

**Board of Supervisors Work Session/Meeting
MINUTES**

March 27, 2007

The meeting was called to order at 7:32 p.m. by Chairman Jim Brownlow and opened with the Pledge of Allegiance.

Present: Supervisors: Karen Bedics, Jim Brownlow, Chuck Halderman, and Rod Wieder. (Rob Zisko was absent.) Also present: Scott MacNair, Solicitor; Sandy Everitt, Secretary/Treasurer; Scott Huber, Police Chief; Rich Schilling, Township Manager; and Bob Wynn, Township Engineer.

Jim Brownlow noted that the Supervisors had an executive session prior to this meeting to discuss personnel matters.

Approval of Bills

Karen Bedics **moved** to accept the bills for payment as listed on the March 14 – March 27, 2007, bills list. Chuck Halderman **seconded**; the motion **passed** unanimously.

Planning Matters

1. Newman Minor Subdivision – Bob Wynn summarized that Majda Newman, applicant, is requesting a waiver from installation of roadway shoulder improvements along the frontage of School Road. Ms. Newman shared pictures of the roadway frontage and indicated that her neighbors had requested that the trees along the roadway not be cut down to do the improvements. After some discussion, Karen Bedics summarized her understanding of the reason for the request being that the trees act as a windbreak and also aid in stormwater management.

Bob Wynn clarified that the required improvements are not as simple as a grass shoulder for appearance; rather, it is a stabilized grass shoulder with a drainage swale. Jim Brownlow asked if there had been prior waivers from road improvements granted in the recorded subdivision. Bob advised that all the road improvements along Route 412 had been waived. The improvements on School Road were reduced to what is currently shown—a stabilized grass shoulder with a drainage swale.

Bob Wynn indicated he would have no objection to permitting the waiver in consideration of the neighbors' request to keep the trees, but he suggested to the applicant that, as with other plans where similar waivers are granted, there is generally a \$3,000 per lot contribution to be utilized elsewhere in the Township where street improvements are needed or, should there be a stormwater problem on Ms. Newman's property in the future, the funds could be used to correct that situation.

Ms. Newman pointed out that the Ordinance enabling the \$3,000 per lot contribution was enacted in August 2006, while her subdivision was recorded in January 2006; therefore, her waiver request should be grandfathered and no fees should be required. Rich Schilling pointed out that her current request was a new request and would fall under the new Ordinance, or, the Board could simply require her to do the improvements as required in the approved subdivision.

Ms. Newman stated that Bob Wynn said the improvements were not necessary, and thus she should not be required to put them in. Bob clarified that he said that this was a policy matter for the Board to decide, but that he would have no objection if the Board granted the waiver and utilized the fee-in-lieu of improvements in another location in the Township. Chuck Halderman also noted that the Board could request compensation for granting the waivers of improvements regardless of when they are granted, or the applicant could just do the improvements currently called for. Jim Brownlow asked if adequate funds were currently in the escrow fund to cover improvements and/or the fee-in-lieu of improvements and was advised that there were. Jim indicated he felt the Board would consider waiving the required improvements in return for a fee of \$3,000 per lot in case there are stormwater issues later in

this area. He noted that if the Board waived the improvements and did not charge a fee-in-lieu of improvements, any repairs needed later would be borne by the Township.

Bob Wynn indicated that date by which the improvements being discussed were to be completed was April 25, 2007. Jim noted that unless action is taken tonight on her request, the requirements of the plan would stand as they are now.

After considerable discussion, Chuck Halderman **moved** to deny the waiver from installation of roadway shoulder improvements along the frontage of School Road. Steve Sheesley, a neighbor of Ms. Newman, indicated he constructed a swale on his property which is on the upper side of all the lots being considered. He installed his swale to alleviate water runoff problems he was experiencing and that were affecting his neighbors. He is not involved in the situation currently being discussed, but he is very concerned about the trees being removed and the subsequent winds that would affect his and other properties and cause damage. He stated to Ms. Newman that it would probably cost her more to fight this than to pay the fee-in-lieu of improvements.

Jim Brownlow **called for a second** to the motion on the floor. Rod Wieder **seconded** the motion. Before the vote was called for, Chuck Halderman offered Ms. Newman another opportunity to accept the Township's offer to permit her to give a fee-in-lieu of completing the required improvements. Ms. Newman asked again why what she was saying wasn't making sense to the supervisors. Chuck reminded her that should there be a stormwater problem later, if the supervisors waived the fee and did not require her to make the improvements; the rest of the taxpayers would have to bear the financial burden to make the needed repairs. She insisted there would be no problem in the future, as there would be no further subdivision. Jim Brownlow called for the question. Voting **No**: Karen Bedics, Voting **Yes**: Jim Brownlow, Chuck Halderman and Rod Wieder. The motion was **denied**. The improvements will need to be made.

2. Spear Land Development – Bob Wynn indicated this is a preliminary plan for a manufacturing building to be located on Springfield Street. The supervisors were referred to Tim Fulmer's February 26, 2007, engineering review which formed the basis for the Planning Commission's recommendation of preliminary plan approval.

Scott Mease, Mease Engineering, presented for the applicant Jerry Spears, who was also present. The applicant is planning to consolidate his business (now in two different locations) onto this 14 +/- acre tract. The driveway access will be onto Springfield Street, with parking in the rear of the building, which will be located approximately 300' from the road.

The applicant agrees with all the issues in Tim Fulmer's letter. However, although the Planning Commission recommended granting of the waiver (Item 1.A. in Tim Fulmer's letter) that no side walks would need to be installed at this time, they asked that "future installation of sidewalk will be noted on the plan as required if deemed necessary by the Township; and the Township will receive escrow funds in the full amount of the cost of the sidewalk, to be deposited by the applicant to guarantee future installation of the sidewalk." The owner would prefer to make a cash contribution to the Township in lieu of installation of the sidewalks. Bob Wynn clarified that the intent of the Planning Commission was that the applicant was to be responsible to put the sidewalk in when it was needed, with the Township holding the funds to ensure that the project cost was covered. Jerry Spears, applicant, added that the main reason the sidewalk was not being installed at this time was for safety reasons. Bob Wynn does not feel that the safety issue is a valid issue along this property frontage. Jim Brownlow noted that sidewalk installation has to begin somewhere. As properties are developed, the Township is requiring that sidewalks be installed. Jim further noted, if the finances are handled as an escrow account, it will be the responsibility of the property owner to see that sidewalks are installed. If the Township accepts the fee-in-lieu of sidewalks, it will become the responsibility of the Township to install the sidewalks. When the sidewalks are eventually installed, the "contribution" the applicant wishes to make to the Township may or may not cover the cost of installation.

After some additional discussion, Karen Bedics **moved** to grant preliminary approval subject to the conditions outlined in Tim Fulmer's February 26, 2007, review letter as recommended by the Planning Commission regarding establishing an escrow fund for future installation of sidewalks. Chuck Halderman **seconded**; the motion **passed** unanimously.

Old Business**1. Excessive Speeding on Township Road & State Road**

Bob Wynn looked at the roads in question, did some research, and prepared a letter with his recommendations dated February 2, 2007, which was distributed to the Supervisors. He summarized from this letter several suggestions which could not be done because of various laws, regulations, etc. Most options were designed for more urban areas with higher pedestrian traffic. He then suggested the following options as things that could be done to improve the situation:

- A. Street signage—both regulatory and advisory—should be upgraded along the entire area
- B. Single center yellow lines should be upgraded to PennDOT standards, which is double, reflective yellow center lines
- C. Increased police enforcement is best inhibitor of speeding

Karen Bedics indicated that the corner where Knechts Bridge, Township, and Bursonville Roads come together is a particularly dangerous spot. Knechts Bridge has a stop sign and the other two do not. People traveling Bursonville are going too fast and are over in the opposing lane when they come around the corner. Bob Wynn indicated the center yellow lines should be dashed at that location to indicate that it is a through roadway. The lines do help to keep drivers on the correct side of the road.

Jim Brownlow asked Chief Huber if police were to sit at that location and observe cars over in the wrong lane if they could give a citation. He was advised they could do that. Jim asked Chief Huber what tools would help him enforce speed limits. Chief Huber noted that sight distance is a problem on Bursonville Road. 200' are required to actually time vehicles. The Chief suggested two strips that are placed across the road at intervals for recording speed. These are called ESP (Electronic Speed Preventers). Chuck Halderman suggested "hot dog" signs which show drivers the speed at which their vehicles are traveling.

The Chief presented statistics of accidents over the past ten years on these roads. There were 47 accidents on Bursonville and Township Roads. Of those, 34 (72%) were one-vehicle accidents, which means drivers going off the edge of the road or going too fast around a curve. Of those 34, 5 were intersection crashes. Only 3 of the 47 accidents occurred at the intersection of Knechts Bridge, Township and Bursonville Roads.

In addition, in reviewing the past 10 years of citations issued on these roads, only 30 citations were written on Township or Bursonville Road and only 14 of the 30 were for moving violations. The others were for driver's license violations, inspection violations, etc.

The Chief will look into prices for the equipment mentioned at this meeting and present this information at the next Board meeting. Special training will be required to operate the ESP equipment. Rich noted that upgrading of signage was allocated in the current budget and he advised that Rich Pursell is already looking into the signage needed for this stretch of road. Bob Wynn offered his help to Rich Pursell to determine what additional signage is needed.

Bill Pomante thanked the Board for their consideration of the petition signed by the residents on these streets. Rich Schilling suggested that residents should lobby their legislators to permit Pennsylvania municipal police departments to utilize radar guns. Pennsylvania is the only state in the country that does not permit local governments to use radar for traffic control.

2. E-Meeting Discussion Board – Karen Bedics indicated that Sandy Everitt had obtained information about updating the website to permit use of pictures that would rotate and change every minute or so. There was money involved to train Sandy and to install the new options on the website. These changes pertained to graphics to draw attention to special announcements, etc. Karen advised that she felt the Discussion Board was no longer an option for us, as we did not have adequate staff to oversee that type of a site.

Jim Brownlow said he feels that we are on the right track. If we can make enough information available on our website so that people know they can get what they need from the website, it will help cut down handling requests manually. Karen is especially concerned that we have a location for public notices where people can be made aware of important things that are going on. Karen feels that we need to purchase a good camera to obtain pictures to

place on the website. Sandy pointed out another complication in our township is that DSL is not available and downloading pictures can take so long that it frustrates people.

3. CDL Hire / Policy & Procedures – Rich Schilling noted that an additional full-time road crew member was allocated in the 2007 budget. Working with Rich Pursell and Scott MacNair, drafts of an *Evaluation Policy* (for all future new part- and full-time employees except police officers) and a *Physical Examination Policy* (only for employees in positions that require a significant amount of physical activity and/or physical activity of a dangerous nature) have been developed and were made available to the Supervisors for review.

Jim Brownlow **moved** to adopt the *Evaluation Policy* and the *Physical Examination Policy*. Rod Wieder **seconded** the motion. Jim Brownlow noted that a position description should be provided to the physician to help him know the job parameters so that he can provide an appropriate examination to clear the individual for the job he will be performing. After some clarification discussion, Jim called for the vote. The motion **passed** unanimously.

Rich Pursell has requested that a current part-time employee who has been doing an excellent job be promoted to the open full-time position. Rod Wieder **moved** that Roger Carman be promoted to full-time in the Road Department; Karen Bedics **seconded**; the motion **passed** unanimously.

Karen asked that a sentence be added to the Road Department Job Description stating that employees will submit to the random testing as required under CDL regulations. Rich will add that to the job description.

4. Community Day Update – Bruce Whitesell, Chairman, presented copies of his March 27, 2007, report to the Supervisors. He outlined the procedure for site analysis for a location for the Community Day event which resulted in a contract being executed with Silver Creek Athletic Association. Bruce personally reviewed four sites before a final determination was made.

The theme chosen for the event is *Springfield Township in the Early 20th Century*. The goal is to draw from the Communities that existed in the Township in the early part of the 20th century, some of which still exist today, to build and expand upon the sense of community in Springfield Township.

Jim Brownlow expressed pleasure in how the committee is progressing and Bruce indicated there was strong committee support. Karen shared some newspaper articles with the committee about how Community Days were conducted in other areas.

New Business

1. Appointment of EMS Collector – Rich Schilling summarized that we received two proposals—one from Irene Elinich (our current real estate tax collector) and the other from Berkheimer Tax Administrator. Irene indicated to Rich that although she submitted a proposal, she was not anxious to take on this responsibility.

Jim Brownlow **moved** that we award the EMS tax collection to Berkheimer Tax Administrator. Karen Bedics **seconded** the motion. Rod Wieder expressed some concerns about Berkheimer based upon some history as an employer in Richland Township. Since the problems he experienced occurred over 10 years ago, he feels they may have improved their procedures and he would be willing to give them an opportunity. Chuck Halderman asked if there was any legal consequence of an independent township using Berkheimer just for EMS tax collection. Scott MacNair indicated that Berkheimer does approximately 90% of the tax collection for Bucks County, and he is not aware that in all these situations they are doing both the municipality and the associated school district. He is not aware of any legal problem with having Berkheimer do just the Township's EMS tax.

Karen question why the term is for a three year period with a one year rollover provision. Jim stated that normally there is a high start-up cost involved, so to cover that start-up cost, they require several years to recoup those costs and make a profit.

Jim called for the question. The motion **passed** unanimously.

2. Open Space Committee Recommendation – The Board received a recommendation from the Open Space Committee to appoint a financial advisor to assist in evaluating funding options to support the referendum authorizing the approved debt to preserve open space.

Over the past several months, the Open Space Committee evaluated two financial advisors representing two different firms. Based upon those interviews, the committee is recommending that the Board meet with Mr. Gordon Walker, Managing Director; Public Financial Management; Malvern, PA.

Rich Schilling was authorized to invite Mr. Walker to attend the next Board meeting which is convenient for him to attend and to make a public presentation at that meeting.

3. 2006 Audit Report – Jim Brownlow shared excerpts from the auditors report which indicated the accounting records had been reviewed and were found to present fairly the financial condition of the Township. The financial statement was published in the Morning Call prior to March 10, 2007, and the annual DCED Report required by the state was filed. Adoption of this report was tabled until the April 10, 2007, meeting, as Rod Wieder did not receive a copy of the report in time to review it before this meeting.

4. Rolling Hills NPDES (National Pollutant Discharge Elimination System) Permit – This permit is required whenever pollutants are discharged into waters of the commonwealth. Years ago, sediment and disturbance from construction sites were labeled pollutants and therefore, an NPDES permit is required whenever more than one acre will be disturbed in Pennsylvania during construction. In an exceptional value watershed, elevated criteria must be met by the developer.

Bob Wynn referred the Board to a March 19 letter written by Tim Fulmer of his office. The Township received an NPDES notification for a permit application and a copy of the plan that would be submitted. With that notification, the Township only has 30 days to respond to DEP with any concerns. In this situation, the developer for Rolling Hills has applied for an NPDES permit for a plan that has not yet been reviewed by the Township. Therefore, there may be significant changes to the plan after that review based upon Zoning and Subdivision Ordinance requirements.

Bob is recommending that the Board authorize a letter to be sent by our solicitor to DEP notifying them that the Township's position is that it is premature to issue an individual NPDES permit for a plan that has not received preliminary plan approval. Scott MacNair felt the letter should also state that the plan submitted to DEP for review was not the current plan that is before the Planning Commission and the Board. Karen Bedics asked that the sentence from Tim Fulmer's March 19 letter "Township should also note the preliminary status of the development and lack of communication by the applicant relative to concerns raised by the Township." be included in the letter sent to DEP.

Karen **Bedics** moved to authorize Terry Clemons to send a letter to DEP regarding the NPDES permit application being premature, which should also include the sentence from Tim Fulmer's letter indicated above. Jim Brownlow **seconded**; the motion **passed** unanimously.

Terry Clemons sent another letter dated March 27, 2007, to DEP regarding the Planning Module application submitted by Rolling Hills for their subdivision. Copies of this letter were provided to the Supervisors. Chuck Halderman referred to a regulation given to him by Hans Reimann which suggested that any interested party could request a public hearing if they had concerns about runoff from a proposed subdivision, either pollutants or sewage, into an exceptional value stream.

5. Sewage Consultant – The deadline for submission for sewage consultants was March 26. Twelve submissions were received. The Board needs to decide the process to be followed in making the appointment—whether they want to review each submission individually, whether they want to review them as a group, or whether the Board wants Bob Wynn and Rich Schilling to review the applications and present a certain number for review by the Board.

Jim Brownlow **moved** that the Bob Wynn and Rich Schilling be authorized to review the submissions and recommend their three top choices for further review by the Board of Supervisors. Rod Wieder **seconded**; the motion **passed** unanimously.

6. Request for FEMA Mobile Home – Rich Schilling was notified today by the Department of General Services that they were sending representatives to Virginia the first week of April to view and secure mobile homes for Pennsylvania governmental agencies. They requested that an application for eligibility to utilize the Federal Surplus Property Program be completed by Springfield Township. This application must be approved by the Board of Supervisors. Once that form is submitted, a picture of the available mobile home would be provided to the Township and based upon our approval, that home would be shipped to the Township and arrive in 3 weeks.

The total cost to the Township would be \$8,000, which would cover procurement, shipping and road permits. Jeff Mease estimates the cost of site preparation (grading, concrete piers, electric service upgrade and removal of well tank head) would be under \$5,000. This cost is based upon utilizing our road crew and maintenance person to accomplish most of the work.

Rod Wieder **moved** to authorize Rich Schilling to proceed with the acquisition of the FEMA Mobile Home. Jim Brownlow **seconded**; the motion **passed** unanimously. Rich Schilling expressed thanks to Representative Clymer, Senator Wonderling and Congressman Murphy, who have been instrumental in helping us obtain this trailer.

Public Comments

Bruce Whitesell commended the Township for their maintenance of the website. When he had occasion to be unhappy with Service Electric Cable TV, he went to the website and found the *Cable TV Complaint Form* and *Ordinance 132 – Cable TV Franchise Agreement*. He downloaded both of them, read them over, and completed the entire process without having to bother anyone in the Township. He delivered his complaint to the Township and was pleased with how well the website worked for him.

Hans Reimann clarified with Scott MacNair that the Regulation (dated 1999) referred to during the Rolling Hills discussion was still the current regulation and was advised it was still current. Hans indicated he will speak with Cooks Creek Watershed Association about requesting a public hearing with DEP. Hans wanted to ensure that he would not be causing a problem for the Township by requesting such a meeting. Scott MacNair indicated that this was the proper time for Hans Reimann or any other interested citizen or group to request such a public hearing with DEP. Bob Wynn advised that those meetings are normally held in the DEP offices.

Hans Reimann thanked the police department and Chief Huber for acting on his neighborhood's behalf by mediating the ATV situation in his neighborhood.

Supervisors Comments

Chuck Halderman asked Bob Wynn how many homes were represented on the Rolling Hills plan submitted with the Planning Module. Bob advised the plan had 35 homes. The public advertisement was for a 32-home plan.

Karen Bedics asked the Board to give approval for a focus group to be formed to discuss guidelines and issues related to recreational use of land for public firearms, paintball, and quasi-military use (not private family shooting). Karen feels that because there are no provisions in the new zoning ordinance, this needs to be addressed. She would like to use the residents who volunteered to serve on this committee to form this group. She provided a task list of what the committee would be doing to each Supervisor. She also sent a letter to the Planning Commission asking them to take action if the Board decides not to take action.

Scott MacNair stated Haycock Township has a definition for recreational facility use that defines all of the activities that Karen raised. Jim clarified whether Karen meant "focus group" or "committee." She advised she meant an Ad Hoc Committee. She indicated that a dozen individuals had expressed interest in serving on this committee. Rich Schilling indicated that the people who signed up were interested in working on the recreational shooting ordinance. Assuming that this committee is formed, Jim Brownlow asked how we could ensure that there would be balanced representation of all sides on the committee. Karen could not answer that. Currently, neither our Zoning Ordinance nor our draft Zoning Ordinance defines recreational use of a property.

Jim asked why we need a group or a committee to establish these guidelines. Karen feels it will give the public a voice and prevent them from feeling that we are mandating what they can or cannot do on their properties. Jim reminded Karen that the public has a say in anything proposed for adoption by the Township at the public hearings which are part of the adoption process. Jim suggested that Karen's outline of what she wants included in the ordinance be given to our solicitor to put together a draft recreational ordinance that addresses the issues she outlined and then have the Board review the draft and solicit public opinion at the public meeting where the Board reviews the draft. This would make the Board the committee and still give the public opportunity to be involved in the decision making process.

Karen Bedics **moved** that the solicitor be authorized to draft a stand-alone recreational ordinance dealing with the concerns she listed. Jim Brownlow **seconded** the motion. Chuck reminded the Board that when this was brought up at the Planning Commission, Barbara Lindtner told the residents that they would be included in drafting this ordinance. Chuck stated he would go along with some type of a shooting ordinance if township residents were included in the process. Karen stated that she agreed with Jim that it would be hard to ensure that people are equally represented. Jim called for a vote. Voting **No**: Chuck Halderman, Voting **Yes**: Karen Bedics, Jim Brownlow, Rod Wieder. The motion **carried**.

2. Ordinance Prohibiting Multiple Plan Submissions per Land Parcel – Karen suggested the Board consider adopting an ordinance to prohibit multiple plan submissions on a single land parcel. Chuck Halderman **moved** that the solicitor be authorized to draft an ordinance to allow for one subdivision submittal at a time on a property. Rod Wieder **seconded**; the motion **passed** unanimously.

Chuck Halderman asked if there could be an ordinance requiring a disclosure at settlement identifying things in future subdivision development that must be maintained or managed, i.e., swales, retention basins, easements, private open space, alternative septic systems, etc. This disclosure statement would follow in any subsequent sales of the property. Chuck Halderman **moved** that our solicitor be authorized to draft a disclosure ordinance to be used at settlement for future subdivision developments. Karen Bedics **seconded**; the motion **passed** unanimously.

Adjournment

At 9:45 p.m., Rod Wieder **moved** to adjourn the meeting. Jim Brownlow **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt
Secretary

Next meeting: April 10, 2007