

**Board of Supervisors**

**MINUTES**

May 26, 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 8:37 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.

**Approval of Minutes**

Volker Oakey **moved** to adopt the minutes of the May 13, 2009, meeting as presented. Karen Bedics **seconded**. Voting **Yes:** Karen Bedics, Volker Oakey, and Rob Zisko. **Abstaining:** Jim Brownlow. The motion **carried**.

**Bills for Approval**

Rob Zisko **moved** to approve the following bills paid from May 14 – May 26, 2009.

- |                          |             |                              |             |
|--------------------------|-------------|------------------------------|-------------|
| 1. General Fund:         | \$29,943.87 | 4. Open Space Fund:          | \$ 1,702.50 |
| 2. Subdivision & Escrow: | \$ 3,361.76 | 5. Springtown Farmers Market | \$ 1,291.18 |
| 3. Liquid Fuels:         | \$ 1,888.72 |                              |             |

Volker Oakey **seconded**; the motion **passed** unanimously.

**Public Comments on Agenda Items**

Pertaining to Planning Matters on the agenda, **Steve Doncevic** asked that the Board provide the public with information advising where properties are located, what Zoning District they are in, total acreage, and how many lots are involved. The Board will provide this information in the future.

**Planning Matters**

**1. Cross Creek Subdivision – Extension** – Because of a flight delay, the applicant was unable to attend this meeting. He requested the Board to table discussion on converting this deed restricted 4-lot subdivision to a 2-lot subdivision (located on Drifting Drive) until June 23, 2009. Rob Zisko **moved** to grant an additional one-month extension until June 30, 2009. Karen Bedics **seconded**; the motion **passed** unanimously.

**2. Allem-Gross Subdivision** – Scott Mease, Mease Engineering, presented for the applicant Dwayne Gross, who was not present. This 2¼-acre subdivision is located in the Village Commercial district on the north side of Routes 212 & 412 in Springtown (across from Springtown Inn). The plan will divide the property into two tax parcels. Existing improvements are all located on Lot 1; Lot 2 is proposed as a single-family detached building lot. The Planning Commission recommended conditional final approval for this plan. Rob Zisko **moved** to grant final approval for the Allem-Gross Subdivision, conditioned upon satisfactory completion of the items contained in the April 13, 2009, engineering review letter and the sealing of the carbonate geology report as noted within the April 16, 2009, SAIC correspondence. Volker Oakey **seconded**; the motion **passed** unanimously.

**3. Brinley Court Subdivision** – This high-density townhouse subdivision located northwest of Hilltop Road proposes all dwelling units in Upper Saucon Township and an open space area within Springfield Township. The plan was submitted in August 2007 and one engineering review was completed dated September 5, 2007. It has not received a Planning Commission review and other than exceptions being granted every few months, there has been no further action on this development. TH Property, the original developer/applicant, recently turned the property back to the owners who filed a new subdivision application to continue the development. Upper Saucon Township denied the preliminary plan. Upper Saucon Township held a conditional use hearing this month, but Bob Wynn was not aware of the outcome. The Planning Commission is recommending that this plan be denied for lack of due diligence. Karen Bedics **moved** to deny this plan based upon the engineering review letter dated September 5, 2009,

for failure of the applicant to provide a BCPC review (required by the SALDO), and the fact that there has been no activity since the initial submission other than extensions being granted. Rob Zisko **seconded**. The motion **passed** unanimously.

**4. Dushant Sharma Land Development** – This plan relates to reconstruction of the service station located in the Village Commercial district in Pleasant Valley. The Planning Commission recommended denial of this Land Development plan unless the applicant grants an extension before June 16, 2009. Rob Zisko **moved** to recommend denial of this plan unless an extension is received prior to June 16, 2009. Volker Oakey **seconded**; the motion **passed** unanimously.

### Old Business

**1. Policy for Waiving Permit Fees** – Rob Zisko feels permit fees should be waived for rebuilding as a result of a fire. Volker Oakey and Karen Bedics suggested a broader scope, possibly including other natural disasters, such as floods, hurricanes, and tornados. Jim Brownlow commented that he is concerned with establishing a policy to waive permit fees in these situations, particularly for natural disasters where homeowners may have insurance to cover the permit fees required for reconstruction. He feels that if homeowners do not have adequate insurance, it is because they chose not to have enough insurance. Jim would not be opposed to a policy if it stated the township would “consider” waiving fees in the event of a natural disaster, but he is not in favor of putting any “policy” in place guaranteeing that permit fees will be waived. He prefers handling situations on a case-by-case basis. Rich Schilling noted that prior to having an outside inspection agency, a township employee doing building inspections could work the inspections into his schedule at no financial cost to the Township. However, the recent move to an outside inspection agency would put the township in the position of not only waiving fees, but also of assuming the debt associated with all the inspections during the rebuilding process. Rich thinks insurance coverage should be used to cover permit costs if it is available. After discussion, it was the consensus of the Board to continue handling decisions to waive permit fees for disasters on a case-by-case basis and not to establish any policy.

**2. Draft Storm Water Ordinance Review** – The Planning Commission asked the Board to table further review of the draft until they have an opportunity to review the modifications Bob Wynn is suggesting. They are concerned that these recommendations could actually make the SWO more restrictive. Bob Wynn will meet with the Planning Commission shortly and can answer their questions. Jim Brownlow responded to the email from the Planning Commission stating that the Board will review other aspects of the SWO. Bob Wynn revised Article 1 after prior discussions with the Board; he provided that revision to the Board. He also provided three examples of how the suggested changes will affect the cost for completing stormwater facilities. Bob Wynn also provided the following handouts:

- #2 Handout – Proposed SWO Act 167 Neshaminy/Little Neshaminy Creek Watershed
- #3 Handout – Draft SMO for MS4 Communities – State Level (March 3, 2009)
- #4 Handout – 2003 Adopted Model SWO for Tohickon Creek
- #5 Handout – 1999 Delaware River (North) Watershed SWO Plan

Jim Brownlow asked what other sections of the draft were important for the Board to review. Bob said that Article 7 was important to review. If Springfield does not receive another waiver exempting it from MS4 requirements, as an MS4 municipality, the township will be required to have a database and monitor all privately owned storm water facilities forever. In addition to having a map showing every inlet and piping system throughout the community and having to document the condition of those outfalls throughout the community, each one must be inspected every other year. Township inspections vary from 16 to 1,100, with most townships falling into the range between 150 and 160 inspections. MS4 townships are also responsible to document that privately owned facilities are being properly maintained. DEP requires a database of where each privately owned facility is located, what type it is, who owns it, and they are to be inspected “routinely” by the township, although “routinely” has not yet been defined. Jim Brownlow asked what Springfield Township can do to prevent being classified as an MS4 community. Bob Wynn said that if any one census “block” has over 800 residents, which Zion Hill now has, they must apply for a waiver from MS4 status. Although the township was granted the waiver last time, it is possible it will not be granted again.

Jim Brownlow noted that conversely, it is very important for the township to ensure that the approved stormwater facilities are properly maintained and are functioning as they should. Bob Wynn said monitoring the systems will be much easier once the township has a GIS system in place. Bob said an engineer is not required to do inspect stormwater facilities. If the township has the proper staffing, they can inspect the stormwater management facilities.

Bob Wynn suggested that the Board review the Maintenance Agreement in Article 7. The DEP Model Agreement was revised slightly by Clemons, Richter, Walsh & Reiss. There was discussion about whether the Agreement could be in a stand-alone format so an amendment of the SWO would not be required when changes to the Agreement are required.

Bob summarized the important areas the Board should focus upon as follows:

1. What is regulated.
2. What is exempt.
3. Requirements for future maintenance and how these requirements will be applied.

Further discussion by the Board on the draft Stormwater Management Ordinance will continue at the June 10 meeting at the church annex in Zion Hill.

(Bob Wynn was excused at 8:40 p.m.)

### **New Business**

**1. 2009 PSATS Conference – Barbara Lindtner** – Barbara said that as a result of their attending the 2008 PSATS Conference, she and her husband became aware of and ultimately procured a \$10,000 grant for upgrading the riparian buffer and corridor of Cooks Creek off of Freeh Lane.

Most of the discussion at the 2009 conference was on state and local budgets and ways in which municipalities can obtain grant funding or additional revenue sources to supplement their revenue to compensate for decreased tax revenues. Barbara met with the head of the PSATS Pension Committee and learned there will be no funding for municipalities from the state budget. They are recommending lengthening the amortization schedule (currently 15 years) to a 30-year amortization schedule. Subsequently, she met with the township pension committee and the township's actuary. Because of that discussion, Tom Redmond did some revisions which will be presented to the full Board at a future meeting.

There was discussion about potential revenue for maintenance on township roads used to travel to the Bethlehem casino, particularly Old Bethlehem Pike and Route 412. Rich Schilling noted that both those roads are state roads, not township roads. Karen Bedics **moved** to authorize Barbara Lindtner and Volker Oakey to contact legislators to determine if there is any funding available. Rob Zisko **seconded**; the motion **passed** unanimously.

Barbara met with Bucks County Association of Township Officials (BCATO) and UBREMS Board members. About two years ago, a dedicated funding source of ½ mil for EMS and up to 3 mils for fire departments was approved and is permitted under the Second Class Township Code, Article 32. Currently, approximately \$150,000 is coming from the general fund budget for EMS and Fire Company donations. Institution of this dedicated tax could cover those donations and permit the general fund to be utilized for other township expenses. Jim Brownlow reminded the Board noted that he had proposed implementation of this permitted tax during the 2009 budget process. Tincum Township adopted an ordinance authorizing ½ mil for emergency services about two years ago, and it is working very well for their fire and EMS services. Because this is a tax increase (even though it is for a specific purpose), Karen suggested the township might consider making this a ballot referendum to give the taxpayers input. Karen heard that normally such a ballot referendum does pass, as people realize that it is important to fund local emergency services.

Rich Schilling was asked to analyze what size tax increase would be required to maintain current funding to the EMS and fire companies. Volker Oakey requested that Rich obtain copies of budgets from the various agencies we support for the July 14 meeting. A determination will be made at that meeting as to whether this should be a referendum.

Barbara deferred discussion about additional Ag Security funding to Volker Oakey, who attended a recent meeting with Senator Rob Wonderling and Doug Wolfgang from the Department of Agriculture. He learned that if the township enhanced the County's funds, the State's contribution to the County would increase, thus creating more County funds to be used for open space. However, the rules are currently written in such a way that even if the Township provides extra funding to the County, the County does not have to return that money to the Township. Today, Jeff Lindtner (Open Space Committee) and Volker met with Richard Harvey, Doylestown. Rich was not aware of this program, but will meet with Doug Wolfgang to determine what, if anything, the township can do to ensure that funds the Township gives to the County would in turn be used to finance Township open space projects.

Karen Bedics pointed out that escalating fuel costs will make hauling foods from great distances cost-prohibitive. Thus, maintaining local agricultural areas will become increasingly important. Because Springfield Township has the largest amount of “green” space in Bucks County, it will be even more important to preserve the township’s agricultural properties.

**2. Resolution for dotGrants enrollment (Liquid Fuels e-filing)** – This resolution is required by PennDOT to permit the township to utilize e-filing for required reports to obtain Liquid Fuels funding. Barbara Lindtner **moved** to adopt Resolution 2009-011 authorizing electronic access to PennDOT systems to file the required Liquid Fuels forms annually; including but not limited to the MS-965, MS-329 and MS-999 forms. Volker Oakey **seconded**; the motion **passed** unanimously.

### Public Comments

**Joyce Garis** introduced herself and the following residents of Indian Way who were in attendance:

- **Joyce & Harry Garis, 5680 Indian Way, Riegelsville** (lived at this address since 1974)
- **Charles, Dawn & Holly Canally, 5695 Indian Way, Riegelsville**
- **Robert Litschauer, 5694 Indian Way, Riegelsville**

They requested help for an ongoing problem accessing their properties. Joyce stated they feel like “hostages” on top of Buckwampum Mountain. The access road to their properties crosses the property of a landowner halfway down the mountain on a legal right-of-way. This landowner has made it unbearable for all the residents to get from Buckwampum Road to their homes at the top of the mountain. The landowner purchased her property knowing that the right-of-way divided her property. Since the time she purchased the property, she has permitted her Rottweiler dog to run free, often preventing residents from walking down the road for fear the dog will chase them. She also has a donkey that is often permitted to run loose. She has created potholes and dangerous speed bumps on the access road on her property that are too high for their cars to go over, thus making travel up and down the access road very hazardous or nearly impossible at times. The residents have contacted animal control and township police, but have had little or no resolution. Rich Schilling met last fall with Mr. Garis about this matter. Dave Taylor was working on some enforcement actions to try to resolve some of the issues. The police were also involved and spoke with the landowner on numerous occasions. Because Rich did not hear back from any residents from January when he became full-time Zoning Officer, he was not aware there was still a problem. Scott MacNair said that even though this is a private road, the police or Zoning Officer can help if any laws or local ordinances are being broken. With regard to the condition of the private road, Scott said that the residents would need to pursue a civil action against the landowner. The residents could contact Judge Kay Dubree at this areas’s local district court to obtain a private criminal complaint. Scott suggested they might want to contract with an attorney for help in properly completing this form. Ultimately, the District Attorney’s office would have authority to approve a private criminal complaint. If it is approved, the residents working with the District Attorney’s office, could pursue this through the district court and then to Doylestown where the homeowner could be prosecuted for violation of the dog law or perhaps some other animal-related laws. The best way to get action on this is to get an injunction action at the Court of Common Pleas in Doylestown, so that police can enforce the injunction, thus enabling residents to access their properties.

Joyce Garis said there is a right-of-way agreement with the County, for the tower at the top of the mountain which the county owns. Joyce said that the Rottweiler dog bit a State Trooper on one occasion, as well as attacking and killing some chickens belonging to one of the residents. Scott said it is important to bring the dog issue to the court level every time something occurs. Although the fine for the first offense is minor; second and third offenses can incur astronomical fines. Scott feels certain there is documentation of when the dog bit a State Trooper which can be used in court.

Rich Schilling suggested that the Board authorize Scott MacNair to contact the County to see if they can get involved. Rich will also check with Chief Laudenslager to determine the status of any police action.

Following a lengthy discussion, Jim summarized the three avenues by which this problem could be resolved:

1. Civil action – Residents get legal representation and take the property owner to court to get an injunction to prevent her from interfering with the residents use of their legal right-of-way

2. Township Solicitor contact the County, since they have property at the other end of the private road, advising them of what is occurring to see if they can be of assistance. There has been an agreement with the county since 1982 when they put the tower up.
3. Make complaints about every infraction to the Police Department so there is an official log recording each event.

The residents provided Scott MacNair with a copy of the 1982 agreement with Bucks County as well a copy of a *Right-of-Way and Utility Easement* prepared by the previous landowner who sold the property to the new landowner. This second agreement was drawn up to permit the previous owner to access several properties they still owned further up the mountain. That agreement states that “there are to be no barriers, fences, curves or other obstructions to the free and unhampered use of said easements and right-of-ways, nor shall there be any automobiles, etc., etc., in this right-of-way.” The property owners presented copies of both of these agreements to the offending homeowner to ensure that she actually had a copy of each document. Scott MacNair advised the residents to begin immediately contacting the police each time there was an incident and to begin court action immediately in the hope that this may perhaps discourage her from further illegal activity. Rich Schilling provided his business card to each resident to contact him if they have any problem that they feel has not been properly handled.

### **Supervisors Comments**

Rich Schilling advised residents and the Board that the next meeting (Wednesday, June 10) will be held at the Church Annex in Zion Hill. The October 13, 2009, meeting will also be held in Zion Hill.

### **Adjournment**

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

Respectfully submitted,

Sandra L. Everitt

Secretary/Treasurer

Next meetings: June 10, 2009

Approved: June 10, 2009