

**Board of Supervisors**

**MINUTES**

April 28, 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 (arrived 9:30 p.m.), Volker Oakey and Rob Zisko.

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

Jim Brownlow noted that discussion of the draft Stormwater Ordinance (Old Business) would be held until the end of the meeting. Jim also noted the Board held an Executive Session prior to the meeting to discuss property issues.

**Approval of Minutes**

Karen Bedics **moved** to adopt the minutes of the April 8, 2009, meeting as presented. Volker Oakey **seconded**. Voting **Yes**: Karen Bedics, Jim Brownlow and Volker Oakey. **Abstaining**: Rob Zisko. The motion **carried**.

(Adoption of the Special Act 537 April 23 minutes was tabled until Barbara Lindtner arrived to obtain a voting quorum) Rob Zisko **moved** to adopt the April 23, 2009, minutes as presented. Barbara Lindtner **seconded**. Voting **Yes**: Barbara Lindtner, Volker Oakey and Rob Zisko. **Abstaining**: Karen Bedics and Jim Brownlow. The motion **carried**.

**Bills for Approval**

Rob Zisko **moved** to approve the following bills paid from April 9 – April 28, 2009.

- |                          |             |                              |             |
|--------------------------|-------------|------------------------------|-------------|
| 1. General Fund:         | \$39,086.68 | 3. Open Space Fund:          | \$ 4,474.02 |
| 2. Subdivision & Escrow: | \$ 6,195.72 | 4. Springtown Farmers Market | \$ 2,201.16 |

Volker Oakey **seconded**; the motion **passed** unanimously. Rich Schilling noted that approximately \$14,400 remains of the approved contract price for Lombardo & Associates, consultants for revision of the Act 537 Plan. The township cannot apply for half-reimbursement for this project until it is approved by the State, most likely in 2010.

**Public Comments on Agenda Items - None**

**Planning Matters**

**1. McArdle Subdivision Final Plan Approval** – Ed Wild, Esquire, Benner & Wild; and Scott Mease, Mease Engineering; represented the applicant Edward McArdle, who was also present. The Planning Commission recommended final conditional approval of this plan. They also reviewed and recommended approval of the Declaration of Easement, Covenants and Restrictions and the draft Conservation Easement prepared by Terry Clemons, Township Solicitor.

Ed Wild and Scott Mease reviewed for the Board details of this 4-lot plan with frontage along Old Bethlehem and Roundhouse Roads. The Board denied the preliminary plan in April 2007. The applicant appealed this denial in Bucks County Court and subsequently, the Township and applicant reached a Stipulation and Settlement Agreement. The current plan satisfies all the conditions of that Agreement, which included approval of all waivers requested by the applicant. Ed Wild indicated that all the conditions raised in the Township Engineer's, January 22, 2009, review letter are "will comply" issues. He added that the building lot on Lot 2 was revised to a more conventional square/rectangle shape and the building lot does not contain any sensitive areas of the lot.

Rob Zisko **moved** to grant conditional final approval to the McArdle Subdivision based upon satisfactory completion of the items outlined in the Township Engineer's January 22, 2009, review letter. Karen Bedics **seconded**. Ed Wild noted that the Stipulation & Settlement Agreement required a separate Declaration of Covenants that included various restrictions that would be recorded; i.e., none of the lots are to be further subdivided. A second Declaration

will be recorded that relates to the conservation easement areas. Both documents are acceptable to the applicant as currently drafted. Jim Brownlow noted that by passing the motion, the Board was also approving the conservation easement and the related documents. Jim called for the question. The motion **passed** unanimously.

**Cross Creek Subdivision – Extension Request** – The township received a letter dated March 23, 2009, requesting an extension to the 5-year protection period for this subdivision on Drifting Drive. Bob Wynn noted this is a re-subdivision of a property that was initially subdivided into 4 lots and recorded. On May 11, 2004, the Board approved a change for this recorded subdivision that involved consolidation of 3 of the proposed lots into 1, thus creating a 2-lot subdivision. Additionally, they granted approval for conveyance of a small portion of the tract to a neighboring property. Bob noted that the conditions for that revised plan have not been completed, thus it was never recorded. Ashley Development wishes to keep the approval for the 2-lot subdivision in place with protection from ordinance revisions. Responding to a question from Rich Schilling, Scott MacNair said Section 508 of the MPC (Municipal Planning Code) specifically states that the Board can grant an extension of the time period under which a plan is protected from ordinance changes. Rob noted that it would be beneficial in this situation to grant the extension, since the new subdivision would be a 2-lot rather than the recorded 4-lot subdivision. In order to provide time to determine if the applicant is willing to commit to no further subdivision on the two large lots, Jim Brownlow **moved** to grant a one-month extension until June 11, 2009. Rob Zisko **seconded**; the motion **passed** unanimously.

**Rolling Hills Subdivision** – No action was required on this plan, as an extension was received from Rolling Hills.

### **Old Business (Deferred until later in meeting)**

#### **New Business**

**1. Open Space Committee Request – Authorization to Move Forward on Projects** – The Open Space Committee has requested authorization to spend an additional \$7,000 from Open Space funds for four more appraisals. The Board previously approved an expenditure of \$15,000 for appraisals, of which \$12,000 has been spent. This will permit appraisals of the all 11 properties currently under review for preservation. Rob Zisko **moved** to authorize an additional \$7,000 expenditure from Open Space funds for property appraisals, bringing the total authorized for appraisals to \$22,000. Volker Oakey **seconded**; the motion **passed** unanimously.

**2. 2009 Road Projects** – Rich Schilling presented Rich Pursell’s request for authorization to repair and/or pave the roads listed in his April 21, 2009, memo. Seal coating work is down from the normal 7+ miles usually done annually because of budget constraints.

Seal coating (totaling 3.88 miles) is recommended for the following roads:

Pleasant View Road — 1.90 miles    Povenski Road — 1.29 miles    Crowthers Road — .69 miles

Paving is recommended for these 6 streets in Springtown:

Center Street (north & south ends), Chapel Street, Church Street, Mill Street, Walnut Street

The township receives 300 tons of free blacktop annually from a local company. Rich Pursell did not use the 2008 allotment, so he plans to combine that with the 300 tons for 2009 to do the Springtown paving work. The approximate cost of \$25,000 for a contractor with pavers to put the blacktop in place will be the only cost to complete the Springtown street paving. The total cost for completing both the seal coat work and the paving project are estimated at \$125,000 to be paid from Liquid Fuels, which currently has a \$230,189 balance. Rich Schilling met with Rich Pursell and representatives of the Springtown Water Authority about pipe work planned by the Authority for Springtown. Upon expected receipt of grant funds, the Authority plans to complete the pipe work in time for the township to pave the roads this summer. Rich Schilling asked for Board approval for the complete request, but if the Authority cannot complete the pipe work to permit road resurfacing this year, paving of those streets will be deferred until next year. Rob Zisko **moved** to authorize preparation of a bid document for the requested road work. Karen Bedics **seconded**. Rob Zisko asked if the township is eligible for any of the grant funds available from the government that are being utilized by some other local municipalities. Rich Schilling will look into this, but he understands those grants are for “shovel ready” projects. Jim called for the question. The motion **passed** unanimously.

### **Public Comments**

**Hans Reimann** thinks the draft Stormwater Ordinance is a good document, especially the incentives provided to homeowners who utilize native plants, which do a better job of mitigating stormwater.

**Recess (Scott MacNair left at 8:15 p.m.) Meeting resumed at 8:30 p.m.**

### **Supervisors Comments (agenda items only)**

**Recognition for Youth Services / Progress Group Teens for their help with township projects** – Karen Bedics mentioned a number of volunteer projects done by young people for the township—painting, litter pickup, invasive plant removal and installation of a bluebird trail on the township property on Peppermint Road. Karen requested that the Board formally recognize the teens by presenting certificates of appreciation and a gift certificate to Dominic’s Pizza. Karen Bedics **moved** to authorize that certificates be prepared and a \$25 gift certificate be purchased for Dominick’s Pizza to be presented to the teens at the May 13, 2009, Board meeting. Rob Zisko **seconded**; the motion **passed** unanimously.

**Veterans Garden Dedication – June 14, 2009** – The EAC planned and prepared the garden around the flag pole. They ordered a bronze plaque to be installed on a stone in the garden area. They would like permission to use EAC funds to purchase the plaque and hold a dedication ceremony on June 14 (Flag Day). Veterans will be invited to attend as well as several Boy Scouts, along with interested township residents. Details related to time and logistics will be provided later. Rob Zisko **moved** to authorize EAC to proceed with dedication of the Veterans Garden on June 14 and to purchase the bronze plaque at a cost not to exceed \$230. Volker Oakey **seconded**; the motion **passed** unanimously.

### **Old Business**

**Draft Stormwater Ordinance Review** – Bob Wynn provided an Overview/Summary of the Stormwater Ordinance in an April 23, 2009, letter to the Board. Act 167 in Pennsylvania requires studies based on watersheds. Bob noted that there are two watersheds in Springfield Township which have been studied by consultants for the BCPC— Delaware River North (which includes Cooks Creek) and the Tohickon Watershed. Springfield Township’s current Stormwater Ordinance was adopted in 2002 and has not been updated. Six years ago, federal regulations were implemented which affect Springfield Township. At that time, the township applied for and was granted a waiver from those requirements. The new MS4 (Municipal Separate Small Storm Sewer Systems) Community Program commences in 2010, and the Board would again need to request a waiver from requirements. At this time, the Township is not an MS4 community, but it is an Act 167 community. One month ago, a second draft model ordinance for MS4 communities was released. It increases volume requirements (all runoff from up to a 2-year storm must remain on site) and requires volume controls for all sites, regardless of the amount of impervious surface. This is an extreme change from the previous model; it has not yet been approved. The Township’s draft Stormwater Ordinance does not reflect the changes in this most recent MS4 model, but it does include the Act 167 volume requirements and the prior MS4 draft volume requirements.

Bob noted that the draft Stormwater Ordinance clarifies a number of unclear areas in the current Stormwater Ordinance. For example, the current Ordinance was not clear about the fact that any impervious surface added on a property since the adoption of the 2002 Ordinance counts toward the 1,000 square feet total that requires a stormwater management plan. This has been clarified in the revised draft.

Rob Zisko feels that 1,000 square feet is too small a number to require an expensive stormwater management plan, and would like to see that figure increased. He estimated that the Township’s meeting room is almost 900 square feet. Bob Wynn noted that even if a homeowner is exempt, there is a requirement for people who live near an EV (Exceptional Value) stream to meet the water quality and volume requirements for an EV stream. Volker feels that about 80% of Springfield Township is within an EV stream area and thus would be subject to these restrictions.

Bob Wynn said that Solebury added a provision to their stormwater requirements making it simpler to determine what size infiltration bed would be required. These provisions are based on a system from Michigan and are designed for residential use only. All that is required is knowledge of mathematics, not an engineer. Bob has used the method to calculate several different properties and the results are very close to the complex system required by PA State regulations.

Jim Brownlow is concerned about the balance between protecting the watershed and neighbors' properties from runoff and the strict controls being implemented that force homeowners to spend a lot of money on engineers to meet Stormwater Ordinance criteria. Jim does not feel that most residents, and even some engineers, can read and apply the Stormwater Ordinance requirements. He is concerned about the extra cost for individual homeowners. Bobb Carson pointed out that the cumulative effect is the same from many individual homeowners on single lots creating impervious surface without stormwater provisions as a development with multiple lots without adequate stormwater provisions. He added that the question is, how do we preserve the Exception Value stream status and still accommodate additions, subdivisions and development that will take place in the future. Bobb said if stormwater is not controlled, the township will lose the Exceptional Value status, which is the biggest advantage we have with developers. Jim Brownlow reiterated what he understood Rob Zisko's question to be—what is magic about 1,000 square feet? Bob Wynn said this footage came from a prior Act 167 Ordinance effective in the 2002 era. He added that the DEP footage regulation must be followed. Townships can increase regulations but not decrease footage regulations below the state's mandated minimum. However, cumulative impervious surface can be calculated from the date the new Stormwater Ordinance becomes effective rather than 2002, when the Ordinance now in place was adopted.

Bruce Fritchman pointed out that an advantage of the draft Stormwater Ordinance is that it encourages infiltration close to the source. He pointed out, however, that to work properly over the long term, these infiltration systems must be maintained. Because of this, after the ordinance is adopted, all approved systems must be entered into a GIS system. If they are not monitored, in a few years the drainage systems will be full of leaves, blocked up and no longer functioning as they were designed to function. Rob Zisko pointed out that to determine if the soil is good enough for infiltration, a deep hole test is required. These tests are done by a soil scientist and require a backhoe, thus becoming very expensive to do. If the soil is not permeable enough for an infiltration bed, there are other alternatives, such as tree planting or rain gardens.

Hans Reimann said that it is vital to educate residents about the value of planting/retaining proper vegetation instead of putting in all lawn, which encourages sheet flow runoff.

Rob asked if the Board had the authority to waive stormwater requirements. Although Bob Wynn said this is a legal question and should be answered by our solicitor, although he is aware of situations where other Boards have waived stormwater requirements.

Bob noted that Solebury provides special stormwater exemptions for preserved properties. The Board requested copies of the Solebury Stormwater Ordinance to review. Solebury adopted their ordinance earlier this year, and the reaction to their new ordinance is that it is more user-friendly than their prior Stormwater Ordinance. The majority of the Board expressed concern that the draft Stormwater Ordinance is onerous, expensive and restrictive for individual residents to understand and apply without hiring an engineer. Bob suggested that some examples could be included in the ordinance to help people understand about compliance with the exemption requirements. Bobb Carson again pointed out that when alternatives (such as tree planting) are permitted, there will need to be maintenance and management to ensure that these alternatives remain effective over the years. Bob Wynn explained that "rate" is the number of cubic feet of water running off a property at any one time; "volume" is the total amount of runoff from the site. Bob was asked to give some examples of cost associated with some recent stormwater plans implemented in the township.

At 9:50 p.m., Jim Brownlow closed discussion. Bob Wynn will advise whether he can attend the May 13 Board meeting for further discussion on the draft Stormwater Ordinance.

### **Supervisors Comments**

**Volker Oakey** updated the Board on his progress in reviewing energy conservation and alternative energy for the township. He contacted three local energy specialists who would like to be involved in an energy audit for the township. Once Volker finds out if the township can obtain grant funds, he would like to submit a bid proposal to these specialists. Volker is researching grant opportunities available to the township.

With regard to the COPS Grant application authorized at the last meeting, Volker asked when we would hear if grant funds are available. He would like a plan from the police chief about what plans he has for utilizing the two extra

policemen. Second, Volker wants Rich to provide a five-year financial forecast outlining how the two extra policemen will be funded by the township at the end of the three years covered by the grant.

**Karen Bedics** expressed concerns to the Board about the action taken at the April 8 meeting when they voted to rescind the vote taken designating UBREMS as the township's first responder. Her main concern was the lateness of the hour when the topic came up (11:00 p.m.) and the fact that the topic was not an agenda item. Because of this, other interested parties were not aware the topic was going to be addressed. She did not feel something of this magnitude should have been decided and voted upon in such a fashion.

**Jim Brownlow** asked whether the Board wished to adopt a policy that no action can be taken on anything brought up by a supervisor during Supervisor Comments. If a supervisor is considering bringing something up that requires action, it should be placed on the agenda. It was the consensus of the Board that such a policy should be put in place. The only way that action could take place on a non-agenda item would be if there was unanimous agreement by all Board members present.

Jim also asked what the desire of the Board was about holding Executive Sessions before or after meetings or on a separate evening when the topic involves lengthy discussion. It was the consensus of the Board that separate meetings will take place for Executive Sessions as needed and that Board members will receive ample notice of these meetings so that they can make plans to attend.

**Barbara Lindtner** responded to Karen Bedics comments about the vote to rescind the designation to have UBREMS as the township's first responder. Barbara felt very uncomfortable with the risks associated with having UBREMS as first responder for the entire township. She felt that the Board did not have the information required at the time the initial vote designating UBREMS as first responder took place. She said she felt personally responsible for township residents' health and safety and was very troubled about the action she had taken to remove the responsibility of assigning the closest responder from the County and place it on the township. She felt other Board members had the same concerns, as they also voted to rescind the UBREMS designation until further data was available from the County. Barbara said her understanding was that funding is UBREMS main need, not more territory to cover. She gathered helpful information at the PSATS Conference about such funding that she will share with the Board at another time.

Rob Zisko was not present at the meeting when this vote was taken, but he would have voted to rescind the UBREMS designation until further information is available if he had been present. UBREMS called Rich Schilling asking if they should be present at the April 8 meeting, because they talked with a St. Luke's representative who did plan to attend the meeting. UBREMS chose not to send a representative to the meeting, and when Rich emailed Adam from UBREMS about the decision to rescind the vote, Adam said he appreciated the logic that the Board used in making its determination.

### **Adjournment**

At 10:15 p.m., Rob Zisko **moved** to adjourn the meeting. Karen Bedics **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt

Secretary/Treasurer

Next meetings: May 13, 2009

Approved: May 13, 2009