

Board of Supervisors

MINUTES

March 11, 2009

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

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

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

Approval of Minutes – Will be Prepared for Approval at Next Meeting

Bills for Approval

Approximately \$27,000 in additional billing is expected to complete the Act 537 revision. DEP funding cuts are not expected to affect reimbursement to the township for this project; rather, they will affect those townships expecting DEP funding to help pay salaries for their Sewage Enforcement Officers. Rob Zisko **moved** to approve the bills for \$30,887.41 paid from February 25 – March 11, 2009. Barbara Lindtner **seconded**; the motion **passed** unanimously.

Reports

Road Department (posted) – Barbara Lindtner noted that the road department performed 263 hours of winter road maintenance in February.

Police (available on the website) – 121 incidents were investigated in February, which included 10 criminal offenses. There were 7 accidents involving 11 vehicles with 62 injuries and no fatalities. \$7,166 worth of property was stolen with no recovery. The report included a list of roadways that were the focus for traffic enforcement with the results of that effort. Karen asked that the traffic enforcement report continue to be part of the monthly police report. PSATS will be lobbying the legislature to lift the ban that prohibits Pennsylvania’s local police departments from utilizing radar for traffic enforcement. Karen Bedics **moved** to authorize the Township Manager to write a letter to Paul Clymer and Rob Wonderling encouraging them to support removal of the ban preventing local police departments from utilizing radar for traffic enforcement. Barbara Lindtner **seconded**; the motion **passed** unanimously.

Township Manager / Zoning Report - (Zoning Report is posted) – Rich Schilling activities he was involved in since his last report. Zoning work has been heavy during the past month. He reviewed and issued 18 zoning permits in February. Rich processed a Conditional Use application, which will come before the Board on April 8. On February 13, Rich conducted an audit on Route 412 in Springtown, which PennDOT requires in order to obtain placards for the crosswalk. Of 248 vehicles, only 13 stopped when Rich stepped down to use the crosswalk. The police were present, but only stopped vehicles that were traveling at excessive speeds through Springtown. They issued no citations; this was an educational endeavor. When the placards are in place, PennDOT requires a second audit, which Karen Bedics volunteered to perform. Rich handles an average of 5 zoning inquiries a day. The outstanding open permits are slowly being closed, some by him and others by Code Master. The Open Space Committee requested to have a portion of his time to speak to the Board about a time-sensitive issue.

Pete Sleeman, Jeff Lindtner and Hans Reimann represented the Open Space Committee. The Committee is moving forward with reviews of the first 11 applicants’ properties. It is important to clarify for those applicants what costs will be handled by the township and what costs will be the applicants’ responsibility. Pete presented a recommendation from the Open Space Committee for Cost Sharing Principals and a draft of the initial letter to go to each applicant. Terry Clemons provided several recommendations for changes/additions to the letter. Although the full Committee had not yet reviewed his change suggestions, those who have reviewed them feel the changes are logical.

The Committee is recommending that the Township pay from Open Space funds:

1. Title insurance (between \$850 - \$1,500)
2. The first appraisal (approximately \$2,500)

3. A simple survey, if needed (between \$2,500 but not to exceed \$3,500) Terry feels a policy regarding the scope of survey required should be developed. Surveys can be very expensive process. Most townships only require a surveyor to establish the easement area and any building envelopes, which costs about \$2,500.
4. Closing costs (all standard closing costs, but landowner requested costs are the landowner's expense)
5. Solicitor fees (required by township necessity; not landowner requested)
6. A portion of the easement endowment if it exceeds 4% of the easement cost

The Committee is recommending that the landowner pay for:

1. Second or additional appraisals needed by the landowner for other funding from other programs
2. Costs for surveys that exceed \$3,500
3. Approximately 4% of the payment received for the easement as a "fee" to Heritage for baseline docs, perpetual monitoring and enforcement of the easement.

Barbara Lindtner **moved** to approve the cost-sharing principals for the township and the landowner as outlined in the March 10 letter from the Open Space Committee in reference to the easement acquisition process. If an easement is donated to the township, all soft costs would be covered by the township. Karen Bedics **seconded**. Rob Zisko thinks that the 4% (approximately \$13,500 per property) fee for monitoring may be excessive for landowners, since this has not been applied to past land acquisitions. Jim said if there is resistance from landowners to this fee, the Board will review this again and called for the question. The motion **passed** unanimously.

Barbara Lindtner **moved** to approve the letter proposed for distribution to the grantees. Rob Zisko **seconded**; the motion **passed** unanimously.

Jeff Lindtner requested an update on the status of the Open Space Plan revision to be done by Ted Evans. Rich Schilling received an email today from Ted saying the plan is 90% complete. Ted requested a date to meet with Rich and Dave Long to review the draft plan. Jeff thinks that the Committee needs to be involved with this review. Rich Schilling will contact Ted Evans and request that he present the draft to the Open Space Committee at their next meeting. Barbara asked if Ted Evans has presented a bill for any of his work on the Plan (\$5,000). Despite multiple requests to submit monthly billings and contact a specific landowner, Ted has not complied. If the draft plan is not acceptable, Rich will renegotiate the \$5,000 cost.

Public Comments on Agenda Items - None

Public Hearing on Additions to Agricultural Security Area

Terry Clemons presented two properties being considered for Springfield's Ag Security Area:

1. TMP 42-012-105 (Agricultural District) – Owners: HMH Limited Partners, known as Rolling Hills subdivision
2. TMP 42-21-116 & 42-21-88 (Resource Protection District) – Owner: Grant Reed, known as the Reed Subdivision (aka Schnell Subdivision)

The intent to add these properties to the Ag Security Area was advertised two times in The Morning Call and the properties were posted as required, with no public objections received. The STPC and the BCPC reviewed the applications. They approved their addition to the Ag Security Area, except for TMP 42-21-88, a small parcel of the Reed property on the opposite side of the road, which is not contiguous to his other parcel

Terry opened the hearing for public comment. Hans Reimann asked if Mr. Reed planned to farm his property. Rob Zisko said Mr. Reed planned to lease the property to someone to graze sheep on it.

There being no further public comments, Jim closed the public comment time. Barbara Lindtner **moved** to adopt Resolution 2009-009, adding TMP 42-012-105 (owned by HMH Limited Partners) and TMP 42-21-116 (owned by Grant Reed) to the Ag Security Area. Volker Oakey **seconded**. Terry Clemons stated that the Ag Security Designation would run with the four lots proposed for the Rolling Hills Subdivision on TMP 42-012-105. Jim Brownlow called for the question. The motion **passed** unanimously.

Old Business

1. Herz Conservation Agreement – Terry Clemons said that the township agreed to pay \$165,350, which is one-half of the \$12,500/acre value as determined by the township's appraiser. The County required a second appraisal for its Natural Area's Program which was lower than the township's appraisal. Based upon this, the County has offered

to pay \$151,573 for a total price of \$316,923. The agreement of sale was contingent upon both the County and the Township paying \$165,350. The Herz' attorney said they have agreed to take the lower amount from the County but hope the Township will pay the full \$165,350. Rob Zisko **moved** to authorize that the Township pay \$165,350 as originally agreed upon. Volker Oakey **seconded**; the motion **passed** unanimously.

Rich Schilling excused Terry Clemons from the meeting at 9 p.m.

2. Primary Emergency Services - Karen Bedics said there was some concern about the Board's decision to designate UBREMS as first responders for all areas of the township. Karen initially brought this issue to the Board because she felt bad because we could not honor our financial commitment to UBREMS for 2008. She learned that if the township designated UBREMS "first responders," it would help them financially, so she asked the Board to authorize a letter to the County requesting UBREMS be named first responders. She did not request this because of any concerns about quality of care provided by any other emergency responders who serviced our township; rather, to support our local ambulance corp.

Kermit Gore, Executive Director of St. Luke's Ambulance Service, was present. They covered about 30% of Springfield Township along the Route 309 corridor. He said that by requesting this change, the township is assuming the liability that was previously carried by the County, who always dispatched the closest, available ambulance squad in emergencies. Kermit thanked Springfield for their gift to St. Luke's Ambulance Service in 2008, noting that we were the only township who gave them a financial gift.

Adam Maziuk, Director of UBREMS, provided a booklet containing various information related to their service in the township. He agreed that in the past the County 911 Center assumed liability for dispatching the closest ambulance service and now the township is assuming that liability.

Gary Pearson, a Board member of UBREMS and a Tincum Township supervisor, indicated that Tincum Township made similar changes with another ambulance service a few years ago, and Tincum's solicitor advised them that this change did not affect the township's liability.

Jim Brownlow feels that Springfield will need to monitor the effect of this change on the residents along the 309 corridor in the future to ensure that the decision did not have a negative impact. Barbara Lindtner understood when she voted for this change that the 911 dispatch system would still send emergency calls to the closest EMS service and that only in the case of non-emergency, UBREMS would be listed as the township designated first responder.

Both Kermit Gore And Adam Maziuk stated that Bucks County Planning Commission has not redistricted the county in 15 years, which has resulted in fewer calls being directed to UBREMS. Adam Maziuk stated that additional call volume is what UBREMS actually needs, not more territory to cover. UBREMS is already covering more territory because of Emergency Services that have gone out of business.

Jim Brownlow asked Rich Schilling to invite the County Emergency Services to send a representative to meet with township officials to discuss this issue and to invite representatives from both ambulance services to this meeting.

3. Farm Market Fund – The Board approved opening a separate bank account for the Farm Market in November 2008. In order to avoid farm market transactions being reflected in the General Fund budget, this bank account needs to be moved to a separate "fund." Jim Brownlow **moved** to confirm the establishment of a separate fund for the Farm Market effective January 1, 2009. Volker Oakey **seconded**; the motion **passed** unanimously.

4. Supervisor Suggested Projects – Barbara prepared a list of various projects the Board was or should be addressing. Board members are already working on a number of the areas she identified. She suggested that projects the Board is working on be discussed at the second meeting of each month.

Barbara said that the president of BCATO offered to review the membership to determine how many of the 52 townships with defined benefit pension plans in Bucks County are facing defined benefit pension funding problems because of stock market losses. Any municipality with 3 or more police officers is required by law to have a defined benefit pension plan for the police. BCATO is meeting with the southeast organization at the end of March and one agenda item will be pension funding. She hopes to gain a perspective about how big the pension funding issue is and to get the need before our legislators before they finalize the state budget.

Jim Brownlow expressed some concerns. One, regardless of what tasks supervisors assume, it is important that the work not be done outside of the Township Manager's purview, as he must know what is going on as the Manager, so that he can appropriately follow through on issues. Jim noted that corporations have management in place, but committees do work projects, which is how Barbara's list is set up. The committees would do the deliberation (like the township's Planning Commission, Open Space, etc.) and come back with recommendations to the Board, which is how Jim sees these committees functioning. The difficulty is that that township has only one manager and a limited staff. Therefore, if the manager is going to be included in all of these projects plus do all the zoning and run the township, the Board needs to be cognizant of the fact that there is just one person doing all this. Jim also feels there is potential danger if any supervisor gets too far ahead of the rest of the Board.

Jim reviewed these tasks from the list with the Board:

- **Open Space and Ag Security** – Open Space & Ag Security Committees handling with Board oversight. Rob Zisko involved as Board liaison.
- **Parks & Recreation** – Barbara and Rich Schilling working together to initiate. Barbara suggested that volunteers from this group help identify properties with deed restrictions, conservation easements, etc. Rich provided a 2002 map showing properties preserved by the township, county and Heritage Conservancy (but does not include deed-restricted properties) that he plans to update, as information becomes available. Rich Schilling will contact Bob Wynn to see if he has a master list available of properties that went through the subdivision process. If he does, Rich will determine how best to enter this information into Permit Manager and transfer it to each land development or subdivision file so it is attached to a parcel. Once the information is in the township's system, a combination of individuals from various committees should verify the accuracy of the information.

Jim reiterated his concern that although all the listed tasks are important, if just five of the tasks identified are undertaken by the Board at the same time with Rich involved with all five, it would not be good. A Board member asked if Rich had been complaining about Board members "giving him a hard time." Jim stated that was not the case. Jim does this work for a living and he knows what happens—an 8 hour day goes to 12 hours; a 5 days week goes to 6 days, etc.

- **Police** – The police contract expires 12/31/09 so a contract negotiation is top priority this year. Rich Schilling handled negotiations for the last contract. There was discussion about a supervisor working with Rich this year to negotiate the contract. Chief Laudenslager commented that Rich is very competent with contract negotiations, and he does not see any advantage to having someone else involved. Volker Oakey pointed out that the projected cost of the township's defined benefit pension plans for 2010 and beyond could be from \$200,000 to \$300,000. Each supervisor needs to understand what long-term commitments are being included in the contract that will directly affect township taxpayers. Volker thinks all employees—uniformed and non-uniformed—should be treated the same, noting that police were the only ones who received a raise in 2009. Rich said the advantage of being in a union is that the benefits of union members are protected. Volker responded that unions are one of the reasons for the problems in our country in our major industries (i.e., steel and car industries).

Barb and Volker were not supervisors when Rich negotiated the last police contract. He explained that each supervisor received a copy of the current contract and they were asked what they would like to see changed. It was the consensus of the Board that Rich should again conduct negotiations, with the Board functioning as a committee of the whole, reviewing progress in executive sessions as needed.

Rob Zisko reminded the Board that the \$170,000 they chose to spend on litigation has and will affect our budget process and the services the township can provide. He is strongly against any tax increase and favors cutting services to avoid raising taxes. Barbara noted that whatever the township commits to in contracts is a binding commitment to the township in future years. Rich pointed out that regardless of the collective bargaining agreement adopted, the Board can eliminate the police department at any time during the contract.

- **Manager's Review and Contract** – Although the manager's contract does not "expire," both he and the police chief should receive periodic reviews. Jim Brownlow and Volker Oakey will work together to prepare the form to be used by the Board in conducting these reviews. Sandy Everitt will provide a copy of the evaluation form used for the police chief in the past.

- **Storm Water Management Ordinance Review** – Jim suggested that the Planning Commission appoint a representative to present the SWM Ordinance to the Board. Rich is working on the process for implementing and maintaining the in-house GIS system. He is meeting with Bill Brokaw on Friday, March 13, and will get information about implementation of the GIS system.

Barbara would like to task the EAC to come up with a plan about how to incorporate green building into our zoning. She does not think we have anything in our zoning ordinance about wind and solar energy, etc. It was the consensus of the Board to ask the EAC to review how green building concepts can be encouraged in the township and report those findings to the Board.

- **Reporting of Finances/Projecting Cash Flow/Review of Expense Items** – Barbara is concerned about future pension funding expenses, but a report will not be available for the full Board until early May. The Pension Committee has reviewed different pension investment advisors. Jim asked what kind of notice is required to change from a defined benefit to a defined contribution pension plan. Barbara does not think such a switch would be possible at this time because of the expense involved.
- **Emergency Management Plan, VOAD Training and UBREMS** – Karen is involved with each of these areas and has also offered to be the Board liaison for the Farmers Market and Community Day should issues need to come to the Board.
- **Communications** – Jim feels that this should be handled as a committee of the whole. Barbara is concerned about the link to SbULU on the township website. Karen noted that the Board authorized that link because of the helpful pictures, maps, and information on the SbULU website. Rich said that the disclaimer on the home page covers any concerns Barbara might have. Jim Brownlow suggested that our township solicitor review the disclaimer to ensure that the township is not endorsing any of the links on our website.

5. Budget Format Discussion – Jim Brownlow gave the Supervisors two sample report formats: a month/year revenue variance report and a 2009 Budget Revenue Allocation. The monthly revenue figures allocated in 2009 represent a percentage of income for that month based upon averaging income in that month over the past five years. After discussion, it was the consensus of the Board to use these report formats and that Jim will continue working with his people to help Sandy set up these report formats.

New Business

1. Resolution for DCNR Grant for a Recreation Plan – Rich Schilling provided a resolution that is required for the township to move forward with the DCNR grant application. Rich is preparing that grant application for submission by the end of April. Rob Zisko **moved** to adopt Resolution 2009-010 regarding undertaking a Planning Grant for a Recreation Plan. Barbara Lindtner **seconded**; the motion **passed** unanimously.

2. Meetings Scheduled for Zion Hill – The Zion Hill Church is not available for the Wednesday meetings in March and June. Rich requested to use the church for the second meetings of those months. If the church is available, he will advertise the change in location. The meeting will remain at the township building if the church does not reply in time to permit advertising for the March meeting. Rich will notify the Board of the March meeting location.

3. 2009 Township Newsletter – Karen Bedics agreed to edit the newsletter and asked when the newsletter should be published in 2009. Barbara would like an article from the Board about where residents’ real estate tax money actually goes, so that residents realize the very small portion of taxes the township receives to fund all the services. She suggested Irene Elinich be asked to contribute to the article. Chief Laudenslager also suggested that residents be told how much revenue a mil of tax provides. Volker suggested that this article might include a list of services currently provided and how volunteer groups play into this picture—Springtown Water Authority, various committees, etc. Barbara suggested the Board think about this and discuss it again at their next meeting. Jim feels that all major revenue sources should be included, not just real estate tax. Karen feels August is the best month to publish the newsletter, with July 15 as the tentative deadline for submission of articles. She will talk with Laila Mednis, who provides design and layout for the newsletter, to determine a firm deadline for article submission, then she will contact all the committees for articles. Volker suggested the newsletter contain an article on green building.

Public Comment

Hans Reimann requested a copy of the supervisors' project list, which Barbara will email to Hans. He is interested in green building and is glad the EAC will be tasked to come up with a plan to implement green building in the township. He is also interested in regional initiatives that could spread cost sharing, such as the Source Water Protection Plan. He likes the idea of an article about taxes. Finally, Hans would like the EAC to be notified when the Planning Commission will present the Storm Water Ordinance to the Board. The EAC as a whole did not review or help with the revision of the Storm Water Ordinance. Barbara suggested that the EAC request to have an opportunity to review the Storm Water Management Ordinance and make comments prior to its adoption. Rich said when he first came, he offered the EAC the opportunity to review subdivision plans and submit their comments to the Planning Commission, but they did not wish to do so at that time. Volker is concerned about establishing a double review process for subdivisions.

Supervisors Comments

Karen Bedics wants to ask the Youth Progress group to build 8 to 10 bluebird houses and mount them around the perimeter of the township property on Peppermint Road. She would like the township to provide the posts for the birdhouses. Karen monitored the bluebird trail in Nockamixon State Park in the past, and would be willing to work with the Youth Progress group to monitor the trail on the township's property. Rob Zisko **moved** to authorize Karen to proceed with the bluebird house project as described. Volker Oakey **seconded**; the motion **passed** unanimously. Rich Schilling said the township will install the posts.

Karen requested police coverage for the April 4 Cooks Creek Cleanup Day. It was the consensus of the Board to authorize police coverage for this event, which Chief Laudenslager will arrange.

Barbara Lindtner requested that the EAC provide an update to the Board on the projects they are working on. Karen will relay that message to the EAC at their meeting tomorrow evening.

Adjournment

At 10:40 p.m., Volker Oakey **moved** to adjourn the meeting. Rob Zisko **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt
Secretary/Treasurer

Next meeting: March 24, 2008 – 7:30 p.m.

Approved: March 24, 2009