

Board of Supervisors

MINUTES

April 27, 2010

Supervisors Present: Karen Bedics, Jim Brownlow, Barbara Lindtner, Volker Oakey and Rob Zisko
Also present: Terry Clemons, Solicitor; Sandy Everitt, Secretary/Treasurer; Rich Schilling, Township Manager and Bob Wynn, Township Engineer.

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

Minutes

Jim Brownlow **moved** to adopt the minutes of the March 23, 2010, meeting as presented. Rob Zisko **seconded**. Voting **Yes**: Karen Bedics, Jim Brownlow, Volker Oakey and Rob Zisko. **Abstaining**: Barbara Lindtner

Barbara Lindtner **moved** to adopt the minutes of the April 13, 2010, meeting as presented. Karen Bedics **seconded**. Voting **Yes**: Karen Bedics, Jim Brownlow, Barbara Lindtner. **Abstaining**: Volker Oakey, Rob Zisko

Bills for Approval

Karen Bedics requested a report of work performed by the Farm Market Development Associate over the past three months. Barbara Lindtner **moved** to approve the following bills paid from April 14 – 27, 2010:

1. General Fund	\$10,447.22	4. Subdivision & Escrow	\$ 2,964.73
2. Liquid Fuels	\$ 1,135.11	5. Farmers Market	\$ 1,888.33
3. Open Space	\$ 4,500.00		

Volker Oakey **seconded**; the motion **passed** unanimously.

Public Comments on Agenda Items – None

Governmental Matters

Jim Brownlow commented on House Bill 2431, introduced by Rep. Thomas Caltagirone of Berks County and would basically eliminate much of what is now done by townships, cities, and boroughs and instead, centralize the governing power at the county level. If adopted by the State House and Senate, a referendum for public vote and an amendment to the State's Constitution would be required. Jim feels the concept is to consolidate government to save money, but as Rich Schilling pointed out, our township accomplishes what we do with only 3.5% of the total tax revenue paid by residents. In comparison, the school district receives approximately 70% of tax revenue with the remaining 26.5% going to the county. Should this legislation pass, the county would likely raise taxes to perform the extra work. The Board as a whole is totally against this concept, and they will continue to review progress on this legislation closely.

Public Hearing on Zoning Ordinance Amendment

Terry Clemons, solicitor, opened the public hearing. He highlighted the main components of the Ordinance pertaining to: 1) Riparian areas and regulations relating to them, 2) LED billboards, and 3) Revises regulations for uses that are not specifically permitted in the Zoning Ordinance to be permitted in the PI (Planned Industrial), VC (Village Commercial) and HC (Highway Commercial) districts. This hearing was advertised in The Morning Call on April 13 and 20, 2010, and proof of publication is on file. The hearing was opened for public comment.

Hans Reimann (Springtown Hill Road) supports all the changes in this amendment ordinance. He is looking forward to the EAC being able to help residents get through the regulatory process of this amendment.

Scott Douglas (Route 212), Chairperson of the EAC, member of the Planning Commission and President of the Cooks Creek Watershed Association, noted that the regulations in this ordinance about riparian management were recommended in the Cooks Creek Watershed Association Management Plan that was approved by the township

supervisors 10 years ago. Enactment of this ordinance will enable the township to do the most that can be done as a government body to ensure protection of the exceptional value status of the Cooks Creek Watershed.

Bruce Fritchman, Planning Commission Chairman, pointed out that in the existing Zoning Ordinance, the riparian buffer definitions are more restrictive than what is proposed in the amendment being proposed. Basically, the new proposal eliminates or clarifies some unclear sections, such as eliminating the “transitional” region. The goal of the Planning Commission was to make the ordinance clear and defensible.

There being no additional public comments, the hearing was opened for discussion by the supervisors.

Volker Oakey (referring to the Bucks County Conservation District handout re. buffer restrictions throughout the County) noted that Springfield Township appears to be the only group that has buffer areas around ephemeral streams. Volker and several other supervisors feel that the definition of *ephemeral stream* needs further clarification.

Second, he does not understand how a resident can be referred to carry out the Cooks Creek Watershed Conservation Plan (page 5, Section 2, second ¶) when it is not available for them to read. Terry Clemons clarified that this statement was a goal that this ordinance was attempting to achieve. It was the consensus of the Board that a link should be placed on the township’s website.

Barbara Lindtner questioned Section 27, Section 500, “K” regarding “Setbacks from Resource Protected Lands.” The final ordinance forwarded from the Planning Commission contained different language that is clearer. The Board brought up several other sections that the Planning Commission, Terry Clemons, Bob Wynn or Rich Schilling clarified for them. Terry pointed out that the cost to advertise an amendment to this ordinance will be far less than should the entire ordinance need to be re-advertised.

Rob Zisko **moved** to adopt Ordinance 156 (footnoted Advertised 3/31/10) regarding 1) Riparian areas and regulations pertaining to them, 2) LED billboards, and 3) Revision of regulations for uses that are not specifically permitted in the Zoning Ordinance to permit them in the PI (Planned Industrial), VC (Village Commercial) and HC (Highway Commercial) districts. The motion included direction for an expeditious review to propose clarifications/changes that may be required as a result of discussion at this meeting. Karen Bedics **seconded**.

Barbara Lindtner requested and the Board agreed that the solicitor and the Planning Commission review the entire final advertised ordinance against the ordinance the Planning Commission submitted as the final document and if there are other areas that are different, they should be brought up for Board discussion shortly. Bruce Fritchman agreed that the Planning Commission would do this.

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

Scott Douglas added that Bucks County has not returned a corrected streams map for the Zoning Ordinance. He asked that this be followed up on with the County prior to publication of additional Zoning Ordinances.

On behalf of the Board, Jim Brownlow commended the Planning Commission and the EAC for the hours of work they spent developing this ordinance amendment.

Old Business

1. Voter Referendum for Tax Dedicated for Emergency Services Funding – There was a lengthy discussion about whether or not to place a referendum on the November ballot asking voters for authorization for the Board to set aside a portion of the current 3.5 mills or to request an additional tax millage to be dedicated to emergency services. Following discussion, it was the consensus of the majority of the Board not to have a voter referendum on this issue. Although it is not the desire of the majority of the Board to raise taxes for this or any other reason, they have the authority to levy up to 3 mills dedicated to Fire Services and/or ½ mill for Ambulance and Rescue Squads. This can be done without a voter referendum, should the Board feel it is necessary upon completion and review of the 2011 budget.

2. Resolution to Implement a UCC Appeals Board – Under the Pennsylvania UCC Code, we are required to have a UCC Appeals Board. The purpose of this Board is to offer a qualified Board to hear appeals from an applicant who cannot or does not wish to comply with a tenet of the UCC Code. The Board will consist of three members and two alternates, preferably an engineer, electrician and plumber, etc., who are not required to be township residents. A revised fee schedule with fees and escrow amounts for individuals submitting an appeal will likely be on a future

agenda for approval. A decision will also need to be made as to whether to pay members of the UCC Appeals Board. Rich Schilling presented a draft resolution from PSATS that Terry Clemons reviewed prior to this meeting. Barbara Lindtner **moved** to adopt Resolution 2010-010 to establish a UCC Appeals Board for Springfield Township. Karen Bedics **seconded**; the motion **passed** unanimously.

New Business

1. Request from Tax Collector for a Letter of Support to Retain Local Real Estate Tax Collector Position

Barbara Lindtner **moved** to authorize that a letter be sent on behalf of the Board to Paul Clymer and Robert Mensch to support SB971 (or similar legislation) to keep the real estate tax collection system as it now is and to fortify that system as much as possible. Volker Oakey **seconded**; the motion **passed** unanimously.

2. Contractor/Owner Request for Township to Waive Fine for Starting Construction Without a Building Permit

– A property owner/contractor from Hilltop Road submitted a letter dated August 21, 2010, to the Board requesting relief from tripled building fines. The assessment resulted from work he started on a foreclosed property he purchased on Hilltop Road without obtaining multiple required permits. After the Board heard additional information from the applicant, Rob Zisko **moved** to waive any penalties associated with the permits for the property at 241 Hilltop Road. There being no second to the motion, the motion **died**. The applicant will be required to pay the fines.

3. Memorandum of Understanding with Heritage Conservancy – Heritage Conservancy has been assisting the township to complete conservation easements and has accepted the responsibility to be grantees on a number of conservation easements since December 2009. Terry Clemons presented a *Memorandum of Understanding* outlining the compensation for Heritage Conservancy for both past and future work on the township's behalf with regard to open space preservation. Terry Clemons pointed out that on page 3, Item 3, he will be removing "Schedule A to" from the final document. Items initially listed on Schedule A have been incorporated into the text of the agreement. A second addition/change will be made on page 8, c., next to the last line, which Terry Clemons will change to read *copies of all such "records and" communications shall be "provided to the Township" etc.* Karen requested Heritage to provide a list of all the properties they are currently overseeing in the Township and a sample copy of the monitoring and inspection forms they will be providing. There was additional discussion and clarifications of several issues by Terry Clemons. Rob Zisko **moved** to approve the *Memorandum of Understanding* with Heritage Conservancy with the changes outlined by the solicitor on pages 3 and 8. Barbara Lindtner **seconded**; the motion **passed** unanimously.

4. Resolution Authorizing the Acquisition of a Conservation Easement on TMPs 42-08-15 and 42-08-04

(Because this was not an agenda item, it will require unanimous action to be adopted.) Terry Clemons gave a history on this 47.567 acre property located on Povenski Road. The property owners are anxious to have this settlement by early May, as it has been in process for 4+ years. The Township's payment portion will be \$4,500 per acre outside of the approved building envelope and excluded area. Bucks County's Natural Areas Program is contributing an additional \$3,750 per acre, for a total per-acre price of \$8,250. Rob Zisko will talk with the property owners about reducing the 6-acre approved building envelope to a 3-acre building envelope. Karen Bedics requested information from the Open Space Committee about whether there was a cap in place for engineering/legal fees for an easement.

Karen Bedics **moved** to adopt Resolution 2010-011 authorizing the acquisition of a conservation easement on TMPs 42-8-15 and 42-8-4 at a price not to exceed \$232,000, and further, authorizing any supervisor to execute the conservation documents and Rich Schilling to attend the settlement and execute the required documents. Barbara Lindtner **seconded**; the motion **passed** unanimously.

5. Fee-in-lieu-of for Stormwater Management Exemption – Bob Wynn said that in certain circumstances, property owners could be exempted from "rate control" of water flow from their property. However, in Exceptional Value Watersheds, those properties are not exempt from water quality requirements. Bob indicated that Hilltown, Solebury and West Rockhill Townships charge a \$750 exemption fee to the property owner while Plumstead Township charges a \$500 exemption fee. These fees are placed in to capital stormwater management fund which the township can use to make other stormwater management improvements. All of these townships charge the fee for areas up to 2,000 square feet of exempted impervious surface with an additional .50 per additional square foot above the 2,000 square feet. It was the consensus of the majority of the Board that the revised fee schedule should include a \$500 exemption fee when stormwater rate control is waived. Terry Clemons said that a resolution needs to be adopted establishing this new assessment, and his office will prepare the resolution if none exists. The funds received from this new fee will be deposited into the Highway Capital Improvement Fund, but will be accounted for separately.

Public Comment

Hans Reimann invited Volker Oakey to attend a future EAC meeting to speak to the group about energy conservation issues. He has not had a call from Volker Oakey yet to establish a date for that commitment.

Supervisors Comments

Karen Bedics shared a request from Butch Helm, Springtown Fire Department. Springfield Township's Police Department has an unused light-bar that the Fire Department would like to have donated to them for use on one of their fire vehicles. Karen Bedics **moved** to approve the donation of the unused police vehicle light bar to the Springtown Community Volunteer Fire Company for use on one of their fire vehicles. Rob Zisko **seconded**; the motion **passed** unanimously.

Karen shared a copy of a letter from the Bucks County Conservation District notifying James Douglas, son of Scott and Amy Douglas, that he had been selected as their *Conservation High School Student for 2010*. The award will be publicly acknowledged at the Commissioners Meeting on June 2, 2010. The Board of Supervisors had previously written to Bucks County recommending James for this award and they offered their congratulations on his selection for this award.

Barbara Lindtner will reserve her comments about the PSATS Conference until another meeting. Relating to SB2421 regarding the weighted vote versus one-municipality/one vote for the EIT Tax Collection Committees, she said that PSATS narrowly adopted a resolution to urge legislators to vote in favor of one-municipality/one vote.

Jim Brownlow suggested that Rich Schilling try to schedule the June meeting at the Zion Hill Lutheran Church, in line with the Board's decision last year to try to have two meetings annually in Zion Hill.

Adjournment

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

Respectfully submitted,

Sandra L. Everitt
Secretary/Treasurer

Next meeting: May 11, 2010
Approved: May 11, 2010