

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

May 8, 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 Karen Bedics. Also present: Terry Clemons, Solicitor; Sandy Everitt, Secretary/Treasurer; Rich Schilling, Township Manager. **Absent:** Rod Wieder, Rob Zisko and Bob Wynn.

Jim Brownlow noted that the Supervisors had an executive session prior to the meeting to discuss several personnel matters. One of them included interviewing Walter Dearden for the position of Assistant Zoning Officer. The opening was advertised in The Morning Call, and one application was received. As a result of that meeting, Chuck Halderman **moved** to hire Walter Dearden as Assistant Code Enforcement Officer for 20 hours per week at \$17 per hour. Jim Brownlow **seconded**; the motion **passed** unanimously.

Minutes

Karen Bedics **moved** to accept as presented the minutes from the April 10, 2007, meeting. Chuck Halderman **seconded**; the motion **passed** unanimously. Action on the April 24, 2007, minutes was tabled until the next meeting.

Approval of Bills

Chuck Halderman **moved** to accept the bills totaling \$44,417.88 for payment as listed on the April 4 – May 8, 2007, bills list. Jim Brownlow **seconded**; the motion **passed** unanimously. The bills list is posted on the bulletin board.

Reports

Jim Brownlow stated that the **Road Department** and **Code Enforcement** reports were posted on the bulletin board. Karen Bedics said she had spoken to a resident on Wrecscis Road who requested that the Township put up “Watch Children” signs on Wrecscis Road. Residents are concerned that speed will increase as a result of paving of the road. Rich Schilling will pass this request on to the Road Department. Karen also asked that an update be provided on the Greenwood Drive complaint listed as Item 7 of the Zoning Report.

Police Report – 86 incidents were reported on the April Police Report. Karen Bedics asked that a time frame be added to the *Supplementary Report of Offenses* which is included as page 3 of the police report. This request will be forwarded to Mark Laudenslager, Officer-in-Charge.

Manager’s Report – Rich Schilling highlighted the following items from his report:

April 12 – Met with Pension Committee; Tom Redmond; and Chris Engelbert, Smith Barney; on last year’s pension fund investment performance and after the meeting, discussed several issues relating to the police contract.

April 14 – Rich, Roger Carman (Road Dept.) and Officers Laudenslager and McDonald participated in the Cooks Creek Watershed Roadside Cleanup. Two 10-12 ton trucks were filled with the refuse collected.

April 19 – Attended an Act 537 meeting in Norristown with DEP representatives, Bobb Carson and Bob Wynn, Township Engineer.

April 30 – Met with Ted Evans, Open Space Coordinator, and Supervisor Rob Zisko to discuss status of Open Space acquisitions.

Rich advised that police contract negotiations are ongoing and he hopes to complete the contract in May. Rich continues to work in facilitating the PA ByWay designation needed by the Historic Commission and the EAC. He and Karen Freeh (Historic Commission Chairperson) will meet at Durham Township with the Durham Township Recreation Board and representatives of Lower Saucon Township on June 12.

Rich submitted two requests for action.

1. **Springtown Community Volunteer Fire Company** requested that the Board approve the usage of Fire Police to assist neighboring communities and fire companies in non-emergency situations, such as parades, directing traffic for parking at events like the Township Community Day, etc. Karen Bedics **moved** to authorize the Springtown Fire Police to assist neighboring communities and fire companies in non-emergency events. Chuck Halderman **seconded**. Bob Bell, former police chief of Springfield Township, noted that the former policy of having the Board approve each event where fire police participated was at the request of the insurance carrier. Bob noted that in prior years a list of events where the fire police would participate was given to the Board at the beginning of each year and the Board would approve events for the year. Terry Clemons will review the insurance policy in place for the Township. Following discussion, the **motion was amended**. Karen Bedics **moved** that pending approval from our insurance carrier, permission is given to the Springtown Volunteer Fire Company Fire Police to assist neighboring communities and fire companies in non-emergency events. Chuck Halderman **seconded**; the motion **passed** unanimously.

2. **Planning Commission Request:** The Planning Commission requested that the Supervisors select consultants for wetland, soil and carbonate geology studies and permit the Planning Commission to utilize these consultants on an as-needed basis to review and/or perform independent studies for plans when the Planning Commission feels it is necessary.

Terry Clemons views this as a two-part resolution. First, he feels that it is beneficial to have specific consultants selected for review of certain areas of expertise. However, he has some reservations about the Planning Commission utilizing these consultants without Board authorization. His concern is based upon spending escrow funds which applicants have provided to duplicate services and the resulting exposure this may put the township in for a claim of abuse of expenditure. Terry feels the Planning Commission should recommend to the Board to authorize a township consultant to review reports or conduct tests when they feels it is warranted.

Karen asked whether each plan should have a township consultant involved. Terry does not feel that every application requires a separate study by a township consultant with the associated financial cost. He feels it should be reserved for situations where there are genuine concerns that warrant the expense of a second opinion. Terry pointed out that if we would do repeat studies on every subdivision, the developer could ask the township to just do the studies and request that he not to be required to do them. Terry's concern is that a "Mom & Pop" subdivision that may have originally cost \$25,000 could go to \$50,000, and this would be very difficult in situations where a parent is trying to subdivide a lot for a child to build on, etc.

After further discussion, Karen Bedics summarized her understanding of what should be proposed as "Based upon Bob Wynn's recommendation, the Planning Commission will recommend to the Board of Supervisors when predetermined township consultants should be utilized to confirm a report submitted by an applicant."

Jim Brownlow requested that Rich Schilling, Township Manager, in cooperation with Bob Wynn, Township Engineer, list the various areas in which consultants may be needed and match that list with consultants that are already approved as township consultants so that the Board will have a list of specialty areas where they need to designate township consultants.

Jim Brownlow requested that the Township Manager communicate with the Planning Commission that the Board will designate township consultants; however, in the interest of maintaining checks and balances within the system, the Board would like the Planning Commission to make specific requests to the Board on a case-by-case basis for use of those consultants when they feel it is required.

Public Comments on Agenda Items

George Metzger asked whether it would be a conflict for a developer to utilize the township designated consultant to prepare the reports required by our Ordinances in order to avoid having a duplicate study done. Mr. Metzger noted this would save the developer a lot of money. Terry Clemons feels it is better to maintain a system of checks and balances by having the township consultant available to check the reports of the applicant's specialist(s) on an as needed basis. After further discussion, Terry summarized that the Subdivision & Land Development Ordinance regulated what was required as part of a submission. Although the Township Engineer could recommend (or not recommend) additional review of studies submitted, the Board could accept or refuse the Township Engineer's recommendation and go forward with their own request for additional studies for a particular subdivision.

Hans Reimann feels that the township should also have a wetlands consultant to help with the delineation of streams on a property. Hans' understanding is that the State views wetlands delineation and stream delineation as two separate areas of expertise. He feels that the consultant obtained should be aware of both of these review areas.

Hans expressed his support for Chuck Halderman's request to have an independent traffic study performed for the Rolling Hills development.

Finally, Hans noted that Don Metzger's development plan for his Route 309 property would be helped by a different set of building codes with incentives for "green building," such as green roofs. Hans said other townships are incorporating these incentives into their ordinances, and he is hopeful that Springfield Township will look into adding such incentives to our ordinances. Terry noted that Solebury Township is looking into adding "green" incentives to their Subdivision and Land Development Ordinances.

Old Business - Community Day Committee Report

(Agenda altered to permit this report by the Community Day Committee Chairperson who must leave early for another commitment)

Rose Strong presented a funding proposal of \$7,290 for the Community Day event on September 29, 2007. There are various expenditures that will be required to put the event together. Jim Brownlow said this was higher than he anticipated for this event. Jim said there are three questions that the Board must respond to:

1. Should the Board authorize the Community Day Committee to seek funds from outside entities?
2. Should the Board authorize the whole amount requested if there are donations from outside entities?
3. If the Board does approve the full amount requested, is the Board guaranteeing that the full sum will be available if no outside donations are received or if the donations do not reach the amount of money spent?

Jim Brownlow would be comfortable in establishing a "not to exceed" budget figure which the Township would be willing to put up. However, he feels the bigger question is whether the Board wants to authorize the committee to solicit funds within the township.

Chuck Halderman was expecting an event where neighbors would get to know their neighbors, not an event with helicopters, etc. He feels rather than a lot of "bells and whistles," the event should be more of a country-like, family-style get together without a lot of money required for fancy extras. Rose noted that the EMS helicopter would be a donated event and would not involve an expense for the township. Chuck feels that because this is the first time for this event, the expenses should be kept low until it is determined whether this type of event will be successful in Springfield Township. Although Chuck does not want the Board to micromanage what the committee is doing, he is concerned because the Board is responsible for expenditure of township funds and therefore; they do need to have some control over expenditures and events scheduled for Community Day.

Rose added that if solicitation of funds was approved, it would be limited to businesses within the township. The Committee has prepared a letter offering township businesses the opportunity to support the event either by renting a vendor space or by participating as a sponsor of the event. Jim is not opposed to seeking funds from sponsors in the township as long as it is voluntary. Rich Schilling noted that the letter and list of township employers has been submitted to the township by the committee. If the Board approves solicitation of funds, it will be prepared for the Committee and they will do the work of assembling the mailing and it will be mailed by the township.

In discussion, Rose said there was no deadline for sponsorships, but July 15 is the deadline for vendors to sign up for a spot at the event. The fees to rent a space are: Businesses \$40, Crafters \$30, and Non-Profits are no charge.

Jim Brownlow **moved** to approve a total expenditure from the Township of \$3,000 for the expenses of Community Day. Chuck Halderman **seconded**. The Committee can request additional funds if they are required at a later date. Jim called for the question. The motion **passed** unanimously. The Board thanked Rose for her hard work on this committee.

Jim Hopkins was part of the Township's 250th Anniversary celebration. This one-time event was profitable and there were residual funds left over. After that event, the Committee was permitted to recommend where residual funds should be used.

Public Hearing - Ordinance for Disclosure of Property Issues for Buyers of New Construction

Notice of this hearing was advertised in The Morning Call on May 1 and was forwarded to the Bucks County Law Library. This is a comprehensive disclosure ordinance that is designed so that the developer at the time new construction is being sold disseminates this information, obtains and provides to the township prior to issuance of a Use & Occupancy Permit, a signed copy of the questionnaire that acknowledges receipt of the information by the buyer.

Terry Clemons summarized that the ordinance is designed to make purchasers of new construction aware of general and specific conditions concerning the home and/or subdivision into which they are moving. This ordinance would require a developer to provide certain information to a prospective purchaser of a lot. That information would include basic information such as what zoning district the property is located in, what the requirements are for construction in that district in terms of setbacks, etc. The Ordinance will also share what restrictions there might be on the property (electric lines, conservation easements, etc.), whether there is a homeowner's association involved, whether stormwater detention facilities exist and whose obligation it is to maintain them, what natural resource restrictions pertain to specific subdivisions (flood plains, steep slopes, etc.). There is also a provision in the ordinance that relates to making that purchaser aware of what uses go on in the area surrounding the development, such as a land fill, airport, or agricultural operations that might generate noise or odors.

Bruce Whitesell, a township resident and licensed real estate broker for 30 years, thinks this ordinance is an excellent idea. He asked if this applies only to new construction, rather than existing properties and was advised that was accurate. Terry added that, as a realtor, Bruce is aware of a state law that governs real estate disclosure required when existing homes are sold. That state law pre-empts regulation by local municipalities. Bruce asked if this would apply to "scatter site" (single lot) new construction and was advised it would apply.

Jim Hopkins also feels this is an excellent idea. He mentioned that residents who purchased homes in the new development on Allison Road complained there were conditions they were not advised of relating to the homeowner's association and other things. Jim asked how the disclosure information would get to second and third buyers of a property. Terry said there was no provision in this ordinance that the information being disclosed would have to be passed on to future owners of the property. Terry said this is handled in several ways by other townships with a disclosure ordinance. Some require the developer to submit the disclosure statement prior to the subdivision plan being recorded. Terry indicated one problem with this is that sometimes the form is only partially completed and in some cases, is signed by the buyer's agent, not the buyer, which makes the statement of no value to the homeowner. Terry suggests that the developer present the disclosure statement that he plans to use as part of the final subdivision process with all the information filled in for each lot. For this to be effective, it will require some administration, in that no Use & Occupancy Permit should be issued until the disclosure form is completely filled in and signed by the buyer of the property.

Bob Bell feels this will saddle township administration with a lot of new responsibilities and the end of this will be a quagmire of problems. Bob asked when people are going to be held responsible for their actions. If Bob was spending \$400-\$500,000 for a new home, he would do extensive research before he went through with the sale. He feels anyone with that amount of money is intelligent enough to do the same thing. It is not the township's ("Big Brother's") responsibility to hold a new buyer's hand.

Hans Reimann agrees with Bob Bell about the administrative quagmire, but he wanted to go on record (representing the Cooks Creek Watershed) that he supports this ordinance because it will help to maintain the quality of Cooks Creek, an exceptional value stream. Of particular importance is the fact that when stormwater facilities are compromised by a land owner, either knowingly or unknowingly, this ordinance will enable the township to protect the people downhill from the property by requiring the owner to correct the problem.

Bruce Whitesell agrees a buyer should explore a property before they purchase, but because of the hot market in the past 5 – 6 years, buyers have sometimes waived contingencies that they should not have waived. There is language in a realtor's standard agreement of sale with regard to certificate of occupancy inspections, etc., that does give the buyer an opportunity to review an occupancy permit inspection if it is required by the township when there is a change of ownership. If there is something in the township file that has information regarding prior disclosure from a developer, that information could also be disclosed to the prospective purchaser by the township. They could sign off on it at that time in order to get their occupancy permit and that would allow that chain of information to be passed along to subsequent property owners.

Bruce feels that most people who fill in swales and break the laws along that line do it not by choice, but because they don't know the requirements. He feels that having this information available from when the developer is first selling the lots, and making it part of the property information that is available at one location—the township files—is the best way to make it available to future buyers. When an occupancy permit is requested and there is a conditional agreement of sale, it would permit them to view this information and to cancel the contract if they wish.

Karen Bedics feels that when a new property is purchased, the developer may not always tell the buyer a lot about the property. They might say there is a stormwater retention basin on your property without any explanation of what is entailed in the upkeep of that basin. She feels that when the prospective homeowner have to sign this disclosure statement, they will ask questions about areas within the statement that they may not understand.

Sandra Kugler asked whether the new ordinance only covers issues related to the property itself or whether it would also notify people of things in the area like a gun club, etc. Terry stated that the ordinance does require notification of the homeowner of things that may take place on adjoining properties. Sandra asked if separate disclosures would be required for each lot in a subdivision and Terry Clemons said that site-specific information would be required in separate disclosure statements for each lot within a subdivision.

Bob Bell asked how the township would know of a pre-existing, non-conforming use within the township. Terry feels the township engineer usually knows what is going on throughout the township.

Bruce Whitesell asked if the township would charge a fee for this service. Terry indicated that copies of this disclosure statement could be provided with a Use & Occupancy permit, for which a fee is already charged. There is a \$1,000 fine if the developer sells a property without having obtained the buyer's signature on a disclosure statement. Toll Brothers already uses this type of disclosure form and requires a buyer to sign it. They do it not because they are required to by a municipal government; they do it because they do not want a buyer to come back after a sale and say they were not given information about the home they purchased. They require a buyer to sign every page of the disclosure and in some detail, go over what is in the disclosure.

Jim Brownlow asked how subsequent buyers of a property obtain the original information. Terry suggested two ways in which this information could be passed to future buyers. Ideally, a seller would provide a prospective buyer with a copy of the disclosure form he received when he purchased the property to protect himself. The second way is to keep a copy in the township tax map parcel file for the property and give a copy to a prospective buyer when an application for a *Certificate of Occupancy* form is issued upon resale, as discussed earlier.

Bruce Whitesell added that if a real estate agent is involved, they will get the information from the township and pass it along to the buyer because as a matter of practice, realtors try to ensure that any available information is made available to a potential buyer of a property.

Jim Brownlow asked if this was something that can be recorded with the deed for the property. Terry Clemons said it will probably not get into the hands of a buyer using that method.

There being no other public comments, the public comment period was closed. Karen Bedics **moved** to adopt Ordinance #138 requiring seller disclosure for new residential properties in Springfield Township. Chuck Halderman **seconded**; the motion **passed** unanimously.

Old Business

Bucks County TMA Update – Jim Hopkins reported on the work being done to try to restore passenger rail service between Lansdale and Upper Bucks County continues. Currently, the BCTMA is gathering municipal resolutions from Bucks and Montgomery Counties to support the endeavor. These resolutions are important in gaining possible federal grant funding for the project. Jim highlighted the content of a proposed resolution he provided to the Board, stressing that the resolution simply indicates support for the effort and no other commitment. The timetable for completion of this rail line is between six and ten years. The current plan is to end the line in the Shelly area on Cherry Road, but there is some consideration of moving the line into Springfield along Springfield Street, although that has not been finalized.

Jim is also part of two other transportation discussion groups, and he shared two items of interest from meetings of those groups.

First, the TMA has acquired a speed monitor unit that is available for use by member townships. If Springfield Township is interested in using this equipment, they should contact TMA to reserve the unit for a specified time.

Second, on Route 309/Pumping Station Road where the new Target shopping center is being built, there is a transportation study being done to address traffic as it exits Quakertown on Route 309. Carroll Engineering is willing to talk to our Planning Commission regarding the traffic and transportation needs of Springfield and perhaps offer their services as a possible consultant.

Rich Schilling suggested that he draft an ordinance from the template Jim provided for review and action by the Board at the next meeting. The Board also asked Rich to contact TMA about possible use of the speed monitor and to inform the Planning Commission about the offer of Carroll Engineering to talk with them about the township's traffic and transportation needs.

2. EAC Projects – A list of potential 2007 projects for the EAC was presented to the Board on April 24, 2007. No action was taken at that time. Karen Bedics **moved** that the proposed projects submitted by EAC for 2007 projects which include Environmental Monitoring of Cooks Creek Watershed, developing Conservation Easement Language, Native Garden Expansion, Biodiversity Survey of Township Property on Peppermint Road, Native Plant Workshops, Road Chemical Alternatives, Regional Stormwater Management Initiative, and Springfield Community Day be approved. Chuck Halderman **seconded**; the motion **passed** unanimously.

3. Newman Request – The 18-month period for completion of improvements for the Majda Newman Subdivision expired on April 25, 2007. Ms. Newman has requested an extension until October 31, 2007, to complete the required improvements. Jim Brownlow **moved** to grant an extension until October 31, 2007. Karen Bedics **seconded**; the motion **passed** unanimously.

4. Resolution for Cory Easement – Terry Clemons thanked Laura Baird, Heritage Conservancy, for putting together a complicated transaction to acquire a conservation easement on 95 acres of property owned by the Cory Family and located on Pleasant Hollow and Slifer Valley Roads. The property includes four tax map parcels, is in the Cooks Creek Watershed and has approximately 3,000 feet of road frontage. There are four funding sources for the purchase of this conservation easement: Bucks County Natural Areas Program (\$311,750), State Department of Conservation and Natural Resources (\$228,500), Springfield Township (\$266,746), and Heritage Conservancy (\$50,000) for a total payment of \$857,000. Terry summarized the restrictions on the property as a result of the Easement and indicated that all but the State Department of Conservation are grantees on the Easement, but all four

of the contribution agencies will have rights of enforcement to ensure that the Easement is protected. Terry introduced Laura Baird, Heritage Conservancy, to answer any questions on the Conservation Easement which was presented to the Board for review prior to the meeting.

Karen Bedics asked for a smaller version of the map of this Easement showing the building envelopes. She asked Terry about buildings outside of the envelopes shown. Because the property will likely be used as a horse farm, Terry indicated that a limited number of 500 sq. ft. agricultural structures could be built outside of the building envelopes for use as “run in” sheds for horses. The total sq. ft. of small buildings permitted for each of the four tax map parcels is listed on the Resolution.

After a lengthy discussion about the easement, the restrictions contained therein, and monitoring of the various restrictions, Jim Brownlow **moved** to adopt Resolution 2007-009 approving acquisition of the Cory Conservation Easement, payment by the Township of \$266,746 towards the Easement plus related settlement costs, and authorizing any supervisor and the Township Manager to execute the document. Karen Bedics **seconded**; the motion **passed** unanimously. The settlement will take place tomorrow, May 9, 2007.

New Business

1. Natural Easement: Herz (29 acres) & McCarthy (21.75 acres) Properties – Ted Evans provided written information to the supervisors prior to this meeting on the Herz and McCarthy properties. These properties adjoin each other. The information outlined what will be required to conserve these properties. There is no Natural Resource funding available at this time, but funding will become available in 2008. Ted indicated the County Administrator has encouraged us to conserve the properties now and in 2008, request a 50% reimbursement from the County when funds are again available.

Karen Bedics feels it is important to preserve these properties that border Cooks Creek. The Township has done an excellent job of preserving properties containing agricultural soil, but she feels it is important to begin to focus on properties in the Watershed.

The appraised value for the requested easement is \$7,000 per acre. The total price for the Herz 29-acre tract is \$203,000. For the 18-acre McCarthy property, the total price would be \$126,000. The required fund outlay would be \$329,000, with a possibility of getting reimbursed for 50% of the outlay in 2008.

Chuck Halderman **moved** to authorize Ted Evans to negotiate acquisition of Natural Easements for the 29-acre Herz property and 21.75-acre McCarthy property as outlined on the proposal received from Ted Evans, subject to the Board of Supervisors reviewing and being satisfied with the terms of the easement. Karen Bedics **seconded**; the motion **passed** unanimously.

2. Request by Planning Commission for Environmental Impact Study of Land Being Proposed for a Central Business District – Jim Brownlow asked what an environmental impact study means, and was advised by Terry Clemons that there is uncertainty as to whether the Metzger property is amenable to being a Central Business District. The study would include determination of how wetlands, steep slopes, or other environmental features on the site would impact on the different types of uses being considered for the development, such as commercial, active adult community, etc.

Terry indicated that if this change is pursued, it would be as an amendment to the currently proposed Zoning Ordinance revision, in order to permit careful review of the Central Business District proposal. He said Mr. Metzger could submit an application for an amendment to the Zoning Ordinance that has provisions in it that are consistent with what he wants to do on his property. In that situation, the applicant could do the environmental impact assessment and other studies that might be requested by the Board in the review process. It is usually better for the Township to develop the ordinance from a township-wide perspective so that protections and features are in it that the Township wants, as opposed to reacting to something that a property owner submits, even though the submission of a property owner can be negotiated and changed.

Jim Brownlow asked if the process for a zoning change would be the same whether initiated by the township or by a property owner; Terry said that it would.

Karen Bedics felt that having an environmental impact study done would help the developer, in that he would know what environmental issues existed on the property he wished to develop.

Barbara Lindtner said that one property owner owns approximately 70% of the property along Route 309 that was being proposed for a Central Business District. However, the Comprehensive Plan for the Township recommends changing that Route 309 corridor into a Central Business District. This fact was brought to the Planning Commission's attention by Bucks County Planning Commission in their original review of the draft Zoning Ordinance. The Planning Commission decided to recommend changing certain properties belonging to Mr. Metzger to Planned Industrial district, but to then allow Central Business District as a "use." Before a serious discussion could take place as to allowing Central Business District use in that area (most of the properties in that area now are either PI or RP zoning districts), the Planning Commission felt that an environmental impact study was the first step to learn what natural features exist in that area.

Jim Brownlow said he understood that the pending zoning ordinance change does have the property zoned as PI, but that it does not speak to using any of this area as a Central Business District. Barbara Lindtner acknowledged that this was correct. Jim further added that in order not to slow down the adoption of the Zoning Ordinance revision that is pending, concurrent with that process the Planning Commission is looking into allowing for a Central Business District within the Planned Industrial area. As long as the township provides for the Central Business District use within an area, Jim asked why the township should design that district rather than the property owner who wants to use property for a Central Business District. He further clarified his understanding that the township doesn't know if the area now designated as PI would accommodate a Central Business District until an assessment of that area has been done. Barbara agreed with Jim's understanding of the discussion.

Following a question of what a Central Business District actually was, George Metzger indicated his plan was for a Transportation Oriented Development made possible by the rail service restoration to the area becoming a reality (discussed earlier in the meeting). He elaborated that a TOD is a Central Business District that surrounds a railroad station. He indicated the rail station is proposed for the area near where the 1st and 10 Hair Stylist Shop is now located. There would be a "Park and Ride," small shops would surround that, with the adult community surrounding the small shops. Barbara indicated that the Central Business District is actually whatever a Township decides it wants it to be; the description can be different from one township to another.

Chuck Halderman and Barbara Lindtner noted that a Central Business District was listed as a mid-term goal in our Comprehensive Plan (dated 2000). 2007 would be approximately correct for addressing "mid-term" goals.

Jim Brownlow feels that the property owner should devise the use he wants and request the township to change the Zoning Ordinance to permit that use. The property owner would be taking the risk, in this case, because the rail service is not currently in place. Even though it is in the planning stages, there is no guarantee it will ever happen, or at least not in the immediate future. Jim does not feel it is appropriate for the Township to plan a district around a train station that may or may not become a reality.

George Metzger has researched the Army Corp requirements for mitigation. They require you to indicate if there are any alternative sights that would allow the Central Business District zoning use—there are no alternative sights in Springfield Township. The reason Mr. Metzger is not asking to have the area rezoned CBD is because that would effectively eliminate the Planned Industrial District. He is proposing to write a preliminary zoning amendment, present it to the township and the township solicitor would review it. Terry added that Mr. Metzger could hire a consultant to determine the natural resources on the property. Mr. Metzger indicated that as long as there are no other parcels suitable for the use, it is possible to "move" wetlands, woodlands, etc., that need to be disturbed to another location by a process called "wetlands mitigation," for which an Army Corps permit would be required. Because of time constraints, Mr. Metzger is asking that he not be required to do the Environmental Impact Study (will require 6 – 12 months to complete) prior to his submitting a request for a zoning change.

Terry Clemons indicated that Mr. Metzger could file a zoning amendment and the Planning Commission could request the applicant to fund an Environmental Impact Study to assist them in their evaluation of his application.

Jim Brownlow felt it would be best for Mr. Metzger to put on paper his vision for the project he has in mind. Mr. Metzger said he would bring that to a future meeting. He summarized that his plan includes no “big box” stores, but small-town, main-stream type stores that would surround the train station and would be conducive to an age-restricted community.

Jim Brownlow **moved** to table the request of the Planning Commission to conduct an Environmental Impact Study until more information is available. Chuck Halderman **seconded**; the motion **passed** unanimously.

3. Request by Supervisor Halderman for an Independent Traffic Study for Rolling Hills – Chuck would like to have an outside consultant provide an independent survey of how best to access and exit the 35 homes comprising Rolling Hills Subdivision (located on Slifer Valley Road and Route 212). Currently, a through road and a cul-de-sac are proposed by the applicant, but **Barbara Lindtner** indicated the Planning Commission did not feel it was the right time to do the traffic study, because they had made a number of recommendations to the applicant that might require revision of the current plan. Chuck feels that rather than have the applicant tell the township where they will place the roads, the township should have their own expert advise where it is best to place the roads.

Jim Brownlow is in favor of gaining control of this development, but because of the frequent changes made to the plan, he finds it difficult. **Terry Clemons** stated that the procedure that is to be followed is in the Municipal Planning Code. There are court decisions that require municipalities to be patient with a developer, giving them ample opportunity to develop the plan. The applicant has filed an application for a revision to the township’s ACT 537 Plan which is currently being reviewed. There are also other major issues (soil classification, water impact study, etc.) that need to be addressed; therefore, Terry does not feel that it is the Township’s responsibility to tell the applicant how to design the development and he does not feel this is the proper time to do a traffic study.

Jim Brownlow feels that shared concerns among township officials about the Rolling Hills development are:

1. that the township is being broad-sided by all the different requests
2. that the applicant is ignoring the township’s request to have the plan come before the Planning Commission for actual review
3. that the Township may not react to something in a timely fashion; therefore, be in a position for a lawsuit

Jim asked if we could get a checklist prioritizing what needs to happen and in what order to provide to the applicant.

Chuck Halderman referred to the applicant’s newspaper advertisement of May 3 establishing a 30-day period for comments on their request for a revision of the township’s Act 537 Plan. Chuck wants to have a meeting and let the residents comment and also give the township an opportunity to talk with residents about what public sewage on this development entails and what may be at stake for the township if their request for a revision is granted.

Barbara Lindtner said that Rolling Hills had been placed on the May 2 Planning Commission agenda because they continue to submit required plan items in a “piece-meal” fashion. The Planning Commission provided six or seven specific things that were required to bring the plan into compliance with township ordinances. Two weeks later, the applicant submitted a revised plan that did not address any of the issues enumerated by the Planning Commission. She doesn’t feel they should even be faced with a public review period for a revision to an Act 537 Plan before the plan is in compliance with our ordinances. She asked if there is any way to make the applicant address the direction given by the Planning Commission to bring their plan into submission with township ordinances.

Terry Clemons understands the frustration and there may come a time when the township needs to take action on the plan if a number of the problems Bob Wynn has identified have not been addressed. However, time does need to be given to the applicant to develop the plan. **Jim Brownlow** understands that Terry is counseling the township to have patience; however, Jim still feels we need to prioritize action needed by the applicant for this plan.

complaint was filed. Rich Schilling suggested that Mr. Whitesell contact him and discuss the issue further, as Rich is on the cable franchise team that is currently trying to renegotiate a cable franchise agreement.

Barbara Lindtner said they had the same problems and gave up on Service Electric and went to another company. They actually paid for digital cable that they never received because Service Electric would not do the upgrade required. Rich Schilling advised that Service Electric was in the process of installing digital cable in Springfield Township.

Hans Reimann submitted a letter addressing the NPDES Permit Application submitted by Rolling Hills Development. Hans indicated he will continue to gather signatures on a petition regarding this NPDES Permit application.

Supervisor's Comments – None

Adjournment

At 11:15 p.m., Jim Brownlow **moved** to adjourn the meeting. Chuck Halderman **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt
Secretary/Treasurer

Next Meeting: May 22, 2007
(Minutes approved 6/26/07)