

Board of Supervisors

MINUTES

January 12, 2010

(Meeting held in Social Hall, Springtown Community Volunteer Fire Co.)

Jim Brownlow, Chairman, called the meeting to order at 7:30 p.m. and opened with the Pledge of Allegiance. He announced that an executive session was held prior to the meeting to discuss legal matters.

Supervisors Present: Karen Bedics, Jim Brownlow, Barbara Lindtner, Volker Oakey and Rob Zisko.

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

Minutes

Barbara Lindtner **moved** to adopt the minutes of the December 8, 2009, meeting as presented. Volker Oakey **seconded**; the motion **passed** unanimously.

Barbara Lindtner **moved** to adopt the minutes of the January 4, 2010, re-organization meeting as presented. Karen Bedics **seconded**; the motion **passed** unanimously.

Bills for Approval

Karen Bedics **moved** to approve the following bills paid from December 1, 2009, through January 12, 2010:

1. General Fund	\$54,890.44	4. Open Space	\$143,261.11
2. Liquid Fuels	\$22,631.75	5. Subdivision & Escrow	\$ 18,887.68
3. Highway Capital Fund	\$ 1,583.19		

Barbara Lindtner **seconded**; the motion **passed** unanimously.

Reports

Road Department – (Posted on bulletin board)

Police Report – (Posted on website) Officers handled 135 incidents during December 2009, of which 17 were criminal offenses. The State Police handed 28 incidents during December.

Township Manager – No public comments were received on the proposed Act 537 plan during the 30-day comment period.

DCNR advised that funding for our Recreation Plan grant application for \$21,250 is tied to the casino table games Bill under review by legislators in Harrisburg. An announcement is expected shortly as to whether the township's application will be funded.

The police contract for 2010 is nearing completion. When negotiations are completed, the Supervisors will hold an executive session to review it and place it on an upcoming agenda for approval.

Terry Clemons and Bob Wynn met with PPL representatives and an agreement of understanding was reached. PPL has agreed to apply for permits for their activities on the Hickon Road property.

Rich advised that the health insurance coverage for township employees was moved to Benecon, a multi-municipal consortium which is basically a self-insurance program. This should help stabilize benefit costs in the future. The premium increase is within the budgeted amount. Benecon requires an ordinance permitting the Township to enter into an agreement with them, and Rich gave an ordinance template to Terry Clemons to review. The Board requested additional information about Benecon to review before their January 26 meeting when this will be discussed further.

Public Comments on Agenda Items - None

Public Hearing

The Metzger/Lawrence Conditional Use Hearing to consider the applicant's request to use TMP 42-9-102-1, located at 1770 Pleasant View Road, for weddings, banquets and other such events on Saturdays from April through October annually was continued from December 8, 2009. D. Gail McCarthy, Haines Court Reporting, recorded the hearing.

For the record, Catherine Durso, Fitzpatrick Lentz & Bubba, attorney for the applicant, objected to party status being given to those that live outside of the 500' perimeter of the applicant's property. Terry Clemons said it has been his practice to permit such individuals to be parties subject to the recorded objection. Mr. Clemons permitted those who were not already parties to become parties. Those with party status may testify under oath, bring in witnesses to testify, cross examine the applicant's witnesses and may appeal the decision of the Supervisors. However, everyone will have an opportunity to comment with no requirement for them to be a party. The Board has 45 days from the close of the hearing to produce a written decision at a public meeting. All parties will receive a copy of the decision, signed by the Board. There is a 30-day period from the date the decision is issued during which appeals can be made to the Court of Common Pleas in Doylestown. If the applicant appeals the Board's decision, the Township will receive notice of that appeal and will notify parties of the appeal. Terry noted that parties who wish to become a party to an appeal should consult an attorney about the procedure.

Terry Clemons asked a number of clarification questions of Eve Metzger, applicant, who testified first. Eve Metzger provided (entered as Exhibit A-6) a December 10 letter from the Board of Health outlining what will be required relating to the portable toilets she plans to use, requirements relating to water quality, and requesting a list of approved caterers she plans to use. She has not submitted any of the seven items requested by the Bucks County Department of Health. He questioned her on the following issues:

1. Caterers – She will recommend a list of licensed caterers (with probable staffs of 10 persons) to customers.
2. Other Potential Staff on the grounds – tent employees, portable toilet employees, maintenance crew (5+), Band
3. Resident on premises – Possibly Rachel (Eve Metzger's youngest sister); house is vacant at present time.
4. Tents – 1 tent (approximately 5,000 square feet) will be on property for average event; sometimes a second tent of up to 2,000 square feet may be utilized.
5. Band – Will play amplified music inside of a tent.
6. Price per event will include food, drinks, etc., provided through a caterer
7. Attendance per event - Up to 250 guests
8. Event scheduling – 1 Saturday wedding weekly from April 1 – October 31, with possibly 30 events/year.
9. Traffic control – In emergency, guest cars would exit across grass fields to Pleasant View Road and the 10' wide driveway would be used by emergency vehicles.

Other *Parties* who testified under oath were;

Bandelin, Merrile	1783 Pleasant View Road	Coopersburg, PA 18036
*Bechtel, Jeffrey	1456 Pleasant View Road	Coopersburg, PA 18036
*Broad, Stacy		
Bruckno, Glenn G	2131 Chestnut Road	Coopersburg, PA 18036
*Bruckno, Wes (witness for Glenn Bruckno)		
Chilton, John	1775 Pleasant View Road	Coopersburg, PA 18036
Doncevic, Steve	1821 Pleasant View Road	Coopersburg, PA 18036
*Krause, Mary	2061 Deer Trail Road	Coopersburg, PA 18036
Nilsen, James	1636 Pleasant View Road	Coopersburg, PA 18036
Rafferty, Michele	1824 Pleasant View Road	Coopersburg, PA 18036
Rafferty, Nicholas	1824 Pleasant View Road	Coopersburg, PA 18036
Segl II, Walter	1664 Pleasant View Road	Coopersburg, PA 18036
*Smith, Paul - Potential buyer for:	1801 Pleasant View Road	Coopersburg, PA 18036
Whitesell, Bruce	2011 Route 212	Coopersburg, PA 18036
*Winkler, Karen -Potential buyer for 1801 Pleasant View Rd.	(Did not testify; deferred to Paul Smith)	

(* Additional *parties* added this date)

Residents who made statements were:

Bracalente, Carol	2004 Pleasant View Road	Coopersburg, PA 18036
Camburn, Charles	1651 Route 212	Quakertown, PA 18951
Dunlap, Anne	3005 Slifer Valley Road	Riegelsville, PA 18077

Kramer, Leonard	2163 Deer Trail Road	Coopersburg, PA 18036
Krause, Gregory	2061 Deer Trail Road	Coopersburg, PA 18036
Sauer, Kathy	1630 State Road	Coopersburg, PA 18036

Rather than document each party's/witness's/speaker's comments, basic issues of concern are listed below:

1. Noise associated with events, primarily from outside bands playing until 10 p.m. on Saturdays
2. Increased traffic on Pleasant View Road—a winding, rural road with numbers of driveways fronting onto it with limited sight distance
3. Increased danger to pedestrians, bike riders, properties in general, because of increased number of vehicles using Pleasant View Road who are not familiar with it
4. Increase in vehicular accidents because of inebriated drivers
5. How activities of guests will be policed and by whom?
6. Decreases in values of surrounding properties
7. Large trucks/vehicles using Pleasant View Road and accessing property to set up and take down tents, etc.
8. Incompatibility of proposed use with Township's Comprehensive Plan
9. Length of time that tents, portable toilets and garbage will remain on the property before and after each event
10. How regulations will be enforced by the township officials when events are being held on Saturdays
11. Precedent set by permitting this use in a rural, agricultural area
12. Problems caused by permitting such a use in agricultural district—farming odors, farming activity taking place during weddings, etc.
13. Danger to guests from unfenced pond, etc.
14. Type of "other" events to take place on the property
15. Potential expanded use in future years because the granted use stays with the property for future owners
16. Decreased quality of life in the quiet, rural neighborhood in which the applicant's property is located
17. Fire danger to woods, surrounding properties from guests who smoke during events being held outdoors
18. Damage to property from parked cars when ground is wet and potential for problems should an emergency occur and cars have to exit across wet grass areas to Pleasant View Road
19. 94 parking spots (planned by applicant) are inadequate for potential number of vehicles
20. Strain on municipal services if use is granted (police, zoning officer, ambulance)
21. Use does not compare with an "accessory farm entertainment use" as presented by the applicant
22. Once granted, it is virtually impossible to revoke a conditional use
23. Noise carries much farther than 500' because of the layout of the land in the area of the applicant's property
24. "What in the world has happened to freedom of entrepreneurship (sic)?"
25. Caterers do not normally assume responsibility for alcohol-related problems with guests, as the applicant has implied
26. There are 141 other wedding and banquet facilities within 10 miles of Coopersburg
27. Impact on wells of adjacent property owners from increased water usage and impact on water table of area

Catherine Durso, Fitzpatrick Lentz & Bubba, attorney for the applicants, clarified that the applicant is attempting to keep the property as it now is without having to subdivide it, which they cannot do without having another use for the property. There is very little chance that there will be 30 events held annually. Any use granted to the applicant must comply with Township ordinances and with conditions imposed upon the applicant as part of the conditional use.

The hearing was closed. The Board will discuss this legal issue in executive session and at a future meeting, will announce their decision. An announcement will be placed on the township's website as to the status of the decision.

Old Business

1. **Draft Act 537** – Rich Schilling spoke with Lombardo & Associates, Act 537 consultants, and with Bob Wynn, Township Engineer, about holding the meeting to adopt the draft Act 537 on the regular Board meeting scheduled for February 23. The firehouse is available for that meeting. Barbara Lindtner **moved** to authorize the advertisement for possible adoption of the Act 537 plan at the February 23, 2010, Board meeting. Volker Oakey **seconded**; the motion **passed** unanimously.

New Business

1. **Request from Mrs. Nancy Hottle for Open Space Funding** (removed from the agenda)
2. **Letter of support for James Douglas to be considered for *High School Conservationist of the Year* award (from Bucks County Conservation District) in recognition of the substantial work he has performed in monitoring the Cooks Creek Watershed** – There are no other known applicants for this award from Springfield Township. Barbara Lindtner would like our letter to reference James' conservation efforts within Springfield Township. Volker Oakey **moved** that the Township send a letter of support for James Douglas to the Bucks County Conservation District for conservation efforts performed within Springfield Township. Barbara Lindtner **seconded**; the motion **passed** unanimously. Regardless of who wins the award, Regardless of who receives the award, James will be invited to a Board meeting to be recognized for his work.

Public Comment

James Nilsen thanked the Board for their hard work.

Supervisors Comments

Karen Bedics, speaking on behalf of the EAC, asked for clarification on groundwater monitoring duties they were tasked with by the Board. It was the consensus of the Board that the EAC develop a proposal about what should be monitored and how it should occur. The proposal should include possible cost involved. Barbara Lindtner felt it would be helpful for the EAC to meet jointly with the Planning Commission and Bob Wynn, as the Planning Commission felt strongly that this needed to be included as part of the recently passed Stormwater Management Ordinance.

The EAC has tentatively scheduled a visit to Newman's Recycling facility at the end of January.

Barbara Lindtner requested that the January 26 agenda should include a discussion of the year-end 2009 budget.

Adjournment

At 10:45 p.m., Barbara Lindtner **moved** to adjourn the meeting. Karen Bedics **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt
Secretary/Treasurer

Next meeting: February 9, 2010

Approved: January 26, 2010