

Board of Supervisors Meeting

MINUTES

January 8, 2008

Jim Brownlow, Chairman, called the meeting to order at 7:30 p.m. and opened with the Pledge of Allegiance.

All Supervisors Present: Karen Bedics, Jim Brownlow, Chuck Halderman, Barb Lindtner and Rob Zisko.

Also present: Terry Clemons, Solicitor; Mark Laudenslager, Chief of Police; Sandy Everitt, Secretary/Treasurer; and Rich Schilling, Township Manager.

DEP Presentation

Jim Brownlow thanked Hans Reimann for his initiative and work that led to the completion of the *Sourcewater Protection Plan*. On behalf of the Township, Hans Reimann, Vice Chairman of the EAC, accepted a Certificate of Approval from Benjamin B. Greeley, Pennsylvania Department of Environmental Protection (DEP). Mr. Greeley recognized Springfield Township, assisted by Spotts, Stevens & McCoy, for their voluntary efforts to protect public drinking water sources by developing an approved Wellhead Protection Program, thus providing the citizens of Springtown with a safe, reliable source of drinking water. Mr. Greeley added that Springfield Township is a leader in this effort, as there are only four other public drinking water systems (Telford Borough Authority, Honeybrook Borough Authority, Riegelsville Borough and East Greenville) in the southeast region of Pennsylvania that have attained this level of sourcewater protection. A unique aspect of Springfield's plan is that it was a joint effort with Lower Saucon Township and it includes groundwater protection ordinances in both townships. The Springtown Water System is one of only a few remaining systems that still relies on springs. Ken Simmons, representing the Springtown Water Authority, said that a storage tank to ensure there was adequate spring water available for the system should be in place by June 2008. Hans got the idea for developing Springfield's *Sourcewater Protection Plan* in late 1999 when he read of a similar effort in Kutztown. Hans pointed out that most of the plan involves educating the public about voluntary efforts they can take to keep drinking water safe, and he thanked everyone who helped in bringing this project to fruition.

Bills for Approval

Barbara Lindtner **moved** to approve the bills listed on the December 8 – 31, 2007, bills list (\$193,798.25).

Karen noted that the bills total was high because it included:

- The 2007 donation of \$60,000 to UBREMS,
- \$5,460 for two devices to track the speed of vehicles on township roads,
- \$26,347 to purchase a new police cruiser, although a \$25,000 private gift to the township designated for the police department was applied to the police car purchase.

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

Reports

Road Department Report – (Posted on bulletin board) Karen noted that PennDOT reduced the speed limit from 45 to 40 MPH on Route 412 from approximately the Nockamixon Township border to Route 212. This resulted from a petition request by a Springfield Township resident.

Zoning/Code Enforcement Report – (Posted on bulletin board) Rich Schilling indicated that the applicant for Lizar is appealing the decision of Springfield's Zoning Hearing Board. Barbara questioned what occurs when a residence fails the Use & Occupancy inspection that occurs prior to a re-sale. Rich Schilling said typically, the buyer must provide a signed affidavit that he will make the required repairs within 30 days from the date of settlement. Ideally, the seller should schedule the U&O inspection early enough to give him time to complete any necessary repairs before the settlement date.

Police Report – (Available for review on Township website) During December, Chief Laudenslager said 57 incidents were investigated, with 4 involving criminal offenses. There were 6 traffic accidents involving 7 vehicles

with 2 injuries and no fatalities. \$150 worth of property was stolen and \$246,000 of stolen property was recovered (tractor trailer), thanks to cooperative efforts of the Philadelphia Police Department.

Township Manager – Rich Schilling met on December 12 with Springtown Water Authority representatives and a USDA representative to discuss funding opportunities for the Water Authority through the USDA.

On December 20, he attended a Cable Consortium meeting. He is in the final states of negotiating a group, cable franchise agreement. Service Electric said that all of Springfield Township would have two-way, high-speed broadband, HD, and Video on Demand by the end of 2008. All of the township except a small section near Route 309 will have telephone service by the end of 2008. Barbara asked if there was a possibility of having a municipal television channel to televise township meetings. Rich said Palisades School District is currently using the Municipal channel. After upgrades take place, there is a possibility that the township will get an additional channel. This would likely occur after Service Electric establishes a satellite office in Hellertown. Rich will discuss sharing the existing municipal channel with Palisades at meetings planned for January 24 and February 7. Service Electric requested a map of the township, which Rich will provide to them on January 24. Service Electric will identify on that map what areas will have services and provide the map to the township at the February 7 meeting.

The township received a \$2,000 gift from Haines & Kibblehouse to apply toward the purchase of a township sign to be placed by the road in front of the township building. Rich will send a letter to Haines & Kibblehouse thanking them for their generous donation.

Public Comments on Agenda Items

Alex Bodian – Alex said he received a letter from Service Electric saying that services were available which, when he called them, were actually not available. Rich spoke with a Service Electric. They said that they mailed marketing letters to entire zip codes, rather than to quadrants of residents, which is how services were installed.

Alex asked how ZHB members received copies of hearing appeals. Scott MacNair said that by law the applicant must provide copies of appeal notices to each Zoning Hearing Board member, either directly or through the Zoning Hearing Board solicitor. He said the Lizar letter indicated that the ZHB solicitor received a copy.

Old Business

1. Review of PA ByWay Route – Rich Schilling showed the ByWay route through the Township on a large map. The advantage of having a ByWay Route in the township is that PennDOT will fund certain projects off of PA ByWays at 80% with the township responsible for only 20%. This will particularly benefit Springfield Township with the proposed Parks & Recreation Plan under consideration this year.

The ByWay route includes Gruversville Road; Route 212 through Springtown onto Route 412; Bursonville, Knechts Bridge, Slifer Valley, Peppermint, Deer Trail, and Pleasant View Roads; Richlandtown Pike, and Keystone Road. Karen Bedics **moved** to authorize the Township Manager to submit the proposed ByWay Route to PennDOT. Barbara Lindtner **seconded**; the motion **passed** unanimously.

2. Selection of Alternate(s) for Zoning Hearing Board – Rich Schilling said that Jeff Lindtner was not aware when he accepted an appointment to the Open Space Committee at the Reorganization Meeting that he was eliminating himself from appointment as an alternate to the ZHB, as a ZHB member cannot serve on any other committee. For that reason, he will resign from the Open Space Committee if he is appointed as an alternate to the ZHB. Rich read from Section 1002 of the recently adopted Zoning Ordinance that indicates that the Board of Supervisors may appoint at least one but no more than three residents of the township as alternates to the ZHB. There is nothing in the Zoning Ordinance that permits mandatory attendance of an alternate at a Hearing. They may voluntarily attend, sit at the table and participate in discussion, although they cannot vote or be paid for attending the meeting unless they have been appointed to serve as an actual member of the ZHB. After discussion about administrative issues pertaining to the selection process for an alternate, Karen Bedics **moved** to appoint Jeff Lindtner, Gail Metzner and Bruce Whitesell as alternate ZHB members. Rob Zisko **seconded**. Voting **Yes**: Karen Bedics, Jim Brownlow, Chuck Halderman, Rob Zisko. **Abstaining**: Barbara Lindtner.

Rob Zisko **moved** to accept Jeff Lindtner's resignation from the Open Space Committee. Chuck Halderman **seconded**. Voting **Yes**: Karen Bedics, Jim Brownlow, Chuck Halderman, Rob Zisko. **Abstaining**: Barbara Lindtner.

Jim Brownlow **moved** to appoint Rob Zisko as a one-year voting member of the Open Space Committee. Barbara Lindtner **seconded**. Chuck Halderman feels it is not a good policy to have Board members serve as a voting member of this committee, especially in light of the recent electoral bond issue of \$5,000,000. Karen has concerns about a Board member evaluating properties as an Open Space member and then as a Supervisor voting on accepting those properties in Open Space preservation issues. Barbara pointed out that Rob only has one vote on a five-member Board of Supervisors and Rob is only one member on a nine-member Open Space Committee. Rob withdrew himself as a candidate for the Open Space Committee. Additional questions came up about meeting pay for supervisors serving on other committees at the direction of the Board. Jim **withdrew** his motion pending further review by the solicitor of the questions raised. Chuck thinks that the Board should not appoint Supervisors to other committees in order to be fair, honest, equitable and transparent. Jim said when Chuck states his concerns as he has, it implies that everyone else on the Board is not trying to keep things "fair, honest, equitable and transparent," and Jim has a problem with that. He closed discussion since the motion was withdrawn.

New Business

1. Act 537 Consultant Selection – Interviews of applicants for the Act 537 Consultant (Princeton Hydro, Rettew, Aero Engineering and Pierre Lombardo Associates) were conducted on November 13, 14 and the first week of December. Rob Zisko **moved** to appoint Lombardo Associates as the Act 537 Consultant at their quoted price of \$197,898. Karen Bedics **seconded**; the motion **passed** unanimously.

Rich Schilling noted that 50% of the cost will be reimbursed by DEP upon completion of the revision process which may take from 12 – 17 months to complete. When it is completed, the Township will have better GIS than Bucks County. Bobb Carson, who participated in the initial interviews of each applicant, presented some reasons why the Board selected Lombardo. Their proposal was different than the other quotes received because they proposed to do a lot-by-lot assessment using GIS, covering issues such as depth of ground waters, soil types, and vegetative cover on tax parcels, position of structures on the TMP's, etc. After completing that township assessment, they will weigh each property equally. They will look particularly at township areas where numbers of properties may present challenges to traditional septic systems. Rather than doing a lot-by-lot assessment, the other companies made their observations based on densities within the township. Areas of high density received good attention and areas of low density received virtually no attention. Another advantage of the Lombardo method is that they will provide GIS information that the township can use for other purposes. For each tax parcel, they will provide some environmental information, information about structures, and it will be set up so that the management of wastewater treatment can be accomplished using the GIS system.

From Bobb Carson's notes, Karen Bedics added that Lombardo proposes to hold public meetings to share the results of their data collection and to consult with landowners as the project progresses. They have experience in environmentally sensitive areas such as the Chesapeake Bay and Cape Cod and are experienced in design and management of treatment facilities ranging from centralized municipal plants to small package plants to on-lot septic systems. Barbara Lindtner is familiar with this company's work in the Cape Cod area. They are using a unique solution of creating artificial wetlands to deal with a high nitrogen problem resulting from failing septic systems in the Cape Cod area.

2. Township Fee Schedule for 2008 – Rich Schilling gave the Board an initial draft of proposed fee changes. The changes are in italics. The changes in red need further review with Bob Wynn and/or Terry Clemons. Many fees have not increased since 1989 or 1991, etc. Working with Terry Clemons and Bob Wynn, Rich will review the proposed changes, especially as pertains to possible legal challenges. Terry noted a few areas that might be open to legal challenges. Rich added that the complexity of the new Zoning Ordinance will require more careful review, and thus take more time for the Zoning Officer when reviewing even minor projects such as placement of small sheds on a property as relates to stream margin encroachment, etc. Zoning permits need to cover this increased administrative overhead. Rich encouraged Board members to review the draft and contact him with concerns or questions. Rich pointed out that currently, for subdivision/land development plans, the fee ordinance requires that the fee **and** escrow must be used to cover solicitor and engineer costs associated with review of the applicant's plan.

The only money the township gets for their administrative overhead is \$50 a year plus interest earned on the applicants' fee/escrow accounts. Rob Zisko is concerned that we are careful not to raise fees to the point where individual homeowners who want to do structural alterations or additions to their homes cannot afford the fees. Rich pointed out that we do not want to "make money," simply cover the costs incurred by the township. It is not appropriate for taxpayers to have to pay the costs for subdivisions of others and/or zoning hearing costs not covered by escrows. Rich will prepare a better draft for review, hopefully, by the next meeting.

Barbara Lindtner asked if the Subdivision/Land Development application can be revised to include information the applicant signs off on stating that the township can charge fees to the escrow account for fees charged by professional consultants, including but not limited to attorneys, engineers, geologists, architects, land surveys, landscape architects, planners, etc. Terry Clemons said that his office is working on revising the SALDO application to state this and to include other information they feel needs to be on the application form.

Chuck Halderman asked if we could have a discussion at some point on filing requirements for a subdivision/land development plan so that there is a systematic process followed on a consistent basis.

Correspondence

Jim Brownlow noted that the supervisors received copies of the correspondence listed on the agenda.

Public Comments

Dennis Steskal – Happy New Year and welcome to Barbara Lindtner, the new supervisor!

Alex Bodian – Responding to concerns raised by the supervisors at the reorganization meeting last evening, Alex presented an envelope to each Board member with a copy of the Zoning Hearing Board solicitor's curriculum vitae. He also presented a copy of the criteria the ZHB used when they interviewed for in a new solicitor. The current solicitor had a more "substantial track record" than any of the other applicants interviewed. Alex also questioned whether the township administration ever contacted the ZHB solicitor to express these concerns. Rich Schilling said he did contact the ZHB solicitor about the concerns. Rich said although a good curriculum vitae is nice, when a ZHB "fumbles the ball," the legal and financial repercussions are borne by the township. There have been some incidents involving late (or no) notifications of applicants, neighbors, etc. These are being monitored closely so they do not occur again, and in some cases, the township has taken back responsibilities that were being handled by the solicitor. Rich feels that certain aspects of the hearings are better handled by the township zoning officer, who ultimately is responsible for property notices being posted and neighbors receiving notices of hearings in a timely manner. Alex asked if those were the only problems experienced. Rich said there was a very recent situation where a zoning hearing was scheduled and the applicant did not receive notice of the scheduled hearing until a day or two before the hearing. The applicant could not prepare adequately in a few days and requested a continuance, which the Zoning Officer granted. Rich declined further debate of this situation with Alex, as he does not feel it is appropriate for a ZHB member to discuss the ZHB solicitor with the supervisors. The ZHB's responsibility is to recommend a solicitor candidate to the Board, who then appoints that individual. If the Supervisors are unsatisfied with the performance of the ZHB solicitor, their only recourse is to reduce the pay of the ZHB solicitor. At this point, the pay rate was not changed, but they will monitor the solicitor's performance carefully.

Bruce Whitesell – Bruce thanked the Board for appointing him as an alternate member of the ZHB. Bruce clarified how long an alternate's term was, and Rich Schilling told him it was a three-year term. Addressing the issue of "transparency" raised earlier, Bruce feels that we have five-member on the Board of Supervisors. Most residents are more comfortable with five supervisors rather than three, because transparency also involves inclusion. With five members having very different opinions, they usually coalesce into two positions and ultimately merge into one position. From his perspective, that is healthy. He feels the same principle should apply to the Zoning Hearing Board. He is in favor of increasing the size of the Zoning Hearing Board from three to five members.

Hans Reimann empathizes with Rob Zisko's concerns about some of the increases proposed in the draft fee schedule. He is concerned that some of the older, long-time residents will have trouble improving their properties because of the high fees. Hans suggested that one alternative to help people in the villages do more with their properties could be to relax some of the restrictions, as was proposed in a study done by Bucks County about eight

years ago—the Springtown Study. Hans feels that we should promote community life within the three community centers in Springfield township—Pleasant Valley, Zion Hill and Springtown.

Rich asked Hans if Cooks Creek runs through Springtown. If it does, it will be difficult to “relax” things in Springtown with the increased environmental protection standards contained in the new Zoning Ordinance. Hans referred to the discussion about the consultant appointed to work with the township to revise the Act 537. He pointed out that perhaps environmental conditions may help to mitigate some of the issues of runoff in the Springtown area.

Supervisors Comments

Rob Zisko asked that the record show that he feels we have gone too far and he does not agree with some of the code enforcement actions taken recently. Specifically, he is concerned with recent action taken against a long-time resident who has had storage trailers on his property for as long as Rob can remember. Although this resident’s property may look junky to others, Rob reminded the Board “One man’s trash is another man’s treasure.” Rob feels property owners have rights on their own properties, although he does not think they should be able to set fire works off all night long, etc.

Barbara Lindtner said her understanding is that zoning officers must enforce the zoning laws that the supervisors have instituted. If the laws are on the books, they need to be enforced. Rob does not agree with all of the laws that are now in place. However, if we are going to enforce the laws, they need to be enforced uniformly across the township. He said there are many other properties that have storage trailers on them, and he does not think we should come down hard on some individuals and not on others. As an example, Rob thinks there should be some exceptions to our *Stormwater Management Ordinance*. If someone owns a 30-acre property and wants to put up a pole barn exceeding the 1,000 square foot maximum that is not close to any neighbor, he should not have to do the same expensive stormwater management plan that would be required on a small property where runoff could affect the neighbors. Rich Schilling noted that our part-time zoning officer, along with Dave Taylor, is currently involved in 26 enforcement actions. The individual Rob is concerned about has displayed what appears to be a total disregard for township laws, in that it appears he has put up a mailbox on a lot across the street and has seemingly issued himself an address. He also had PP&L install electric on that property, which PP&L did without obtaining a permit. As previously discussed, the zoning officer must enforce the laws that the Board of Supervisors put in place. Rob understands he is a minority opinion in this; he simply wants his feelings put on the record.

Barbara Lindtner prioritized the concerns she has and wants to work on as a supervisor on behalf of the township. They are: 1) She wants to continue serving on the Planning Commission, at least for a transitional period, although she will not accept an officer position, 2) She feels it is important to get the Parks & Recreation Committee started, 3) She wants to work with our Police Department to begin a Town Watch or Community Police program, and 4) She wants to access county, state and federal funding to protect and preserve Knechts Bridge.

Bruce Whitesell noted that the recently formed Bucks County Covered Bridge Society held a Festival in Tincum Park last fall. The East Rockhill Township Committee, established to rebuild Moods Bridge, has merged with the Covered Bridge organization and they plan to address each of the eleven remaining covered bridges in Bucks County. Springfield Township resident Joe Franlin is active in that organization. They plan to contact the municipalities in the upper part of the county that have covered bridges to plan how to coordinate activities. Patrick Murphy’s office suggested an outreach to include each of the municipalities, which is planned for a future meeting.

Rich said the county owns the bridge and the county is the key player. Although Rich highly respects Patrick Murphy, we cannot overlook Paul Clymer, as this is a county/state situation. Barbara thinks it is better to keep our efforts within Springfield Township in order to guarantee forward progress. She referenced the time lost in the ByWay project by trying to make it a multi-township project. There was a year with no activity until Springfield took action to implement the ByWay on its own. Jim Brownlow **moved** to authorize Barbara Lindtner and Rich Schilling to go to the Historic Commission and work through them to develop a plan to protect Knechts Bridge. Rob Zisko **seconded**; the motion **passed** unanimously.

Second, Jim Brownlow asked Mark Laudenslager to determine what other townships are doing regarding Town Watch programs and present a plan to the supervisors about how Springfield might structure such a program. Mark pointed out that additional staff will be required before such a plan can be implemented, so that police are available

to respond to situations Town Watch people would report. Jim said the Board is more interested at this time in how such a plan would work rather than its immediate implementation.

The Board tasked the Planning Commission with developing the Parks & Recreation Committee. Barbara suggested that they do this and that committee could construct a baseline plan. She thinks that is required before the township can accept donations from developers. Rich Schilling pointed out the township can accept “donations” at any time; however, the township cannot “charge” fees to developers until certain steps toward implementing a Parks & Recreation Plan occur. Rich said the best grant opportunities available are for developing parks and recreation plans. However, it takes up to a year and a half to develop the plan; grant funds are not released until the plan is completed. Karen still has letters from individuals interested in serving on this Committee, if Barbara or Rich needs them. Rich will draft up a Parks & Recreation Plan for the solicitor and Board to review.

Karen Bedics would like the township to host a public safety night where Mike Guarino (Emergency Management Coordinator) and Officer McDonald, who just completed a workshop on school safety, could make a presentation and answer residents questions. She also suggested having a representative from the Bucks County Crimes Against Older Adults Task Force present to talk about crimes against the elderly, and someone who could speak to residents about a situation where drinking water might be at risk. Karen attended a workshop last year at the annual PSATS conference on Pandemics. The presenter said it is not a matter of “if” a pandemic will occur, but rather “when” it will occur. She thinks a public awareness meeting would help residents be assured that Springfield Township is prepared to handle emergency situations. Peter Donsevic said he tried to institute a senior task force in the township to make elderly people aware of what is going on, but was unable to get any volunteers to work with him. Jim thinks the topics Karen suggested cover too broad a base to address in one meeting—large-scale emergencies, school emergencies, crimes against older adults, contaminated drinking water, etc. Jim is not against the subject, he just is concerned that each topic would draw very different age groups of people, which might create a logistics problem and make it difficult to deal with all the topics in a public meeting. Rich suggested the newsletter might be a better venue for this type of broad-based information; he will discuss this further with Karen.

Chuck Halderman did not mean to imply any impropriety on the part of the supervisors. He and the Supervisors wished Jim Brownlow a “Happy Birthday,” as today is his birthday! He also said that he understands how Rob feels about fees being so high that individual homeowners might not be able to do things on their properties. He, too, is interested in coming to some equitable way in which the township can respond to these situations.

Jim Brownlow appreciates the variety of opinions on the Board. Although members do not agree on everything, they manage to talk through the issues, vote, and then live with the results of the vote.

Terry Clemons said the Planning Commission requested that the Board authorize the hiring of a consultant to evaluate whether there are wetlands present on the Cohen Subdivision property in excess of what are shown on the subdivision plans they submitted. Terry contacted SAIC; they suggested such a review would cost about \$1,600. Jim Brownlow **moved** to authorize SAIC to perform a wetlands review of the Cohen Subdivision. Chuck Halderman **seconded**; the motion **passed** unanimously.

Terry asked the Supervisors to meet briefly in executive session after this meeting to discuss a litigation matter.

Adjournment

At 9:40 p.m., Jim Brownlow **moved** to adjourn the meeting. Rob Zisko **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt
Secretary/Treasurer

Next meeting: January 7, 2008
Approved: January 22, 2008