

**SPRINGFIELD TOWNSHIP, BUCKS COUNTY
BOARD OF SUPERVISORS MEETING
FEBRUARY 14, 2006**

The meeting was called to order with the Pledge of Allegiance by Chairman Jim Brownlow at 7:20 p.m. Members in attendance were: Vice Chairman Chuck Halderman, Rob Zisko and Karen Bedics. Rod Wieder was not in attendance

MINUTES OF 1/10/06

Chuck Halderman moved to approve the minutes as presented. Second by Rob Zisko. Vote was unanimous.

BILLS FOR APPROVAL

Rob Zisko moved to approve the bills list for the period January 10, 2006 to February 8, 2006 totaling \$68,909.97 paid from the General Fund. Second by Karen Bedics. Vote was unanimous.

REPORTS

Road Department and Code Enforcement Reports are posted on the bulletin board near the door in the meeting room.

Jim Brownlow complimented the road department on a good job of removing a substantial amount of snow.

Police Report – Chief Scott Huber reported a total of 116 incidents for the month of January. There was a total of 11 traffic accidents, involving 15 vehicles with a total of 9 injuries and no fatalities.

Chief Huber discussed problems with snow removal on Old Bethlehem Road. The state did not plow the snow until Monday. The Chief contacted PennDot and was told there was a new contractor doing that section and they will be sure that the area is plowed in the event of future storms.

Karen Bedics requested the Chief to request a more detailed report from the State Police.

Jim Brownlow announced the Supervisors met in several times in executive sessions to review personnel matters.

Appoint Edwin Snyder to Springtown Fire Company Fire Police

Rob Zisko moved to appoint Edwin Snyder to serve as a member of the Springtown Fire Police. Second by Chuck Halderman. Vote was unanimous.

PUBLIC COMMENT AGENDA ITEMS

Hans Reimann quoted sections from the Springfield Township Comprehensive Plan that indicated involvement by the Environmental Advisory Council. These included developing strategies to protect natural resources, open space and farmland protection, transportation, greenways and trails. Also, wastewater and water issues. Hans noted that the source water protection grant sponsored by DEP has recently been completed. The EAC was involved along with the consultants Spotts Stevens and McCoy.

Jim Brownlow stated the next work session meeting, scheduled for February 28th will discuss open space and other EAC issues.

PLANNING MATTERS
NONE

OLD BUSINESS

Springtown Knoll – Robin Reshetar – Sewage System Maintenance Agreement Letter from Wynn Associates

Robin Reshetar stated as directed by the Board at the January 10th meeting he contacted DEP to get a determination as to how many of the lots on the Springtown Knoll Subdivision required escrow money due to marginal soils. Robin was told to contact Michael Farbotnik, Soil Scientist for the Bucks County Department of Health to make the determination, since he was the technician in the field. Mr. Farbotnik faxed a letter to the township dated February 14, 2006 which indicates that lots 8 and 18 are the only two lots considered to have marginal soils.

Jim Brownlow referred to Township Engineer Bob Wynn's letter dated January 25, 2006 discussing his meeting with staff at DEP regarding sewage maintenance agreements. Bob provided a sampling of financial security required in other municipalities ranging from a high of \$2,500 for Bridgeton, Haycock, Nockamixon, Hilltown, East Rockhill and Plumstead and a low of \$1,500 by West Rockhill. This re-affirms the \$2,500. charged by Springfield.

Jim Brownlow stated of the 20 lots included in the Springtown Knoll subdivision, it appears 2 will require escrow funds.

Chuck Halderman stated he was on the telephone this afternoon with Bucks County Health Department and DEP discussing the marginal site situation for the development. Chuck stated there are two different situations: In a letter dated November 1, 2005 from DEP, it states that Section H.2 considers that a proposed development site is marginal for long-term on lot sewage disposal if the lot density is more than 1EDU per acre. The proposed sewage flow for each lot is 500 gallons per day or 1.25 EDU's. Lots numbers 2-8 and 10-19 are proposed to be 1 acre in size. Therefore the Department considers this site to be marginal for lot density of more than 1 EDU per acre. Chuck stated the marginal site is a DEP requirement.

Chuck Halderman implied that there was not a clear understanding on the part of Mr. Farbotnik in his three way conversation this afternoon with Chuck and DEP.

Robin Reshetar stated at the last meeting he was instructed by the Supervisors to go back to DEP to get a determination as to the number of lots that are considered to have marginal soils. He contacted Stefani Rittenhouse at DEP and was directed to contact Mr. Farbotnik directly. This is what he did. Robin continued, each individual system is designed specifically for each lot.

Chuck Halderman moved to table the matter until Township Engineer Bob Wynn can be present at the next meeting. No second.

Jim Brownlow stated it is his understanding that DEP is the determining agency. The only involvement Springfield has is to insure that escrow funds are deposited for the lots that DEP considers to be marginal. That is our only involvement. We do not tell DEP what to do. Jim continued, the township needs a letter from DEP.

Karen Bedics stated it appears there is a conflict between DEP and the Health Department.

Jim Brownlow stated the township needs DEP to put the number in writing. We do not determine the number.

Chuck Halderman again referred to the November 1st letter from DEP, stating this is a marginal site not because of test pits but because of the amount of sewage calculated for the 1 acre sites. Chuck believes the Supervisors do not understand what marginal site means.

Robin Reshetar reminded the Supervisors that this is the second phase of houses in this location. There were 16 homes constructed by Gartner and none of these homes required sewage maintenance agreements or escrows.

Chuck Halderman again moved to table the matter until the next meeting. Jim Brownlow stated there was no second for the first motion to table.

Robin Reshetar asked Chuck if he thinks he fabricated the Health Department letter. Robin stated it is his belief that Chuck Halderman is attempting to cause him problems. Everytime he is given direction by the Supervisors, Chuck finds a reason not to accept the information or to ask for more. He continually questions the project after each stage of approval. He believes Chuck is trying to impede his project. Robin believes Chuck will contact DEP in the morning and try to make things difficult for him.

Jim Brownlow and the other Supervisors agree, we need a number from DEP.

Environmental Advisory Council – Jim Brownlow stated there were discussions at the work session meeting on January 24, 2006 regarding the size of the EAC. Also, the types of projects that should be assigned to the EAC for 2006. The discussion revolved around the size of the group. Should it be 3, as it currently stands, or should the number be increased to 5 or more? Karen Bedics suggested the Supervisors ask the members of the committee what they need.

Scott Douglas, Chairman of the EAC, responded: he needs to know what the Council is to be charged with in order to fairly project the number of members.

Jim Brownlow believes stormwater management is an important issue that could be assigned to the EAC. Also, the EAC with the assistance of Spotts Stevens and McCoy, recently completed a source water protection grant provided by DEP which identified properties and mapped water sources around the Springtown Water System. Perhaps the EAC could look at water resources in all areas of the Township.

The township Act 537 should be looked at. Perhaps the EAC could recommend an ordinance to the Supervisors to protect the township in matters of septic systems.

Jim Brownlow continued when the Zoning Ordinance is completed, the township will address the stormwater ordinance. Jim believes regional stormwater should be investigated.

Karen Bedics asked Scott Douglas if erosion under certain situations can affect the water quality.

Scott Douglas will take a look at the suggested assignments and prepare a work plan for the Supervisors approval. He will include resources needed to include professional assistance.

Scott has not looked at the make-up of the committee. However, with three members it is difficult to hold meetings. The group tends not to be able to accomplish very much.

Jim Brownlow suggested the township advertise for volunteers for an expanded EAC. Karen Bedics moved to authorize advertising to seek volunteers for the EAC. Second by Rob Zisko. Vote was unanimous.

Cindy McCurdy asked if the EAC will be involved in open space as it was several years ago. Jim Brownlow stated the work session scheduled for February 28, 2006 will include a discussion of open space. Representatives from Tincum Township will be present to discuss how they are organized. The Board is looking toward an open space committee not necessarily the EAC.

NEW BUSINESS

Ken Simmons Resolution #132 – Ken Simmons reported to the Supervisors that the The Ordinance that was approved by the Supervisors November 22, 2005 will go in to affect March 22, 2006. This ordinance contains subscriber service standards to be met by Service Electric Cable TV. Ken continued the discussions with Service Electric were very difficult. He referred to Ordinance #91 which has been in affect for almost 15 years, which Service Electric has not lived up to.

The Supervisors requested the Ordinance be posted on the Township Web Site. Karen Bedics requested a preamble be inserted prior to the body of the text, noting the affect this ordinance will have on all cable users in the Township.

Ken Simmons noted in October of 2004 the Township requested a list of all complaints received from residents of Springfield Township. Ordinance 91, the current one, requires a monthly report. They replied they were unable to provide the information.

Resolution 2006-005 –

WHEREAS, the Township of Springfield, Bucks County, Pennsylvania wishes to protect the property of William and Lane McCarthy consisting of 23 acres at an appraised value of \$7,000. per acre,

WHEREAS, the municipality will have available \$80,500, its required match,

NOW, THEREFORE, BE IT RESOLVED by the governing body of Springfield Township, Bucks County, Pennsylvania as follows:

1. That the Township of Springfield, Bucks County Pennsylvania hereby approves the filing of an application of funds under the Natural Areas Program.
2. That Edward (Ted) Evans is hereby authorized and directed to execute and file the appropriate forms with the Bucks County Open Space Review Board

Karen Bedics moved to approve Resolution 2006-005 (McCarthy Property). Second by Chuck Halderman. Vote was unanimous.

Resolution 2006-006

WHEREAS, the Board of Supervisors of the Township of Springfield recognizes that the Township contains natural areas that contribute to the quality of life and economic health of our community which are worthy of preservation and

WHEREAS, the Commissioners of Bucks County have established the Bucks County Natural Areas Program through a referendum overwhelmingly passed by Bucks County Voters on May 20, 1997 and;

WHEREAS, the program provides for funding grants that may be used by the municipality to acquire land to protect significant natural areas that are important examples of Bucks County's natural heritage, and

WHEREAS, the Township of Springfield, Bucks County, Pennsylvania wishes to participate in the Natural Areas Program; and

WHEREAS, the Township of Springfield, Bucks County, Pennsylvania wishes to protect the property of Julius and Anna Herz consisting of 29 acres at an appraised value of \$7,000. per acre

WHEREAS, the municipality will have available \$101,500, its required match,

NOW, THEREFORE, BE IT RESOLVED by the governing body of Springfield Township, Bucks County, Pennsylvania as follows:

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1. That the Township of Springfield, Bucks County Pennsylvania hereby approves the filing of an application of funds under the Natural Areas Program.
2. That Edward (Ted) Evans is hereby authorized and directed to execute and file the appropriate forms with the Bucks County Open Space Review Board

Karen Bedics moved to approve Resolution 2006-006. Second by Chuck Halderman. Vote was unanimous.

Resolution 2006-007

This resolution is the same as Resolutions 2006-005 and 2006-006 with the following exception:

WHEREAS the Township of Springfield, Bucks County, Pennsylvania wishes to protect the property of Haycock Ministries Camp consisting of 188 acres at an appraised value of \$6,000. per acre,

WHEREAS, the match for this project will come from an approved State Grant and from funding supplements through Natural Lands Trust.

Karen Bedics moved to approve Resolution 2006-007. Second by Chuck Halderman. Vote was unanimous.

Resolution 2006-008

A motion was made by Jim Brownlow seconded by Rob Zisko to authorize James M. McNamara Esquire to execute any and all documents on behalf of Springfield Township in order to conclude the purchase of a Conservation Easement and Declaration of Restrictive Covenants for the William E. Neis property located at 2129 Richlandtown Pike, Coopersburg, PA 18036. Vote was 4-0 (Mr. Wieder was absent).

Resolution 2006-009

**A RESOLUTION ADOPTING
THE UPPER TOHICKON RIVERS CONSERVATION PLAN**

WHEREAS, the Commonwealth of Pennsylvania has provided a grant to assist in the development of a Rivers Conservation Plan for the Upper Tohickon Creek Water Shed through the Pennsylvania Department of Conservation and Natural Resources; and

WHEREAS, the watershed of the upper portion of the Tohickon Creek extends into eleven Bucks County municipalities; and

WHEREAS, a steering committee composed of representatives from watershed municipalities, area school districts, the Bucks County Conservation District, the Tinicum Conservancy, Nockamixon State Park, Heritage Conservancy and interested area residents worked on the development of the proposed plan; and

WHEREAS, as a result of over two years of effort a Rivers Conservation Plan has been proposed for the Upper Tohickon Creek Watershed.

NOS THEREFORE, BE IT RESOLVED by the Supervisors of Springfield Township Bucks County Pennsylvania that Springfield Township adopts the Rivers Conservation Plan developed for the Upper Tohickon Creek Watershed.

Motion by Chuck Halderman to approve Resolution 2006-009. Second by Rob Zisko. Vote was unanimous.

Letter of Support for Gallows Run Watershed Association Growing Greener Grant Application. Chuck Halderman moved to authorize the letter of support. Second by Rob Zisko. Vote was unanimous.

Haycock Township Solicitor – Enforcement Action Streletz and Rohrer Properties
Jim Brownlow referred to a letter from Haycock Township Solicitor Susan Piette dated February 6, 2006 regarding authorization from Haycock Township to begin enforcement action on two properties that have property in Haycock and Springfield Township. The first property is the Streletz property located on Stony Garden Road. The second property is owned by Sharon Rohrer. The Supervisors are not prepared to discuss the Rohrer property at the present time.

Peter and Dianna Streletz, 2150 Stony Garden Road, Haycock Township, have registered complaints with Haycock and Springfield regarding a firing range located on the Streletz property. Haycock has a firing range listed as a recreational use in their zoning ordinance. As a result of the complaints received by Haycock, a letter was sent to Mr. & Mrs. Streletz by Haycock Township in August of 2005 and a Notice of Violation dated September 14, 2005 was issued.

Shortly after the Notice of Violation was sent by Haycock, the Streletzs moved the operation to the property located in Springfield Township and continued to operate the shooting range. The Springfield Ordinance does not speak specifically to a firing range in the list of uses.

In October of 2005, Mr. Streletz contacted the Code Enforcement Officer about removing some trees. Code Enforcement Officer Jeff Mease sent a letter to Mr. & Mrs. Streletz regarding tree removal and the shooting range. In this letter Jeff Mease concurred with the Certified Forester from Timberlink Consulting that the area to be cleared for the shooting range would not require a Forestry Management Plan or a Logging Permits. Jeff continued he reviewed the shooting range with the Springfield Township Solicitor who agrees that the range would be permitted if it was for use by yourself or residents of your household for occasional "Sighting In" or target practice which is common in a rural setting as long as it is conducted in a safe manor and in accordance with Pennsylvania Gun Laws. If the range is open to friends, guests, etc and/or is used for frequent extended periods, the range would be considered a "Recreational Facility", use C-12 in the Springfield Township Zoning Ordinance, and is only permitted by "Special Exception" through the Zoning Hearing Board.

Haycock provided copies of information listing the number of days and times the shooting range was in use. According to the residents, the activity is constant, particularly on week-ends. Several of the neighbors were present. Andrew Cordes, a resident of Haycock Township, described the constant shooting. On the weekends it would start at 9:00 a.m. and continue to 5:00 p.m. with a brief break for lunch. It is the neighbors' contention that Mr. Streletz is running some type of a "gun club". There are often several pick-up trucks on the property and the neighbors believe the shooting is not limited to family members. They are shooting clay and live pigeons. These pigeons are lying on and off the property. Some of them are not dead when they fall. There are feathers everywhere.

Karen Bedics is concerned about the neighbors in the area and the amount of shooting going on particularly on weekends. It sounds to Karen it is like living in a "war zone".

Chuck Halderman believes a property owner has a right to shoot on his property. There is nothing in our Ordinance about shooting ranges. Chuck does not believe Springfield should go along with Haycock. There is no basis to go further.

Jim Brownlow doesn't disagree with Chuck's premises. However, Jim believes is the volume is regular and consistent the operation is more than casual land owner shooting.

Andrew Cordes commented there are groups of people who come to the property on a regular basis. There is a flurry of activity during hunting season.

Jim Brownlow stated the Township has not monitored the property. We are looking at information from outside parties. However, it is appropriate to consider the request of Mr. Cordes to investigate the situation. There are six landowners present who will agree with Mr. Cordes, this is not casual shooting by a property owner, this is a recreational facility with year round guests.

A long time resident from Potters Lane told the Board she has tried to act as an intermediary to settle the matter. She approached Mr. Streletz and asked him to be reasonable. He told her this is the program. Perhaps they could stop shooting at 3:00 p.m. instead of 5:00. If there is a “program” how is this classified as casual shooting by a property owner.

The residents are not opposed to casual shooting by a property owner, several of them do the same on their property. However, this is in no way casual shooting. This is an organized activity with a “program”.

Mr. Streletz was present in the room and Mr. Brownlow asked if he would like to comment. He replied his attorney was not able to be with him and he had no comments at this time.

Jim Brownlow stated Springfield has not done any investigation to determine if there is a violation. The Supervisors instructed Code Enforcement Officer Jeff Mease to investigate the situation and when the investigation is complete, Springfield will take appropriate action. Chuck Halderman agrees. Chuck noted the Haycock Ordinance is very specific, however, there is nothing in the Springfield Ordinance about shooting ranges.

A letter dated February 10, 2006 from Solicitor Jim McNamara was read:

“You have asked me to comment on the request by the Haycock Township Board of Supervisors to join them in filing a complaint seeking an injunction in Bucks County Court against Peter and Dianna Streletz who own property at 2150 Stony Garden Road part of which is in Springfield Township and part of which is in Haycock Township. The complaining neighbors are mainly residents of Haycock Township who have documented a number of instances of target shooting, clay shooting and live pigeons. In response to some of these complaints Jeff Mease sent a letter to them suggesting that that they would need a permit to conduct a recreational facility (Use C-12).

Haycock Township has a much more extensive definition of recreational facilities that specifically includes shooting ranges and it seems clear that conducting a shooting range in that Township requires a zoning permit. Springfield Township’s Ordinance is not so clear. An outdoor recreational facility is not defined in our ordinance. Jeff and I have discussed the fact that, even if there is no membership or fees charged, regular use of property for shooting would constitute a recreational facility and require a zoning permit. However, this would be much clearer if the use were more clearly defined under our Zoning Ordinance.

Jeff has suggested, and I agree, that an occasional firing of a weapon at a target by a homeowner or a friend of his does not, in and of itself, constitute a shooting range or recreational facility. The question is whether this use is so persistent and regular that it arises to more than private use of one’s land. The problem is especially difficult because after receiving complaints from Haycock Township, Mr. Streletz apparently moved the activity to the Springfield Township portion of his land. If this is true, no matter how good the evidence developed by Haycock Township regarding the shooting, if it takes place in Springfield Township, Springfield would have the burden of showing that a zoning permit is required and the property owner has ignored our requirements.

There is no easy answer to this question. On one hand, it is natural to respond if the Board is subject to constant questions and complaints from its citizens about some activity. Long time members of the Board can remember particular cases.

Before responding by filing law suits, you always have to consider the possibility that Springfield Township could be sued itself. Again, there is an example from our recent history that bears this out. Local governments simply can't insist that citizens obey their commands or directions unless they have clear legal authority for issuing them. Looking at the difference between the Springfield statute and the Haycock statute, reviewing the length of the investigation by Haycock Township vs. the limited information and investigation by Springfield Township, and considering the possible consequences for Springfield, I would have to recommend against joining the lawsuit." James M. McNamara

Rob Zisko asked about the frequency of the activity. Mr. Cordes replied there is not much going on currently, however, last year it started in spring and went through the fall.

Jim Brownlow authorized the Code Enforcement Officer to do an investigation. He requested Jeff to contact the Township Solicitor to see if the activity that is ongoing is permitted. We will then do what is required.

Karen Bedics would like to get this resolved ASAP for the benefit of the neighbors.

CORRESPONDENCE

Letter from Bucks County Emergency Services Department with an end of year report.

Karen Bedics approached the Democratic Committee to do a fund raiser for the EMS to raise money.

Letter from Senator Wonderling's Office regarding a complaint by Paul Mosinskis, 1545 Gruversville Road and Mark Yocum, 1579 Gruversville Road concerning excessive motorcycle noise.

This situation was addressed at two previous meetings. Mr. Mosinskis questions why the federal mandate established by EPA of 80 decibels is not being enforced.

Chief Huber attempted to contact someone at EPA regarding this information and was unable to determine how this is enforced. At a local level, Springfield is not equipped to monitor this type of activity. Chuck Halderman stoke at length about the decibel levels and stated from his research motorcycles would meet the EPA standards.

Scott Huber contacted New Hope to investigate the effective of a noise ordinance. The New Hope Chief reported the basis for the noise ordinance was to attempt to control a problem in New Hope was traffic in town. The advice of the Chief at New Hope was don't touch a noise ordinance.

Karen Bedics moved to pursue a noise ordinance. Rob Zisko is not in favor of a noise ordinance. No second. Motion did not carry.

Jim Brownlow requested this item be placed on the March 28th work session agenda. It is Jim's opinion that an ordinance will not stop shooting or riding motor cycles with no regard for neighbors.

Letter from Attorney Brad Lare regarding Potters Lane. This is not a township road. The portion of the road in Haycock was abandoned in 1989. Secretary will contact Attorney Lare.

PUBLIC COMMENT

Scott Douglas announced the road side cleanup is scheduled for April 1st. This year the area will be expanded to Richlandtown Pike. Since the speed with which traffic moves is dangerous on Richlandtown Pike, Scott requested assistance from Chief Huber. The time is between 9:00 a.m. and 4:00 p.m.

Dennis Steskal responded to comments made by Rod Wieder at the January 24, 2006 work session meeting. The letter related to Mr. Wieder's dealings with Richland Township during the sale of his property in Richland. Dennis noted Rod was represented by James McNamara.

Hans Reimann discussed native plants and requested EAC be given responsibilities to encourage property owners to use native plants.

Hans also offered to plant a garden at the Township Building.

SUPERVISORS COMMENTS

Rob Zisko commented, if we don't end the meeting soon, I'll be divorced.

Karen Bedics – no comments

Chuck Halderman commented it would be nice if we could control the noise, however, this is a difficult project.

ADJOURNMENT

Rob Zisko moved to adjourn the meeting. Second by Karen Bedics. Vote was unanimous.

Respectfully Submitted

Barbara A. Smith
Secretary

