

**SPRINGFIELD TOWNSHIP, BUCKS COUNTY  
BOARD OF SUPERVISORS MEETING  
MAY 24, 2005**

The meeting was called to order at 7:30 p.m. by Vice Chairman Pete Lamana with the Pledge of Allegiance. Members present were: Chuck Halderman, Rob Zisko and Jim Brownlow. Solicitor Jim McNamara was present.

Pete Lamana announced the meeting will be conducted in accordance with Resolution 2005-003 amending Resolution 92-2.

**MINUTES**

Chuck Halderman moved to approve the Minutes of April 12, 2005 as presented. Seconded by Rob Zisko. Vote was unanimous.

**BILLS FOR APPROVAL**

Rob Zisko moved to approve the bills list for the period April 11 through May 19, 2005, totaling \$42,564.52. Seconded by Jim Brownlow. Vote was unanimous.

**REPORTS**

**Road Department** – Report posted on the bulletin board.

**Seal Coat Bids** – The Township Manager reported there were two sets of bids which were opened on Monday, May 23, 2005.

**Double Seal Coat** – Bids were received from the following:

Asphalt Industries	(\$1.70)	\$73,406.
Asphalt Maintenance Solutions	(\$1.55)	\$66,929.
Dosch-King	(\$1.93)	\$83,337.40
Gorman Brothers	(\$1.52)	\$65,633.60

**Drifting Drive Paving** – Bids were received from the following:

Blooming Glen	\$53,215.
Bracalente	\$57,764.50

Jim Brownlow moved to award the bid for Seal Coat to Gorman Brothers, the low bid. He further moved to award the Drifting Drive Paving to Blooming Glen, also the low bid. Seconded by Rob Zisko. Vote was unanimous.

**Code Enforcement** – Report posted on the bulletin board.

**Police Report** – Chief Huber reported a total of 93 incidents for the month of April. There were 7 accidents involving 11 vehicles resulting in 6 injuries. There were 14 traffic arrests made.

The Springfield Elementary School Mayfair celebration was held last weekend. Typically, the police officers are present to finger print the children. Chief Huber was made aware of a new program for DNA collection by Pete Lamana. Scott met with Mr. Rinaldi at the school, to discuss the program and Mr. Rinaldi was very enthusiastic. He subsequently received input from the PTA they were also very interested. Chief Huber explained the kit includes an envelope with a swab that is used to swab the inside of the cheek. The

swab is then dried, sealed in an envelope and placed in the freezer. This DNA is good forever. The police handed out approximately 100 kits. Kits will be made available to all of the school children in the district.

**Solicitor's Report** – Jim McNamara reported on the following matters:

**Bodder-Haupts (Evergreen Estates) v. Springfield Township** – This appeal by a group of residents of the preliminary and final subdivision approvals granted by the Board of Supervisors is before the Bucks County Court. The Plaintiff wanted the court to hear additional testimony, partly on whether the Board properly considered the Stormwater Management submission by the protestants. The court recently ruled that there would be no additional testimony and has directed that the parties file briefs on whether there is any basis to set aside the approvals by the Board of Supervisors.

**Meyle v. Springfield Township, et al** – Jim McNamara thought this case was settled since there is an Order in Bucks County Court directing the payment of certain funds to Mr. Meyle by the Milford-Trumbauersville Area Sewer Authority and the Township. Mr. Meyle refused to accept and Jim believed we would be petitioning the court for an additional hearing. Jim was advised today that Mr. Meyle will accept the check and sign the easement in order to allow sewage connections to the four lots served by the Christ Subdivision.

**Gemstar Lawsuit** – The Township insurance lawyers have recently filed a Motion to Dismiss the lawsuit filed by Gemstar Corporation and Thomas Fausto and we are awaiting a response from the Plaintiffs.

**Iorio Zoning Application** – Molly Iorio has requested a variance and interpretation from the Zoning Hearing Board which has requested that Bob Wynn's office appear and discuss the Stormwater Management Plan for that lot line change. Jim will be appearing before the Zoning Hearing Board with Mr. Wynn on June 2<sup>nd</sup>, since he wanted to be represented by counsel.

Chuck Halderman asked about the Zoning Hearing Board decision on the Robert Rufe property. It is Chuck's understanding that the Zoning Hearing Board denied the application but Randy Scott did not get the written decision ready in time and the application is deemed approved. Chuck stated he believes this is the third time this has happened. Jim McNamara explained that one of the interested parties has filed an appeal with Bucks County Court. Chuck asked if Jim McNamara will have to appear and Jim responded he should defend the Board. Chuck does not believe the tax payers should have to pay for mistakes made by the Zoning Hearing Board Solicitor. Jim McNamara stated Randy Scott has offered to do the work free. Jim will contact Randy Scott and clarify the matter.

Pete Lamana also feels the decisions were missed at critical times.

Chuck Halderman moved to send a letter to the Zoning Hearing Board to let them know who the Supervisors feel about the missed deadlines. Seconded by Pete Lamana. Vote was unanimous.

### **PUBLIC COMMENT AGENDA ITEMS**

Dennis Steskal asked about the water system engineer. Dennis expressed his opinion that the water flow model should not be required. Dennis believes that is spending money a second time for information we have available.

Pat Rednoc, Gruversville Road discussed the dangerous condition of Route 212 between State Road and California Road, particularly the curve in front of the Metzger property. There is a six foot drop off at the edge of the road and the pavement is crumbling along the edge for the entire stretch. Pat is concerned there will be a serious problem in the area unless repairs are made immediately.

Chief Scott Huber stated this condition was reported to PennDot last week. Pete Lamana commented Springfield Township is seriously neglected by PennDot.

The Solicitor was asked where the liability for these conditions fall. Jim McNamara responded it is the state, since they are state roads.

Chuck Halderman moved to authorize a letter to PennDot reporting the conditions on Route 212 between State and California Roads. Seconded by Rob Zisko. Jim Brownlow recommended we reference the letter from Chief Huber about the matter. Vote was unanimous.

Former Chief Bob Bell stated prior to his retirement, he forwarded a complete list of missing signs to PennDot. The list included location and type of sign missing. They installed new signage in certain areas but the missing signs throughout the Township have never been addressed.

### **PLANNING**

Perfecta Awning Land Development – Jim Brownlow explained the applicant is looking to build two buildings in phase two of the project. The Planning Commission unanimously recommended Preliminary/Final approval.

Jim Brownlow moved to grant Preliminary/Final approval to Perfect Awning Land Development conditioned upon completion of all outstanding items listed in Wynn Associates review letter dated April 20, 2005. Seconded by Rob Zisko. Discussion: Chuck Halderman discussed the requirement by the Conservation District and DEP for certain permits. Chuck requested an opinion on a specific DEP regulation from the Solicitor but did not receive an appropriate response.

Jim McNamara stated every subdivision is granted conditional approval pending receipt of all necessary permits from the appropriate state agencies. No final plans are filed unless the permits are received.

Scott McMackin, an Engineer with Cowan Associates, explained the Conservation District is usually the last permit received. The permit is not received until all revisions are made and the final design is ready.

Jim Brownlow stated in general, a number of items are outstanding when an approval is granted, for example Financial Security Agreements and Subdivision Agreements. In many cases a developer cannot get financing without approvals.

Vote was unanimous.

Cuff Lot-Line Adjustment – Jim Brownlow stated the lot line adjustment will convey 2.3 acres to adjoining lands of Springfield Church of the Brethren. The Planning Commission recommended Preliminary/Final approval and approval of all waivers requested.

Jim Brownlow moved to grant Preliminary/Final approval to the Cuff Lot Line Adjustment conditioned upon completion of outstanding items listed in Wynn Associates letter dated April 19, 2005. Seconded by Chuck Halderman. Vote was unanimous.

Rolling Hills – Discussion about Water – Attorney Robert Gundlach, Jr., representatives from HMH Developers and John Spitko from Boucher and James Engineers.

Attorney Gundlach stated he is here to discuss water to the Rolling Hills Development at the corner of Route 212 and Slifer Valley Road. Mr. Gundlach was present at the April 12<sup>th</sup> meeting where the Board discussed

the upgrades necessary to the Springtown Water System and requested if the developer, Springtown Manor, would be willing to participate financially to help with the costs of the necessary upgrades to the system. He stated Rolling Hills is willing to participate financially in making a financial contribution if the water system can be extended to the project.

Preliminary investigations have determined there is adequate water to service the existing customers and the Rolling Hills Project. Mr. Gundlach continued the water system currently is being operated by Bucks County Water & Sewer Authority. Mr. Gundlach would like to have an opportunity to review plans and records of the system to support that there is adequate capacity to handle the Rolling Hills Development.

Pete Lamana stated there has been no discussion among the Board members about the possibility of extending the water system. Most of the records are held by Bucks County Water & Sewer Authority. There are some in the Township Office and the best contact person would be Jeff Mease.

Pete continued the major concern of the Supervisors is what is happening in the village of Springtown and protection of the residents who are users of the system. There has been no talk of expanding the system.

Chuck Halderman stated he is not in favor of bringing the water out of the village. Rob Zisko agrees with Chuck.

Mr. Gundlach stated if the Township is not willing to extend the water his client will design a private community water system for the project. He continued most Townships take ownership of these types of systems. Chuck stated he does not believe the Township is obligated to take control of a private water system.

Jim Brownlow stated there is a difference of opinion as to whether or not the report prepared for the Board by Carroll Engineering accurately states the physical condition of the water system in Springtown. Currently the system is using the springs with the pump as a back-up. One spring is off line because of surface contamination. If we just use the springs, there may not be sufficient capacity to expand the system. Third, do we want to expand the system to the north or south? The Board has not had much discussion about this. There is nothing hidden here.

Attorney Gundlach stated he is here to find out what is the feeling of the Board. If there is no interest in extending the system, his client needs to work with the Township to move forward with the project.

Pete Lamana stated the initial thrust of the project was a community well and central sewage. Mr. Gundlach replied the original plan was to "lot out" the parcel. In an effort to preserve open space the cluster option was pursued. The ordinance requires community water and sewer systems with the cluster.

Mr. Gundlach continued with respect to water there are two choices. If you extend public water to the project you believe you will increase development. However, this option presents an opportunity for a financial contribution and the possibility to get a better system for all customers.

Chuck Halderman stated the Springtown Study shows the water system going the other way (east). We changed the Development District in Pleasant Valley because we do not want water and sewer in that area.

Rob Zisko stated in addition to the water and sewer service the Rolling Hills property is located in an overlay district and the property is zoned agricultural. Rob has a problem with 30 homes. If it comes to a vote, Rob won't vote for waiving curbs and sidewalks. Rob believes Transfer of Development Rights could be beneficial in this case. He would be interested in talking to the developer. This property is in our designated

preservation area. Mr. Gundlach replied that TDR is a good concept. Plumstead Township is currently working on it. Mr. Gundlach feels it is inconsistent for a rural area not to grant waiver of curbs and sidewalks. He encouraged the Board to keep an open mind.

Chuck Halderman moved not to extend water out of the village. Mr. Gundlach replied his client will move forward with the design of an on lot community water system. Pete Lamana feels it is wise to pursue a community system. The sentiment appears to be not to extend the water line. Pete stated he is a user of the water system and he believes the users are willing to pay to keep the system as it is. Spring Hill and Springtown Manor are included in the system because of their Village location.

Attorney Gundlach stated he will move forward with the design of a community water system. The Township should think about whether or not they want to take dedication of the system. In his experience, this is typically what is done. His engineer will need township specifications for the design of the community water system. Chuck appreciates the input but does not believe DEP mandates that the Township take over a community water system. Mr. Gundlach stated DEP strongly encourages that an authority, not a homeowners association be in control. He will pursue an authority or public utility if the Township is not interested.

Jim Brownlow appreciates Mr. Gundlach's candor.

Chuck Halderman withdrew his motion.

Jim Brownlow feels the Board has a lot to think about. We need to get information from the Solicitor regarding community systems. The consensus is not to extend the water line out of Springtown.

Pete Lamana would like the Board to have an opportunity to some research and be better prepared next time to discuss the matter.

#### **PUBLIC COMMENT**

Joseph Raynock, Gruversville Road, discussed the Rolling Hills plan submission and his belief that the plan was incomplete.

Barton Fleishman, Slifer Valley Road, discussed Rolling Hills being submitted under the wire to avoid compliance with the Ordinance Amendment that was in the works.

Pat Raynock, Gruversville Road, discussed the water issue and the impact of a 32 home development on all of the resident's water.

Paul Mosinskis, Gruversville Road, discussed the water issue.

Mr. Gundlach stated he intended to have Jeff Clark, Del Valley Soils do testing and prepare a report. The results will be submitted to the Township. Del Val Soils is one of the most respected hydrology firms. Carroll Engineering and Gilmore are also very good.

Pete Lamana referred to Scott Douglas and his qualifications to offer input on hydrology matters.

Barton Fleishman discussed a situation in New Hope regarding a hydrologist that has been ongoing for two and one half years.

**Reed Lane Posting 25 mph**

Letter dated April 8, 2005, All County and Associates, Inc. Engineer for Reed Lane Subdivision

Out of concern for the safety of motorists using Reed Lane, the planning commission offered two options: to conduct an official speed study on Reed Lane to determine the actual speeds currently being used, or petition the Board of Supervisors to post Reed Lane for a 35 mph speed limit.

A letter dated April 13, 2005 from C. Robert Wynn states "...installation of speed limit signage on public streets within the Commonwealth of Pennsylvania is regulated by Title 67, Chapter 211 Official Traffic Control Devices. Specifically, speed restrictions are regulated by Paragraph 211.71, which requires a speed study prior to the posting of a speed limit on a public street. The speed study determines the "85 percentile speed", which is the appropriate posting speed for the street. An exception to the speed study requirement allows the posting of a 25 mph speed on residential streets.

In the case of Reed Lane, the Zoning District (Resource Protection) and use of the roadway is residential in nature. Considering the narrowness of the roadway and gravel surface, it may be possible to post Reed Lane for a 25 MPH limit. Prior to considering an Ordinance to establish a 25 mph speed limit on Reed Lane, the applicable regulations should be reviewed by the Township Solicitor."

In a memo dated 4/18/05 from Jim McNamara, he states this is the one speed limit, other than the automatic 35 and 55 mph limits that does not require a traffic engineering study in order to establish the limits. He concludes that it is possible to post Reed Lane at 25 mph."

Mr. Bender stated his client will pay for advertising and any costs associated with preparing and advertising the ordinance.

Rob Zisko moved to authorize the Solicitor to advertise an Ordinance to post Reed Lane at 25 mph conditioned upon receiving in writing an intent on the part of the applicant to pay all fees associated with the ordinance to include legal, engineering and advertising. Seconded by Pete Lamana. Vote was unanimous.

#### **Scott Mease – Extension of Letter of Credit for Silver Creek Estates**

Scott hand delivered an extension by Harleysville National Bank and Trust Company for Letter of Credit No. 108, Scott Mease.

Jim Brownlow moved to extend the Letter of Credit for the Silver Creek Estates project to November 18, 2005. Seconded by Pete Lamana. Vote was unanimous.

### **OLD BUSINESS**

**Schedule a work session with the Cable TV Committee** –Ken Simmons stated the Committee will have several documents to review with the Board. He will get the information into their hands as soon as possible so they have time to study them prior to the meeting. The meeting was scheduled for Tuesday, June 29, 2005 at 7:30 p.m.

**Water System Engineer** - Pete Lamana stated the Supervisors have received statements of qualifications from Castle Valley, Spots Stevens and McCoy and Hanover Engineering.

Jim Brownlow stated the Board would like to contact an engineering company to look at the water system and do a totally independent assessment of needs plus advice as to what additional needs the system may have. Carroll Engineering in their report recommended a tank and the feeling of the Supervisors is that we do not want their work audited. We want a totally independent look at the situation. Jim mentioned the

association of Carroll with Bucks County Water & Sewer has raised questions with some residents in light of the offer by BCWSA to purchase the system.

Jim Brownlow moved to request proposals from two of the three engineering firms for a scope of work and cost. The two firms are Castle Valley and Spots Stevens and McCoy. Jeff Mease will assist in preparing the scope of work for review by the Supervisors. Seconded by Pete Lamana. Vote was unanimous.

There was a suggestion from the audience that an Ad Hoc Committee be formed to help with the preparation of the request. Pete Lamana stated he is not opposed to such a committee but feels it is more appropriate when the proposals are received.

## **NEW BUSINESS**

### **Resolution 2005-04 to include three tax parcels owned by John and Delores Keller in the Agricultural Security District**

The State and County are currently in the process of protecting the Kellers property. It was discovered that three of the parcels which were purchased more recently, were not included. It is clear that the Kellers are intent on preserving their property and the intention to be included in the AG District. They are a working dairy farm.

Rob Zisko moved to approve the application of John and Delores Keller to include Tax Parcels 42-9-134-7, 42-9-138-1 and 42-9145 in Springfield Township Agricultural Security District. Seconded by Jim Brownlow. Vote was unanimous.

### **Advertise for part time code enforcement employee 20 hours per week**

Pete Lamana moved to authorize the advertising for a part time code enforcement employee based upon the job description prepared by the Township Manager. Seconded by Jim Brownlow. Vote was unanimous.

### **Raise Treasurer's Bond to \$500.00**

As recommended by the Township Auditors, Jim Brownlow moved to increase the Treasurer's Bond to \$500,000. Seconded by Rob Zisko. Vote was unanimous.

### **Resolution 2005-05 – A Resolution empowering Palisades EIT to impose and retain costs of collection on delinquent taxes.**

Berkheimer has been designated by Palisades Earned Income Tax Office to collect delinquent taxes. In order to comply with new legislation which allows for certain costs to be added to the delinquent taxes, the Township must approve the Resolution.

Jim Brownlow moved to adopt Resolution 2005-05. Seconded by Rob Zisko. Vote was unanimous.

## **PUBLIC COMMENT**

Dennis Steskal discussed Banko Lane. Dennis reported the increased number of trucks using the road beginning in Lower Saucon Township and coming through Springfield is destroying the road. Dennis suggested that the Township contact Lower Saucon and attempt to have weight restrictions placed on Banko. Dennis stated it will only work if Lower Saucon agrees, since they come through Lower Saucon into Springfield.

Jim Brownlow moved to authorize a letter to Lower Saucon requesting cooperation on establishing weight limits on Banko Lane. Pete Lamana Seconded. Vote was unanimous.

Doris Huntzinger asked for clarification regarding the Kellers application. Doris is a member of the Ag Security Committee and would have appreciated being informed about the application. She does not have a problem with the outcome, however she believes the committee should have been made aware of the situation.

Bob Bell asked that the ad for the code enforcement position be brief.

Patrice Ryan referred to two newspaper articles, one in the Valley Voice the second in the Lower Saucon News concerning stormwater. She presented copies to the Board.

Paul Rush believes there is a PennDot contract for the section of Route 412 South into Hellertown.

Joseph Raynock asked about the township's ability to regulate water and sewer.

### **CORRESPONDENCE**

Cahill Associates a letter regarding preparing a new stormwater ordinance. Pete Lamana requested the letter be referred to the planning commission.

Jim Brownlow noted stormwater is important, however, at this point the planning commission is working on the re-write of the zoning ordinance. The Land Development and Stormwater Ordinances are important but we need to get the Zoning changed. Jim would like to see the zoning ordinance done by October.

Paul Mosinskis, and Mark Yocum, Gruversville Road – Letter concerning problems with motorcycles and on Gruversville Road.

Paul explained the problem has been going on for three years on the property directly across from his property and has been used by recreational off-road motorcycle riders. The decibel level has been recorded at 85, which is considered to be dangerous. At some point every weekend, these riders have shattered the quiet of Gruversville with a din so loud that the neighbors can't even have conversations in their backyards. The backyards are over 500 feet from where they are riding. This is a totally unacceptable level of noise.

The police have told the neighbors there is no course of action they can take, since there is no noise ordinance in place in the Township.

Chief Huber stated New Hope has enacted a noise ordinance.

Paul and Mark Yocum presented a video of the situation.

Bob Bell recalled a similar problem on Bursonville Road a few years ago and believes it was contact with the EPA about dust that caused the problem to go away.

### **SUPERVISORS COMMENTS**

**Chuck Halderman – Had no comments.**

**Jim Brownlow** expressed his concern about the condition of the roads. Jim suggested we contact Clymer and Wonderling and try to arrange a meeting to discuss the situation.

**Pete Lamana** – referred to a column by Bill White that was in the Morning Call concerning behavior at Township meetings.

Pete announced an Executive Session for Thursday, June 2<sup>nd</sup> at 7:30 p.m. to discuss personnel.

**ADJOURNMENT**

Rob Zisko moved to adjourn the meeting at 10:10 p.m. Seconded by Jim Brownlow. Vote was unanimous.

Respectfully Submitted

Barbara A. Smith  
Secretary