them to review it, and, if the Planning Commission could be present when any new proposal is discussed. Scott will contact Ed Wild with the Board’s suggestions and get back to Rich if he is successful to set up the Executive Session.

### **Adjournment**

At 9:05 p.m., Jim Brownlow **moved** to adjourn the meeting. Rob Zisko **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt  
Secretary/Treasurer

Next meeting: February 19, 2008 Special Meeting with PP&L; February 26, 2008 – Regular Meeting @ Zion Hill  
Approved: February 26, 2008