

**SPRINGFIELD TOWNSHIP, BUCKS COUNTY
BOARD OF SUPERVISORS MEETING
FEBRUARY 8, 2005**

The meeting was called to order by Vice Chairman Pete Lamana with the Pledge of Allegiance. Members present were: Chuck Halderman, Rob Zisko and Jim Brownlow. Solicitor Jim McNamara was in attendance. The Supervisors met in Executive Session January 25, 2005 to discuss personnel.

MINUTES OF JANUARY 11, 2005

Jim Brownlow moved to approve the minutes as presented. Seconded by Chuck Halderman. Vote was Pete Lamana, Chuck Halderman, and Jim Brownlow – YES. Rob Zisko abstained.

BILLS FOR APPROVAL

The Treasurer presented a bills list showing payments of \$43,044.40 from the General fund from the period January 10, 2005 through February 4, 2005. Rob Zisko moved to approve the bills list as presented. Seconded by Jim Brownlow. Vote was unanimous.

REPORTS

Road Department and Code Enforcement Officer Reports are posted.

Police Report – Chief Scott Huber reported a total of 93 incidents for the month of January. There were 8 traffic accidents involving 10 vehicles resulting in 4 injuries. Pete Lamana thanked Chief Huber for keeping the Supervisors informed through his narrative provided each month.

Solicitor's Report – Jim McNamara reported on the following:

Auditors Report – The Solicitor reported to the Board of Auditors concerning litigation that could affect Springfield Township. With the settlement of the DelGuerico and Meyle lawsuits in 2004 there is only one lawsuit against the township, the one filed by Gemstar Corporation.

Evergreen Estates – The appeal of the approval of the Evergreen Estates Subdivision will be the subject of a conference in Bucks County Court on March 3, 2005.

PUBLIC COMMENT AGENDA ITEMS

Pete Lamana reminded the public that the comment period will be conducted in accordance with Resolution 92-2

NO COMMENTS

PLANNING MATTERS

Newman Minor Subdivision – Jim Brownlow stated the Planning Commission made a recommendation to grant preliminary/final approval for this subdivision at their meeting on January 13, 2005. Jim moved to grant preliminary/final approval to the Newman Minor Subdivision conditioned upon completion of the outstanding items contained within the September 15, 2004 engineering review. Seconded by Rob Zisko. Vote was unanimous.

Duke Minor Subdivision – The Planning Commission recommended approval at their January 12, 2005 meeting. Jim Brownlow moved to grant preliminary/final approval to Duke Subdivision plan

conditioned upon completion of all outstanding items contained in Wynn Associates letter dated December 14, 2005. Second by Rob Zisko. Vote was unanimous.

Elwood Schnell - Request for an Extension of the five year life of the plan. This subdivision received final approval in February 2005. Mr. Schnell died during the five year period and the estate has been settled. Grant Reed is requesting the Supervisors grant an extension to the life of the plan which is at the point of expiration. Mr. Reed has done a lot of work to clean up the “junk yard” which existed on the property when the plan was approved. He would like to go forward with the approved plan.

Rob Zisko moved to grant an extension of one year to the Schnell Subdivision plan conditioned upon an ordinance review by the Township Engineer to determine if there have been any changes during the 5 year period which will affect this plan. Second by Pete Lamana. Discussion: Chuck Halderman is concerned that the Board could be setting a precedent. Jim Brownlow does not disagree with the concern about setting a precedent, however, Mr. Reed has done a lot of work to clean up the property which was approved with the existing junk yard. Vote was unanimous.

Christ Major Subdivision – Phase II – Jim McNamara reminded the Board this is a four lot subdivision at the corner of Blue Church Road in Zion Hill. The progress of this plan was held up by the Meyle Lawsuit. Phase 1 contained the original house with an onsite septic system. The plan as phased to separate the existing house from the rest of the plan until resolution of the situation with Ricky Meyle. All four lots must hook in to the Milford Trumbauersville Sewer Authority. The lawsuit has been settled and a stipulation signed by the judge. We are waiting for additional paperwork from MTSA in order to release the funds required as a part of the settlement.

Jim Brownlow moved to grant final approval to Phase II of the Christ Major Subdivision conditioned upon completion of all outstanding items listed in Wynn Associates engineering review letter dated January 17, 2004. Second by Rob Zisko. Vote was unanimous.

OLD BUSINESS

Service Electric Cable TV – Ken Simmons and Jim King, Township Representatives to the North Bucks Cable Consortium, were present to present their first report to the Supervisors. Jim King reminded the Board the contract with Service Electric will end in December of 2006. The other townships that are represented are Haycock, Nockamixon, Riegelsville Borough, Tincum and Richland. Bridgeton has an open ended contract and may not wish to take part in this negotiation. Durham Township does not have a contract with Service Electric. . Tina Shaffer, Springfield Township , has acted as a facilitator and made the initial contacts with the Upper Bucks Townships with agreements with Service Electric. It was Tina’s hope we could band together and through mutual support negotiate better contracts with Service Electric

Jim King stated he and Ken Simmons are hoping to give the Board some idea of where the group is and asking if they are moving in the right direction. The Group is to the point where they feel they need some legal representation.

At this point, the group has had two proposals from legal firms who have experience in these matters. Both have worked with Service Electric Cable TV and are aware we want to move along with a group contract to gain leverage.

The legal costs incurred by Springfield Township are based upon the number of cable customers. Springfield makes up 40 percent of the total subscribers among the eight townships. If Durham and Bridgeton opt out, the fee may be more

Springfield's share of legal costs would be \$3,500 out of an estimated \$8,500 proposal for the law firm to work out the franchise agreement. This total does not include out-of-pocket expenses such as postage and travel costs that would be tacked on as the negotiations proceed. Jim King asked if they have authority to enter into a negotiation.

Jim Brownlow appreciates the work put into this effort. Jim would like to see the board agree to share the legal costs. Rob Zisko agrees. Pete Lamana asked if we can go with a one year contract on the next signing to get the Townships closer together as far as termination dates are concerned. Ken Simmons stated no one is advising us to sign for more than five years. We had no idea when we signed a 15 year contract that there would be such an advance in technology. Nobody could have predicted it with the Internet, Broadband and DSL hookups and now digital. It was beyond what anything could imagine 15 years ago. Chuck Halderman stated he works for Verizon and they are pushing for fiber optic and bandwidth with a three year goal. Chuck believes it is a good idea not to sign a long-term agreement.

Ken Simmons stated according to what they have been able to gather, no one is auditing the agreement fees and no one knows the right number. We are not getting what we are entitled to. Service Electric is not living up to the agreement we have. We asked for a copy of monthly complaints from Springfield residents and were told they cannot produce the information. We still are not getting quality service.

The Board unanimously agreed to participate financially in retaining legal counsel expert in negotiating with cable companies. They thanked Jim and Ken for their report.

Patrick Sessions – Request for Waiver of Establishing an Escrow - Peat Moss System

Pete Lamana referred to a letter dated January 25, 2005 from Tim Fulmer, Wynn Associates regarding the system.

Mr. Fulmer states in his letter peat based systems are approved for installation by PADEP as alternate sewage system, provided design and installation of the system receives approval from the Bucks County Department of Health; and the applicant executes an "Operation and Maintenance Agreement" with the Township to guarantee long-term maintenance and repair of the system.

Jim McNamara stated he checked the regulations and since this property is not involved in a subdivision, Jim does not believe Mr. Sessions must establish a Maintenance Escrow. Jim does not believe Mr. Sessions is required to post the \$2,500 maintenance escrow as required by the Act 537. Mr. Sessions did the right thing. He proposed a high tech system to replace a system which is technically acceptable to the Department of Health.

Chuck Halderman stated he contacted Art Carlson at the Bucks County Department of Health and Art is ok with it.

Jim McNamara will work on an Agreement Resolution.

Jim Brownlow moved to waive the requirement to establish a \$2,500 System Maintenance Escrow for Patrick Sessions conditioned upon executing an Operation and Maintenance Agreement with the Township. The agreement should contain sufficient language, as approved by the Township Solicitor, to guarantee that the Township will not incur costs associated with enforcement of the management agreement. Second by Pete Lamana. Vote was unanimous.

NEW BUSINESS

Letter from Brad Schultz – resigning from the Planning Commission

Jim Brownlow stated Brad is moving out of the area. His property is for sale and he may be available to serve until March. Jim Brownlow moved to accept the resignation of Brad Schultz. Seconded by Rob Zisko. Vote was unanimous. Secretary requested to write to Brad and thank him for his service.

Draft Zoning Ordinance Amendment from the Planning Commission

Jim Brownlow explained as a part of the zoning ordinance revision the planning commission went through all areas of the Comprehensive Plan and addressed issues with the current zoning ordinance. Some issues need attention sooner than the time the entire process will take, probably at least next November.

The Planning Commission requested the Draft Amendment be forwarded to the Supervisors for the meeting this evening. However, there are questions about the draft forwarded from the consultant working with the group. The draft has been revised and some of the revisions appear not to be included. Jim Brownlow moved to table the matter until the next meeting of the Supervisors. Seconded by Rob Zisko. Vote was unanimous.

Permission for Eagle Scout to map Silver Creek portion of Cooks Creek

Scott Douglas is requesting the Supervisors authorize the following letter:

“Springfield Township is currently conducting a study to develop a Source water Protection Plan for the Springtown water supply system. Our consultant recently defined an area of concern that includes the entire Silver Creek portion of the Cooks Creek Watershed. Our records indicate that you own property in this area.

Please be advised that volunteers from the Springfield Township EAC and the Cooks Creek Watershed Association will be conducting a stream corridor assessment to support the Protection Plan. We respectfully request that you assist the volunteers in their efforts to map the Silver Creek watercourses by allowing them access to your property. We thank you in advance for your cooperation. If you choose to not permit the volunteers to access your property, please notify them and they will comply with your request.”

Chuck Halderman stated some of the streams are not identified on the map system. This is a good planning tool. You do not want a house near a stream.

Jim McNamara stated it is the use of the information you gather in the future that should be considered. The Solicitor is ok with the letter.

Chuck Halderman moved to support the mapping of Silver Creek to identify unmapped streams, and authorize the letter. Second by Pete Lamana. Vote was unanimous.

Schedule Meeting for February 22, 2005

The Supervisors will meet in regular session at 7:30 p.m. at Springtown Fire Hall to authorize the Solicitor to advertise the Amendment to the Zoning Ordinance. A Work Session Meeting will follow with a presentation by Bucks County Water & Sewer Authority on the Springtown Water System.

Appointments:

Chuck Halderman moved to appoint Raymond Bodner to serve as an Alternate to the Zoning Hearing Board for a term of one year. Second by Jim Brownlow. Vote was unanimous.

PUBLIC COMMENT

NONE

CORRESPONDENCE

Agency on Aging – Seeking four senior citizen representatives from Springfield Township.

SUPERVISORS' COMMENTS

Rob Zisko – No comments

Jim Brownlow reminded the residents that the Joint Supervisors Planning Commission meeting to work on the Zoning Ordinance re-write is scheduled for February 17, 2004 at 7:00 p.m. The meeting is cut off at 9:00 p.m. Jim encouraged everyone to attend.

Pete Lamana thanked the State Police for their report.

Chuck Halderman expressed his intention to push water management/storm water management issues. This is very important to the future of the township.

ADJOURNMENT

Rob Zisko moved to adjourn the meeting at 8:40 p.m. Second by Jim Brownlow. Vote was unanimous.

Respectfully Submitted

Barbara A. Smith
Secretary