

Board of Supervisors

MINUTES

March 24, 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: Sandy Everitt, Secretary/Treasurer; Bob Wynn, Township Engineer; Scott MacNair, Township Co-Solicitor, and Rich Schilling, Township Manager.

Approval of Minutes

Approval of the minutes of the January 5, 2009, regular meeting and the January 27, 2009, was tabled until the next meeting. Barbara Lindtner, **moved** to accept the minutes of March 11, 2009, as amended by her changes. Karen Bedics **seconded**; the motion **passed** unanimously.

Bills for Approval

Rich Schilling said that the amount of the Lombardo & Associates (Act 537 consultant) approved contract that remains to be paid after the \$202,959.65 which has currently been paid is \$26,363.65.

Volker Oakey **moved** to approve the following bills paid from March 12 to March 24, 2009:

General Fund	- \$ 46,660.58	Springtown Farmers Market	- \$ 115.00
Open Space	- \$167,249.39	Subdivision/Escrow Account	- \$4,304.42

Rob Zisko **seconded**; the motion **passed** unanimously.

Public Comments on Agenda Items – None

Discussion on EMS Coverage

The Board invited Bucks County Director of Emergency Health Services Jeryl DeGideo to attend this meeting to answer questions and provide information. Springfield Township recently requested that Upper Bucks Regional EMS (UBREMS) be the township's first responder. Specifically, the Board was unclear about how emergency services are dispatched in response to 911 calls. Ms. DeGideo said before the change was made, 911 calls were dispatched to the ambulance service closest to where the call came from. Since UBREMS was appointed first responder, they would be assigned all 911 calls if they are available. If they are not, the next closest available emergency service is dispatched.. The change Springfield made affects an approximate five-mile area, which includes the Route 309 corridor.

It has been eleven years since a countywide update of the box card system governing emergency dispatching took place. However, Bucks County's GIS system for use by emergency services is close to completion. When that system is complete (possibly June 2009), Ms. DeGideo asked to meet with the Supervisors and squads within the township to review the information for accuracy. The County keeps track of 911 response times and she will share that information with township officials when she meets with them to review the County GIS information.

Ms. DeGideo said the Township could designate a certain area within the township to an ambulance service closer to that area (other than UBREMS). One township has four different ambulance services designated for specific areas within their township. Karen Bedics feels the township should look at response times rather than just mileage before making such a change. She said UBREMS has not had a chance to respond to enough calls since naming them as primary responder to permit a review of their response times. Barbara Lindtner is concerned because naming UBREMS as first responder has shifted the responsibility from the County to the Township. As a resident and as a Board member, Barbara wants the closest available ambulance service dispatched for 911 calls. Further, she does not think the Board had adequate data to make the decision to designate UBREMS as the Township's first responder. She was under the incorrect assumption when she voted for the change that true emergency 911 calls would go to the closest emergency service and routine, non-emergency calls would go to UBREMS. Ms. DeGideo said she felt UBREMS was receiving a call approximately every other day for service in the area that includes Route 309.

The Board thanked Ms. DeGideo for attending the meeting and invited her to return when data and statistics are available. Prior to that meeting, Jim requested that township-wide statistics (with the Route 309 corridor separated) be provided to the township for distribution to the Board so they could review it and be prepared to ask questions.

Planning Matters

- 1. Herman Subdivision – Preliminary Plan Approval:** The Planning Commission unanimously recommended this four-lot subdivision on Hottle & State Roads for preliminary approval at their March 4, 2009, meeting. The applicant will contribute \$16,000 to the Highway Capital Improvement Fund in lieu of completing street improvements and will deed-restrict all lots from further subdivision. Evan Pelligrino of Urwiler & Walter, Inc., was present as was the applicant James Herman. Rob Zisko moved to grant preliminary approval to this plan and to grant the waivers requested, subject to completion of all other items contained within the engineering review dated February 19, 2009, and the Bucks County Planning Commission review letter dated February 26, 2009. Karen Bedics seconded; the motion passed unanimously.
- 2. Scheetz Subdivision -** The applicant granted an extension for action on this plan until June 30, 2009.
- 3. Roher Subdivision –** Rob Zisko moved to authorize the treasurer to open two perpetual escrow accounts of \$2,500 for septic systems on Lots 2 and 3 of Roher subdivision. Barbara Lindtner seconded; the motion carried.
- 4. Grey/Tench LLA –** Attorney John VanLuvanee presented for applicants John Tench and Mr. & Mrs. Michael Grey. The Planning Commission reviewed this plan in October 2008. The main point of discussion then and at this time revolves around the 5.6 acre landlocked parcel which has existed as a separate parcel for 100 years. The Zoning Ordinance requires that when a property owner owns two adjoining properties and one of those properties is nonconforming, the parcels need to be combined to create a conforming lot. Case law historically shows that if a landlocked property existed prior to zoning, even if the property owner subsequently acquires another parcel, he cannot be required by a zoning ordinance to combine the lots and is entitled to a variance.

A revised sketch plan was presented to the Board showing a new concept for the property that would create more regular configurations by adding acreage from TMP 42-8-28 to TMPs 42-9-9 and 42-9-1 (the landlocked parcel), and thereby giving TMP 42-9-1 access to Quarry Road by creating a flag lot. The 2007 Zoning Ordinance prohibits flag lots and this change would require the applicant to apply to the ZHB for a variance. They plan to file an application to the Zoning Hearing Board to obtain that variance; however, in discussing this with Terry Clemons, township solicitor, he suggested they at least acquaint the Board with this concept before filing a ZHB application.

Bobb Carson, Planning Commission Chairman, was present and expressed concern that this revised plan was brought before the Board when the Planning Commission has not reviewed it. Rich Schilling said that any resident has the right to request to go before the Board. Mr. Tench pointed out that they were before the Planning Commission who advised them that they would need to go to the Zoning Hearing Board to resolve the issue of accessing the landlocked parcel. Mr. Tench subsequently hired Attorney VanLuvanee, who contacted Terry Clemons to determine what the correct procedure would be. To the best of Mr. Tench's knowledge, they were doing what they had been told to do.

After additional discussion, it was the consensus of the Board that they could not take a stand for or against this plan without input from the Planning Commission. The applicant will return to the Planning Commission, but would prefer to have an "informal review" with no additional engineering review of the revised plan.

Old Business

- 1. Resignation of Farm Market Manager/Appointment of New Farm Market Manager –** Lorraine Weiss resigned as manager of the Springtown Farmers Market. The Farm Market Advisory Board advertised the opening in the Bucks County Herald and Penny Power. They received an application from Lorraine Torrella, a well-qualified candidate. Rose Strong shared Lorraine's resume with the Board. She managed the Saucon Valley Farmer's Market in Hellertown as a volunteer for the past three years. On behalf of the Farm Market Advisory Board, Rose requested the Supervisors to appoint Lorraine Torrella as the new Farm Market Manager. In addition, Ms. Torrella asked if she could receive a commission for obtaining sponsors for the Farmers Market. Rose suggested that the Board approve a salary of \$2,600 a season, or \$100 per week for 26 weeks, plus 20% of whatever sponsorships Ms. Torrella obtains.

Barbara Lindtner supports giving a commission, because the salary is low and she feels the commission will supplement the salary and permit the market to retain a quality manager, which will help the Market succeed.

Barbara Lindtner **moved** to accept the resignation of Lorraine Weiss. Jim Brownlow **seconded**; the motion **passed** unanimously. Barbara Lindtner **moved** to appoint Lorraine Torrella as Farm Market Manager at a salary of \$2,600 for the season, plus a commission of 20% on all sponsorships she obtains for the Farm Market. Volker Oakey **seconded**; the motion **passed** unanimously. Sherry Brodhead gave each supervisor an attractive business card she designed at Ms. Torrella's suggestion.

2. Newsletter – Change in Date – Karen Bedics changed the publication date for the 2009 Township Newsletter to the beginning of September. She will determine after discussion with Rose Strong, former Newsletter editor, when the deadline for submission of articles and pictures will be.

3. Tax Information – Breakdown of taxes that residents pay – Supervisors received copies of past Newsletter articles that showed where tax dollars go. Barbara Lindtner and Volker Oakey will work on a tax article to present to the Board by May or early June for them to review prior to the submission deadline for articles. Unless a printer is found who would “sponsor” the newsletter and print it in color, it will be printed in one color.

4. Deed Restricted Properties Project – Barbara Lindtner presented a proposal for a combined volunteer group comprised of volunteers from the Open Space Committee, Planning Commission, Parks & Recreation volunteers and other interested individuals. The committee would determine what subdivided properties have conservation easements or deed restrictions associated with them. This information is required for the Open Space and the Parks & Recreation Plans. Rich Schilling asked Bob Wynn to submit an estimate of cost for his office to collect this information. This expense can be paid from Open Space funds, since the information is required for the Open Space Plan. Bob said it would be difficult to give a quote, but he could complete the task quicker than 9 volunteers could. Bruce Fritchman, a member of the Planning Commission from the mid-70s until 1984, offered to help identify subdivisions with deed restrictions/conservations easements from that period. Jeff Lindtner asked how this information would get into the township's GIS system. Rich Schilling has invited Mr. Brokaw to the April 8 Board meeting. Mr. Brokaw did GIS work for Heritage Conservancy and he will present a proposal to the Board—a plan for getting from where the township now is to where it wants to be—utilizing both County information and information from the Act 537 plan.

Karen Bedics asked about the status of Rich's review of Ag Security properties and was told only one property remains about which this is a question. Rich will follow with Scott MacNair on that property and report to the Board.

New Business

Stone Bids – There were two stone bidders—Plumstead Materials and Hanson Aggregates. Neither bidder bid on all the stone products listed in the bid document. Bob Wynn suggested that the bid award be tabled until he has an opportunity to contact both bidders and see if the township can choose portions from both bids. Bob will discuss the legalities of this with Terry Clemons and Rich Schilling before he makes a recommendation to the Board. Karen Bedics **moved** to table awarding the stone bid until a recommendation is received from Bob Wynn. Rob Zisko **seconded**; the motion **passed** unanimously.

Asphalt Bid – Coopersburg Materials submitted the only asphalt bid. Their bid quotes were:
Superpave 12.5 mm - \$54.71/ton (subject to an escalator clause)
Superpave 9.5 mm - \$48.71/ton (a size not requested by the township, but provided as an option by the bidder)
Total Bid: \$40,683 (subject to an escalator clause) for 675 tons of 3 different materials

Barbara Lindtner **moved** to award the asphalt bid to Coopersburg Materials at the prices contained in their bid subject to receipt of a Performance Bond. Volker Oakey **seconded**; the motion **passed** unanimously.

Rich Schilling advised that he would present a recommendation from Rich Pursell at an April meeting listing roads that require maintenance this year. Although road maintenance was not planned for 2009, a bad winter made it imperative that some oil and chip work be done. Haines & Kibblehouse provides 300 tons of free asphalt to the township each year as part of an agreement in place. Rich Pursell did not use the free asphalt in 2008 and therefore will have 600 tons available in 2009. He plans to use this free asphalt to pave all of Springtown's roads, but will first meet with the Springtown Water Authority to ensure that the pipe installation being done in Springtown will be completed before he resurfaces the roads. Jim Brownlow suggested that asphalt be purchased while oil prices are low and the free asphalt be used when oil prices rise.

Correspondence

Scott MacNair briefed the Board on a March 19 letter Terry Clemons received yesterday from Attorney Craig Edwards regarding the Metzger Subdivision. The Planning Commission required Metzger Subdivision to appear at the April 1 Planning Commission meeting with a fully engineered subdivision plan. Mr. Edwards said they do not have a fully engineered plan to present to the Planning Commission. They have been working with Jeff Marshall of Heritage Conservancy on a plan to preserve 196 acres of the parcel, and instead have a new sketch plan showing the plan for preservation of the tract. Terry suggested that the applicant, Craig Edwards and Jeff Marshall (Heritage Conservancy) attend the April 1 Planning Commission meeting and update the Planning Commission on what they are proposing. This is being brought to the Board because Mr. Metzger has asked the Board to consider an “option to purchase a conservation easement” over the next two and a half years at a possible purchase price of \$15,000/acre. However, an appraisal of the property as well as some other factors will determine the actual price per acre. Mr. Metzger wants to place the subdivision proposal on hold in order to pursue the option of preserving his property.

Jim Brownlow asked why this just came to the Board today and why action was required on it at this meeting. Scott MacNair said that Terry wanted to know how they should advise the Planning Commission before the plan comes before them on April 1. Second, Mr. Edwards is requesting that if the Board is interested in pursuing this option, they want to meet in executive session with the Board and Terry Clemons. Jeffrey Marshall of Heritage recommended that they submit an application to the Open Space Committee. Rob Zisko cautioned that pressing an applicant to present a “fully engineered plan” is an expensive process for a developer, thus strengthening the developer’s commitment to move forward with the subdivision process. Rob does not think any of the supervisors want to see this occur. Bob Wynn pointed out that Mr. Metzger granted an extension until July 1 for action on this subdivision plan. Jim Brownlow would like to see this property preserved, but he also thinks it is important for the applicant to follow the process in place for obtaining such funding. The Board authorized Scott MacNair to respond to Mr. Edwards advising them to appear before the Planning Commission on April 1, advise the Planning Commission of their plans, after which the Planning Commission will give them guidance about what to do next. The Board has not determined at this time whether they will meet with the applicant in Executive Session. Scott will also advise the applicant to follow through with submitting an application to the Open Space Committee.

Public Comments

Bruce Whitesell commended the Board on the type of meeting minutes that have been available online for those who could not attend meetings. He contacted the township recently about the latest minutes online being the minutes of the re-organization meeting on January 5. He understands that recent personnel time allocations are the reason, but he implored the Board to do something to get the meeting minutes online in a timely manner so that residents can follow what is being discussed at meetings. Rich Schilling advised that the Board deferred approving two sets of minutes because they received them too late to review them, but it is his understanding that by the April 8 Board meeting, all minutes should be current and will be placed online after they are adopted.

Bob Allen said that when he visits City Hall in Bethlehem he noticed that every door is open, even when an individual is away on vacation. When he comes to Springfield Township’s municipal building, the office doors are closed. He suggested this gives the “appearance” of things being done behind closed doors.

Supervisors Comments

Karen Bedics said the UBREMS staff felt there were hazardous issues relating to the garage door where they park their ambulance. Rich Schilling and Rich Pursell checked the door and feel it opens and closes smoothly, with no shakes or vibrations. The garage was new when the township turned it over to UBREMS. Any damage that has occurred since then was caused by UBREMS, as they are the only ones who use the garage. No action was taken.

Karen reported that the Police Department’s 2003 Ford Crown Victoria needs a transmission. They want to install a four-speed automatic transmission that has a three-year, 100,000-mile warranty. They obtained four bids, with the low bid of \$2,300 coming from Village Center Automotive. The transmission they would install will be a Ford remanufactured transmission from Faulkner Ford. Karen Bedics **moved** to authorize replacement of the transmission in the 2003 Ford Crown Victoria by Village Center Automotive at a cost of \$2,300. Barbara Lindtner **seconded**; the motion **passed** unanimously.

Karen said the Planning Commission expressed concern because the Board has not taken action on the draft Storm Water Ordinance. Barbara Lindtner said the Board requested the Planning Commission to send someone to present

details of the draft Ordinance to the Board. Karen thinks the Board should review the Ordinance, list the things they have issues with and then ask questions of a Planning Commission member about those items. Bob Wynn feels he would be the appropriate person to present an overview of what changes were made and why, because he is more familiar with the document than the Planning Commission. He compiled the document and edited it after it was reviewed by the Planning Commission. The Board agreed to this and Bob will make his presentation on April 28.

Barbara Lindtner attended the Green Builders Expo recently and learned a lot about the subject. She asked Karen if the EAC was interested in recommending a plan to implement green building concepts to the Board. Karen said she and Hans Reimann also attended the Green Builders Expo and gathered information that the EAC will review at their next meeting. Different members of the EAC will be assigned to research different areas of green building and then the EAC as a whole will prepare a presentation for the Board.

Barbara Lindtner asked Rich if he had contacted the EAC about the status of the projects they were working on. Rich did contact them; when he receives EAC's response, he will forward it to the Board.

Rob Zisko obtained information from Charles Diehl that the Board requested as to whether his fire insurance covered the cost of permits to reconstruct his garage that burned. Mr. Diehl said he was out several thousand dollars, not including his time to clean up, etc. Rob reminded the Board they have waived permit fees for other residents who had fires and that Rich Schilling said 2009 permit fee income is much higher than was expected. For those reasons, Rob **moved** that the township refund Charles Diehl's permit fees to him, not to exceed \$2,000. Karen Bedics **seconded**. Following discussion expressing various concerns about not charging permit fees when disasters occurs, Jim called for the question. Voting **Yes**: Karen Bedics, Volker Oakey, Rob Zisko. Voting **No**: Jim Brownlow, Barbara Lindtner. The motion **carried**. Adoption of a policy regarding this issue will be placed on the next agenda.

Adjournment

At 10:07 p.m., Jim Brownlow **moved** to adjourn the meeting. Rob Zisko **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt
Secretary/Treasurer

Next meeting: April 8, 2009 – 7:30 p.m.

Approved: April 8, 2009