

Board of Supervisors

MINUTES

May 25, 2010

Supervisors Present: Karen Bedics, Jim Brownlow, Barbara Lindtner, and Rob Zisko **Absent:** Volker Oakey
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 7:43 p.m. and opened with the Pledge of Allegiance. Real estate issues were discussed in an executive session held prior to the meeting.

Minutes

The Board deferred adoption of the May 11, 2010, minutes as a quorum who attended that meeting was not present to vote.

Bills for Approval

Karen Bedics **moved** to approve the following bills paid from May 12 - 25, 2010 as corrected:

1. General Fund	\$19,860.58	4. Subdivision & Escrow	\$ 7,113.71
2. Liquid Fuels	\$ 3,791.20	5. Farmers Market	\$ 147.00
3. Open Space	\$17,162.10	6. Open Space Bond Acct	\$229,846.88

Rob Zisko **seconded**; the motion **passed** unanimously.

Public Comments on Agenda Items

Tony Polito (Woodbyne Road) had questions relating to reduction of the Springtown Knoll Improvement Escrow and how such a reduction would affect the properties of current property owners of Springtown Knoll.

Governmental Matters - None

Karen Bedics requested information about the change in issuing 1099 forms incorporated in the Health Care Reform Bill. Sandy Everitt indicated that unless the law is changed from how it presently reads, beginning in 2012, every business must issue 1099 forms to every company and/or individual that is paid \$600 or more for services and/or materials provided. Cheri Freeh, our CPA, thinks this law may be amended to include only corporations. This provision was placed in the Health Care Reform bill because the IRS thinks that companies are under-reporting their earnings. The legislators felt that the increased income tax revenue would help fund the healthcare bill. Sandy suggested this be placed on the next agenda for the Board to authorize a letter to be sent to our legislators asking for this to be changed.

Planning Matters

Herman Subdivision – James Herman sent a letter to the Board (received today) which included a revised final sketch plan for his approved subdivision. He presented a prior sketch to the Planning Commission requesting permission to place a dwelling on the farmland lot in his subdivision (as permitted in a recently passed Zoning Ordinance amendment). The Planning Commission's direction was that he needed to submit a new plan if he intends to place a dwelling on the farmland lot, because he would also need to comply with other requirements of the new zoning ordinance. Bob Wynn pointed out the two issues involved in this request: 1) Can he amend his final plan to add a building envelope on the farmland lot and comply with all other current ordinance requirements, or 2) does he need to resubmit a totally new plan? In either case, Bob feels the Planning Commission should first review the plan. Terry Clemons read from the October 27, 2009, Board meeting minutes the discussion with Mr. Herman about how the proposed Farmland Lot Ordinance change might affect his plan. At that time, Mr. Herman wanted to obtain final approval on his plan. However, he stated he would consider revising his plan after adoption of the zoning ordinance amendment to permit a dwelling on a farmland lot. Barbara Lindtner **moved** that Mr. Herman should submit a revised

final plan for his 4-lot subdivision on Hottle Road to the township for an engineer's review and then for review by the Planning Commission. Karen Bedics **seconded**; the motion **passed** unanimously.

Springtown Knoll – Robin Reshetar requested a reduction of his Improvement Escrow for Springtown Knoll because of work he completed. However, there are a number of issues at Springtown Knoll that he still needs to address. Bob feels that the roadways, aprons and sidewalks should be completed now, put under a maintenance period and then individual lots can be developed in the future. There is always the risk of damaging the completed public improvements, but under the current economic climate, it could be five or six years before building takes place on the remaining lots. Currently, the undeveloped lots contain various items of debris. After discussion, Barbara Lindtner **moved** to authorize Bob Wynn to prepare a list of deficiencies at the property that need to be corrected within 30 days and send it to Reshetar. In addition, the township engineer will recalculate the current cost of completing improvements and the developer will need to complete the improvements within the time required by the Subdivision & Financial Security Agreement. Karen Bedics **seconded**; the motion **passed** unanimously.

Spear Land Development – Rob Zisko **moved** that Terry Clemons modify the financial agreement to permit Gerald Spear to deposit \$11,475 as a contribution to the Highway Capital Improvement Fund in lieu of installing sidewalks and remove the requirement that Mr. Spear must construct the sidewalks in the future. Barbara Lindtner **seconded**; the motion **passed** unanimously.

Old Business

1. Voter Referendum for Tax Dedicated to Emergency Services Funding – The Township is currently funding EMS and fire companies with approximately \$130,000 of our budget, which is 1.5 mills of our current 3.5 mills of tax. Karen presented information from the EMS relating to funding received from Springfield and surrounding municipalities. Rob Zisko **moved** to authorize Terry Clemons to develop a clearly worded voter referendum regarding a tax increase (amount to be determined by the Board) dedicated to funding emergency services for discussion by the Board at the next meeting. Karen Bedics **seconded**; the motion **passed** unanimously. Terry will email the suggested referendum to the Board within the next two weeks. Barbara Lindtner requested a full accounting of what the township is currently funding for emergency services.

2. 25-mph Speed Limit Posting on Township Roads – Bob Wynn outlined in a letter dated May 4, 2010, the Township streets that qualify for posting at 25-mph as “Residence District” Streets under Act 151 of 1998. Although these streets qualify for posting at 25-mph, it is not realistic for all of them to be posted at that speed. Rich Schilling and Rich Pursell will review the list and recommend which roads would be appropriate to post at 25-mph.

3. Deed Restricted Properties – Barbara Lindtner asked Bob Wynn if he had developed a list of tax map parcels in the township that had deed restrictions or conservation easements placed upon them. Rich Schilling will determine the best way to review the recorded final plans on file at the township to gather this information, possibly utilizing a summer intern. In the future, Rich asked Bob Wynn to notify the township office when a subdivision includes either a deed restriction or a conservation easement.

New Business

1. Open Space Easement Acquisition Resolution – Rob Zisko **moved** to adopt Resolution 2010-013 approving filing of an application with the Bucks County Natural Areas Program Grant for properties owned by Ritter, Jones and McCarthy for a matching amount not to exceed \$579,000. Karen Bedics **seconded**; the motion **passed** unanimously.

2. Resolution authorizing Fees-in-lieu-of Stormwater Management Exemptions – In accordance with the provisions of the Stormwater Management Ordinance passed last year, a fee-in-lieu-of constructing stormwater management facilities can be imposed on those activities that are exempt from full rate control requirements of the Stormwater ordinance. This resolution would establish a Stormwater Capital Fund and would also establish a fee in the amount of \$500 for impervious surface that is exempt from rate control up to 2,000 square feet, plus .50 per square foot of impervious surface over 2,000 square feet. The township can use the funds collected for stormwater management improvement projects. Agricultural properties are not exempted from application of the fees. Barbara Lindtner **moved** to adopt Resolution 2010-014 establishing fees for Stormwater exemptions under the Stormwater Management Ordinance. Karen Bedics **seconded**. Rob Zisko feels that this fee as well as many other fees now being

levied by the Township are excessive. Jim Brownlow called for the question. Voting **Yes**: Karen Bedics, Jim Brownlow and Barbara Lindtner; Voting **No**: Rob Zisko. The motion **passed**.

3. Fee Schedule Update – The fourth paragraph of this resolution is changed from “If construction is started without first obtaining the required permits,” to “If construction *or use* is started without first obtaining the required permits. Under Building, the building permit cost for a single-family dwelling was raised from \$950 to \$1,250 (which includes electric). Under “Agricultural Building,” the permit cost dropped from “\$100 + .35/square foot” to a flat \$95 permit fee. The last addition is a fee schedule for the required UCC Appeals Board. Rich Schilling hopes to have prospective UCC Appeals Board applicants for the Board to review by the next meeting. Karen Bedics **moved** to adopt Resolution 2010-015 amending the Fee Schedule, effective May 25, 2010. Barbara Lindtner **seconded**. Rob Zisko again stated that he felt the fine for starting construction or a use prior to obtaining a permit should be lowered to doubled rather than tripled. Upon questioning by Rob, the Board as a whole was unaware of some things that could result in a triple fine. Ensuing discussion brought out that the UCC Code, which is very complex, is what determines when a permit is required. Rich Schilling said his primary goal is to ensure a safe home for residents. He is not opposed to offering an amnesty period to residents, although Terry Clemons needs to review this option for possible legal complications. In the meantime, he attempts to be judicious when implementing triple fines. Rich makes certain the applicant knows he can appeal to the Board for relief when a triple fine is levied. Karen offered to amend her motion to include changing the fine to double instead of triple. There being no second to her amended motion, Jim Brownlow called for the question on the original motion. Voting **Yes**: Karen Bedics, Jim Brownlow, Barbara Lindtner. Voting **No**: Rob Zisko. The original motion **passed**. The Board will discuss the amnesty option further at the next meeting.

4. TMA Membership – Karen Bedics **moved** not to renew the Township’s annual \$500 membership in the Bucks County TMA at this time. Barbara Lindtner **seconded**; the motion **passed** unanimously.

5. Summer Meeting Schedule – Barbara Lindtner **moved** to hold only the second monthly Board meeting (fourth Tuesday of each month) in June, July and August. Rob Zisko **seconded**; the motion **passed** unanimously.

6. Road Project: Paving in Springtown – Rob Zisko **moved** to authorize Bob Wynn to prepare and advertise a bid for a company to pave all the township streets in Springtown, utilizing approximately 600 tons of free asphalt available from Haines & Kibblehouse. Barbara Lindtner **seconded**; the motion **passed** unanimously. The estimated project cost is \$20,000, payable from Liquid Fuels funds. Based upon existing legal determinations, Terry Clemons opinion is that because the material to be used in the project is free, the project will not meet the cost criteria to mandate paying prevailing wage to the subcontractor. He suggested that his legal interpretation be placed in the Liquid Fuels file for future auditing purposes. Bob Wynn will advertise bids so that the job can be awarded at the June 22 Board meeting. Jim Brownlow called for the question. The motion **passed** unanimously.

7. Authorization to Open Act 537 Escrow Accounts – Sandy Everitt requested permission to open Act 537 escrow accounts at QNB for Josh Duke/Heather Olshevski and Marie Bouloux. Barbara Lindtner **moved** to authorize opening of the two new accounts at QNB. Rob Zisko **seconded**; the motion **passed** unanimously. The Board executed the O&M Agreement for Duke/Olshevski and the bank documents to open the accounts. The Bouloux planning module is currently being finalized and Ms. Bouloux has not yet executed the O&M Agreement.

Public Comment

John Nilsen expressed concern about the potential additional project cost of between \$10,000 - \$30,000 to a future building project on his farm that may occur as a result of the Stormwater Management Exemption Fee that was passed by the Board. Bob Wynn calculated that the additional exemption fee for the project Mr. Nilsen described might be nearer \$2,300; however, some of the improvements Mr. Nilsen mentioned qualify as both volume and rate control measures. If that is true, he would not need to request exemption from stormwater requirements. Mr. Nilsen also had questions about the Herman Subdivision Hottle Road access provisions.

Will Helm, Chief of the Springtown Community Volunteer Fire Company, thanked the Board for their decision to review a voter referendum for a dedicated tax for emergency services. Springtown Fire Company will need to replace another fire truck (approximately \$500,000 cost) within the next five years. A mandatory replacement of the department’s radios within the next 12 – 18 months at a cost of over \$150,000 is also pending. There is limited grant funding available unless there are multiple departments involved in the grant

application. Will Helm will provide the department's 5-year capital need plan to Rich Schilling for distribution to the Board and the press. Will thanked the Board for their support over the years.

Supervisors Comments

Karen Bedics, Board liaison to the EAC, said the EAC would like more information about the Township's natural resources inventory mentioned in the recently adopted Open Space Plan. Terry Clemons clarified that this is a Bucks County Natural Resource Inventory developed by Dr. Ann Rhoads. This report is countywide, but is broken down into individual townships, etc. She reported that the EAC completed the monitoring of township test wells tasked to them by the Board, with the exception of The Ridings subdivision well, for which a key is required. Bob Wynn will obtain this key.

A resident asked **Rob Zisko** what is happening with the gas station in Pleasant Valley. Rich Schilling will check into the status of this. There are weeds growing on the property, but without the Township opting in to the UCC Property Maintenance Code, there is little that a zoning officer can do to rectify that problem.

Barbara Lindtner asked about the Pleasant Valley Café. Rich Schilling advised that the Café closed today.

Jim Brownlow noted that the June 22 meeting will held at the Zion Hill Lutheran Church annex in Zion Hill. Oral arguments on the township's PPL appeal are scheduled for Monday, June 21, at 1 p.m. in Harrisburg, although a determination will not be available in time to report to the public at the June 22 meeting. Attorney Scott Rubin will represent the Township at this hearing. Karen Bedics asked our solicitor to solidify with PPL their agreement to donate the remainder of the property to the Township as a conservation easement.

Adjournment

At 9:55 p.m., Jim Brownlow **moved** to adjourn the meeting. Rob Zisko **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt
Secretary/Treasurer

Next meeting: June 22, 2010
Approved: June 22, 2010