

**SPRINGFIELD TOWNSHIP BUCKS COUNTY
BOARD OF SUPERVISORS MEETING**

May 23, 2006

The meeting was called to order at 7:31 p.m. with the Pledge of Allegiance by Chairman Jim Brownlow. Members present were Vice Chairman Chuck Halderman, Rod Wieder, Rob Zisko and Karen Bedics. Professional staff present was Solicitor T.J. Walsh and Township Manager Richard Schilling.

Brownlow opened the meeting informing that the board had two executive sessions since the last public meeting. Both meetings were in discussion of personnel matters.

Bills for Approval:

The board received copies of the bills and a bills list summary for May 10-23. Brownlow asks for questions. Bedics states JF Landscaping did the property on 212 and Township Rd., and that the work was done without board approval. Bedics states the amount was a hefty chunk of change and an error was made because they were given the approval to do the work and bill the township without board approval. She understands that the property damage may have been pre-existing and, therefore, the township should not pay the bill. She said before the person bought the property there was already macadam on their property, and when the road on Pleasant View was repaved a few years ago, the person decided to come to the township about encroaching on their property.

Schilling stated he received an email on Monday from Bedics requesting to look into the billing matter. He found out today from talking with Wynn was there was paving done last year in the PennDot right-of-way, and there was an overspill of macadam on to Mrs. Berry's property. There's paving of the radius, outside of the PennDot right-of-way and our right-of-way. Mrs. Berry complained about it; Bob Wynn looked at it and he met with Mrs. Berry. Schilling states as he pointed out in his manager's report last meeting he was trying to figure out how we do things when he comes across these things and does not see board approval for it. What happened was Wynn met Berry at the Boards direction. Berry threatened legal action if the Township did not remove the overspill. Wynn, therefore, felt it was best to remove the macadam from her property and still stay within our road right-of-way. The former township manager had authorized Wynn to get quotes for that. In March Wynn notified the Manager that there was a candidate ready to do the job in April for \$3,080. The manager told him to proceed. Wynn then proceeded to hire a contractor to do this.

Bedics states her fear is that this would set precedence because we will need to be very wary when we go out to pave because we will need to go out with a tape measure to make sure we don't go on someone's property. She fears there will be more incidents like this. She feels that an amicable solution to this would be for the township to pay half of the bill out of goodwill.

Schilling stated maybe that would be a question of Mr. Walsh wanted to address, “if the township’s agent instructing the engineer to get the job done. At the time—

Walsh: Yes, the party who is saying go ahead and do it, that party is the township. To the extent that that person can’t rely on that, they have to really believe that the person is throwing them a curveball or that the statement is so far out and exceeding the scope of their power, that they shouldn’t rely on it. It wouldn’t be justified. If the township manager says we’re going to hire a contractor to remove that or whatever, to say that that person isn’t acting with authority, especially when it’s \$4,000.

Halderman: Did we interfere with the state’s right-of-way?

Schilling: No. Mr. Wynn said the township’s right-of-way is still intact and the state’s right-of-way is still in tact.

Walsh: The question of whether or not you’re going to have this problem down the road as paving is done, they may never happen.

Brownlow: Do we have a spending limit for the township manager?

Schilling: No. That’s why in my last report I was trying to get my arms around the way we do things. At Lower Mt. Bethel, I had authorization to spend \$1,000 without board approval for non budgetary items.

Brownlow says he would be inclined to pay the bill in full because the township manager had given approval. Bedics again states that she hopes it does not set a precedent. Schilling adds in the event that this situation should arise again, before a landscaper would be paid \$3,000, our road department would do the work because it could probably be done for about four hundred dollars.

Halderman: Was there a performance bond on the paver? Is there any recourse there? If he went outside the rim of the easement that was a mistake prior to laying the blacktop.

Walsh: It may be but it would be a law suit which will cost the township more in the long run.

Zisko motions to approve the bills list and Halderman seconds the motion. Board votes 4-1 to approve the bill list; Bedics opposes.

Bedics motions to limit the Township Manager’s non-discretionary, budgetary spending to \$1,000. Anything above will need board approval. Halderman seconds the motion. Vote was unanimous.

PUBLIC COMMENT

Hans Reimann questions item #1 listed for new business which is to authorize the solicitor to make an appearance for the Environmental Health Board if necessary. Reimann states that he has a letter dated May 17 that announces Mr. Clemons appearance on behalf of the township for this case. How can the Board vote to take action on something that has already happened?

Schilling: When you have legal issues the clock is ticking, action needs to be taken. As it was discussed with Mr. Clemons' office, although he made an appearance, that does not mean the board will vote to pay him for that appearance. If the board decides to pay him for that appearance, they will do so by motion, second and vote this evening. If the board decides not to, then Mr. Clemons will have spent some time and money on his own to make that appearance, but the legal clock is ticking and we have to keep moving.

Reimann: That makes sense.

NEW BUSINESS

Authorize Solicitor to Make Appearance for the Environmental Hearing Board

Zisko motions to authorize the solicitor to make appearance for the Environmental Hearing Board. Bedics seconds the motion. Wieder asks what does this mean. Walsh states it means the Township can appear in and of itself. An appearance means you have been named as a party to a lawsuit. We are appearing for you so if anything comes out of the court (i.e. memos, notices, letter so the judges), they go to us. It doesn't mean we file an answer. It doesn't mean we've taken any step other than to say, we're here and we represent the Township. It is a customary way to let the court know who is the attorney representing the party. Halderman: So, if there's an action, and you want to move forward, you come back to us with your suggestions? Walsh: If there are time deadlines with the understanding that I won't be here or Terry won't be here with a time deadline that would prejudice to township, if I didn't act, I will act. The township's general directive to me is to protect the township's interest, which I think that's probably the thing that you would want to do, then I will act by filing a response. Deadlines come faster than meetings. Wieder: This is the second action that the Board is drawn into by the EAC. There was a lawsuit against the township and, I think it costs us around \$70,000. I'm concerned. Halderman asked the solicitor if the name of the plaintiff was the EAC. The solicitor stated no the plaintiff was Hans Reimann. Halderman asked if he was acting solely. Solicitor said yes. Board voted unanimously to approve the solicitor to make an appearance to the Environmental Hearing Board on behalf of the township in this case.

Appoint the Part-Time Treasurer

Brownlow states he is not comfortable with the board taking action this evening. Brownlow moves to table appointment. Halderman seconds the motion. Board votes unanimously to table appointment.

Proposal for the Pleasant Valley Historic District – National Register Nomination

Schilling has a proposal and a grant award from different government agencies for a total of \$5,000 for the grant award, and a proposal for \$5,915 for an outfit to do some type of national register nomination writing. I have expressed to the Chairman of the Historic Commission that we would need an actual proposal. This was printed under Yahoo

e-mail and it's not really a proposal. But there is board action to accept the grant of \$5,000 and to authorize the expenditure of the additional \$915.00 to obtain this grant this national register nomination. Schilling states that he needs a contract. He explained that what he received was basically an e-mail under Yahoo mail, without giving him the nuts and bolts of who the company is. Apparently this company e-mailed Denise Sandy and gave a quote for this. It doesn't give us who they are or what they do. That's the second half. The big thing is we need board authorization to accept the \$5,000 grant. The Historic Commission said they have in their budget additional monies that they would like to utilize. They are also in the process of selling tiles, as you all know, to help fund these projects. Zisko motions to accept the \$5,000 grant. Wieder seconds the motion. Board votes unanimously in favor to accept the \$5,000 grant. Zisko motions to authorize the \$915.00 to come out the Historic Commission's budget; Wieder seconds the motion to spend \$915.00. Board votes unanimously in favor to approve the \$915.00 expenditure.

OLD BUSINESS

Secretary Position

Schilling outlined to the board what his thought process was. In reviewing the minutes last year, it was apparent that the board was up in the air as to how they were going to work staff. I think Barbara Smith did a great job dividing different opportunities and different places of money in the budget. I read my May 9 memo along with Chief Huber's memo at the last memo, and I'm looking at basically putting some additional duties on Linda Bartholomew, the part-time police secretary, adding ten more hours/week to her and basically utilizing her skills as outlined in my memorandum.

Halderman states he likes the outline and sees that we are still within the budget. The thought here is that we'll have police out on the road a few more hours a day. Schilling states that was the discussion with the Chief. If she can do any type of typing for the officers, it would free them up to be patrolling more. There was some discussion about laptops in the car and, quite honestly, just having the police in the car is a deterrent, but that's not having both eyes on the road. That was the Chief's insight. Bedics states that she thought that's why Linda was originally hired and that was a done deal. Schilling replied that he was not here when she was hired. Bedics asks so will Linda be freeing up more of the police officers' time. Schilling replied that's what the Chief's outline states. Schilling adds basically from his view point that he has ten hours of work that he could appropriate to Linda, without even giving her additional duties in the police department, but the Chief does have his eyes on her to a certain degree to do more work. Bedics says the figures Schilling submitted are for the end of this year and actually saves the township \$5,000. She states in order to be

comfortable with this arrangement; she would like the salary figures for an entire year. Schilling states that would be very difficult for him to do at this point because all of the numbers tie in together. There was a payout of sick and vacation days that impacts this. If I would apply this to the course of a year, how would it fare up? It was very difficult to come up with because of the number of fluctuations. The board did authorize Sandy an increase because of the extra duties. It was too hard to come up with it due to the variables. Based on the numbers I submitted, however, it would sum up to the same thing. If I did go to what was designated to a part-time secretary, with 30 hours/week, which was budgeted, I would far exceed the budget this year. With the 30 hours that Linda is working, we're only adding ten additional hours versus 30 additional hours. Halderman states we're not going to have the \$8,000 payout for vacation/sick time. Bedics states we have to consider the additional cost of medical benefits, etc. Wieder: it will cost an additional \$18,000 to add healthcare benefits for Linda and her family. Schilling: not that much probably around \$12,000 but not \$18,000. He states the cost of the healthcare insurance is less than that. Schilling is in the process of reviewing those costs now. Schilling states he and Chief Huber met with our insurance provider and are looking at saving significant money in benefits and still providing quality healthcare to the employees. He states when he looks at \$1,450 for dental that seems high considering he had five people at his last municipality covered for \$2,800 with a better dental plan for the year. There are different options that we are investigating and we hope to have it settled by police contract time. Wieder would like to see the breakdown for the family plan because there is also the \$5,000 pension cost to put Linda on. At budget time last year, the entire board voted that we stay with part-time help. Schilling said at the February 28 meeting the board voted to retain Barbara Smith as treasurer for the remainder of the year on a part-time basis up to 30 hours/week at Barbara's current salary. I understand what you did at budget time, but that didn't add up in that particular meeting because if I would have taken her hourly rate and multiplied it by 30 from February 28 to the end of the year it would have far exceeded any budgeted amount for the treasurer position. Again, if I were to hire, as the board suggested the part-time secretary, I would be adding a significant cost. I understand about the medical benefits and I'm trying to take corrective action on medical benefits and looking at the alternatives. I'm trying to look at how we can retain a quality employee, and also not overreact with a lot of staff and then precipitate other problems such as the thought process of taking this room, dividing it up and moving our meetings to the firehouse. These are some things that I didn't put into the equation—is that smart management? I think not. We move the meetings to the firehouse; we have 12 people show up for a Planning Commission Meeting, but yet we have the road crew who has to set up the firehouse and break it down the next day. We're looking at other viable alternatives to that, but I'm trying to do some stopgap measures that we can manage positions and move forward. Again, it's the board's decision.

Zisko: As I said the last time, I would like to see us give Rich the latitude to manage. I would like to make a motion to make Linda full time. Halderman seconds the motion and states everybody needs healthcare and when you have a good employee who is willing to diversify for the township and cover a lot of different phases—I

think Rich has a good handle on it, and to add another part-timer and computer and desks and go down to the firehouse and set up and break down, I think it's a good idea. I trust that Rich will get a handle on the healthcare and try to save us money down the road. Wieder makes the statement that he thinks it's very easy to spend the taxpayers' money. Zisko states he feels Rich will try to keep the costs down as much as possible. Bedics states she would like some answers on insurance cost savings by the next meeting. Schilling said he would be happy to meet with the board to discuss our strategy for collective bargaining, but at this time would not be prepared to discuss at a public to talk about the savings that we're hoping to gain and then sit down and talk with the police union and discuss a contract. I'm an old ex-union president, and if somebody is sitting there saying they're saving a bunch of money, I'm going to sit there and say I want some of it back. I'd be more than happy to sit with the board in an executive session to share information, but I just caution it at public meetings until the contract is settled. Brownlow adds he feels Rich is doing exactly what he's asked to do in order to make the Township work. The concern that is being raised is by adding this that it will increase spending next year. Rich's response to that was he is looking at a benefit structure to offset that increase. I am willing to go with the Township Manager on this. The board vote was 4-1 in favor to make Linda Bartholomew full time. Wieder opposed.

Springtown Fire Comp. – Apparatus Replacement Fund \$25.00 per Household

Jeff Mease has been asked for a commitment for the fire company to buy a new truck. Brownlow asked how much is needed. Haldermann replies that it cost \$39,000. Mease states based on the \$25/household, it comes out to \$50-55,000, but the fire company needs \$35,000, which is a percentage. The remainder would be available to the departments that cover the remainder of the township when they need apparatus assistance also. We didn't necessarily propose \$25./household. It was a figure used as an average calculating based on the property value. Brownlow asked where is the money going to come from? Halderman stated we have two groups that need money, and asked what percentage of the township does the Springtown Fire Co. cover? Mease stated solely 65 percent; the truck that we're replacing first, covers 80 percent of the township. That covers the Haycock portion and the Richlandtown portion. We're not asking that the exact figures be laid out and the method of payment. As stated in the last work session, we just need a commitment for the 2007 budget because we're under time constraints. We're just hoping that you'll commit our support for 2007. Zisko motions to make a commitment to support the fire truck fund out of the 2007 budget. Halderman seconds to discuss and modify it. Brownlow would like to consider it for next year's budget, but also thinks we ought to expand it. Halderman says his concern is that he'd like to commit it to Jeff so that he can move forward. How we're going to allocate it to the other companies and the EMS that is money that we still don't know yet. The Upper Bucks EMS is looking for about \$15,000. We need to figure out if the \$52 tax is going to meet that. Brownlow says if the \$25/household is \$50,000 and we commit \$35,000 to the fire department and the EMS is \$15,000, that's it. That's why I want to consider this together, not in piecemeal. Walsh states that you cannot commit to anything out of the 2007 budget, but you can direct the manager for budgetary preparations. Mease states that's not

satisfactory because they need to place the order. Halderman asks what kind of documentation is satisfactory. Walsh asks Mease if a letter from the township manager considering it in the budget. Schilling states it will be included in the proposed budget, but the board could say forget that. There are no guarantees. The board could do it immediately and take it out of the general fund now. Halderman asks how much money is needed to order it. Mease states they have the down payment to order it. Schilling states there is a surplus of \$450,000 from 2005. Brownlow motions that the board be willing to take \$35,000 out of the surplus and commit it and we would consider this as part of next year's budget. The issue is not just funding the \$35,000. If we have enough money to cover the \$35,000, the board would commit to the apparatus replacement fund for the Springtown Fire Company and that we would consider the funding for the services in next year's budget. Halderman seconds the motion. Board votes unanimously in favor.

Keller Easement

Walsh: This is simply a corrected item because the Township was inadvertently left off. This just corrects that oversight, but it doesn't change any of the substance. Schilling has the original. Brownlow states we need the board to authorize the chairman to sign the papers for the Keller property. Zisko moves to authorize the Chairman to sign the Keller easement agreement. Halderman asks if Springfield Township is being added as a conservation holder. Walsh responds yes. Halderman seconds the motion. Board votes unanimously to approve.

CORRESPONDENCE

Environmental Hearing Board - copy of Hans Reimann's appeal

Brownlow states that we have received a copy of correspondence relating to the appeal.

Letter from Lower Mount Bethel Township

Brownlow asks do we need to go into detail. Schilling replies if the Board is going to authorize this, it should be by motion, second and vote. Brownlow reads letter that was received from Lower Mount Bethel Township asking the Springfield Township Board to authorize the part-time arrangement of Richard Schilling to be extended until September 30th, 2006. Zisko motions to extend the part-time arrangement and Halderman seconds the motion. Bedics asks if Schilling is comfortable with this situation. Schilling replies because they hired a zoning officer, that alleviated a lot of burden at Lower Mount Bethel. Now he just checks in on Saturdays and attends Supervisors meetings on the first and third Monday of the month, which does not conflict with our meetings. I told them to contact the Springfield Board of Supervisors for a decision. The board vote was unanimous in favor.

Gemstar Order

Halderman read the following statement "Dear Mr. Clemons, please find an enclosed time stamped copy of the order to settle, discontinue and end the year 2000 actions".

Letter from Heritage Conservancy to Solicitor in Reference to Cory Property

Walsh says he understands they are working on this hearing still. Halderman states I think what they're asking is if we can expedite the process. Walsh: if that's all it is is a divider lot line being planned, you're not talking about improvements. The Planning Commission wanted me to ask the board to sign it. Schilling says Clemons has raised other issues in emails with Mr. Marshall. They've been emailing back and forth trying to come up with a resolution.

Corres. From Mr. Reshetar and Solicitor on Springtown Knoll Water Testing

PUBLIC COMMENT

Lamana: I'm not sure what Mr. Reimann is seeking in his appeal. Is he representing himself or the EAC? I have a letter of appeal here in which he states, 'we are appealing' and later on he states, 'we object'. It doesn't identify the "we." The representative from the Environmental Hearing Board responds by saying, 'It is unfair from the face of your notice of your appeal whether the appeal is by you as an individual or whether it is being filed on behalf of others since it says 'we' are appealing and later on it says, 'we object.' My question is, is our solicitor involved in this case? This is serious business. Are we being permitted to do something that we shouldn't do? What is happening here? Who is "we"? Walsh: the township is a necessary part, in any environmental hearing board, the municipality of whatever permits would be used by definition a part, but that doesn't mean that the Township has to do anything. If you are already a party to suit by law, then there has to be an appearance entered, which we discussed before. That doesn't mean that the Township's taking a position on the merits. It's not the Township's appeal. Schilling: But you're not representing Mr. Reimann; you're representing the township. Walsh: that is correct. Reimann: The appeal is to the DEP of the State of Pennsylvania. I'm doing it also for the record. As I stated before at a public meeting here that the issue is not with the Township. It is with the DEP and their handling of this issue on the development. The issue is the sewage modules and they actually acted, not on my behalf when they pulled the permits for the sewage modules. My position is I am going to probably withdraw from this ending the Township's position on the testing of the water and the nitrates. The testing was supposed to be required, and that was my issue because it was never done. It was purely for the protection of the groundwater and for people with wells in the area, and I felt that there had to be a line to help the DEP do the right thing. It's interesting and in seeing that the Township is entered into it, that's another reason for me to back off. I believe the DEP did the right thing in rescinding the modules in order to get this testing done. I'm hoping that the township will authorize Mr. Littlefield, the township's geologist to view those findings. My goal is to see that happen. If Mr. Littlefield is happy with the way the testing went to make sure those systems are all safe, then I'm satisfied.

Kalata: Every time I ask a question, I don't get an answer. You test water today and say everything is OK. The residents are going to be there for a long period of time. How long is there a guarantee that that water will remain good water? Those people myself included are exposed to continual a 150,000 gallons a month for sewage? So

someone there in these negotiations or decisions by the DEP, need to define short-term or long-term? What period is guaranteed?

Brownlow says that's a question that the board needs to look for an answer to.

Halderman: The letter said they offered to connect up to Kalata's house and the neighbor. Is that going to be part of their decision-making? Brownlow states that this is not an agenda item. Schilling: Mr. Clemons has assured Mr. Reshatar's attorney that there would be no discussions on this.

Brownlow asks if there are any other public comments.

Kalata: As part of the development that is being putting in, there was supposed to be a holding pond on the southeast corner of the development. I haven't seen any thing done in the development that shows where this holding pond is going to be and how the water is going to be released from this holding box. Schilling: Mr. Kalata left me a voice mail, but basically you had said that you were thinking about coming in and reviewing paperwork. That paperwork is available for you to review. Again, we have talked on this particular subdivision, they were going to bring their stenographer and lawyer here and since they weren't an agenda item, we told them we wouldn't discuss this litigation. Kalata: would it be possible to put up a map one day so that people could see. Schilling replies that those maps and subdivision plans are available upon request at the municipal building. The only thing that we ask is with the staffing that we currently have, you just call ahead of time and let us know that you'd like to come in and we can have that information available for you.

SUPERVISORS' COMMENTS

Bedics was hoping that some of the public would have comments on the firehouse. I was hoping to get some input about the funding. Sandy Yerger (Lower Saucon Council Member) relays the \$25 a household being a working fund. We have multiple firehouses, Lower Saucon as well and what they found is, the various organizations apply. They form sort of an informal council and decide how they will pool equipment. Every year they collect for one of the firehouses, what piece of equipment they need and they prioritize and work with each other.

Bedics asks the board to have Schilling write a thank you letter to William Dunlap for paying for the newspaper ad to incur funds for the firemen and EMS. Halderman comments that somebody took some time to put that ad together. He asked who the authors were. Schilling stated Rose Strong talked with William Dunlap and they came up with the verbiage. Linda Bartholomew did the actual layout. Bedics asks to revise her motion to three thank you letters: one to Mr. Dunlap for paying, a second to Rose Strong for writing and a third to Linda Bartholomew for doing the artwork.

Halderman seconds the motion. The board votes unanimously to send three letters.

Bedics asks the board to consider before the next meeting to contact the gentleman who signed up for the Gun Ordinance Focus Group. They were at the joint PC/BOS ordinance rewrite meeting. Bedics also stated when she went to vote another person approached her about extended periods of gunfire near his property. I think it would be a good idea for these gentlemen to get together and come up with some possible solutions. Halderman says put it on the agenda. Brownlow says it will be put on an agenda.

Wieder: asks Schilling if Rich Pursell talk to him about equipment. Schilling: when I first started Rich Pursell and I discussed equipment. It appears that we have an F350 that continually breaks down and is on its eighth transmission. Basically we're looking at what was in the budget. Right now Pursell is extremely busy doing pipe work. We do need to move that forward if we're going to do something because it takes a long while to order something.

Brownlow mentions that Rose Strong requested him to write an article for the newsletter and he did not want to do it without the board's input. He says he can write something personally. Halderman states as long as he gets to review what Brownlow puts in. Brownlow states he probably will give credit to the board in the newsletter for a few things and he doesn't want the board to be surprised.

Wieder moves to adjourn the meeting. Zisko seconds the motion. The board votes unanimously to adjourn.

Meeting adjourned at 9:00pm. The Board went into the scheduled work session.

Regular meeting is reconvened

The Board reconvened to a regular meeting at 9:04pm.

Sandy Yerger (Lower Saucon Council Member) spoke to the Board on Lower Saucon Townships position on legalized gambling in Bethlehem.

Brownlow read excerpts from a letter from Lower Saucon Township, which confirms Yerger's comments. Halderman moves to have Schilling use this letter as a model for our letter and to submit it quickly. Bedics seconds the motion. Vote was unanimous in favor of the motion.

Zisko motion to adjourn regular meeting. Wieder seconds the motion. Vote was unanimous to adjourn.

Meeting adjourned at 9:10pm. The Board went back into the scheduled work session.

Respectfully Submitted

Richard H. Schilling
Township Manager/Secretary

