

Board of Supervisors Work Session/Meeting

MINUTES

June 26, 2007

The meeting was called to order at 7:40 p.m. by Chairman Jim Brownlow and opened with the Pledge of Allegiance.

Present: Supervisors: Karen Bedics, Jim Brownlow, Chuck Halderman, Rod Wieder and Rob Zisko
Also present: Terry Clemons, Solicitor; Sandy Everitt, Secretary/Treasurer; Rich Schilling, Township Manager; Bob Wynn, Township Engineer; Barbara Lindtner, Chairperson, Planning Commission; Bruce Fritchman and Pete Lamana, Planning Commission.

Jim Brownlow noted that the Supervisors had an executive session prior to the meeting to interview candidates for Act 537 sewage plan consultants.

Minutes

Jim Brownlow **moved**; Karen Bedics **seconded** to accept the minutes of the May 8, 2007, meeting (tabled at the June 12 meeting). Voting **Yes:** Jim Brownlow, Chuck Halderman and Karen Bedics. **Abstaining:** Rod Wieder and Rob Zisko (did not attend May 8 meeting). The motion **passed**.

Approval of Bills

Chuck Halderman **moved** to accept the corrected bills (\$20,530.69) for payment as listed on the June 13 – June 26, 2007, bills list. Rob Zisko **seconded**; the motion **passed** unanimously.

Public Comments on Agenda Items

Hans Reimann asked why township business items have been listed recently under “Supervisors Comments” instead of under regular agenda categories. His concern is that normally, public comments are not permitted for the items discussed under Supervisors Comments, and he feels the public should be able to comment on any township business items. Rich Schilling stated that items listed under Supervisors Comments can be commented on by the public under “Public Comment on Agenda Items.” Jim Brownlow stated the goal is not to limit anyone from placing their items on the agenda. However, when an item is of particular interest to perhaps only one supervisor, that item is listed under Supervisors Comments. Chuck Halderman added that his understanding of why an item was placed in that category was to get the idea before the other supervisors and get some information to them on the issue so they can think about it. Chuck feels that if a supervisor wished to have an item listed in another category, it would be permitted.

Ray Bodnar has written a number of letters to the Board regarding cluster development. He heard recently that the Planning Commission was eliminating the cluster provision and the bonuses for cluster development. Ray asked if the draft of the ordinance on our website could be updated to the current version of the Zoning Ordinance draft. Rich Schilling advised him that the Township had only received the updated draft from the Bucks County Planning Commission on June 8, and that draft would be placed on the Township website. There is also an updated draft available at the Township for citizens to review who do not have access to the website.

Planning Matters

Reshetar Realty – Mr. Reshetar withdrew his item from this agenda and has requested to be placed instead on the July 10 agenda.

Old Business

1. Proposed Zoning Hearing Board Expansion to 5 Members & 2 Alternates – Rich Schilling stated that an advertisement had been placed in The Morning Call for individuals interested in serving as an alternate on the ZHB. Two applications were received for that position, but one of those persons has since placed his application on “hold.” Chuck Halderman felt that with the new Zoning Ordinance and the increased development in the Township, the size of ZHB should be increased to 5 members with 2 alternates. Chuck feels that the new Zoning Ordinance will generate more applications to the ZHB, and he feels we should increase the Board to be more in line with other townships.

Terry indicated that Wrightstown has 3 ZHB members and they are pleased with that size Board. Terry’s wife is chairperson of a 5-member ZHB in Buckingham Township, and it is a challenge. Rob Zisko feels it is difficult to find people who are willing to spend the time required to fill the various volunteer positions. The new Zoning Ordinance will be a daunting document for a resident to understand and apply to hearings and it will be hard to find people willing to undertake understanding the ZO. Karen feels there are a lot of well-qualified, well-educated, people who would be willing to serve on the ZHB.

Rob Zisko asked whether anyone had asked the ZHB if they felt the Board needed to be increased. Chuck Halderman said that is not up to the ZHB. Chuck stated that Walt Dearden had come to him and said “Chuck, I think you should increase the size of the ZHB based upon not having enough people.” He stated that there have been hearings when there were only two ZHB members present. At another meeting, one of the ZHB members had to recuse himself because of a conflict. Chuck feels the ZHB needs to reflect the Township better than it does right now.

Karen Bedics reminded the Supervisors that three of them voted to permanently place a new member on the ZHB that she does not even know. Karen would feel more comfortable knowing the individuals who are representing the Township on the ZHB.

Following a question from Jim Brownlow about how many votes would be needed on a larger ZHB to pass an issue, Terry Clemons stated that he felt a quorum of the members would have to be present, and the majority of that quorum would be sufficient to pass a vote. Upon review by Terry of the actual ruling on this, he indicated the code reads: *hearings shall be conducted in accordance with rules established by the Board of Supervisors*. Jim felt that if this is accurate, increasing the size of the ZHB could streamline the functioning of that Board in the event someone had to recuse himself or was unable to attend a meeting. Karen stated that the more eyes and ears hearing a case, the more opportunity there would be for someone to pick up on something that another member might miss.

Jim Brownlow pointed out that the ZHB is a quasi-judicial Board and they must follow different rules than any of the other Township committees/boards have to follow. If they are doing their job correctly, there are only 5 criteria that they may use to evaluate any variance/exception requested. The ZHB review process does not allow for much creativity; it is a more straightforward function of applying the ordinances around those 5 evaluation criteria. Chuck does not feel that money should be considered as a hardship. Rich and Jim both stated that money is not able to be considered as a hardship—that is not one of the 5 criteria. Chuck said at the many ZHB meetings he has attended, he hears the cost factor being considered by the ZHB in how they ruled on issues.

Terry Clemon asked whether the alternate system is not working that is currently in place. He was advised at the present time, we do not have an alternate. Chuck advised Terry he knows how he feels, but this is an issue for the Supervisors to decide. Terry reminded Chuck that his input had been requested earlier as to what is done in Wrightstown. Terry added that the Board of 5 members that his wife chairs has meetings that go on and on. Terry feels that is part of the mechanics of increasing the ZHB to 5 members.

Ray Bodnar was an alternate on the ZHB and sometimes he received short notice and had little time to prepare. Ray feels with five members, three members will probably always be in attendance. If one member drops out at the last minute, they know there will still be enough members present to hear an issue without calling an alternate on short notice.

Jim Brownlow asked what happens when an alternate is used for a hearing and the hearing is continued. Terry indicated that the alternate continues to serve throughout that hearing. Jim Brownlow is still concerned with filling the increased positions with knowledgeable people. Chuck maintains that we will not have a strong Zoning Ordinance if we do not have a strong Zoning Hearing Board. Karen Bedics stated that it is impossible to know if Jim's doubts are well founded unless the Board votes to increase the Board and authorizes advertising for the openings. Rod Wieder indicated that past experience indicates that it was very difficult to get qualified applicants. He stated that it is dangerous to get people to sit on the ZHB who are not well versed on the Zoning Ordinance; ZHB members must have a thorough knowledge of the Zoning Ordinance. ZHB members can't just sit and listen and make their determination on whether or not they like an applicant or what he wants to do.

Jim Brownlow asked what the process was for increasing the ZHB. Terry advised it could be done by a resolution. The current members would fill out their unexpired terms with the two new members having staggered terms. Ultimately, the ZHB could have terms set so that one could expire each year for 5 years. Terry suggested that we might consider advertising saying that we are "considering" expanding the ZHB and we are requesting applications from interested citizens who would be willing to serve on the Board if that expansion takes place. If qualified applicants apply, the vote could be made to increase the ZHB.

Rich Schilling pointed out that a Zoning Hearing Board member cannot serve on any elected or appointed Township committee, even on the Community Day Committee. He can volunteer to help on some committees, but he cannot be an actual member of any committee. Chuck Halderman feels we already have a possible conflict on the ZHB in that one member serves as a member of the Springtown Water Authority. Rich Schilling researched this issue before that ZHB member was placed on the Water Authority and determined that that was not an actual Township committee or appointment. Terry stated that serving on the Water Authority does not constitute appointment to a "Township" office; rather, it is an "Authority" office, which is a separate government entity. Terry stated that the Township could, if it wished, develop a policy that precluded an Water Authority member from serving as a ZHB member.

Karen Bedics **moved** to authorize advertising for ZHB members and placing the openings on the township website. Chuck Halderman **seconded**. Jim clarified that the intent of this advertising is that if a sufficient number of qualified candidates apply, the Board can expand the ZHB from 3 to 5. If enough qualified applicants are not available within a 30-day time period, expansion of the ZHB will not take place. Jim Brownlow called for the question. The motion **passed** unanimously.

New Business

1. Resolution 2007-12 to Bucks County for the protection of Knecht's Bridge (summary only):

WHEREAS, Springfield Township is a political subdivision; and

WHEREAS, Knecht's Bridge is deemed to be a high value asset of Springfield Township because it has been part of the community for over 135 years and is highly symbolic of Springfield Township's rural character and way of life.

IT IS KNOWN, that Knecht's Bridge has been the target of arson twice in the last 26 months and that no bridge in Bucks County and the Commonwealth of Pennsylvania is protected with an integrated deterrence, alarm and suppression system.

LET IT BE ACKNOWLEDGED, the efforts of law enforcement in identifying the alleged perpetrators. These agencies include: Pennsylvania State Police Dublin Barracks; the Quakertown, Pottsgrove and Springfield Township Police Departments.

FURTHERMORE, it is acknowledged the collective efforts of the elected officials that represent Springfield Township, such as Representative Paul Clymer, who introduced House Bill 1607 to stiffen penalties for those who set fire to a historic structure in Pennsylvania.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Springfield Township, that Springfield Township seeks the assistance of Bucks County, who is responsible for Knecht's Bridge, to implement state of the art detection, surveillance and suppression measures to protect this historic bridge.

BE IT FURTHER RESOLVED that the Board of Supervisors of Springfield Township implores the duly elected officials that represent Springfield Township at the County, State and Federal government levels individually and collectively to do the following: elevate the status of Knecht's Bridge as an extraordinarily high-risk, historic

property, assist in seeking available State and Federal funding including planning grants and aggressively help in obtaining funding in the 2008 National Historic Covered Bridge Preservation Program.
LET IT BE KNOWN, that Springfield Township pledges administrative support and assistance in these joint efforts.

Rod Wieder **moved** to adopt Resolution 2007-12. Rob Zisko **seconded**; the motion **passed** unanimously.

2. Draft Zoning Ordinance Discussion with the Springfield Township Planning Commission – Barbara Lindtner, Planning Commission chairperson, formally presented the draft Zoning Ordinance for review by the Board. Barbara noted that if any changes were made—minor or substantial—the 45 day review period for Bucks County to review those changes starts again. Barbara highlighted the following items that had been changed in the Zoning Ordinance draft now before the Board:

- The under half acre clustering option was removed in all districts. One acre clustering was left in because it permits on-lot sewer and water. This change was made primarily to give time for the Township to update its Act 537 plan. Also, it will give time for ongoing Board-level discussions about whether the Township actually wants to permit any community sewage treatment plans, and, if so, how they will be handled, etc.
- Added clustering on one acre in the Resource Protection (RP) District.

There were several items that were tabled pending direction from the Board as to whether they want the Planning Commission to proceed with reviewing these items, and if so, in what order. Although these are all important issues, the Planning Commission felt that it was more important to get the Zoning Ordinance in place and then deal with these issues later as amendments or as stand alone ordinances. They are:

1. Cooks Creek Watershed Overlay District – BCPC has been requested to help with the wording and legal language, and the protections that could be put in place.
2. Central Business District (CBD) – This multi-zoned residential area that would be able to be combined with a business area that would be appropriate in the Route 309 area.
3. Private Organization C-11, which pertains to gun clubs, race tracks, etc. This was discussed last fall and further discussion needs to take place about where they will be permitted, and other guidelines for them.
4. Park & Recreation Plan – An example of the Tinicum Township Park & Recreation Plan was given for the Planning Commission’s review, but although the Planning Commission considers this a high priority item as well, they felt this should be tabled so that it could be carefully reviewed and developed to best fit Springfield Township’s needs.

Jim Brownlow thanked the Planning Commission for the hard work involved over several years in the revision process. He thanked the PC for keeping the Board up to date throughout the whole process. Second, Jim asked for a clarification of the process from this point on.

Terry Clemons reiterated that if there are any changes made, the draft must be returned to the BCPC and a 45-day review period permitted. He noted that a second public hearing was not required for the Planning Commission, and that the Board could advertise the public hearing to be held during one of their normally scheduled Board meetings. Following the public hearing portion of the meeting, if no additional changes were required, the Board could take action to adopt the new Zoning Ordinance.

Terry advised that there were at least two areas he had noted where revisions might be needed because of legal concerns. Terry requested an opportunity to discuss these legal concerns in executive session. Jim Brownlow then opened the discussion.

Terry Clemons pointed out two other areas where revision may be required. He noted that agricultural soils are still being defined using the 1975 Soil Study of Philadelphia and Bucks County definitions. However, the Township’s Subdivision and Land Development Ordinance (SALDO) utilizes the 2002 Department of Agriculture Soils Study to define soils. This is what has created a problem for the Township with a recent subdivision. He feels the statement should be added that “in the event the U.S. Dept. of Agriculture amends its soils classification, then the soils classification as determined by the U.S. Dept of Agriculture would be determinate.”

Second, Terry noted there were inconsistencies with regard to the farmland. In one section, it states that productive soils require preservation of 60%. To find that, you must go to the table of resource protections. When you actually go to the farmland, in Section 602.D., it does not require that all of the protected ag soils be in the farmland lot.

Rob Zisko also thanked the Planning Commission for their work over the past three years in bringing the Zoning Ordinance to this point. Rob pointed out that the zoning map in the draft he just received did not contain the changes that were made recently. The map in the current draft is still the old zoning map. Bob Wynn noted that BCPC had received a map highlighted with the changes that were authorized. Rich Schilling said that he had received the CD from Urban Research and Development with the maps on it, but that he was awaiting direction from the Planning Commission before forwarding it to BCPC. Rob asked if 3-acre lots were now permitted in the Agricultural District as noted on page 6, and was advised this is not the intention and that will need to be corrected. Rob Zisko feels that although we are anxious to get this passed, it will not benefit the Township to push through a document that is not in a good final form. He feels Terry, Bob Wynn, all the Board should spend some time reviewing the document. Barbara commented that the desire of the Planning Commission was to have the Board weigh in on any substantive issues that might still need to be addressed by the Planning Commission. Bob Wynn noted that he saw areas where some editorial changes needed to be made so that the entire ordinance is in agreement. Barbara added that she feels the Township should be responsible to look carefully for any consistency, legal, or editing issues that are needed in the draft before it goes back to BCPC.

Jim Brownlow asked if there were any major issues that need to be addressed in the draft. Karen Bedics asked if the most current stream map of the Township is included in the ordinance. It was her understanding that Scott was providing the most updated GIS map to BCPC. Barbara Lindtner will check with Scott Douglas that this is accomplished. Terry Clemons pointed out that many of these maps were missing from the draft given to him, and he noted that the entire Zoning Ordinance, including all maps referred to, would need to be pulled together into the draft that would ultimately be reviewed by BCPC.

Barbara Lindtner asked who from the Township would conduct the final editorial review and make any changes that this review may require. She feels it should be Rich Schilling working with Bob Wynn, Terry Clemens and Jeff Mease, Zoning Officer.

Terry Clemons stated that the Board could make a recommendation that, subject to consistency, subject to whatever legal red flags Terry later discusses, and subject to public comment that may be made about the draft ordinance, the Board is now directing that a draft be finalized that can be forwarded to the BCPC.

Jim Brownlow suggested that the editing be completed by Rich Schilling, Bob Wynn, Terry Clemons and Jeff Mease within two weeks. The edited draft would be forwarded to the Planning Commission for review at their July 18 meeting. Following Planning Commission review, the Board would review the draft at their August 14 meeting. The target date for the public meeting would be the October 9, 2007, Board meeting, which could be held in the Springtown Fire Department. The other option would be to conduct a special meeting at the fire house earlier than October 9 just for the public hearing on the ordinance.

With regard to which tasks (and the priority of the assigned tasks) the Board wishes the Planning Commission to proceed with, Jim Brownlow and Rob Zisko feel that the Cooks Creek Watershed overlay and the Central Business District are priority items. However, Chuck Halderman and Karen Bedics feel that although review and planning for the CBD can be done, it should not be instituted until the Township's Act 537 has been revised. Park & Recreation should be low priority for now because a consultant must be obtained and a Park & Recreation Plan produced before anything can be done. This process will take at least a year and a half. Barbara Lindtner added that the Planning Commission would also be looking at changes required to bring the SALDO in line with the new Zoning Ordinance as soon as the ZO is finalized.

Jim Brownlow invited the Planning Commission to join them at the close of this meeting for an executive session to go over the legal issues which Terry Clemons wants to point out in the Zoning Ordinance draft.

Correspondence

Jim Brownlow noted that a number of correspondence items had been received and copies were distributed to the Supervisors. Karen Bedics pointed out a few possible errors in a letter written by Terry Clemons regarding an open space issue. Rob Zisko asked whether the Open Space Committee should review the Heritage Conservancy's offer to host a forum. Rich Schilling advised that copies of the Heritage Conservancy's letter were made for members of the Open Space Committee for their meeting on June 13.

Jim Brownlow noted that an audit report had been received from the PA Auditor General for the 2003 – 2005 uniformed and non-uniformed pension plans. Rich Schilling stated that several problems noted were carry-overs from previous annual audits. Sandy Everitt, Treasurer, advised that the findings have already been corrected. Jim Brownlow added that the audit reports were public documents and as such, were available to the public for review if requested.

Rich Schilling stated that the township had assisted the Springtown Water Authority in producing their Drinking Water Quality Report mailing. Copies of that report are available at the Township building for public review.

Following a question by Karen and Chuck about the June 13 letter from Fox Rothschild regarding Rolling Hills, Terry Clemons stated that his original response to Rolling Hills regarding the soils on the tract remains unchanged and that he will respond to their June 13 letter stating that fact.

Public Comments

Hans Reimann thanked the Board, the Planning Commission, Bob Wynn's office and everyone else involved for their work on the Zoning Ordinance.

Patrice Ryan feels that two important issues regarding the Zoning Ordinance are the Cooks Creek Watershed Overlay and the final decision with regard to the farmland lot—whether a new house can be built on it or whether only an existing home will be permitted. She also feels that if scenic vistas will be part of the Ordinance, they need to be defined so that this portion of the Ordinance can be enforced. Finally, she feels if clustering is permitted in all districts, there needs to be a wider border around them to ensure privacy for the surrounding property owners.

Pete Lamana thanked Barbara Lindtner for her leadership throughout the revision of the Zoning Ordinance. He feels her leadership, involvement and direction were fundamental in accomplishing a quality final draft.

Supervisor's Comments

Karen Bedics discussed the township sign and referred the Board to some colored photographs of the various signs being proposed that were provided by Summit Signs. Karen feels the luster board signs are less desirable (flat and one-dimensional), although they are the least expensive (approximately \$1,200). She prefers the carved, wood sign (approximately \$3,500) because it is more professional in appearance. Both have an option for track lettering below the township's name. Rob Zisko asked how we determined which sign maker to utilize. Rich Schilling said he reviewed signs from four different companies and Summit Signs (located in Springfield Township) was the least expensive. Several estimates from other companies for the carved sign were up to \$6,800. Rob thinks the sign issue should be tabled until the planned township building changes are made. Rich reminded the Supervisors they had already approved purchase of a township sign, but with the higher cost for a carved sign, Rich felt it was important to return to the Board for further direction. Jim Brownlow and Chuck Halderman feel that a township sign is a good idea. Rob feels other improvements would also be good, but that the Board is responsible to the taxpayers and our budget is limited. Karen wondered if donations could be solicited to assist in paying for a sign. Because \$1,100 had already been approved for a sign, Jim Brown **moved** that the Board authorize the purchase of the carved wood sign at a cost not to exceed \$3,500, with the Township paying \$1,100. The sign will not be purchased unless \$2,400 in donations are received to pay the balance. Chuck Halderman **seconded**. Voting **Yes**: Jim Brownlow, Karen Bedics, Chuck Halderman, Rod Wieder. Voting **No**: Rob Zisko. Motion **carried**.

Jim Brownlow advised that an executive session to discuss legal matters pertaining to the Zoning Ordinance draft will be held at the close of the meeting.

Adjournment

At 9:30 p.m., Rob Zisko **moved** to adjourn the meeting. Chuck Halderman **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt
Secretary/Treasurer

Next meeting: July 10, 2007

Approved: July 24, 2007