

Board of Supervisors Work Session/Meeting

MINUTES

June 12, 2007

The meeting was called to order at 7:35 p.m. by Chairman Jim Brownlow and opened with the Pledge of Allegiance.

Present: Supervisors: Karen Bedics, Jim Brownlow, Rod Wieder and Rob Zisko (Rob left at 9:30 p.m.)

Also present: Terry Clemons, Solicitor; Sandy Everitt, Secretary/Treasurer; Rich Schilling, Township Manager

Absent: Chuck Halderman; Bob Wynn, Township Engineer.

Jim Brownlow noted that the Supervisors had an executive session prior to the meeting to discuss personnel matters.

Minutes

Karen Bedics **moved**; Jim Brownlow **seconded** to accept the minutes of the May 8, 2007, meeting. Voting **Yes**: Jim Brownlow and Karen Bedics. **Abstaining**: Rod Wieder and Rob Zisko (did not attend May 8 meeting). The motion to approve the minutes was withdrawn and approval of the minutes will be tabled until the June 26 meeting. Rod Wieder **moved** to accept the minutes of the May 22, 2007, meeting as presented. Rob Zisko **seconded**; the motion **passed** unanimously.

Approval of Bills

Rob Zisko **moved** to accept the bills (\$20,916.14) for payment as listed on the May 23 – June 12, 2007, bills list. Rod Wieder **seconded**; the motion **passed** unanimously.

Reports

Road Department & Zoning Reports – Jim Brownlow noted that both these reports are posted on the bulletin board. Karen Bedics asked whether *Watch Children* signs would be placed on Wrecksics Road after it was paved and Rich Schilling advised that those signs were ordered as well as *Pedestrian* signs for Springtown.

Rich Schilling noted that a section was added to the Zoning Report showing actions taken by Walt Dearden during the first month he was on staff. He commended Walt publicly for the good job he is doing.

Police Report – Officer Laudenslager highlighted that the police handled 87 incidents during May: 14 were criminal offenses (2 burglaries: 1 commercial, 1 residential). Officer Laudenslager encouraged the public to keep their doors locked at all times. Officer Laudenslager attended the Bucks County Chief of Police meeting and noted that Springfield Township is eligible to receive, free of charge, two Dell laptop computers for use in marked police cars. They will permit the Township to be connected to the Bucks County *Scope* program and the county internet, thus enabling Springfield police to obtain immediate data to permit them be more effective on the road. Free installation of these laptops is included. The computers are provided by the Department of Homeland Security. Officer Laudenslager noted that he and Officer McDonald received instruction in use of the ESP Speed Timing Machine and they are now certified to use the equipment.

Township Manager's Report – Rich Schilling highlighted these items:

- May 14 – FEMA mobile home arrived. The old structure was demolished on June 11. Site work will be completed shortly so that the mobile home can be put in place.

- May 23 – Met with Michael Guarino, Emergency Management Coordinator, and Jeff Mease, on emergency management activities. The Township received the Governor’s letter officially appointing Mike as EMC. The Township Directory and website will be updated to reflect this change.
- May 24 – New color Ricoh copier lease agreement was completed.
- The police contract negotiations continue. Rich is hopeful that the contract will be settled in the near future.
- Rich met today with the Recreation Board of Durham Township, the By Way Coordinator, and Karen Freeh of the Township’s Historic Commission to work toward the PA By Way Designation..
- After reviewing several cell phone providers, the Township has switched to a hybrid phone utilizing Nextel & Sprint which permits calls to be made and received from the township building.
- New historic tiles of the Pleasant Valley Triple-Arch Bridge are available from the Historic Commission. Order forms are available online.
- Information was received today from PennDOT stating they are repairing the Pleasant Valley Triple-Arch Bridge (\$975,000 project) and the bridge is projected to reopen in September 2007.
- If the Board is interested in having a certified stormwater inspector to assist with stormwater issues, a grading ordinance will need to be adopted. Jeff Mease is interested in becoming certified to perform these inspections, and he would be the logical staff member to provide this service.

Karen Bedics suggested that Mike Guarino, newly appointed Emergency Management Coordinator, be invited to attend a future meeting to inform residents how they can prepare for emergencies. Rich Schilling suggested that it would be good to have an article in the fall newsletter about Emergency Management preparedness.

Rich stated that he requested UBREMS to attend a supervisors meeting and provide financial statements on at least a quarterly basis. Jim Brownlow stated that at a minimum, financial statements should be provided quarterly. Rob Zisko asked how much money had come in as a result of the EMS tax and was advised that \$206 was the initial amount, but that collections just began in June. Rob Zisko and Rod Wieder requested copies of the mailing labels for the 119 Township business owners that received the Berkheimer mailing.

Public Comments on Agenda Items - None

Planning Matters

Springtown Knoll – In a letter dated May 17, 2007, Reshetar Realty requested a clarification of the Springtown Water Authority’s request for a \$500 per unit fee for a new water meter for each home which was billed to Springtown Knoll as a result of a January 2007 Resolution passed by the Authority. It was Robin Reshetar’s understanding from the original Developer’s Agreement executed between Springtown Knoll and the Township (which included a \$7,500 per unit water hook up fee--\$150,000 total) that no other fees would be charged. At the time this agreement was signed, Mr. Reshetar questioned the high hook up fee, but agreed to pay the fees, in advance, with the understanding that there would be no other fees. He indicated he felt that various Board minutes, in particular the July 11, 2006, minutes, reflect that understanding.

Jim Brownlow felt this was a solicitor issue, not a Township issue. Terry Clemons felt that the proposed new charge was a Springtown Water Authority charge and as such, was not something that would be covered by the Developer’s Agreement executed with the Township. He stated that the Bucks County Water & Sewer Association was still running the Springtown Water System at the time the agreement was executed. Terry suggested that Reshetar might pay the fees under protest and then file a Declarative Judgment against the Water Authority. Mr. Reshetar hoped to resolve this issue without having to take legal measures.

Ken Simmons, chairman of the Springtown Water Authority, stated that the new fee is in line with surrounding water authorities. He stated the fee is for the first water meter installed. Any cost to replace a faulty meter in the future would be covered by the Water Authority. He stated that this cost was not reflected in the original Power Point presentation, because at that time, there was no Authority fee structure in place, because the present Authority was not in control of the system. Karen Bedics asked why the \$500 meter fee could not come from the \$7,500 per lot fee already paid by Reshetar. Ken Simmons said that Pennoni Associates conducted the engineering study which set the hook-up fee of \$7,500 per lot based upon the size of the Authority and what they determined the capital

requirements would be for improving the system in the future. The original figure was approximately \$9,500; however, the Township at that time lowered the proposed hook up fee to \$7,500. Ken indicated that this figure did not include rates for meters, etc. Ken added that the Authority is permitted to change rates from time to time, based upon the needs of the system. He added that the mission of the Authority is to keep the rates as low as possible.

Mr. Reshetar indicated the last time they paid a water hook up was in Horsham Township. Horsham's fee was approximately \$3,000 per home and it included both the water meter and installation of the meter in the home. Jim Brownlow stated that every system varies. The Springtown system is much smaller than other systems, and therefore, comparing fees levied by larger systems is not equitable, in that their billing base is much larger and this enables them to spread the costs among a larger number of water users.

Mandarino Subdivision – It was noted that the applicant withdrew this plan and was proceeding with recording the original Summit Farms Subdivision plan that was approved some years ago for this tract. No action is required.

Bilger-Sauer Lot-Line Adjustment – Terry Clemons summarized that Raymond Bilger is subdividing his property (42-9-121-1) on State Road and adding a portion of his property to the William & Laura Sauer property (42-9-121-3) which adjoins his property on the south. Rob Zisko **moved** to grant preliminary/final approval for the Bilger-Sauer Lot-Line Adjustment conditional upon completion of the outstanding items contained in Bob Wynn's May 29, 2007, review letter as augmented by Terry Clemons comments regarding a Deed of Merger to be recorded with the plan recordation, legal descriptions of the resulting parcels after the lot-line adjustment, etc., which will be identified in a letter forthcoming from Terry Clemons' office. Karen Bedics **seconded** the motion; it **passed** unanimously.

Old Business

1. Resolution 2007-11 – Quakertown Rail Restoration – This resolution concept was presented to the Board last month and was tabled in order to put the resolution into the township resolution format. Rob Zisko **moved** to approve Resolution 2007-11 supporting the Quakertown Rail Restoration, summarized, as follows:

NOW, THEREFORE, BE IT RESOLVED by *Springfield Township, Bucks County, that:*

1. *Springfield Township, Bucks County, is supportive of the restoration of passenger rail service along the Bethlehem Branch; and*
2. *Springfield Township, Bucks County, encourages efforts to advance restoration of passenger rail service along the Bethlehem Branch; and*
3. *Springfield Township, Bucks County, encourages DVRPC (Delaware Valley Regional Planning Commission) to adopt the restoration of passenger rail service along the Bethlehem Branch into their transportation improvement program; and*
4. *Springfield Township, Bucks County, encourages the FTA (Federal Transit Administration) to advance this project into the engineering phase of project development.*

Karen Bedics **seconded**; the motion **passed** unanimously.

2. Sewage Consultant – Jim Brownlow indicated 13 responses were received to the RFP (request for proposals) to assist in revising the township's Act 537 Plan. From those, 4 candidates are being recommended by Bob Wynn, Township Engineer. It was the consensus of the Board that all four companies be interviewed by the Board. Rich Schilling will arrange for two interviews prior to the next two regular Board meetings on June 26 and July 10.

New Business

1. Fritchman Easement Donation / Povenski – Natural Easement Review from Dr. Rhoads – Bruce Fritchman consulted with Ted Evans about putting a conservation easement upon 22 acres of his property and donating the development rights to the township. He wishes to complete this process in 2007 to take advantage of a special tax benefit that is available this year. The only cost to the township would be the costs incurred by Ted Evans to complete the easement process, which is estimated to be approximately \$12,000. Ted Evans is suggesting that a simple PALTA-type (Pennsylvania Land Trust Association) agreement might be satisfactory for the township.

Rob Zisko clarified that when people donate their easements in 2007, the value of the easement can be deducted from 50% of their adjusted gross income for the next 16 years. This is a significant tax benefit and Rob indicated the township would be interested in assisting anyone else who would be interested in such a conservation easement.

Karen Bedics **moved** to authorize Ted Evans to draft an easement for the Bruce Fritchman property in conjunction with Terry Clemons for approval of the Supervisors. Rob Zisko **seconded**; the motion **passed** unanimously. Cost issues will be addressed after the easement is completed.

Povenski Property – Povenski & Keller Roads – Rich Schilling referred to a May 29, 2006, communication from Ann Rhoads to Ted Evans which was distributed earlier to the Supervisors. This 56-acre, two parcel property was inspected on May 22, 2006, by Rich Schilling, Ted Evans, Ann Rhoads and Rob Zisko. Rob Zisko indicated this is a natural areas property which Dr. Rhoads felt was worthy of preserving. This process began before the Open Space Committee was formulated but the committee is aware of the ongoing plan to conserve this property. Karen Bedics felt this should go before the Open Space Committee before coming to the Supervisors. It was the opinion of the members of the Open Space Committee present (Rob Zisko, Dave Long and Cindy McCurdy) that it was not necessary for the Povenski plan to have to reapply and go through the evaluation process that has not yet been finalized, since it has been in the works for some time.

Jim Brownlow **moved** to authorize Ted Evans to proceed with plans to conserve the Povenski tracts. Rod Wieder **seconded**. Karen Bedics noted for the record that she feels this tract should go before the Open Space Committee. Jim called for the vote. Voting **Yes**: Jim Brownlow, Rod Wieder, Rob Zisko. Voting **No**: Karen Bedics.

2. Open Space Criteria – David Long, Open Space Committee member, presented the proposed *Springfield Township Open Space Committee Property Evaluation Worksheet*. As people interested in preserving their properties bring their interest to the Open Space Committee, the Committee would go to the property and evaluate the property based upon the criteria in the proposed worksheet. The criteria were developed over the past 3 – 4 months by the Committee. It is brought to the Board because it differs from the criteria developed for the Open Space Plan in 1999. There are some modifications—some things are elaborated upon, some of the weighting is changed in areas which the Committee felt were important to aid in preserving larger blocks of property, agricultural preservation, etc. The criteria would be used to assess how a property would rank in a preservation evaluation.

Jim Brownlow asked whether the use of this new form (which differs from the ranking system of the county and state) would have an impact on the township's ability to obtain matching funds from the county and/or state. Rob Zisko stated that the Committee tried to incorporate elements of the county's agricultural preservation program, elements of the township's old open space plan ranking criteria, and also elements of Tincum Township's ranking criteria. Rob envisions using this ranking to enable owners of properties of various types—natural easements, agricultural preservation, etc.—to be directed to appropriate funding agencies within the county or state based upon what type of conservation would be best suited for their particular property.

Jim Brownlow asked how the Township would decide where to actually put their Open Space funds with this type of multi-ranking system. Terry Clemons feels that we need to look into a unified ranking system and it should take into account matching funds available in order to get the most for the Township's funds. He feels as long as the ranking system is a "guide" and not an absolute, it would work. Jim Brownlow is agreeable with this ranking system as long as it is considered a "guide." Karen Bedics noted that a copy of this form has been reviewed by Ted Evans, the township's open space consultant. Ted Evans was instrumental in developing the Bucks County rating standards. Ted has since commented (a copy of which was presented earlier to supervisors). Ted offered to work with the Open Space Committee to supplement Township funding with State and County funds. Rob Zisko **moved** to adopt the *Property Evaluation Worksheet* presented by the Open Space Committee to be used as a guide in evaluating properties for open space preservation. Rod Wieder **seconded**; the motion **passed** unanimously. Karen Bedics thanked the Open Space Committee for the time and effort put forth to develop the evaluation form.

3. Developer Compliance to Rules & Regulations – Rich Schilling indicated this suggestion was precipitated by several occurrences where lack of adequate stormwater management has been observed on various subdivisions.

The Board needs to determine if they wish to move forward in developing a procedure that would permit the Township Zoning Officer to become certified as an inspector in order to monitor reported stormwater management violations. Along with this, a *Grading, Sedimentation & Erosion Control Ordinance* would need to be developed with legal language to permit adequate remediation in violation situations.

Terry Clemons stated that the *Land Development* and *Financial Security Agreements* he produces include provisions to control such violations or it permits the Township to take remedial action using funds from the applicant's escrow account. The second way to control this is to develop a *Grading, Sedimentation & Erosion Control Ordinance* which contains procedures to levy fines and issue stop orders when violations are observed. In addition, Bucks County Conservation District can be called out to view the problem and they have a fine procedure in place. These three things can work together to control stormwater violations. These steps would work not only for subdivisions, but in any situation where the amount of area being disturbed is over 1,000 square feet.

Rich Schilling stated that it has been difficult to process fines such as are involved in this type of an ordinance from a magistrate. However, if the ordinance includes the ability to place a "Stop Work" order on a project, this usually gets immediate attention. Terry Clemons said that in situations where a *Developer's Agreement* is required, that agreement can contain wording to permit fines to be deducted from the Improvement Escrow if there are violations.

Karen Bedics **moved** to authorize our solicitor to draft a *Grading, Sedimentation & Erosion Control Ordinance* for review by the Board. Rod Weider **seconded**; the motion **passed** unanimously.

4. Sex Offender Residency Restrictions – The Township received a communication dated May 31, 2007, from the Sexual Offenders Assessment Board of the Commonwealth of Pennsylvania asking if our Township has a Sexual Offender Ordinance in place or if the Township is considering such an ordinance. Rich Schilling will respond that no Ordinance is in place or is being considered at this time.

5. Adams Outdoor Advertising Appeal – Terry Clemons advised the Board that Adams Outdoor Advertising is appealing the decision of the Zoning Hearing Board and has also filed a Declaratory Judgment against the ZHB and the ZHB members who heard case. They allege that the Board should have had a court stenographer present at the meeting where their decision was handed down and that the Sunshine Act was violated because there was deliberation on their request when they were not present.

Terry advised the Board they need to determine if they want to authorize Steven Imms (Zoning Hearing Board solicitor) or his office to defend the township for this appeal. Jim Brownlow **moved** to authorize Terry Clemons to represent the township in the Adams Outdoor Advertising land use appeal and the Declaration Judgment. Rod Wieder **seconded**; the motion **passed** unanimously.

Correspondence

Jim Brownlow noted that a number of correspondence items had been received and copies were distributed to the Supervisors. Rich Schilling advised that Jeff Mease has expressed interest in attending a two-day conference to be held in Philadelphia on July 10 and 11 to become certified as a stormwater inspector. The cost for the seminar is \$799 plus a \$25 registration fee. Karen Bedics suggested that Walt Dearden also attend the course. Rich Schilling is concerned that because Walt is so new in his position as Assistant Zoning Officer, it may be too much for him at this point. This certification is entirely different from the type of work Walt is now learning. There will be other opportunities for Walt to attend such a course in the future, if the Board feels it is warranted. Karen Bedics **moved** to send Jeff Mease to the Certified Stormwater Inspector Program in Philadelphia on July 10 and 11. Rob Zisko **seconded**; the motion **passed** unanimously.

Jim Brownlow noted that several plans on the *Pending Plans/Miscellaneous Business* memo from Bob Wynn have action required by dates that occur prior to the next Board meeting. He asked if extensions had been received from these applicants and was assured that extensions had been received.

Public Comments

Bobb Carson requested that the newly approved *Open Space Property Evaluation Worksheet* be placed on the Township website. It will be available on the website under *Downloads, Information – Miscellaneous*.

Sandra Kugler suggested that the Supervisors have a booth at the Community Day event on September 29 on local government. This would permit new residents to meet some of the supervisors and ask questions about the Township. The supervisors felt this was a good idea and will follow through in reserving a booth.

Peter Centner – Mr. Centner lives on Blue Church Road, off of Old Bethlehem Pike. He is concerned with three issues:

1. Cars heading south on Old Bethlehem Pike after Grant's Junk Yard - people are speeding over the rise in Old Bethlehem Pike just before Blue Church Road, thus preventing them from seeing a vehicle turning onto Old Bethlehem Pike from Blue Church Road. He wondered if there could be a sign erected indicating the upcoming road (Blue Church Road). Mr. Centner said a sign used to be in place, but that it had been knocked down. Rich Schilling will check into this situation.
2. When Route 309 is shut down for widening next year, traffic will be using Main Street/Old Bethlehem Pike in Coopersburg. Because Old Bethlehem Pike has no stop signs or red lights, he is concerned that the area noted in #1 will be even more dangerous in that there will be a much higher volume of traffic using it, including tractor trailers. Although the speed limit on that portion of the road is 40, people now routinely do 50 – 55. Jim Brownlow suggested that Rich Schilling write a letter to PennDOT now pointing out this potentially dangerous situation before it occurs.
3. Mr. Centner's driveway is over the crest of a hill on Blue Church Road. His driveway is hidden until people are actually upon it. He requested if a *Hidden Driveway* sign could be installed to warn of his upcoming driveway. Rich Schilling said that normal procedure for requests of this nature, is for the homeowner to pay for the cost of the sign (to be purchased by the Township at their lower cost) and then the Township will install the sign.
4. Mr. Center also requested additional police presence in his area, especially Old Bethlehem Pike. He stated that road has become a short-cut and there is greatly increased development taking place, thus increasing the traffic. Rich Schilling noted that Springfield is the second largest township in Bucks County and presently, has two full-time police officers. When the officers set up the speed control that they are now certified to use, it requires two officers, so this type of coverage is difficult until there are additional police officers. Officer Laudenslager said there is no speed limit posted on Blue Church Road and thus, the speed limit is technically 55 miles-per-hour. If a lower speed limit is desired, there is a procedure which must be followed before this can take place. Rich Schilling noted that Blue Church becomes a State road when it crosses into Lehigh County and the posted speed limit in Lehigh County is 40 miles-per-hour. Rich Schilling said he would have the Road Department check into this situation.

Supervisor's Comments

Karen Bedics read excerpts from a letter of appreciation from a motorist about Officer Laudenslager. The motorist thanked him for his help in late 2006 when her truck broke down very early in the morning. He called AAA and directed traffic when they came. She said more people like Officer Laudenslager are needed in the world and she sensed he would have acted in the same way even if he had not been a police officer.

Karen Bedics requested that a letter of commendation be sent to the mail carrier who was diligent in reporting the Knecht's Bridge Fire to the authorities. He prevented what could have been a major catastrophe and a loss of one of our landmarks. Rich will attempt to get the name of this individual from the State Police and send him a letter.

Karen advised that the quote given to the Township for the Township sign (approximately \$1,000) was for a luster board sign, which is a shiny board. The sign that she preferred was a carved, wood sign which would cost approximately \$3,800. Both signs would have tracks available to post township information below the Township's name. She feels the carved board sign would be more attractive, but requested Board input as to what sign to

proceed with. Jim Brownlow asked if sample pictures of both signs could be given to the Board so that a decision can be made after the Board has an opportunity to look at both signs.

Karen advised residents that *The Lord's* Pantry, operated by St. John the Baptist Church, is in need of food donations. Karen requested that a drop box be set up in the municipal building for food items. Karen will deliver the food to the pantry when the box is full.

At the May 22 meeting a discussion was held about returning the escrow money to a logging company when the required permit was not obtained before logging was begun. Karen reminded the Board that Alex Bodian (resident) had made a suggestion about whether the township could add language to the forestry escrow agreement that would permit any costs (legal or engineer) resulting from violations to be paid from the escrow account. Currently, the escrow fund is limited to covering road damage as a result of the logging process. Terry Clemons stated that the logging situation Karen was referring to was a unique situation. He stated that the language on *Financial Security Agreements* for developers' does provide for coverage of any legal or engineering bills which result from managing the land development or subdivision procedure. Terry felt that we already have a fine procedure in place for situations where work is begun without a valid permit which would cover the situation Karen was referring to. In this case, the homeowner stopped the logging activity when he was advised to do so. Karen asked whether logging on that tract was permitted because a conservation easement was in place on that property. Terry indicated that frequently logging is permitted in a conservation easement, but that ultimately, the language of each conservation easement governed what can take place. This issue will be tabled until the July 10 Board meeting when a full Board is present.

Finally, Karen would like to have a better representation on the Zoning Hearing Board by increasing the members to 5 and the alternates to 2. Rich Schilling expressed a concern about obtaining qualified applicants to fill these additional positions. He noted that recent advertising for an alternate ZHB member resulted in only one applicant, and the current 3-member ZHB is operating without an alternate.

Jim Brownlow does not have any problem with a 5-member ZHB, but is unclear about the two alternates suggestion. However, his biggest concern is that historically, there have been few applicants when ZHB openings occurred. Jim suggested that this issue be tabled until a full board is available. Karen asked the residents present to spread the word that we are interested in expanding the Board so that interested citizens could send letters of interest. Rich Schilling feels that a continuance fee should be instituted for multiple hearings. This would need to be added to the existing fee schedule. A fee change could be handled with a resolution and this will be discussed in more depth at the July 10 Board meeting.

Bobb Carson, who was formerly a Zoning Hearing Board member and chairman of that ZHB, stated that there is nothing wrong with a 5-member ZHB, but finding 5 qualified members is extraordinarily difficult. ZHB members must not only read the Zoning Ordinance, but must know the ordinance well enough to apply it to the situations that come before the ZHB. In Bobb's experience, it is extremely difficult to find five individuals willing to expend the effort required to serve on the Zoning Hearing Board. Bobb reminded the Supervisors that if some of the members just "show up" for a hearing and make ill-informed decisions, the Township will be in big trouble legally.

Adjournment

At 9:50 p.m., Rod Wieder **moved** to adjourn the meeting. Karen Bedics **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt
Secretary

Next meeting: June 26, 2007

Approved: July 24, 2007