

**Board of Supervisors Work Session/Meeting
MINUTES**

April 24, 2007

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

Present: Supervisors: Jim Brownlow, Chuck Halderman, and Rod Wieder. Also present: Terry Clemons, Solicitor; Sandy Everitt, Secretary/Treasurer; Rich Schilling, Township Manager; Bob Wynn, Township Engineer. Absent: Karen Bedics (attending PSATS Conference), and Rob Zisko.

Jim Brownlow noted that the Supervisors had an executive session prior to the meeting to discuss personnel matters.

Approval of Bills

Chuck Halderman **moved** to accept the bills for payment as listed on the April 11 – April 24, 2007, bills list. Rod Wieder **seconded**; the motion **passed** unanimously.

Reports - None

Public Comments on Agenda Items – None

Reorganization of the Fire Police

Jim Brownlow **moved** to appoint the following six individuals as fire police for 2007:

Harold C. Helm, Jr	Michael Gawronski, Sr.
Cheryl Gawronski	Emile J. Kolick
Kenneth Gressler	Carole Gressler

Rod Wieder **seconded**; the motion **passed** unanimously.

Following the appointment, Jim Brownlow had the applicants raise their right hands and swear to uphold all of the Pennsylvania laws as directed by the Fire Department and the Police. Each person affirmed this oath and Jim congratulated each of them for their appointment as fire police and for their service to the community.

Bob Bell asked why it was necessary to swear in these longtime fire police when most of them had been serving as fire police for many years. Rich Schilling indicated that the 2nd Class Township Code mandates this procedure, but does not specify how often it should be done. Mike Gawronski indicated that the primary reason for the annual swearing in of fire police is that the fire police are considered employees of the Township. If one of the fire police is not performing satisfactorily, he/she cannot be discharged by the Fire Captain, but must be discharged by the Township.

Planning Matters

Karen's Furniture (Waiver of Land Development) Route 309 – Bob Wynn presented the waiver of land development request for the applicant, Tom Cochrane. The Planning Commission recommended approval of the applicant's request to waive submission of a land development plan for revision to the Karen's Furniture site to move from Use E12 (large retail) to Use E15 (neighborhood shopping center). The waiver of land development is recommended conditioned upon completion of outstanding items as contained within the March 28, 2007, engineering review letter. The Planning Commission elaborated upon a few of the items as follows:

1. Parking - Mr. Cochrane will sign an agreement to put in the minimum number of spaces so as not to install more parking than is necessary.
2. Prior to leasing to new tenants, the applicant will contact and receive approval from both Springfield Township and Bucks County Department of Health for the proposed use. All uses within the building will be limited to low volume water uses.
3. Prior to any earthmoving activity, a Development/Financial Security Agreement must be executed between the applicant and Township to guarantee site improvements are completed in conformance with Township ordinance requirements.

Jim Brownlow **moved** that approval of the land development waiver request be granted for Karen's Furniture subject to the conditions of the March 28, 2007, engineering review letter, with the stipulation that all items are to be completed prior to an occupancy permit being granted. Rod Wieder **seconded**; the motion **passed** unanimously.

Cory Subdivision (Pleasant Hollow and Slifer Valley Roads) – Bob Wynn indicated that the Planning Commission recommended preliminary and final approval conditional upon completion of all outstanding items as contained within the March 19, 2007, engineering review letter, and the additional requirement that a conservation easement must be recorded for Lot 2, in a manner satisfactory to the Township as referenced by Note 16 on the plan. Additionally, the Planning Commission unanimously recommended approval of all waivers requested by the applicant and referenced within Item 4 of the engineering review.

Paul Dietz, Urwiler & Walter, presented additional information on this plan for the applicants who were also present. This is a two-lot subdivision and the intent is to move 5 acres from the large lot (Lot 2) and join it with Lot 1. Although the 5-acre lot with the barn cannot be incorporated into Lot 1 because the two portions are divided by a road, Terry Clemons explained that this would be accomplished by recording a declaration that would prohibit any sale or other transfer of Lot 1 separate from the 5-acre land portion being added through this subdivision. The portion of Lot 2 being added to Lot 1 contains the barn which is actually part of Lot 1 and will never have a residential building placed upon it, only another farm building, if the owner so chooses. The remainder of Lot 2 will go under conservation easement except for two "floating" 2-acre building envelopes for possible later use, although the present buyer does not anticipate further subdivision at this time. Another half-acre piece of the property is reserved for agricultural building(s) only. Mr. Dietz anticipated that the conservation easement may be recorded as early as the end of the month.

Jim Brownlow **moved** that preliminary and final approval conditional upon completion of all the items contained within the March 19, 2007, engineering review letter, and the requirement that a conservation easement be recorded for Lot 2 in a manner satisfactory to the Township as referenced by Note 16 on the plan. This plan will not be recorded until such time as the Township Solicitor is satisfied that all plan conditions have been met. Additionally, approval is granted for waivers as outlined in the March 19, 2007, review letter. Rod Wieder **seconded**; the motion **passed** unanimously.

McArdle Subdivision (Old Bethlehem and Roundhouse Roads) – Bob Wynn referred the supervisors to the engineering review letter dated February 28, 2007, along with information regarding the action of the Planning Committee at their April 4, 2007, as noted in Bob Wynn's April 11, 2007, letter.

Ed Wild, Benner & Wild Attorneys; and Scott Mease, Mease Engineering; presented for the applicant. Robert Harley, Bucks County Court Reporter, recorded this portion of the meeting.

Scott Mease stated that this 51+ acre property is located in the Resource Protection District. Four lots are proposed. Lot 1 is approximately 32 acres and has an existing farmhouse, barn, several ponds, and all the existing site features. Lot 2 is a flag lot of 9.5 +/- acres. Lot 3 is 4.3 acres and Lot 4 is slightly less than 5 acres. Access onto Old Bethlehem Road is proposed for the three new lots; Lots 2 and 3 will share a driveway and Lot 4 will have an independent driveway.

Ed Wild stated for the record that Scott Mease is a licensed P.E. in Pennsylvania, President of Mease Engineering, has served for many years as Durham Township's engineer, and has 20 years of experience in preparing subdivision and land development plans.

The following Exhibits were entered by Ed Wild and Terry Clemons (where noted):

1. Exhibit A1 – Pending McArdle Plan, last revised August 2007
2. Exhibit A2 – February 28, 2007, C. Robert Wynn review letter
3. Exhibit A3 – February 1, 2007, C. Robert Wynn review letter
4. Exhibit A4 – Sketch Plan 3 indicating possible future development of Lot 1
5. Exhibit A5 – February 14, 2007, Mease Engineering cover letter that accompanied Sketch Plan 3
6. Exhibit A6 – PennDOT Highway Occupancy permits for the two proposed driveways for Lots 2 and 3 (shared) and Lot 4 (independent)
7. Exhibits A7 & A8 – Photographs of Old Bethlehem Road frontage
8. Exhibits A9 & A10 – Photographs showing existing frontage conditions on Roundhouse Road
9. Exhibit A11 – Bucks County Department of Health approval of the Planning Module
10. Exhibit A12 – October 4, 2006, Planning Commission Minutes (entered by Terry Clemons)
11. Exhibit A13 – December 6, 2006, Planning Commission Minutes (entered by Terry Clemons)

Terry Clemons noted that the reason for the formality of Mr. Wild's presentation is that there are a number of waiver requests involved with this subdivision and there are requirements in the municipalities' Planning Code regarding what needs to be established in terms of waivers. If the Board elects to concur with the Planning Commission and not grant the waivers being requested, Mr. Wild may want someone else to review the Board's decision and argue that the waivers should have been granted.

Referring to Comment 1 of the Township Engineer's February 28, 2007, review letter, Scott Mease indicated that Sketch Plan 3 shows two cul-de-sacs, one accessing four lower lots from Old Bethlehem Road. Another cul-de-sac is shown for Lot 1 with six lots proposed off of that cul-de-sac. Jim Brownlow asked for clarification about which plan was actually being discussed at this time: Exhibit A1 or Exhibit A4. Ed Wild indicated that Exhibit A1 is the pending subdivision plan (showing an overall development of four lots). Although Mr. McArdle has no present plans to further subdivide the property, because he is not willing to deed restrict Lot 1, the Planning Commission requested an overall concept of how the property might be developed in the future. Sketch 3 was produced in response to that request by the Planning Commission.

Mr. Wild feels that our Ordinance has the effect of accelerating development of the property to the highest density, rather than allowing it to develop as Mr. McArdle proposes in the current 4-lot subdivision plan. If the current plan is denied because a waiver is not granted permitting driveways to collector streets, the only alternative is to develop the tract as proposed on Sketch 3. This would result in ten lots and two cul-de-sacs. Rich Schilling indicated he did not feel it was appropriate for the Board to be discussing a potential 10-lot subdivision that had not yet been submitted to and reviewed by the Planning Commission. Bob Wynn indicated he had not reviewed the sketch plan.

Scott Mease stated that PennDOT had come out, viewed the proposed driveways and subsequently had issued driveway permits (Exhibit A6), indicating that the sight distance was adequate for both proposed driveways, although some clearing work was required for the shared driveway before the driveway permit was issued.

Mr. Wild attempted to introduce the fact that a number of other driveways accessed Old Bethlehem Road, but Terry Clemons stated that these driveways may have been put in place prior to 1978, which would have been before the current ordinance was adopted prohibiting driveways onto collector streets. Terry added that although PennDOT approved the sight distances for both driveways, the Township may have additional standards that apply.

Terry Clemons indicated that his file copy of Sketch Plan 3 showed 8 lots and was different than the Sketch submitted as Exhibit A4 at this meeting which showed 10 lots. Ed Wild indicated that several sketches were produced, and that an incorrect sketch must have been forwarded to Terry. He will see that Terry receives the correct final version of Sketch 3.

Ed Wild stated that a fourth lot was proposed on Lot 2 in Sketch Plan 3 because the cost of installing a cul-de-sac would necessitate an additional lot to cover this increased cost.

Mr. Wild moved to discussion of Comment 2 (Township Engineer's February 28, 2007, review letter), regarding the waivers being requested. Both 2.A. and 2.B. were not objected to by the Planning Commission and/or the Township Engineer. The remaining waivers listed in 2.C., 2.D. and 2.E. were then discussed. Referring to the waiver in 2.E. regarding installation of sidewalks along Old Bethlehem Road and Roundhouse Road, the Planning Commission recommended denial of the waiver from installing sidewalks. Scott Mease indicated the closest existing sidewalks are located in Springtown, and are approximately 3 miles from this site. Jim Brownlow noted that it is not relevant how close other existing sidewalks may be. If the Township feels it is important to begin installation of sidewalks with a particular subdivision, it can require sidewalk installation to take place. Scott Mease noted that there is an existing 5-foot paved shoulder along Old Bethlehem Road; this is depicted in the photographs labeled Exhibits A7 and A8.

Ed Wild, referring to the street improvements waiver requested in 2.D. and the sidewalk waiver listed in 2.E., asked Scott Mease if he had interaction with the Township when the plan was designed without compliance with Section 513 or Sections 505.16 and 506.4.A. Scott indicated that photos had been submitted to the Township and the Planning Commission to verify that the road is in good condition, is a PennDOT road and that the shoulder is a paved shoulder.

Exhibits A9 and A10 are photos which have not been submitted to the Planning Commission, but which show the existing conditions on Roundhouse Road. A grass shoulder is in place and the tree line is recessed from the road, with a swale located behind the grass shoulder. Scott indicated that he had attended all the Planning Commission meetings where this plan was discussed and there was no discussion about the need for street improvements or sidewalks at any of those meetings. Scott indicated the Township Engineer had agreed that the road shoulders are in good condition. Because of the configuration of this tract (there is an out parcel within the tract along the road frontage that is not part of the current subdivision), Scott stated there was some discussion that if improvements were required along the frontage of the proposed subdivision it would not be continuous because of the out parcel in the middle of the road frontage, and thus might create a dangerous or undesirable condition.

Scott Mease was asked if he felt there was a need for road improvements; Scott said he did not see the need for road improvements. Jim Brownlow clarified that regardless of what an engineer might feel is adequate pertaining to road improvements, ultimately, it is the Township's prerogative to determine if road improvements are needed. Ed Wild asked Scott Mease if there was any area of interest to draw foot pedestrians to use a sidewalk installed in this area and Scott indicated he was not aware of any.

Chuck Halderman asked for clarification on the photographs entered as Exhibits A7 and A8 that Scott indicated had been submitted to the Planning Commission. Chuck noted the photographs were dated April 22, 2007 (the most recent Planning Commission meeting was held on April 4, 2007). Scott indicated he took new pictures for this meeting, but that he had shown similar pictures to the Planning Commission.

Bob Wynn stated he had not viewed photographs of Old Bethlehem Road at the Planning Commission meeting, nor had these photographs been submitted to his office. Ed Wild asked Scott Mease whether the photographs listed as Exhibit A7, A8, A9 and A10 accurately depict the condition of the frontage of Old Bethlehem Road and Roundhouse Road; Scott indicated that they did.

Jim Brownlow clarified with Scott Mease that the 5-foot shoulder along Old Bethlehem Road was lower than the road and that it was designed to drain water away from the road. Jim felt the shoulder was not designed to be an area where people could walk.

Mr. Wild returned to discussion of the waiver request in 2.C. which pertains to driveways accessing onto a collector street. Mr. Wild asked Scott if more traffic would be accessing Old Bethlehem Road if the Sketch 3 concept with a cul-de-sac was developed. Jim Brownlow indicated that the comparison being proposed is not germane to this discussion, as the proposed plan does not currently include the cul-de-sac. Mr. Wild countered that is the point that

he was trying to make—that when the different provisions of our ordinance are added together, it has the effect of accelerating development of this property. Jim Brownlow stated that ultimate development of a property is determined by the applicant. Jim added, regardless of whether the plan calls for 2, 4, 5 or 10 lots, the subdivision must meet the requirements of the Township’s ordinances. Development choices made by the applicant will determine how many and what kind of accesses will be required to the lots involved.

Ed Wild then discussed the required 28’ paved cartway for Old Bethlehem Road required by the Ordinance. Scott indicated the existing paved cartway is approximately 19’. A discussion followed about how much traffic would be generated by the additional three lots and Scott indicated that approximately 30 extra trips might be generated by the proposed development. Scott indicated that in his opinion, road widening would not be required to accommodate these 30 extra trips.

Ed Wild moved to Comment 3 of the Engineering review letter which notes that PennDOT permits for the proposed driveways have been issued.

Terry Clemons asked, in the interest of time, if Comments 4 through 10 were “will comply” items. Scott added that the Bucks County Health Department had signed off on the Planning Module (submitted as Exhibit A11) and that Comments 4 – 10 would be “will comply” items. Scott Mease added that Comment 11 contained minor technical drafting items that are also “will comply” items.

Ed Wild asked Scott Mease a series of questions: Would enforcement of the ordinance if applied, particularly as relating to the collector driveway issue, result in a higher density in the development of that area of this property? Scott indicated it would create higher density. Would the two driveways accessing Old Bethlehem Road (as currently depicted on the plan) result in any health, safety or welfare concerns? Scott indicated it would not create any concerns of which he is aware, in light of the fact PennDOT has issued the driveway permits.

Chuck Halderman questioned Scott about ownership of the proposed cul-de-sac roads shown on the Sketch Plan and Scott indicated they would be dedicated to the Township. Scott indicated that driveways are maintained by landowners and cul-de-sacs are maintained at the expense of the Township. Terry Clemons clarified Scott Mease’s credentials did not qualify him as a traffic engineer and that this development had not contracted with a traffic engineer to do a traffic study to determine what was the safest means of providing access to this subdivision. Scott agreed Terry’s statement was true and added that was why he had referred to PennDOT’s driveway permit issuance for the proposed driveways to validate that the accesses to the lots shown on the current plan (Exhibit A1) were safe. Scott acknowledged to Terry that he had not submitted an application to PennDOT for the cul-de-sac accesses to the property. Terry summarized from Scott’s answers that PennDOT had not indicated that two driveway access permits were safer than one cul-de-sac access. Scott noted that to put a cul-de-sac access in at the location indicated in the sketch would require substantial bank removal and excavation along the frontage of the property as well as removal of all the trees currently growing there.

Terry Clemons asked Scott if the lots surrounding the proposed subdivision were capable of being further subdivided; Scott stated that these properties could be subdivided. Terry asked if Lot 42-20-27-1 was capable of further subdivision (the lot which currently is in the center of the proposed McArdle Subdivision and is also owned by the McArdle family); Scott indicated that subdivision of that tract was possible.

Terry asked Scott if he was the engineer for Springtown Country Manor (renamed later Springtown Knoll) and Scott acknowledged that he was. Terry noted the applicant for that subdivision also requested waivers from frontage improvements, road widening, sidewalks and curbs, which the Township denied. Terry asked Scott whether, at the time Springtown Knoll subdivision was approved, there were any existing sidewalks, curbs or road widening along Drifting Drive; Scott acknowledged there were none at that time.

Terry asked Scott if he was the engineer for Spear Land Development; Scott acknowledged that he was. Terry indicated that a waiver had been requested from the requirement to install curbs and sidewalks which the Township denied. Scott acknowledged there were no curbs or sidewalks in place abutting that land development project, although some curbs were in place across the street from the project. Terry noted that the Planning Commission

required a financial provision for future installation of curbs and sidewalks based upon the fact that there could be further development in the area surrounding the Spear Land Development tract.

Terry asked which version of Sketch Plan 3 was provided to the Planning Commission—the 8-lot plan or the 10-lot plan, and Scott indicated that the 10-lot plan was submitted. Rich Schilling noted that only 3 copies of the Sketch Plan had been submitted to the Township. Scott added that only three copies of supplemental information are required, and Rich Schilling noted that if this is true and a sketch is considered “supplemental,” the ordinance needs to be updated. Rich asked a sketch plan would be considered “supplemental information,” adding that his understanding was that “supplemental information” would include items such as planning modules, stormwater reports, etc. Bob Wynn indicated that sketch plans should not be considered supplemental, but that this was not clearly spelled out in SALDO Section 502 and should be clarified.

Terry referenced Exhibit A7 (photographs of frontage of Old Bethlehem Road) and asked Scott if he agreed that the elevation of what was described as the “shoulder” was higher than the elevation of the macadam portion of the road. Scott acknowledged that the shoulder slopes away from the paved road and that it was not designed for pedestrians to walk along the road. Bob Wynn noted that this type of installation was done by PennDOT 10 to 15 years ago as a method of preventing erosion along the edge of the road from water runoff.

Terry asked Scott Mease if his written reason for requesting the waiver from curbs and sidewalks was listed in the February 14, 2007, Mease Engineering SALDO Modification Request letter (Exhibit A5); Scott agreed this was the most recent waiver listing. Terry asked whether Scott had received a sealed wetland report from NOVA and if so, had it been provided to the Township; Scott stated that a written report from NOVA was provided to the Township.

Terry asked if a letter from the Bucks County Conservation District concerning the adequacy of the Sedimentation and Erosion Control measures had been received. Scott indicated that normal procedure is to submit the E & S application after the final plan has been prepared; thus, no application had been submitted for this yet.

Terry Clemons requested that the October 4, 2006, and the December 6, 2006, Planning Commission minutes be entered as exhibits. It was expressed in the October 4 Planning Commission minutes that the plan needed to be redesigned to include a through road. When that plan was reviewed at the December 6 Planning Commission meeting, the Planning Commission agreed that a through road for this property was not advisable because of the natural features contained within the property. Scott said the Planning Commission preferred two cul-de-sac roads. Scott added that the applicant does not wish to develop Lot 1 at this time, so the sketch was developed to show how the lot could be further developed utilizing two cul-de-sacs.

Terry asked Scott if it was accurate that if the lower portion of the tract was developed as currently designed (Exhibit A1) there would be no prospect of installing a cul-de-sac road in the future; Scott agreed this was accurate. Terry asked if it was accurate that there would be no future opportunity to obtain road widening, curbs and sidewalks along the frontage of the two lots in the southern portion of the tract should the development go through as currently designed. Scott agreed this was correct. Scott stated that the applicant was willing to pay the \$3,000 per lot fee to the Highway Capital Improvement Fund. Terry replied that this fund was established for use only when the Township agreed with a subdivision applicant that frontage improvements were not required. Terry stated that the decision as to whether or not frontage improvements are required rests with the Board of Supervisors, and regardless of whether the southern portion of the McArdle tract is further subdivided, now is the opportunity to have frontage improvements done as part of the current subdivision process. Scott Mease agreed with this statement. Terry added that if the waivers are granted to install no frontage improvements on the southern portion of the McArdle tract, and further subdivision was undertaken on the central McArdle property (not involved in the current subdivision plan) no frontage improvements could then be made to the southern portion of the current subdivision if no further subdivision took place on that southern portion of the tract. Scott agreed with this statement. Terry clarified that there was nothing regarding the topography along the Old Bethlehem Road frontage of Lots 1, 2, 3 and 4 that would impair the ability to put the road improvements in. Other than extensive excavation that would be required, Scott agreed that this statement was accurate.

Terry asked if it was accurate that the Planning Commission (at the December 6 meeting) had requested that this subdivision (Exhibit A1) be redesigned utilizing two cul-de-sac roads in anticipation of future development. Scott indicated the Planning Commission never requested to leave Lot 1 undeveloped and install a cul-de-sac just for the southern three lots. Terry did not agree with Scott's recollection of the Planning Commission's request.

Ed Wild asked if Scott felt that he was acting upon direction he had received from the Township Engineer with the waivers that he had requested for this subdivision. Scott stated that was his understanding. Ed Wild asked if Scott recalled Planning Commission comments that the roads were in good condition and that no improvements were necessary and that no improvements could be identified that might be necessary or needed. Terry Clemons said this question should be directed to Bob Wynn, as he was the person who gave direction to the Planning Commission as to when and/or what road improvements were necessary. Ed Wild stated he was asking Scott these questions because Terry had asked Scott questions as though he were the proponent of the waivers and implied that they were waivers that came without "blessing" from the engineer. Terry stated that Scott was the proponent of the waivers and Scott had agreed that he was. Ed Wild asked Scott if he was acting (or thought he was acting) following "prior practice" and consent of the Township Engineer in terms of what frontage improvements might be necessary. Scott indicated that Mr. Wild's statement was accurate. Regarding the questions Scott had been asked about "supplemental information," Ed Wild asked if there was any discussion at any time that the Sketch Plans Scott had submitted were deemed "not necessary" or "not in accordance with the Township's requirements" or "insufficient in terms of the number of copies submitted." Scott indicated that there was no such discussion. Scott agreed with Mr. Wild's statement that there was discussion about the 10-lot version of Sketch Plan 3 at some of the Planning Commission meetings.

Ed Wild asked Bob Wynn for permission to direct several questions to him. Bob Wynn advised Jim Brownlow, Chairman of the Board, that this is the Board's meeting, not Mr. Wild's meeting, although he would answer Mr. Wild's questions if he was directed to do so. Jim Brownlow indicated that although he did not have a problem with Mr. Wynn answering Mr. Wild's questions, he felt that neither the supervisors nor the technical staff was prepared in advance for the fact that the every word they spoke would be recorded verbatim. Jim asked why this presentation was being handled in this manner. Ed Wild stated that Mr. McArdle would like to develop his subdivision as presented—with four lots as depicted on Exhibit 1—and the Board will likely take action on that plan at this meeting. If the Board grants the waivers and allows the plan to move forward, then the manner in which the discussion was handled at this meeting was not necessary. If the waivers are withheld, Mr. McArdle will have several choices and he will need to determine how to proceed. Clearly, he will develop this property in some fashion in the future.

Chuck Halderman moved to deny the McArdle Subdivision Plan and the associated waiver requests. Rod Wieder seconded.

Chuck Halderman, read the waiver requested from Section 504.2.J, that residential lots shall not be created which front upon an arterial or collector street, and then commented on it. Chuck asked whether the Planning Commission did or did not want a cul-de-sac road. Scott stated they asked for a through road initially, but upon review of that sketch, did not feel a through road was appropriate for this tract. They then asked to see two cul-de-sacs in the design. Scott indicated that the real issue was because the applicant was not willing to deed restrict Lot 1 from further subdivision, the Planning Commission viewed this current plan as "piece meal" development where Lot 1 will remain undeveloped now but will be developed in the future. Terry Clemons indicated that Scott's answer was "hear say" and that the minutes of the Planning Commission were the best source of accurate information regarding the Planning Commission's comments on the issue under discussion.

Jim Brownlow called for the question. The motion passed unanimously.

Cuff Subdivision (Passer Road) - Bob Wynn stated that the Planning Commission unanimously recommended Cuff Subdivision for preliminary approval subject to completion of outstanding items as contained within the March 26, 2007, engineering review letter and granting of all waivers listed in Item 2 of the engineering review letter. Waivers for various roadway improvements were granted; however, other roadway improvements are being completed (cartway widening shoulder improvement, improvement of existing and addition of guide rails). The

applicant agreed to a \$6,000 contribution to the Highway Capital Improvement Fund for improvement waivers granted. The applicant also agreed to deed restrict Lot 1 from future subdivision.

Scott Mease, Mease Engineering; and Ed Wild, Benner & Wild Attorneys; presented for the applicant, who was also present.

Scott Mease noted that this 22+/- acre property is located on the south side of Passer Road in the Rural Residential District, with a small portion of the property in the Resource Protection District. All existing site improvements are located on Lot 1 and the proposal is to create Lots 2 and 3 which will each be approximately 2¼ acres in size. The rest of the property will remain with Lot 1, which will be approximately 17½ acres in size, and will be deed restricted from future subdivision.

Ed Wild noted that the sewage system for the existing home on Lot 1 needs to be replaced. The Bucks County Department of Health will not sign off on Planning Modules until that system is replaced. Although the applicant has a permit to replace the system, he is not willing to expend funds to replace the system until he has some assurance this plan will move forward. When preliminary approval is granted, the applicant will replace the septic system and the final plan will be prepared. Ed Wild noted that the Planning Commission requested that the septic system be replaced between preliminary and final plan approval.

Jim Brownlow **moved** to grant preliminary approval for the Cuff Subdivision subject to completion of outstanding items contained within the March 26, 2007, engineering review letter, and to grant approval of all waivers requested in Items 2.A. through 2.G. in the same engineering review letter, subject to all of the requirements, including deed restriction from further subdivision, road improvements and the contribution of \$6,000 to the Township's Highway Capital Improvement Fund. Rod Wieder **seconded**; the motion **passed** unanimously.

Verna Land Development Waiver – Maintenance Period Completion (Route 309) – Bob Wynn summarized that this land development waiver was granted conditional upon completion of certain street improvements which included cartway widening, installation of curb along Route 309, installation of street trees, and management of stormwater runoff from the site by construction of 40' x 40' x 5' underground infiltration bed. All of these improvements were completed 1½ year ago. The maintenance period is ending and all improvements remain satisfactory. Bob is recommending release of the owner from further obligation and release of remaining improvement escrow funds.

Rod Wieder **moved** to authorize release of improvement escrow funds to the applicant Steve Verna. Chuck Halderman **seconded**; the motion **passed** unanimously.

Public Hearing – General Obligation Ordinance for Fire Truck

Scott MacNair, Township Solicitor, presented information on Ordinance 137 which was advertised one time on April 20 in The Morning Call and filed at Bucks County Law Library on April 18, 2007. This ordinance provides for issuance of a general obligation note which increases the Township's indebtedness in the amount of \$150,000 for payment towards a portion of a new aerial ladder fire truck for the Springtown Fire Company. The ordinance provides for an interest rate of 2% with a fixed 2% per year. The ordinance concludes with an amortization schedule providing for monthly payments on the loan.

The hearing was opened for public comments and/or questions. There being no comments, Rod Wieder **moved** to adopt Ordinance 137. Chuck Halderman **seconded**; the motion **passed** unanimously.

Jeff Mease, Springtown Fire Marshall, thanked the Board for passing this ordinance. He provided a copy of the 2006 Audit of the Springtown Fire Department as well as a copy of the denial letter they received from the Firefighters Grant Program in response to their request for additional grant funding for the aerial truck.

A recess was requested and began at 9:35 p.m. The meeting was again called to order at 9:45 p.m.

Before the meeting resumed, Jim Brownlow, on behalf of the supervisors (who indicated approval), directed the Township Solicitor to outline in a letter to Ed Wild, attorney for the McArdle Subdivision, all of the reasons for denial of the McArdle Subdivision Plan. The letter is to include the denial of the request of modification of waiver requirements made by Scott Mease and listed in the engineering review letter under Item 2.C. through 2.E., as well as the other plan deficiencies noted in the Township Engineer's February 28, 2007, letter.

Old Business

1. Open Space Borrowing – Public Financial Management, Inc. – Jim Brownlow introduced L. Gordon Walker, Managing Director of The Public Financial Management, Inc. Mr. Walker's for, is the applicant of choice to serve as financial advisor for the Open Space Committee. He distributed to the Board members copies of a revised *Open Space Financing Proposal* prepared for and presented to the Springfield Township Open Space Committee when he met with them on April 24, 2007.

He noted that the advantage of having a financial advisor rather than an underwriter is that an advisor does not have a financial product to sell; therefore, they are more likely to present unbiased information on all options available. Mr. Walker indicated that his company completed a bond issue for Tincum Township two weeks ago. He suggested that it was worthwhile looking into the internet auction idea, where the bonds are bid via an auction. Abbingtown Township utilized this method 10 days ago and they received 75 different bids from 10 bidders.

Jim Brownlow asked who sets the covenants for an auction bid. Mr. Walker indicated the bid specs are set up ahead of time, and in terms of covenants, the only important covenant is that the Township agrees to pay the debt. Although Springfield Township plans to pay the debt from the ¼% Earned Income Tax, if insufficient EIT tax does not come in to pay the debt, the Township needs to agree that they will still pay the debt.

Mr. Walker indicated he would personally be handling the Springfield Township account and referred the Supervisors to page 13 for a listing of prior Open Space Experience, most of which he handled personally.

On page 15, Mr. Walker pointed out that on December 7, 2006, a 40-year low was hit on long-term, tax-exempt loans. Currently, the rate is approximately ¼% higher than that 40-year low, so it is a good time to borrow money. Terry Clemons mentioned that because of the favorable interest rate, the Township could elect to borrow the entire \$5,000,000. Mr. Walker pointed out that because of a Federal law, this would require that we would be able to use that entire amount within three years; it is not legal to borrow money to be spent beyond a three-year period.

The fee for the Financial Advisor is paid (on a time basis) at the closing of the funding process. If funding isn't obtained, no payment is made.

Following an informative discussion, Mr. Walker agreed to work with the Open Space Committee and the Township Manager to come to the Board of Supervisors with a recommendation for funding options. Jim Brownlow requested that the Board see all options, not only recommended borrowing option. Jim Brownlow indicated that we need to obtain the money while interest rates are low. Mr. Walker indicated that if there is an easement to be acquired before the loan is closed, the Township can pass a reimbursement resolution which permits the Township to purchase an easement from other funds and then reimburse the fund from which it was paid out of the proceeds of the loan. Jim Brownlow asked Mr. Walker to provide the Board with a sample of a reimbursement resolution.

Rod Wieder **moved** to appoint Public Financial Management Group as Financial Advisor for the Open Space Committee borrowing. Chuck Halderman **seconded**; the motion **passed** unanimously.

2. Excessive Speeding on Township & State Roads – Rich Schilling presented recommendations of Officer Mark Laudenslager regarding excessive speeding on Township and State roads. Due to dwindling manpower in the Police Department, enforcement of speeding has been difficult. The short-term solution is to pay overtime to enforce speeding in various locations and occasionally double up as needed.

Officer Laudenslager will inspect all roadways, noting any defects that need attention. In addition to this, the distance between all speed limit signs will be measured to ensure that the distance between signs is in compliance with the laws—no more than a half-mile between signs. Other sign issues will also be noted. The defects and a request for sign replacements will be forwarded to PennDOT, requesting action within a reasonable amount of time. If no action is forthcoming, Officer Laudenslager will consult with Rich Schilling to obtain assistance from local politicians.

Officer Laudenslager contacted Davidheisers in Telford and gave them authorization to repair the ESP unit at an estimated cost of \$400 - \$600. Completion of repairs may take up to four weeks. ESP requires two officers to operate. The increased traffic enforcement activity will be documented and this information will be made available at future Supervisors meetings. There will be no advance notice regarding when and where traffic enforcement is being increased. Press releases will be utilized to inform the general public of tickets, warnings, which may affect driving attitudes of the motoring public. All violators will be treated alike in determining if a ticket or citation is issued.

The Police Department will assist with line painting in various parts of the Township by providing traffic control for either our Road Department or a contracted firm to do the line painting.

There are several roadways that are of a more urgent nature to get enforcement on; bad crashes are more likely to occur on higher speed, higher volume roadways. Bursonville and Township Roads will be prioritized into the enforcement schedule.

Rich also noted that additional manpower will be sought for the Police Department as was budgeted in the 2007 budget. Prices will be obtained for the signs that notify drivers of how fast they are going and also for pedestrian signs, for use in the villages.

New Business

1. Stormwater Ordinance Redraft – The Planning Commission has recommended that Bob Wynn, Township Engineer, be authorized to redraft the current Township Stormwater Ordinance to bring it into compliance with the structural and non-structural BMPs (best management practices) and the MS4 Model Ordinance recently completed by DEP. Bob Wynn added that the SALDO and Zoning Ordinance regulations will need to be checked as well to ensure that the BMPs are properly incorporated into these documents where required.

Terry Clemons indicated the process to follow was to:

1. Authorize the Township Engineer to prepare the model ordinance for review by the Planning Commission.
2. The Planning Commission would recommend adoption by the Supervisors as a stand-alone ordinance.

Bob Wynn indicated the most recent version of the model ordinance was dated March 2007 and DEP stated they do not expect much change to occur to the March draft.

After discussion about different aspects of the issue, Chuck Halderman **moved** to authorize Bob Wynn to rewrite the Stormwater Ordinance, present it to the Planning Commission for their review and recommendation to the Supervisors for adoption. Chuck requested that the Supervisors be kept informed as the process moves along rather than not seeing the ordinance until it is in final form. Jim Brownlow called for the question. Rod Wieder **seconded**; the motion **passed** unanimously.

2. Sewage Consultant for Rolling Hills – Chuck Halderman suggested that the Township should have their own consultant review the work relating to soil probes and perc tests being done by Rolling Hills' professionals as pertains to sewage. Chuck indicated that SAIC has a specialist who would be able to provide this service for the Township, and referred to email correspondence he had presented to the Board from SAIC. The testing is planned for the first week in May, so action would need to be taken at this meeting. The cost for this service could be covered by the applicant's escrow funds.

After further discussion, Chuck Halderman **moved** to hire SAIC to provide sewage consultations for the Township. Rod Wieder **seconded**; the motion **passed** unanimously. Rich Schilling will coordinate with the Township Engineer to notify SAIC to have their sewage specialist review the Rolling Hills site testing planned for early May.

3. EAC Projects – Scott Douglas presented a list of proposed 2007 EAC projects dated April 24, 2007. Scott noted that the annual Clean-Up Day held on April 14 was not on the list. He thanked Rich Schilling for his, the Road Departments, and Police assistance for this event.

With the exception of the Biodiversity Survey Project, all items on the list are continuances of projects previously reviewed by the Board or they are a status report on proposals that the EAC is presenting for Board approval. The EAC would like to conduct a Biodiversity Survey Project on the Township-owned property on Peppermint Road in support of a management plan for that property. That is the only item on the list with action required by the Board. Jim suggested that to give the Supervisors time to review the project list, action would be deferred until a future meeting. The Supervisors advised the EAC to proceed with projects which were already underway pending adoption of the entire list at a later date.

4. Historic Commission Request – Rose Strong presented for the Commission. They would like to purchase 200 T-shirts to be sold at the Bucks County Covered Bridges Festival on June 9 and 10, 2007. Rose showed the Supervisors a prototype of a digital design of the Knechts Covered Bridge that they would like to use. The purchase price will cover the cost of the T-shirts, and they anticipate the cost will be between \$8 and \$9.25 per shirt.

Jim Brownlow **moved** to authorize the Historic Commission to purchase 200 T-shirts up to a maximum of \$2,000 with the money to be reimbursed upon sale of the shirts. Rod Wieder **seconded**; the motion **passed** unanimously.

5. Erosion Control Ordinance – Terry Clemons will provide a more recent ordinance than the 1991 Wrightstown Erosion Control Ordinance that had been provided for the Supervisors at this meeting. Discussion will take place at a later meeting.

Correspondence

Jim Brownlow noted that a number of items of correspondence had been received and copies were distributed to the Supervisors. Rich highlighted the letter from Bucks County indicating that since our Township had opted out of the County-provided spraying for mosquitoes, we would be responsible to remediate at our expense any mosquito problem that occurs within our Township.

Public Comments - None

Supervisor's Comments – None

Rich Schilling advised the Supervisors and residents that free tickets to the Reading Phillies game on Saturday, May 5, were available for those who are interested.

Adjournment

At 10:48 p.m., Jim Brownlow **moved** to adjourn the meeting. Chuck Halderman **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt
Secretary

These minutes approved by Board of Supervisors 5/22/07
Next meeting: May 8, 2007