

SPRINGFIELD TOWNSHIP, BUCKS COUNTY
BOARD OF SUPERVISORS MEETING
April 25, 2006

The meeting was called to order at 7:31 p.m. with the Pledge of Allegiance by Vice Chairman Chuck Halderman. Members in attendance were: Vice Chairman Chuck Halderman, Rob Zisko and Karen Bedics.

Chuck Halderman opened the meeting by relaying Jim Brownlow was out of town and that he would be acting as Chair for this evenings meeting.

Halderman announced that the board met in executive session on April 11th on litigation and personnel matters.

Public Comment on Agenda Items:

None

New Business:

Acknowledgment of Solicitor McNamara – Zisko made a motion to send a letter to Jim McNamara acknowledging his service. Bedics seconded the motion. Vote was unanimous.

Appointment of New Solicitor - Terry Clemens was introduced as the new Springfield Township Solicitor. Zisko motioned to nominate Clemens; Bedics seconded the motion. Vote was unanimous. Bedics welcomed Clemens aboard.

Planning Commission Solicitor - Schilling would like the solicitor to attend the Planning Commission meetings. There would be no cost to the Township and it would be shared by the developers who are on the Planning Commission agenda for the scheduled night. With the zoning rewrite if the Solicitor is asked to attend, the Township would have to absorb that cost, but it would be a dollar well spent. Zisko made a motion to table discussion until a full board is present. Bedics seconded the motion. Vote was unanimous.

Approval of Road Projects – Zisko made the motion that Board approve the road projects subject to the managers' memo. Discussion about possibly delaying the bids took place. Schilling said, "The danger that we have is that if we don't get off to bid shortly, we will be infringing on school bus time and we would like to get everything done by the end of August." Halderman reads information to the public. To pave Church Rd., which is 400 feet long by 16 feet wide, Oil and Chip the following: .42 miles of Cooks Creek Rd., .17 of Lower Haupt's, .75 miles of Bodder, .18 of Glenn, .29 of Pleasant Hollow, .83 of Peppermint to Parkland, .41 to Hilltop, .37 to Tuttle, 1.55 of Township Rd., 1.69 miles of Bursonville. It would be a total of 6.66 miles of roads and 73,953 square yards of material. Schilling states the township is also looking at Passer Rd. next year. That would be a repave job. Bedics seconded the motion. Vote was unanimous.

Resolution Against the Communications, Opportunity Promotion

Enhancement Act of 2006 – Ken Simmons: relays this resolution is a result of our meeting with the township manager. I heard yesterday that there are 60-something bills in Washington that are being looked at and made a statement that he doubted that there's any of them that'd pass. He said very few of them would pass. We're a long way to get in, but we're looking at it because what Verizon wants is statewide franchise so that they won't have to deal with the individual communities. That's the reason for this. If we get our position known to our people in Congress that we object to it because it takes some of the things that we are going to be permitted to do without their help. I don't think we need too much help. Karen Bedics: reads letter to Michael Fitzpatrick and the proposed resolution:

RESOLUTION #2006-012

**SPRINGFIELD TOWNSHIP, BUCKS COUNTY
BOARD OF SUPERVISORS**

BE IT RESOLVED THAT the Board of Supervisors of Springfield Township, Bucks County, Pennsylvania, hereby implores the duly elected Congressman Michael G. Fitzpatrick of the 8th Congressional District to oppose *The Communications Opportunity, Promotion, and Enhancement Act of 2006*. This act in its current form is detrimental to all municipalities within the Commonwealth of Pennsylvania because it usurps the municipal right-of-way which in Pennsylvania has been historically both physical and fiscal for each municipality within the Commonwealth.

FURTHERMORE LET IT BE RESOLVED THAT the Board of Supervisors of Springfield Township implores Congressman Michael G. Fitzpatrick to oppose any legislation that reduces a municipality's right to garner franchise fees and to limit such fees by exclusion of any "on-demand services" and by excluding "information services" from the revenue base.

SO RESOLVED THIS 25th DAY OF April 2006

Bedics motions to adopt Resolution 2006-12. Zisko seconded the motion. Vote was unanimous.

Gemstar Settlement - Halderman states that there has been an agreement with the Township's insurance company's attorneys and they reached an agreement that we as a Board have discussed at our last executive meeting and what I am asking is for an agreement to move on this. Bedics reads a letter to Richard Schilling from our attorney. This means the Township's insurance company will pay Mr. Fausto a sum of money so that he can no longer produce litigation regarding the

tire facility. Bedics motions to accept this proposal for settlement. Zisko seconded the motion. Vote was unanimous

Compensation for Interim Treasurer - Halderman states, "As you know Barbara left at the end of March and Sandy has agreed to take the treasurer position, and, therefore the Board wants to give her an increase of \$5.00/hour. Sandy is currently making \$14.94/hourly and the increase would give her \$19.94/hourly. I would like to ask the Board's permission to raise Sandy's salary to \$19.94/hourly." Schilling interjects that the motion would only grant the increase until a new treasurer is hired and assumes the bookkeeping, and then Sandy would go back to her present pay rate." Bedics asks if the increase will be retroactive since the date of her start as interim treasurer. Schilling says it would be retroactive. Bedics motions to increase Sandy's hourly rate to \$19.94/hourly and retroactive. Zisko seconded the motion. Vote was unanimous.

Historic Commission Seeking a Grant - Schilling states this grant is time-sensitive, but he is still waiting for the specifics. Halderman states we don't have the specifics, but it is a Pleasant Valley grant. Bedics made a motion to approve a support letter for the Historical Commission in regards to this grant. Zisko seconded the motion. Vote was unanimous.

Water Testing for Springtown Knoll - Halderman states he asked that this be put on the agenda on Wednesday and since Wednesday we received a letter from the DEP. It's about testing the nitrates. I don't think we really need to do anything on that right now. A few meetings ago there was some discussion on the sewage planning modules off of Drifting Drive, the Springtown Moll subdivision, and it's on carbonate geology. For some reason, the DEP never knew that it was there, so they sent us a letter from April 21, 2006, which states that basically the planning approval was rescinded and void of effect. Should the municipality wish to proceed with this proposed new land development, it must revise its official sewage facilities plan due to the newly discovered facts, conditions, and circumstances regarding the carbon geology. The municipality must submit a new planning module for this project that includes a preliminary hydrogeological evaluation. The preliminary hydrogeological evaluation must contain recent aquifer dated which includes analysis for nitrate, nitrogen concentrations and static water elevations. The preliminary hydrogeological evaluation must include three separate data collection points, so that the site ground water can be determined. Depending on the findings of the preliminary hydrogeological evaluation, a detailed study might be required in accordance with 25 PA Code Section 7162C4. Please be advised that no permits may be issued by a local agency for the proposed sewage disposal systems and no building permits may be issued by Springfield Township for the proposed dwellings until the Department has approved a new sewage facility planning module for this project. The municipality informed the Department that on April 18, 2006, that it has not issued any building permits. The Department has inspected the site and has documented that no construction activities have occurred. So, Mr. Solicitor, where

do we go from here on this?" Clemens: In view of the letter that you reviewed and also the code regulations that are cited in that letter as well as the preliminary / plan with few approvals this Board was granted on the subdivision. It is my opinion that the applicant, the developer in this case, must perform that hydrogeological evaluations that are referenced in that letter and must submit new planning modules that include the hydrogeological study and recirculate the planning modules to the Bucks County Department of Health, the Bucks County Planning Commission and to the Board of Supervisors for your review and comment, so that essentially it requires the developers to start back the planning module process again. Also, you have the opportunity to comment if you think the studies are adequate and/or if you think the additional studies that are referenced in the municipal code could be done as part of that transferring process. In terms of its impact on the subdivision, if you know that there were a number of additions to the subdivision approval and plans can not be imported until the subdivisions and that included having / plan modules so that the plans would not actually released or recorded until the planning modules have been accepted and approved by the Department of Health. Halderman: I have the resolution from 9/13/05, which is Resolution 2005-07 submittal. What do we do with this here? Clemens: According to the DEP letter void of no enforceable effect. That we are back at this point / planning modules and we will await the submission by the developer of new planning modules that address the issues carbonate geology, then you will review those planning modules according to the requirements, the code and act and make a resolution based upon the documentations that are submitted. Bedics: I still would like to ask the Board to have a water study done on the stream that borders the proper. I know that Scott's not here this evening, but I would like to have a baseline study done of the stream and also two people whose homes had their wells polluted from the fertilizer, I think their wells should have baseline testing before anything commences up there. Mr. Clemens, would it be to the Township's benefit to have our own hydrogeologic study done in the area also along with the developers just to be safe because I really feel that there's a lot at stake here and I'd rather err on the side of safety. Clemens: It is my opinion that if the Board as a policy matter wishes to adopt a resolution to retain a consultant to perform water testing services and that's a decision for the board to make. In terms of whether the developer is going to pay that, I would ask Reshetar and his attorney. But as long as the study is performed by the Township, it doesn't require access to the development property to establish this baseline information, as you know I haven't had opportunity to do all the townships / and some townships that I'm involved in there is a water resources impact study that is required to be performed by the developer to evaluate this kind of impact, but I have read all the materials concerning the description of the subdivision. The simple answer to your question is if you want to have a study performed to collect data for your own benefit in the vicinity of this property, you can do that. Bedics: I would not expect Mr. Reshetar to pay for the Township's own study. Reshetar: Are you aware, Mr. Clemens, that there's already been an extensive study done? Clemons: I'm aware that there was a hydrogeologic study done that was related to the impact of the carbonate geology on the homes that involve analysis, involve

inspection of certain areas where ponding exists. I believe that the Township's ordinance requiring a carbonate study of this area and the hydrogeologic study remains to whether or not we're going to have to use extraordinary means. In that context there are certain conditions that require certain testing and construction techniques.

Reshetar: This is actually a horse shoe shape of 16 houses, I believe it was three or four years ago there was an extensive hydrologic study done. I saw some of that report, a three or four page letter written to DEP and was received with the DEP's approval. There have been some remarks about blue baby syndrome and I made some investigation about that. There's no indication that that occurred. The Bucks County / and the Bucks County Health Department, so I appreciate you people don't exaggerate that have concerns. There are several methods that you do have reference. Most high nitrate solution comes from fertilizers from farmers, not from septic systems. Unless it's your own septic system or your neighbor's that's right on top of your ground. It's also more common in shallow wells than in deep wells because shallow wells actually collect ground water and ground water seeping into the wells. I think it would be good for everybody to know that. The fact is pollution in Cook's Creek it could be a combination of fertilizer run-off and apparently inappropriately inoperative system getting into the well.

Clemens: Cooks Creek is an exceptionally valuable stream and I read the letter that there was concern that there'd be a plume analysis not just related to nitrate levels, but as to what would occur from the failing system would end up in the ground water and then infiltrate into Cooks Creek. My suggestion would be that you have your consultant contact the township engineer and quite possibly the consultants work together so that they're not saying a year from now that the study doesn't really comply with the requirements, doesn't accurately characterize the matters that the DEP and the Township might consider a risk. I have seen this study done several years ago and I have taken a look at the regulations in this book require, but I think this is something we all ought to look at so that we're on the same page with the study.

Reshetar: I'd also like to verify Mr. Halderman comments earlier. DEP wasn't referring to carbonate parts of our property. It was clear in the summary. It was clearly presented in the letter from DEP. His letter was part of the planning module it was clearly pointed out and there was nobody trying to hide anything.

Clemons: I don't think there is any suggestion that there is. I only talked with Bob Wynn who was at a meeting with I think Mr. Cleaver said on two occasions that there was no reference to the plan of carbonate geology, so that he and his staff no suggestion that you hid anything, but as I understand it there were hash marks on the plan that were indicative of carbonate geology, but it appears for one reason or another the review staff was listed. I think Mr. Cleaver acknowledged as much at that meeting although I wasn't present.

Reshetar: Mr. Cleaver wasn't the reviewing officer. He was also was here by invitation of Mr. Halderman. This project received approvals under normal approvals and it's my contention that this man has a vendetta against me. He tried to sell me a piece of ground last year which I refused to buy. From the time that I refused to buy this piece of ground he has come against me and I have to set the record straight for that and I have a piece of evidence to prove it.

Clemons: I want to direct Mr. Halderman not to

respond to that. Aside from that I think we'll confine our comments to the official communications from the DEP. I also understand that there was a subdivision where the hydrogeologic study was required based upon the Board of Health and that is a required hydrogeologic study and you didn't for this one, which equally supports the conclusion that somehow the DEP just missed it. Reshetar: No. I believe they realized what was already done in the same proximity, so what's wrong with that? There was no serious, detrimental information presented in the first study. Clemmons: Well, we have a letter rescinding the planning modules and until somebody else tells us any different. Clemons: I just wanted you to understand the gist of what happened between getting the approval and Mr. Halderman's relationship with me. Clemons: I understand that's your position. Attorney Lare: It would also be our position that with the September 2005 approval does vest certain rights with the applicant and that any review of the planning module does not in any way eliminate those rights that were granted by this Board. Clemons: I believe that one of those conditions was planning module approval. Lare: Further examine the site and work with the Township. Bedics: Should we wait until the next meeting to vote on the water testing of the stream and contact the people with the wells? I rather wait until everyone is here. Zisko: Mr. Reshetar has agreed to put \$50,000 up as escrow as part of this subdivision septic maintenance agreement, why do we do this hydrogeologic study on our own? Could we use escrowed money? Clemons: I haven't reviewed the maintenance agreement, so this is an off-the-cuff opinion, but I would suspect without having to review the agreement that those funds are to ensure the proper operations of the sewage systems. Halderman asks for a motion to table subject. Zisko made the motion Bedics: Pending the studies. Then she seconds. Vote was unanimous.

Correspondence:

Halderman: We have a letter from the Environmental Hearing Board filed by Hans Reimann for the Springtown Knoll. We have a letter from Mr. McNamara responding to Karen Bedics. We also received the Lower Saucon Township Recreation and Open Space draft plan.

Public Comment: Hans Reimann: I'm the one who filed the appeal. I would like to make a public statement for Mr. Reshetar and his company and Springfield Township Board of Supervisors to understand that my issue was with the DEP. The fact that after I filed the appeal, it came back in a letter showing an adversarial heading where DEP and Springfield vs. myself, I think that was because we all found out in March, we are responsible for the sewage and septic system in our Township. On issues of DEP I felt someone had to go online and stand and bring them to the table so that they clean up their act and do what they're supposed to as DEP. It has nothing to do with you and it has nothing to do with Springfield Township.

Public Comment: Robert Bell: On Thursday night, there was a joint Planning Commission which was attended by only one supervisor. Halderman: Two

supervisors were present. Bell: There was a large turnout at that meeting to the meeting and refers to the fact that this large turnout shows the support of residents against such ordinances. He also states that on occasion he has 12-15 individuals on his property firing fully automatic. Bedics states that the board needs to differentiate between recreational shooting and commercial ranges. Halderman states that he is against any attempt to take away the rights of gun owners.

Public Comment: Peter Lamana makes reference to an article in the Morning Call a week and a half ago. Last November there was a meeting of the Soil Science Society of America in Salt Lake City and there was heated debate on different health issues, a matter of whether nitrate has led to human cancers and the link between nitrate in the water and Blue Baby Syndrome. But it was generally agreed that Blue Baby Syndrome is rare. According to that meeting, 'We are not aware of any Blue Baby deaths in over 50 years in areas such as Europe or North America where activity of free public water supplies are available. I don't know, Chuck, where you got your information, but it's rare and I don't think we need to stir the public with this kind of commentary. Bedics: I don't think that Chuck was intentionally trying to alarm the public with this kind of comment; I think the gist of his bringing that subject up was to make the public aware of what nitrates can do if they are in the water system. I'm not saying we have Blue Baby Syndrome here, but I believe that all of us know that nitrates that leak into drinking water are a health and safety hazard. But I would not agree with what you're saying that he did that to alarm people. I believe he's concerned about our water and he wants to keep it clean and drinkable. Halderman: I would just like to add that the nitrates that were brought up by Clint Cleaver with my many discussions with him and that's why they asked for the study. The only reason the DEP asked for a study on nitrates is because of the Blue Baby Syndrome. I can read you an article. 'An environmental group says that federal drinking water standards are too loose to protect newborns from chemicals that may cause sometimes called Blue Baby Syndrome. Blue Baby Syndrome is a rare, but sometimes fatal disease primarily during the first four months of life. Symptoms include a blue discoloration of lips, nose and ears. Other symptoms include crying, vomiting and diarrhea. It is caused by a chemical called nitrate sometimes found in unsafe levels of tap water that is used to mix powdered formula. Nitrate is widely used in fertilizer applied to crops in Texas and California and can run off in the water supplies. A research group called the Environmental Working Group says federal standards of nitrate in drinking water should be tougher. We don't want to become the national bottled water, but we are rapidly becoming that. The group says that U.S. standard for nitrate should be twice as protective as it is now. That would put it in line with Germany, Denmark, and South Africa.' Lamana commented that each party has their own information. Halderman stated Clint Cleaver from the DEP brought it up. Lamana: Let's listen to somebody like Scott; he's been taking nitrate readings from the little creek that goes through Springtown for years. He can tell you. Halderman stated that limestone is the issue and the water can go down through the limestone, the sewage, and the nitrates. That's the issue. Lamana stated he doesn't disagree.

Supervisors Comments:

Bedics refers to the complaint forms for the cable company requesting that Sandy Everitt put the cable company's phone number on it, so that people can call when they have the complaint form in front of them. They can call them up and fill the complaint form out. Schilling stated that was a good point.

Adjournment:

Halderman thanks the public and asked for a motion to adjourn the meeting. Zisko motions for adjournment. Bedics seconded the motion. Vote was unanimous. Meeting adjourned at 8:35pm.

Respectfully Submitted

Richard H. Schilling
Township Manager/Secretary