

Board of Supervisors

MINUTES

February 24, 2009

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

Supervisors Present: Karen Bedics, Jim Brownlow, Barbara Lindtner (arrived at 8:35 p.m.), Volker Oakey, and Rob Zisko. **Also present:** Sandy Everitt, Secretary/Treasurer; Bob Wynn, Township Engineer; Terry Clemons, Township Solicitor; and Rich Schilling, Township Manager.

Approval of Minutes - Minutes were not ready for approval.

Bills for Approval

Rob Zisko **moved** to approve the bills list for \$34,898.61.00 from February 12 – February 23, 2009. Volker Oakey **seconded**, the motion **carried**.

Public Comments on Agenda Items – None

Planning Matters

Solteck Equities Subdivision – Request Final Plan Approval – Evan Pelligrino, Urwiler & Walter, presented plan details for the applicant Dan Soliday, who was also present. At their February 4 meeting, the Planning Commission unanimously recommended final plan approval be granted for this subdivision. Rob Zisko **moved** to grant final approval to the Solteck Equities Subdivision subject to the conditions listed in the January 23, 2009, township engineer’s review letter, and subject to Terry Clemons’ request that the declaration include setback information and prohibit further subdivision of Lots 1-4, establishing shared driveway access for Lots 1 & 2 and Lots 3 & 4, and granting a conservation easement on the areas described. Volker Oakey **seconded**; the motion **passed** unanimously.

Baumner/Deiningner Subdivision – Request Preliminary Plan Approval –The Planning Commission recommended this plan for preliminary approval at their February 4, 2009, meeting. Susan Rice, Stout, Tacconelli & Associates Inc., presented the plan for the applicants. The tract is in Haycock and Springfield Townships with the Springfield portion consisting of a conservation easement attached to Lot 4. Haycock’s Planning Commission has recommended preliminary approval of the Haycock portion of the tract. This is the first farmland lot for Board approval. Terry Clemons will provide a draft of the conservation easement for the Board to review.

Rob Zisko **moved** to grant preliminary plan approval to the Baumner/Deiningner Subdivision subject to completion of the conditions listed in the January 22, 2009, township engineer’s letter and subject to approval of the conservation easement wording, and approval was also granted for the waiver requests listed in Item 3 of the review letter. Volker Oakey **seconded**; the motion **passed** unanimously.

Roher Subdivision – Request Conditional Final Approval – This 3-lot subdivision extends across both Haycock and Springfield Township lines. The Planning Commission recommended conditional final approval be granted to this plan at their February 4 meeting. The zoning officer will perform a site inspection to ensure that the site has been cleared of the items required as a condition of preliminary plan approval. Terry Clemons noted that a barn straddling two of the lots needs to be removed prior to final plan application.

Rob Zisko **moved** to grant final plan approval conditional upon a satisfactory site inspection by the zoning officer and removal of the barn straddling two lots. Karen Bedics **seconded**; the motion **passed** unanimously.

Kramer Subdivision – Status of Completion – The township received letter dated January 27, 2009, from Harleysville National Bank stating that the Letter of Credit ensuring completion of subdivision improvements was going to be revoked. However, a site inspection revealed that construction items associated with the driveway installation have yet to be completed. Bob Wynn copied the applicant and Harleysville National Bank on his letter to the township dated February 17 advising them that unless the Letter of Credit is extended, the developer will be in default of the terms of the Agreement and this issue will be included on the February 24 Board meeting agenda.

Based upon the fact that the Letter of Credit for the Kramer Subdivision will expire on March 27, 2009, and will not be renewed, and based upon the township engineer's site inspection revealing that the driveway has not been completed, Jim Brownlow **moved** to conditionally find the developer in default of the terms of the Development & Financial Security Agreement. Further, the township solicitor will prepare the necessary documents and contact the applicant, advising him of the steps the Township is taking prior to the Board's next meeting. Volker Oakey **seconded**; the motion **passed** unanimously.

Summit Farm Subdivision – Acceptance of completion of improvements & commencement of the 18-month maintenance period - Rob Zisko **moved** to accept the completion of improvements subject to \$19,101.50 being retained in escrow for completion of on-lot improvements, and 15% of the total escrow (\$8,035.50) also being retained to guarantee the 18-month maintenance period, for a total escrow retention of \$27,137.00. Karen Bedics **seconded**; the motion **passed** unanimously.

Brinley Court – Extension Expiration March 4, 2009 – Bob Wynn stated that TH Properties, the original applicant for this plan, no longer owns the subdivision. They have requested the township to return the escrow they originally posted. Karen Bedics **moved** to conditionally deny the Brinley Court Subdivision based upon outstanding items listed in the September 5, 2007, Township Engineer's review letter and based upon not receiving a BCPC review (required by the SALDO). Further, the new owner/applicant must provide an extension, a new escrow fund and complete and sign a new subdivision application within 30 days. Volker Oakey **seconded**; the motion **passed** unanimously.

Old Business

Open Space Committee Appointment – Rob Zisko **moved** to appoint Nevada Mease to the Open Space Committee for a 3-year term expiring December 31, 2011. Volker Oakey **seconded**; the motion **passed** unanimously.

Streetlight Assessment – Bob Wynn presented the estimated cost for him to review street light assessment billings in the Village of Springtown in a letter dated January 30, 2009. Karen Bedics **moved** to authorize Bob Wynn to proceed with reviewing street light assessments in the Village of Springtown as outlined in his letter at a price not to exceed \$1,500. Jim Brownlow **seconded**; the motion **passed** unanimously.

PUC Process – (Deferred until Barbara Lindtner arrives.)

New Business

Planning Commission Annual Report for 2008 – Bobb Carson, chairperson, presented a report on 2008 Planning Commission activities, with a listing in chronological order of the plans reviewed.

The Commission requested that the Board establish a process that would include Planning Commission input while a subdivision conservation easement is being negotiated.

Bobb requested a meeting of the Board and the Planning Commission to review elements of the 2003 Comprehensive Plan that have not yet been addressed. The Planning Commission listed these in an October 17, 2008, report forwarded to the Board. Rich Schilling will provide a copy of the Comprehensive Plan to each Board member to review in preparation for discussing of this topic at a future meeting.

The Planning Commission is currently drafting revisions of a number of definitions and of the section relating to riparian buffers, wetlands and floodplains in the Zoning Ordinance. Initially, the plan was to create a Cooks Creek Watershed overlay, but as the Watershed covers 70% of the township, the Commission felt it more prudent to revise the requirements for the entire township. These draft revisions will be forwarded to Terry Clemons, Bob Wynn and BCPC for review within the next month or two.

Relating to the Act 537 plan, Bobb said Lombardo & Associates will turn over GIS information to the township as part of the completed Act 537 Plan. He is concerned that this information may become obsolete if someone is not trained to maintain and run this system. He suggested an outside agency proficient with GIS might be needed. Bobb does not think that managing the GIS system can be handled by a volunteer. The Board asked Rich to work with Bob Wynn to put together alternatives for the Board to review.

The Board wants the Planning Commission to evaluate what would be required to develop a Central Business District along the Route 309 corridor and present their recommendations to the Board. This report should include what manpower resources they will need to complete the study

The tentative date for the first public meeting for review of the draft Act 537 Plan was set for April 9, dependent upon availability of the Springtown Fire Department Social Hall. The alternate date is April 23. Lombardo's will mail a survey to residents prior to the meeting.

Terry Clemons suggested that the township needs to develop a better electronic messaging ordinance. Terry will provide the Planning Commission copies of an ordinance he helped develop for another municipality.

Open Space Committee Requests: The Committee has a May 1 deadline for applying to the Bucks County Natural Areas Program. Of the 11 properties the OS Committee is currently working with, eight may be eligible for Natural Land Areas funding. Appraisals of these properties must be obtained and applications must be submitted to the Natural Areas Program. The Committee needs help to accomplish this before May 1. They learned that an updated Open Space Plan is not required to apply for Natural Areas for funding. Jim Brownlow pointed out that if the Board delegates authorization to the Open Space Committee to use Open Space funds, all decisions about using the funds and/or services the Board authorizes must be made by the OSC as a whole; not by one or two individuals.

- **Partner with Heritage Conservancy for Easement Acquisition Process Including monitoring**

The Committee met recently with Heritage Conservancy to learn more about the land acquisition process. The Committee is unanimous in recommending the Board permit a partnership with Heritage. The OSC feels Heritage is competent, have the most services to offer and have an adequate work force to meet the township's needs. Barbara Lindtner **moved** to authorize the Open Space Committee to obtain a scope of work in writing from Heritage Conservancy for services they will provide to the Open Space Committee in the easement acquisition process at a cost not to exceed \$7500 to be paid from Open Space Funds. Jim Brownlow **seconded**. Rob Zisko asked that the township get an update from Ted Evans about properties he has been working with through Natural Lands Trust. Rob is aware of two properties where appraisals were already completed; he does not want work to be duplicated. Barbara Lindtner wants information in writing from Ted, including what properties he is working on, timeline for completion of that work, and what payment is due for this work. Rich will obtain this information. Jim called for the question. The motion **passed** unanimously.

- **Appropriation of funds to support the easement acquisition process** – Following prioritization of the 11 properties, Rob Zisko **moved** to permit the Open Space Committee to authorize at a meeting the use of Open Space funds to order appraisals at a cost not to exceed \$15,000. Barbara Lindtner **seconded**. (No commitment by the first 11 property owners will be required for the initial appraisal.)

For future use, Terry Clemons will prepare a letter that property owners will sign indicating their intent to proceed with the conservation process. It will state that if funds are available for a property and the property owner does not proceed with the easement process, the property owner will repay the township for the cost of the initial appraisal. The Board consensus was that the first 11 property owners will not be asked to sign such a letter, but the OSC and the Board will review how this works out with this first group of property owners. Jim Brownlow called for the question. The motion **passed** unanimously.

A discussion followed about cost-sharing options for future appraisals, easement management, etc. The township will cover all costs (from Open Space funds) when a property owner donates an easement to the township. Terry Clemons said that Heritage Conservancy may know of other funding sources to offset these costs. Terry also noted that the Board should make a policy regarding farmland lot easements, i.e., whether funding should be required from the developer. If the township wants to require funds from a developer for monitoring an easement, the policy should include that information. Jim Brownlow asked Rich Schilling to include that topic as an agenda item for a future meeting. Heritage Conservancy should also be asked whether they would offer a flat rate for monitoring farmland lot easements, based upon the size of the easement area.

Terry developed easement language based upon the PULTA model which puts municipalities on the same footing as a co-grantee with Heritage Conservancy for Natural Lands Trust Easements. Terry will give the Planning Commission a copy of this easement for them to review.

Dave Long suggested that Rich Schilling contact Heritage Conservancy regarding their ability to work with the township to implement the new GIS system.

New Business (Concluded)

Public Utilities Commission (PUC) Process – Terry Clemons reviewed the PUC process. The Township has until March 2 to file exceptions to the decision of the administrative law judge relating to PPL. Scott Rubin is preparing those exceptions and he will file them by the deadline. The township's exceptions will go to the PUC. In 6 to 8 weeks, the PUC will render a decision. Additionally, the PUC is not bound to accept all of the administrative law judge's decision—they can accept portions, all or none of the judge's decision. The township can appeal the PUC's decision to the PA Commonwealth Court within 30 days after the PUC renders a decision. The Court can choose to approve, reverse or remand the PUC's decision. If the township wishes to contest the PA Commonwealth Court's decision, they would need to petition the PA Supreme Court for permission to hear the township's appeal. These higher courts would review information already submitted to the administrative law judge; no new testimony would be required from the various consultants utilized by the township.

Even if the PUC rules in favor of PPL, PPL must obtain all required approvals for the project from various administrative bodies—DEP, the Army Corp of Engineers, etc.—before they can proceed. PPL can proceed with the project at their own risk, unless the township files an appeal and requests a stay. The township can also appeal agency (DEP, etc.) approvals.

SbULU asked Karen Bedics to find out how a letter they wrote could get to individual PUC members. A copy of the letter was given to the Board. Scott Rubin recommended sending a copy of the letter to each member of the PUC. Terry suggested that someone should email Scott Rubin to determine the best way to ensure that PUC members receive the letter. The Board agreed to let Karen Bedics handle this with Scott Rubin.

Public Comment

Hans Reimann commended the Board for the good discussion with the Open Space Committee. Karen thanked the OSC for the many hours of work they put into their work on this Committee.

Supervisors Comments

Karen Bedics asked that a copy of the PennDOT report about possible meth waste along roadsides be given to the Road Department. Rich provided a copy of this information to the Road Crew.

Volker Oakey would like to see the budget reflect the current month with variance and the year-to-date figures with variance. Rich asked the Board to give direction about what they want as a Board. Individual Board members are requesting different things, and these varied requests are cutting into the ability of the secretary/treasurer to perform other duties. Subdivision and Escrow Accounts are badly in need of revision. Rob Zisko suggested because of the lateness of the hour, that this an agenda item for the next meeting. Barbara will use the 5-year revenue report provided at this meeting to prepare a spreadsheet showing how she would like information presented. Jim asked Board members to provide an example of what they would like in the report format.

Barbara Lindtner attended the PSATS convention and recommended that others plan to attend future conferences. She learned during a presentation from the Bucks County Natural Lands Inventory and Bucks County Planning Commission that costs associated with implementing GIS are eligible for grant funding.

Adjournment

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

Respectfully submitted,

Sandra L. Everitt
Secretary/Treasurer

Next meeting: March 11, 2009

Approved: April 8, 2009