

**Board of Supervisors**

**MINUTES**

January 26, 2010

Jim Brownlow, Chairman, called the meeting to order at 7:30 p.m. and opened with the Pledge of Allegiance. Two executive sessions were held since the January 12 meeting to discuss legal issues. Terry Clemons, township solicitor, asked that parties to the Lawrence conditional hearing provide their email addresses on the list of official hearing parties that would be passed around.

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

**Also present:** Terry Clemons, solicitor; Sandy Everitt, Secretary/Treasurer; Rich Schilling, township manager; and C. Robert Wynn, Township Engineer.

**Minutes**

Barbara Lindtner **moved** to adopt the minutes of the January 12, 2010, meeting as presented. Volker Oakey **seconded**; Voting **Yes**: Karen Bedics, Jim Brownlow, Barbara Lindtner, Volker Oakey. **Abstaining**: Rob Zisko. The motion **passed**.

**Bills for Approval**

Karen Bedics **moved** to approve the following bills paid from January 13, 2010, through January 26, 2010:

1. General Fund	\$18,982.19	3. Open Space	\$ 1,378.57
2. Liquid Fuels	\$ 5,873.49	4. Subdivision & Escrow	\$ 1,619.64

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

**Old Business – Continuation of Lawrence Condition Use Hearing**

**1. 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 January 12, 2010. Gail McCarthy, Haines Court Reporting, recorded the hearing.

The Board discussed the Conditional use request in an executive session held following their January 12 meeting. They directed the solicitor to prepare a draft decision for Board review. This Board discussed the draft decision in an executive session held prior to this meeting. The report is divided into: 1) Findings of Fact [standards for evaluating the application], 2) Discussion [facts presented by the applicant compared to standards], 3) Conclusions of Law, and 4) Decision. (This document is available for review in the Township Municipal office.) Mr. Clemons summarized his report by stating that the applicant had failed to demonstrate that the use would comply with the standards as listed in the Findings of Fact. For that reason, the Board's proposed decision is to deny the Conditional Use application.

Jim Brownlow opened the discussion for Supervisors' comments.

**Barbara Lindtner** agrees with the Findings of Fact prepared by the solicitor. **Karen Bedics** commended Terry Clemons for the summarization of the conclusions of law in the report, stating this helped the supervisors understand what could have occurred if the Conditional Use had been granted. **Volker Oakey** added that the venue requested (weddings and banquets outdoors in the Agricultural District) was not appropriate. He was particularly concerned that the use would follow the property in perpetuity, as he does not feel that the use is appropriate for the Agricultural District. **Jim Brownlow** summarized that the Board appreciates the desire of the applicant, but they do not feel that the request meets the tests that are provided for in the Township's zoning regulations.

Volker Oakey **moved** to adopt the draft decision and to deny the Lawrence Conditional Use application. Karen Bedics **seconded**. Jim Brownlow opened the floor for public comment prior to a vote on the motion.

**Nicholas Rafferty (Pleasant View Road)** thanked the Board and the solicitor for their hard work in reviewing all the evidence presented as well as for evaluating the request against the Township's own regulations. He appreciated the concern evidenced for the residents' concerns and for retaining the character of the community.

**Steve Doncevic (Pleasant View Road)** thanked the Board for maintaining the character of the Agricultural District.

**Bruce Whitesell (Route 212)** thanked the residents who spent a lot of time preparing testimony and information, then attending the meetings. He feels that helped the Board make the right decision.

**Walter Segl (Pleasant View Road)** thanked the Board for the hard work and effort they put into making their decision. He and his wife were impressed with how the residents and the township came together to express their comments. He commended the Board on their example of how government is supposed to function—coming together amicably, sharing disparate views, and reaching a decision based on facts.

**Rob Zisko** commented that the residents elect the Board to represent the community.

Jim Brownlow called for the question. The motion to deny the Lawrence Conditional Use application **passed** unanimously.

### **Public Comments on Agenda Items - None**

#### **Governmental Matters**

After hearing from many constituents imploring him not to step down as their representative, Paul Clymer has decided to run for re-election to the House of Representatives.

Rich noted that Hilltown Township did not rejoin BCATO (Bucks County Association of Township Officials).

#### **Planning Matters**

**1. Zisko Minor Subdivision (2-lot Minor Subdivision/Roundhouse Road) – (Rob Zisko recused himself from this decision.)** This is a 92-acre parcel being subdivided into two lots. One lot will contain an existing building with the second parcel remaining undeveloped. The Planning Commission unanimously recommended the plan for final approval at their January 6, 2010, meeting. A correction needs to be made in Item 2 of the letter which incorrectly lists all of the land in Springfield as agricultural soil. In reality, 13 of the 66 acres are not considered productive agricultural soils; rather, they are wooded. This changes the protection rate from 60% for agricultural soils down to 50% for woodlands, which changes the Resource Protection Land tabulation by approximately one acre. Volker Oakey **seconded** the motion.

Terry Clemons recommended that Note 1 be revised on the final plan to state that “any further subdivision of Lot 2 [the parent tract] shall provide a farmland lot . . .” The Board and the applicant agreed to this recommendation. Terry will prepare a Declaration of Restriction and all other legal documents required by the plan conditions.

Barbara Lindtner **moved** that final approval for the Zisko minor subdivision (TMP 42-20-30) be granted conditional upon completion of conditions listed in the December 23, 2009, engineer’s review letter (noting the correction needed in Item 2), along with the change requested in Note 1 of the final plan. Volker Oakey **seconded**. Voting **yes**: Karen Bedics, Jim Brownlow, Barbara Lindtner and Volker Oakey. **Abstaining**: Rob Zisko

**2. Johnson Lot-Line Adjustment (Gallows Hill Road) –** The Planning Commission unanimously recommended final conditional approval of this plan and the waivers contained in the December 21, 2009, engineer’s review letter. Barbara Lindtner **moved** to grant conditional final approval for the Johnson Lot-Line Adjustment, TMP 42-22-108 & 42-22-108-3, subject to completion of items listed in the December 21, 2009, engineer’s review letter. Karen Bedics **seconded**; the motion **passed** unanimously.

#### **Springtown Community Volunteer Fire Company Update**

Will Helm, Fire Marshall/Fire Chief presented the Fire Department’s 2010 budget and other information. The Workmen’s Compensation Insurance Company is requiring physical examinations for all firefighters. This expense is not included in the budget. Rich suggested having all exams done by one provider to obtain a better price. Physicals need to be returned to Will Helm by March 31. The Fire Department historically provided a YMCA family membership for their firefighters as part of their fitness program. This year, the coverage/cost has changed. Rich said there is a reduced price for police/EMS workers which may apply to firefighters as well. Finally, Will said the department must begin putting funds aside to upgrade their radios to be compatible with the County’s system. Karen Bedics suggested looking into grant funds available for this purpose. Since these three items are not in the budget, the department will be operating this year with a deficit. Rich will meet with Will to discuss these items further.

Karen Bedics asked when the Board would be able to review the language for a voter referendum to permit the township to increase the tax millage to provide a designated tax for EMS and firefighters. Terry will look into this and report back to the Board to ensure that we do not miss the deadline by which a referendum must be filed.

Will Helm clarified that the Foreign Fire Relief money that comes to the Township for distribution to the various fire companies is used by the Relief Associations of each company and must be used for fire fighter safety items—gear, rescue tools, etc. The Relief Associations of the fire companies are audited each year to ensure they are in compliance. The Board thanked Will for his good report. He plans to report quarterly to the Board on his activities as fire marshall.

### Old Business

**1. (Lawrence Conditional Use Application discussed earlier in this meeting)**

**2. Volunteers for Open Space Committee & Farm Market Advisory Board** – Rob Zisko moved to appoint Robin Staff and Terry Harnett to Farm Market Advisory Board. Barbara Lindtner seconded; the motion passed unanimously. Rob Zisko moved to appoint James Nilsen to fill the vacancy on the Open Space Committee as a result of Robert Cressman’s resignation. Volker Oakey seconded; the motion passed unanimously. Rich Schilling will send a thank you letter to Bob Cressman for his service on the Open Space Committee.

**3. 2009 Budget Review** – Sandy Everitt, Treasurer, provided a memo containing a brief 2009 year-end budget summarization. Commenting on the loan balance for the Act 537 Bridge loan, Barbara Lindtner asked for a timeline on receiving funding for our nearly completed Act 537 plan. The public meeting is scheduled for February 23 at the Springtown Fire Department. If the plan is adopted that evening, the plan and comments from the BCPC and others will be sent to DEP for their review. The DEP review will take from 3 – 6 months, and they will have comments which may need to be acted upon After DEP approves the plan, it will take 3 – 6 months until the township receives reimbursement, meaning that funding is not likely until at least 2011.

Barbara Lindtner feels that the Board and staff did a good job preparing a conservative 2009 budget and managing expenses throughout the year. Rich pointed out that in prior years, Liquid Fuels money was used primarily to repair roads. The Board made a conscious decision in 2008 and 2009 to utilize Liquid Fuels in a different way, paying allowable expenses from Liquid Fuels that in the past were paid from the general fund. Because of this, the township avoided raising taxes for residents who are also struggling in the current economic downturn. Rich pointed out that we cannot go on indefinitely putting off road projects, but for the time being, because our road crew has the township roads in such good condition, we can use Liquid Fuels to “weather the economic storm.” Barbara noted that our revenue was \$40,000 over what we anticipated in the budget. Volker Oakey was pleased that unlike many neighboring townships that had to raise taxes substantially; Springfield was able to continue providing vital services without a tax increase, mainly because we were proactive in anticipating the economic downturn, preparing for it in the budgetary process and then managing funds tightly to stay within that budget. Rob Zisko feels it is vital in the future to try to attract businesses to the Route 309 corridor of the township to increase the tax base for future needs—road work, police and road vehicle replacement, work needed on the Municipal building, etc.

**4. Ordinance for joining Municipal Consortium for Medical Benefits** – The Board reviewed and discussed information Rich provided from the Benefits and Consulting Group (BENECON) on the Pennsylvania Municipal Health Insurance Cooperative Municipal Cooperative (PMHIC), which is the provider for medical benefits for township employees for 2009. Rob Zisko moved to advertise the Ordinance permitting Springfield Township to join the PMHIC and to place the public hearing to review the ordinance on the February 9 Board agenda. Karen Bedics seconded; the motion passed unanimously.

**5. Resolution amending Resolution 2010-001 – Specifically District 3 Street Light Tax** – Rob Zisko moved to adopt Resolution 2010-003, which amends the street light assessment for District 3 on Resolution 2010-001 setting the township’s 2009 tax rates. Barbara Lindtner seconded; the motion passed unanimously.

**6. Ordinance revising the Zoning Ordinance (modifying stream, wetland and riparian buffer zones to provide increased natural resource protection, prohibiting electronic message boards, correcting internal cross references, and implementing provisions to ensure consistency with the SALDO)** – The Board discussed the proposed ordinance with input from Bobb Carson and Bruce Fritchman of the Planning Commission. There was concern that it is not clear that an applicant can seek an Environmental Advisory Council opinion on a Zoning Hearing Board application they plan to submit that would include work within a protected riparian buffer zone. Nor is there any directive in the ordinance to the EAC that they can consider such requests when there is no pending application. The current location of the information within the proposed ordinance follows the listing of very costly required studies.

There was discussion about how to determine whether a ditch is man-made or an ephemeral stream. Bobb Carson said the Planning Commission’s primary goal was to protect the quality of the water entering Cook’s Creek as long as possible.

Terry Clemons suggested that Section 402 be changed to “If a use is not permitted by right, as a conditional use, or as a special exception use by this Ordinance *within the VC (Village Commercial), HC (Highway Commercial) and the PI (Planned Industrial) Districts,*” rather than in any Zoning District as it now reads. It was the consensus of the Board to ask that this change be made in the proposed ordinance.

Volker Oakey **moved** to authorize the solicitor to send the proposed ordinance to the Bucks County Planning Commission for their 30-day review and to the Springfield Township Planning Commission for their review. Karen Bedics **seconded**; the motion **passed** unanimously.

#### **New Business**

**1. Septic Issue at Ambulance Station** – UBREMS is spending a lot to pump out the septic holding tank at Station 141 (on the Township property). Karen provided a list of dates on which the system had to be pumped. Bob Wynn said such holding tanks are designed to hold water for 3 or 4 days and the pumping dates indicate UBREMS is pumping approximately once a month, which means the tank is not under sized. The Board is willing to test the tank and if there is a problem, further discussion will need to take place about whether the Township should do the repairs, but take the money needed for this from the annual donation set aside for UBREMS. Rich Schilling will talk with Rich Pursell about having the tank tested, get a price on the test, check out the facility and report back to the Board.

**2. Speed Limit Study Request** – Ian Dalziel, President of Forty Shilling Way Residents’ Association, wrote a letter to the Board about speeding on Hickory Lane. Because most of Hickory Lane is unposted, the speed limit is 55-mph. The residents would like an analysis of the proper speed limit for Hickory Lane. Bob Wynn estimated he can determine what Township roads would qualify for 25-mph posting (which would not require a speed study) in a couple of hours. Bob added that even if a road can be posted at 25-mph, it is not always wise to do so. In the case of Hickory Lane, Bob does not feel it should be posted at 25-mph; however, it should also not be 55-mph. Bob Wynn will report his findings to the Board.

#### **Public Comment**

**Willard Weirebach (Route 212)** Willard commented on the noise involved with the Lawrence’s Conditional Use application.

**Bruce Whitesell (Route 212)** Bruce noted that the addition of specified Zoning Districts where conditional uses can take place will narrow the scope of the problem, but it will not solve the problem for residents in those 3 districts.

**Steve Doncevic (Pleasant View Road)** thanked the Board for all their time and hard work.

#### **Supervisors Comments**

**Karen Bedics** would like to have a Board discussion sometime about how the Township can bring jobs into Springfield Township.

#### **Adjournment**

At 10:25 p.m., Jim Brownlow **moved** to adjourn the meeting. Volker Oakey **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt  
Secretary/Treasurer

Next meeting: February 9, 2010

Approved: February 9, 2010