

Board of Supervisors Meeting

MINUTES

April 29, 2008

Chuck Halderman, Vice Chairman, called the meeting to order at 7:40 p.m. and opened with the Pledge of Allegiance. An executive session was held prior to the meeting to discuss litigation matters.

Supervisors Present: Karen Bedics, Chuck Halderman, Barbara Lindtner and Rob Zisko (Rob left at 9:15 p.m.)

Absent: Jim Brownlow

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

Approval of Minutes

Rob Zisko **moved** to accept the minutes of the April 8, 2008, meeting as presented. Karen Bedics **seconded**; the motion **passed** unanimously.

Bills for Approval

Rob Zisko **moved** to approve bills listed on the April 9 – 29, 2008, bills list (\$35,160.22). Barbara Lindtner **seconded**; the motion **passed** unanimously.

Public Comments on Agenda Items - None

Public Hearing on Zoning Ordinance Amendment

Scott MacNair, co-solicitor, indicated this hearing was advertised on April 1 and April 8 in The Morning Call and was available for public review at the offices of The Morning Call, the Bucks County Law Library and at the Township Building. Both the Township Planning Commission and the Bucks County Planning Commission have reviewed the amendment, and have recommended adoption of the ordinance in its present format. The ordinance provides for new definitions relating to forestry—basal areas per acre, even and uneven age management, etc. It also clarifies that an ephemeral stream refers to natural (not man-made) streams and swales. It defines who can submit a forestry plan and modifies certain aspects related to submissions of forestry plans. It modifies certain operational aspects of forestry plans, including logging zones, stream crossings, stormwater calculations, etc. It requires that a Special Exception instead of a Variance is needed for crossing of a wetland. This change was made to correct some inconsistencies within the current Zoning Ordinance regarding this issue. The amendment prohibits structures other than livestock fences within a watercourse margin. It increases the size of a permitted sign within the VC (Village Commercial) District from 10 to 12 square feet. Finally, it requires a letter of adequacy prior to a permit being issued for earth disturbance that exceeds 1,000 square feet.

Hans Reimann asked if this was the entire new forestry ordinance. Bob Wynn said that everything relating to forestry is contained in this ordinance, although not all of it is new, and added that the changes in the forestry ordinance resulted from suggestions made by the State Forester. The current ordinance states that every tree to be cut must be identified on a survey plan, which is very onerous for a logging operation. Additional changes suggested by the State Forester were that trees should not be felled in a watercourse area and logging on steep slopes should not be permitted. Bob, Dave Taylor (Zoning Officer) and a logging official met at the township following a permitting question the official had. At that meeting, the logging official gave input regarding the forestry provisions. Hans expressed concern that this individual was permitted to give input to township officials at a non-public meeting. Bob clarified that it was a township staff meeting, not a meeting that included supervisors. Rich added that the State Attorney General's office advised the township that the logging portion of the ordinance was too restrictive and had to be changed. Bob added that the logging official was the one who provided a copy of the township's current logging provisions to the State Forester, which then prompted the meeting with that logging

official. The comments he made at the meeting were given to the Planning Commission where they were discussed in an advertised, public meeting.

Hans asked if there was a provision in the proposed amendment to protect “heritage” (very old) trees. Bob Wynn said that stand-alone trees are protected, but not old trees in a forest setting. Scott MacNair said this amendment protects percentages of trees, but not specific trees or species of trees. This suggestion was added to a list of possible future amendments to be reviewed by the Planning Commission.

Scott Mease still thinks that the definition of a “natural” ephemeral stream needs additional clarification. He plans to discuss this with the Planning Commission. Scott referenced several situations where man-made detention basins and/or swales were created to channel sheet flow into a detention basin. Subsequently, that man-made swale was determined to be an ephemeral stream by the township zoning officer. He gave additional examples of man-made water flow areas that have been called ephemeral streams by the zoning officer. Because of the wide stream margins that are protected in the new ordinance, although grass or farmland is present by these man-made discharge areas that are being deemed ephemeral streams, that 100’ area on either side cannot be mowed or maintained by the property owner because of the ephemeral stream classification. Although Scott Mease feels this amendment is taking a step in the right direction, he thinks it needs further clarification. Chuck Halderman agrees that this does need further review, because whether the builder creates the water channel or it is left to flow as it would without the man-made channel, the water will flow downhill and there will be some kind of a channel from that flow—either natural or man-made. Chuck thinks it may take a year to determine an ephemeral stream as being “natural.”

Hans Reimann said that many streams in the township run underground for considerable lengths and a heavy rain brings them to the surface. When swales are dug or heavy equipment disturbs the ground, in some cases, these underground streams are being revealed and Hans thinks this amendment may be trying to address those instances.

There being no further public comments, Scott opened the hearing for discussion by the supervisors. There being none, Barbara Lindtner **moved** that the Ordinance #149 amending the Zoning Ordinance pertaining to stream and woodland definitions be adopted. Karen Bedics **seconded**. Rob Zisko still thinks the forestry section is too restrictive. He also feels that the size of signs permitted in the Village Commercial area needs to be increased. Scott MacNair said that is also on the list for a possible amendment in the future. Chuck called for the question. The motion **passed** unanimously.

Planning Matters

Allem Subdivision – Bob Wynn referred to his July 11, 2002, review letter for this two-lot minor subdivision. This plan received conditional preliminary/final approval by the supervisors, but the five conditions contained in that letter have never been satisfied. An Operation & Maintenance Agreement prepared by the former township solicitor was forwarded to Mr. Allem but was never executed. Dwayne Gross and Scott Mease presented this plan. Mr. Gross said Mr. Allem died two months after the subdivision received approval, and Mrs. Allem did not proceed with completion of the subdivision process. Mr. Gross knows the five-year window to complete the subdivision has expired, but stated the only thing required to bring the subdivision into compliance with the new Zoning Ordinance is an alternate septic site. The other comments contained within the review letter are all “will comply” issues. Chuck stated that this subdivision falls within Village Commercial and the required lot size in that District is one acre. The proposed size of the second lot in this subdivision is only .8 acre. Bob Wynn will review the plan to determine if there are any other revisions required. The applicant replenished the escrow and will cover township costs to conduct this review.

Gross Tract Subdivision (Woodcock Lane and Winding Road) Presenting for the applicant Dan Soliday, who was present, were Ed Wild, Esquire; Evan Pelligrino, Urwiler & Walter; and Rick Swantek, soils specialist. The Planning Commission recommended conditional, preliminary approval for this four-lot subdivision and the waivers requested. Rob Zisko clarified that each set of two lots were sharing driveways. Approximately 4 acres of the tract is in a conservation easement. Each of the four lots (ranging in size from four to seven acres) have a designated building envelope and are restricted from further subdivision. Rob Zisko **moved** to give preliminary approval to Gross Subdivision and grant the requested waivers conditioned upon satisfactory completion of the items listed in Tim Fulmer’s 3/25/08 review letter. Karen Bedics **seconded**; the motion **passed** unanimously.

The Ridings Subdivision – A letter was received from Reshetar Realty dated April 4, 2008, with a request that they not be required to install the monitoring well required for this subdivision and instead make a cash contribution to the township of \$2,500. They also requested dedication of The Ridings. The engineer's review letter dated 4/17/08 listed a number of items that still need to be accomplished before the supervisors accept the developer's request for completion and dedication of the internal roadway to the township. Giulio Muller, Reshetar Realty, agreed that the subdivision was not complete and therefore, they were not seeking dedication. Rather, they wanted to discuss the monitoring well issue and because of the increased cost of installing that well from the time the original price had been set, they were willing to give a \$5,000 contribution to the township in lieu of installing the well. There was lengthy discussion about who would monitor the well and about the easement for the township to be able to either install the well later or monitor it if it is installed now. This plan has a note that the former Springtown Water Authority would monitor this well. The Supervisors did not task the current Water Authority with that responsibility. Ken Simmons, chairman of the current Springtown Water Authority, indicated that Scott Douglas monitored a number of community wells for the Cooks Creek Watershed. Bob Wynn said if this subdivision was considered under the current ordinance, a monitoring well would not be required because it is a 9-lot subdivision and a monitoring well is not required for subdivisions under 10 lots. Reshetar was agreeable to tabling this until the Planning Commission discussed it. Barbara Lindtner **moved** that this request be tabled until it was reviewed by the Planning Commission at their May 7 meeting, after which they will make a recommendation about whether a monitoring well should be installed. Karen Bedics **seconded** the motion. The applicant is willing to permit a change in wording to permit another entity to monitor the well.. Voting **yes:** Karen Bedics, Chuck Halderman and Barbara Lindtner. The motion **passed**. (Rob Zisko was not present for this vote.) Barbara Lindtner **moved** that dedication of this subdivision be denied until required improvements are completed. Karen Bedics **seconded;** the motion **passed** unanimously.

Yourtee Subdivision – Bob Wynn said the time from for completion of improvements for this subdivision expires on May 14, 2008, and the applicant has not yet responded to a list prepared by his office of items that need to be completed. Barbara Lindtner **moved** to deny acceptance of the maintenance period. Chuck Halderman **seconded;** the motion **passed** unanimously.

Spring Hill Subdivision – This applicant received an extension until May 1, 2008, to complete improvements on this subdivision. Although the remaining single item to be completed should be completed next week, Bob Wynn requested that the Board deny acceptance of the maintenance period. Chuck Halderman **moved** to deny acceptance of the maintenance period for Spring Hill Subdivision. Barbara Lindtner **seconded;** the motion **passed** unanimously.

Old Business

1. Agricultural Security Properties Update – Scott MacNair said he and Rich Schilling are currently reviewing what resolutions are on file in the township and which resolutions have been recorded at the Court House. A search at the Court House revealed that although not all properties were recorded, a substantial number have been. It appears all resolutions from 2001 forward were recorded. Recordation of properties prior to 2001 was sporadic. It has been difficult for Rich Schilling to compile a list of properties because copies of the Resolutions are not filed within each Tax Map Parcel file and the names of the properties involved in various resolutions were not appended to the resolutions. The Ag Security District appears to have been organized around 1986. Rich has completed research back to 1990 and will try to complete the job by the first June Board meeting. Rob Zisko said that Supervisor Webster Singer worked with land owners to obtain the 500 acres required to begin the Ag District. Scott MacNair will prepare a comprehensive list of all Ag Security Properties when Rich completes his work. He will identify which TMP's were included in a township resolution, which resolutions were recorded at the Court House and which TMP's still need to be recorded at the Court House. Barbara Lindtner asked if Supervisors could have a working list of the properties in the district as soon as possible. Karen asked if an umbrella resolution could be prepared after all research is completed to ensure that all properties are correctly entered into the Ag Security District and recorded at the Court House. Scott said that could occur as part of the 7-year review technically required for properties in the Ag Security District.

New Business

1. Springtown Water Authority – Ken Simmons, Chairman, presented a comprehensive report for the first quarter of 2008. The tank has not been installed yet; the permitting process has been slow. Seven leaks in the

system have been located and repaired. All 215 of the 35-year old water meters have been replaced with radio-read meters which have reduced the job of reading meters from a 12-hour job to a 10 minute job. The meters also permit monitoring the system on a minute-to-minute basis, thus enabling the Water Authority to detect leaks. This lowers the homeowners' costs and prevents the Authority from treating water that is not actually being used.

Aimee Douglas reviewed the financial report. \$121,000+ of an original \$320,000 grant was spent. The grant period was extended to July 2008 and another extension will be requested. An application for another \$500,000 State Grant was filed, but it is unlikely this will materialize. They have also applied to the financial arm of the PRWA for a 20 – 30 year loan. Effective April 1, 2008, the water rates were increased. The increase was designed so as not to hurt the low-income users. The residential and commercial users will pay on a different basis. The residential users will pay \$50 quarterly and \$3.00 for every 1,000 gallons used. Commercial users will pay \$65 quarterly and \$4.00 per 1,000 gallons used. Low-end users will see increases of about \$4.00 per month or \$12.00 a quarter. Residents will receive bills reflecting the increase by the middle of July. This increased cash flow should cover the costs to borrow approximately \$400,000 over a 30-year period.

Dennis Steskal said that installation of the tank was delayed because of the need for a storm water management plan. He thanked Bob Wynn for his help in this process. After township and Bucks County Conservancy permits are obtained, the bid process will take place and hopefully, the tank can be completed by August 2008. He added that the two springs are producing enough water without having to use the well.

2. Selection of an Environmental Company for Review of the PPL PUC Application – Two applications were discussed in executive session—F. X. Browne, Inc. and Princeton Hydro. Barbara Lindtner moved that the Township hire Princeton Hydro at the base rate set forth in their proposal of \$8,160, to include two meetings and a substantial review process. Their quote was approximately \$14,000 under the other bid. Karen Bedics **seconded**; the motion passed unanimously.

3. Community Service for Township Projects – Karen Bedics would like to have juvenile offenders, etc., perform community service such as litter cleaning on township roads. She asked if the Township could have volunteers sign a release form to exempt the township from liability in case of injury to the workers. Scott MacNair felt that if the work is done through the Juvenile Probation or Adult Probation Departments of Bucks County, workers may be covered under their insurance plans. If not, the Township should require that they sign a release form. Scott will supply the phone numbers for Karen to contact these agencies. Karen volunteered to oversee these projects on a weekend possibly every other month. Karen will set up a scope of how the plan would work and bring it back to the Board for further discussion.

4. Allison Road Cul-de-sac Discussion on Plantings – Ray Bender and Scott Voth, residents of the Penn Meadows Subdivision attended the meeting. They are concerned that trucks using the cul-de-sac cannot make the turn and therefore, the grass and tree(s) in the center are being damaged. Bob Wynn submitted a number of photographs of the Penn Meadows Cul-de-sac and other cul-de-sacs for the Supervisors to review. Bob stated that current cul-de-sac designs differ from the one used in Penn Meadows, and the newer, tear-drop designs handle traffic better. There was some discussion about the Township taking control of the open space when a Parks and Recreation Committee is in place. Currently, the Homeowner's Association covers the cost for mowing the open space.

Bob said there are several options for correcting the cul-de-sac problem:

- 1) Install bollards, which Bob does not recommend;
- 2) Install turf reinforcers, which will not fix the problem but will reduce the damage;
- 3) Install curbing, which Bob does not recommend because trucks will run over the curbing, and finally,
- 4) remove all the landscaping and install asphalt, which is what Mr. Bender and Mr. Voth would prefer.

The Board suggested Mr. Bender and Mr. Voth obtain approval from the other members of the Homeowner's Association on what they would prefer. The township will require a copy of the minutes with the voting results. Rich Schilling will determine the cost to remove the grassy area and install asphalt. Rich stated that the Road Department can move the trees currently located inside the cul-de-sac.

Mr. Bender also commented on the resident in Lot 1 who removed between 30 and 40 street trees in the township's right-of-way. He spoke with her and she said she was going to replace the trees last fall. This has not taken place. She claimed that all of the trees were dead. Mr. Bender agreed that some of the trees were dead, but not all of them.

She claimed that she contacted the former township manager who gave her permission to remove the trees to save the township the cost of doing it. The developer also told Mr. Bender that he would replace the trees. Bob Wynn said that Terry Clemons reviewed the Developer's Agreement in place and it states that the developer must replace "defective" trees. The developer said the trees were stolen; not defective, and therefore, will not replace them.

Scott MacNair said the homeowner can be prosecuted by the Springfield Township Police Department if someone from the development is willing to testify. An investigation will be required, to include interviews with all involved people involved, including the former township manager. Mr. Bender suggested that soil testing should be done in that area, as all those trees "died" while trees in other parts of the development are healthy. Barbara Lindtner **moved** that the township manager file a theft report with the Police Department regarding the 30 – 40 trees removed from the Township's easement area in Penn Meadows Subdivision. Karen Bedics **seconded**; the motion **passed** unanimously.

5. Township Property on Peppermint Road – Removal of Hay – Two interested farmers approached Barbara Lindtner about leasing and farming the 30-acre Kurteson Property owned by the township. Subsequently, a third farmer has expressed interest. Now, Paul Longacre cuts the property and does not charge the township. Barbara feels we should send out a Request for Bid to the three interested farmers. Bob said an Erosion and Sedimentation Plan will be required. Barbara suggested that the lease be for a 5-year period, as the farmer will need to improve the property which will take several years before their investment is profitable. Karen and Chuck questioned tying up this property for five years when we are trying to establish a Parks and Recreation Committee to utilize the property. Barbara feels that the township could earn money while the property is not being utilized. The various concerns expressed by the Board would be included in the Bid Request. Barbara Lindtner **moved** that she and Rich Schilling work together on a Request for Quotes for farmers to lease the Kurteson property for hay, based upon the discussion at this meeting. They will circulate the RFQ and have further discussion on it at a May meeting. Karen Bedics **seconded**; the motion **passed** unanimously.

6. PSATS Resolutions – The Board did not have any input for Barbara Lindtner as to how to vote on the 2008 proposed PSATS resolutions. She is free to vote as she sees fit.

7. High Meadows Subdivision – Bob Wynn needs direction on two items relative to High Meadows Subdivision. On Lot 3 there is a storm water basin owned and maintained by the property owner. The developer was required to put certain trees in that area of the property. The property owner did not like where the plantings were located and moved some, some others died and the owner added new plantings. Now, there are more than are required by the actual plan. There was originally a difference of opinion between the husband and wife about the trees. The developer since received a letter dated April 24, 2008, signed by both the husband and wife. It states, "We release and express our satisfaction with the property as purchased; no additional plantings are required by us, and we commend the developer on execution of the agreement entered into." Bob feels the issue is satisfactorily resolved—there are more trees than the plan required, and even though they are not the same species, they are in the back yard of the home. He wants to leave it go as it is and the Board agreed to accept Bob's recommendation.

All but one of the lots are developed. Part of the escrow was for an infiltration system on that undeveloped lot. There is no current building permit. The developer has agreed to leave \$7,000 in a cash escrow with the township as a condition of acceptance for release of the balance of the escrow. Bob Wynn recommends that we accept the developer's offer and authorize him to write a letter to the developer to that effect. At a future time when that lot is sold and the infiltration system is installed, the Board could release that escrow to the developer.

Correspondence

Chuck Halderman noted that the supervisors received copies of the correspondence listed on the agenda.

Public Comment

Dennis Steskal said that for the past four or five years, he has cut the 8-foot perimeter of grass that surrounds the Kurteson tract so that people could walk or ride on it. The Board thanked Dennis for this service.

Bruce Whitesell, Chairman of SbULU, provided a copy of the handout given to voters at the Primary Election. They obtained 788 signatures on their petition from the 1,200+ (67%) residents who came out to vote. Bruce asked

Scott MacNair if there is any reason the supervisors could not sign the petition as individual residents of the township. Bruce asked for a legal interpretation of whether it would prejudice the township's case if a supervisor signed the petition. Scott said that a supervisor could legally sign the petition; however, it is the prerogative of each supervisor to make a personal decision as to whether or not they wished to sign.

Hans Reimann suggested that if the opportunity presents itself, the township should consider buying the Allem Subdivision in Springtown for use as a recreational area in Springtown.

Supervisors Comments

Karen Bedics questioned Bob Wynn about the cost of core drillings on Pleasant View Road. Bob said it would be costly and he feels there is very little chance that truck traffic could be prohibited even if core drillings are done. Bob said to put a weight restriction on a roadway, it must be proven to have "inadequate structural capacity," and he knows that Pleasant View will not have that problem. Bob said the road is in good condition, but does have a few minor cracks which should be sealed this year. Bob did not discuss the need for crack sealing on Pleasant View Road with Rich Pursell. He did not realize that it was needed work until he did the review for possible weight restrictions. Rich Schilling will discuss including crack sealing on Pleasant View Road with Rich Pursell, Roadmaster.

At the request of the EAC, Karen asked Rich to tell Rich Pursell not to clean any ditches in the township where water is flowing in the ditch, as they may be ephemeral or perennial streams. Rich asked that the EAC begin providing agendas and minutes to the township. Rich Schilling asked what happens when refuse in those ditches clogs the ditches to the point where the water runs onto the roadways. Bob Wynn said there are two issues in this discussion: not disturbing ephemeral or perennial streams and public safety when water overflows these ditches.

Karen wants to discuss tire recycling at the next meeting. Cindy McCurdy has information about someone who will come and take old tires for a fee, and asked that this be placed on the next Board agenda. The EAC would like the township to check into township-wide cardboard recycling. Karen thought that the Bethlehem Recycling Center had suggested that a cardboard compressor and recycling container could be obtained at no cost to the township. Karen will ask the EAC to check this out and submit a proposal to the township.

Karen suggested that instead of making multiple copies of some of the correspondence, it would be better to make one copy with a post-it on it for supervisors to note if they wanted a paper copy. Rich suggested instead sending a PDF copy to the Board, and Karen felt that would also be satisfactory.

Barbara Lindtner thinks a formal "thank you" letter should go to PennDOT, the JDF Company, the politicians and the Historic Commission for their efforts in restoring the bridge on Old Bethlehem Road. Chuck Halderman **moved** that a thank you letter be sent to those mentioned. Karen Bedics **seconded**; the motion **passed** unanimously. The Board thanked Rich Schilling for his efforts in the process as well.

Chuck Halderman thanked everyone for a good meeting.

Adjournment

At 10:45 p.m., Karen Bedics **moved** to adjourn the meeting. Karen Bedics **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt
Secretary/Treasurer

Next meeting: May 13, 2008
Approved: June 10, 2008