

**Springfield Township Bucks County**  
**Board of Supervisors Meeting**  
**June 13, 2006**

**Meeting called to order at 7:35 p.m. with the Pledge of Allegiance by Chairman Jim Brownlow. Members present: Vice Chairman Chuck Halderman, Rod Wieder, Rob Zisko, and Karen Bedics. Professional staff present: Township Manager Rich Schilling, Police Chief Scott Huber, Solicitor Terry Clemons, and Assistant Secretary Linda Bartholomew**

**Minutes May 9 Meeting**

Karen Bedics requested the following corrections:

Page 9 section 4, change *certainly* volunteer from *certain*.

Page 12, last paragraph states twice that Bedics *appreciates* . . . delete second *appreciate*

Page 13 top No testing done in that area.

Page 17 bottom The Company's name is *Handex*.

Brownlow motions to approve. Halderman seconds the motion. Board votes unanimously to accept the corrected minutes of the May 9, 2006 meeting.

**Minutes May 23**

Karen Bedics requested the following corrections:

Bills for Approval, first paragraph, change *emproaching* to *encroaching*

Pg 2 halfway down, change Schilling's statement to: Arms *around* the way we do things

Pg 1 last line change Bedics' statement to: . . . *half* of the bill out of goodwill

Halderman motions to accept the May 23, 2006 minutes as corrected. Wieder seconds the motion. Board votes unanimously to accept the corrected minutes of May 23, 2006 meeting.

**Bills for Approval**

May 24-June 9, 2006

Zisko questions the \$675 Dancy invoice. Schilling states it is for a police investigation.

Bedics motions to pay bills. Zisko seconds the motion. Board votes unanimously to pay bills.

**Road Dept report posted**

**Code Enforcement report posted.**

Schilling: Mease has prepared for board's review the zoning hearing cases for the ones that are settled. Typically, it is a good idea for the board to look at these and if they wish to take a position, the board should talk to solicitor to challenge it.

**Police Report**

Report attached and posted on the Police Department website.

Chief Huber adds that during the May 9, 2006 Board of Supervisors Meeting, Bedics asked some questions to which he will reply: Chuck's speed trailer data. Would the data be used in traffic studies? The Chief spoke with PennDot engineers, who said yes, it could be used in determining justification stops/intersection, but not speed limits. Other factors taken into consideration where they would have to come out and set up different

testing and different site distances. Chief Huber agrees speed trailers are a good idea, but higher priorities are in place for money spent up to \$20,000. Also, there is a high risk of vandalism coupled with the inability to use data other than for personal information. Huber stated that Former Chief Bell mentioned at the May 9 meeting, the traffic count tubes that go across roads that also monitor speeds. Basically these machines can collect the same data and they are significantly less in price. Cost is \$1,000 to \$1,500.

Chief Huber refers to Bedics' other request for suggestions to alleviate administrative tasks in order to complete criminal investigations. Chief Huber says taking him off the schedule would help, but is not an option at this point because patrol force has decreased from four officers to two. There has been a 21 percent call increase from 2005, not only service calls, but 29 percent increase in criminal offenses, 61 percent in violent criminal offenses. These are the most labor-intensive investigations. Obstacles faced show the need for future manpower issues. Lastly, two officers attended the National Highway Traffic Administration School for child seat safety. Both are certified child seat safety technicians. Inspections can last 30 minutes. Residents are asked to call the station and make an appointment. Plans for a child seat safety checkpoint date are underway for later in the summer/early fall.

Brownlow noted the significant increase in number of service calls for the Police Department.

### **Township Manager Report**

#### **Meetings that the Township Manager participated in for the month of May:**

May 8 - SECTV Cable Negotiation meeting

May 9 - Prepared for and attended Board of Supervisors Meeting

May 10 – Attended the Ad Hoc Water Committee meeting

May 11 – Attended meeting with Chief Huber & Benefit Broker in reference to medical benefits.

May 18 – Attended meeting with Solicitor Clemons & Engineer Wynn to discuss outstanding Township issues

May 22 – Site visits for open space properties with Dr Rhodes, Ted Evans & Rob Zisko

May 23 - Prepared for and attended Board of Supervisors Meeting

May 30 - Opened Road Bids and forwarded results to Township Engineer

May 30 – Attended meeting of the Northern Bucks County Cable Consortium at Palisades High School

June 1 - Met with Roadmaster and resident on drainage problems

June 7 – Attended the Planning Commission Meeting

June 8 - Attended the Ad Hoc Water Committee meeting

#### **Miscellaneous Activity of the Township Manager:**

- Revised Emergency Management Plan updated and sent it to Rice for review and approval. Will forward to Bucks County Emergency Management after EMA approval.
- Currently reviewing police contract in preparation for upcoming negotiations.

- Soliciting health insurance quotes to provide quality care and save money.
- Reviewing existing cable franchise agreements with other Townships. The next cable consortium meeting is on July 13 at Riegelsville.
- Certificates of Appreciation were created for the Cook's Creek Roadside Cleanup volunteers and given to board members for signatures. Also a certificate was prepared for Bill and Ann Dunlap for their contribution to the Upper Bucks EMS.
- Input is needed from the board on formalizing a recreation plan, which would require a recreation study. This study is needed before implementing a recreation fee to future subdivisions or land developments.
- Made contact with Denise Sandy, Chairperson of the Historic Commission PA Byways Program: To be named a Pennsylvania Byway, the route would have to qualify under historic, scenic or recreational criteria. If chosen, Springfield Township would be entitled to pursue grants for improvements along the scenic byway at 80% PennDot and 20% township share. The following areas are of interest:
  1. 212 W to the junction of Rt 611 going east.
  2. Knecht's Bridge
  3. Villages of Springtown & Pleasant Valley
  4. Biking route connecting Quakertown's trail system to Delaware canal.

Schilling: If the board would authorize the application process, it can be submitted for consideration. Eventually a resolution would need to be passed.

Brownlow: What is the supervisor's feedback on recreation plan? The impact fees for developers can be one to five thousand dollars per home.

Schilling: I would like to get the ball in motion in looking at the plan and solicit a quote from planners.

Consensus of the Board is to move forward in soliciting quote.

Brownlow: What is the board's pleasure on the Pennsylvania Byway Program?

Zisko motions to authorize Schilling to proceed with application process. Bedics seconds the motion. The board votes unanimously to approve.

### **Public Comment on Agenda Items**

Bob Bell asked why bills list is not posted. Chief Huber states it is posted on the bulletin board is under the budget. Schilling states the bills list will be in plain view next time.

### **Planning Matters**

**Perfecta Awnings, Inc. Subdivision** – The board received a letter (June 5, 2006) from Wynn that they have fulfilled their commitment and Springfield Township can reduce financial security to 15 percent, which would be retained for an 18-month maintenance period. Wieder motions to release the financial security minus the 15 percent, which will be retained for 18 months. Zisko seconds the motion. Halderman mentions to reference

the June 5, 2006 letter from Wynn Associates. Wieder amends motion to include letter. Board unanimously votes to approve conditioned on the June 5, 2006 letter from Wynn Associates.

**Twomey Lot Line Adjustment Subdivision** – Planning Commission recommended approval of the proposed lot line adjustment located on Route 212 with the Agricultural Zoning District subject to the completion of items as contained within the May 9, 2006 engineering review of Wynn Associates. Halderman motions approve the lot line adjustment pending completion of items in the May 9, 2006 letter from Wynn Associates and grant approval of waivers as stated in the May 9, 2006 letter from Wynn Associates. Zisko seconds the motion. Board votes unanimously to approve.

**Reese Subdivision** – Planning Commission recommended final approval subject to completion of items as contained within the May 30, 2006 engineering review letter from Wynn Associates. Wieder motions to approve subject to the May 30, 2006 letter from Wynn Associates. Zisko seconds the motion. Solicitor asks if the development/financial security agreement would be reflected in a form approved by solicitor. Re: #3 of the Wynn May 30, 2006 letter. There are different forms of financial security: one is a bond; the other is a three-party escrow where the bank needs to put up the money to secure improvements. That is better than bond. Thirdly, a letter of credit, if township gets nervous that improvements have not been completed. This is the strongest. Solicitor Clemons recommends financial security in a form approved by solicitor. Wieder motions to accept the solicitor's recommendations. Halderman asks for list of waivers. Solicitor says there is a list in the February 23, letter from the engineer. Halderman states that a letter should have been received if size is being reduced. Clemons: Note this is actually a drafting issue. Waivers have already been approved. Wieder motions to accept plan subject to the May 30, 2006 Wynn Associates letter and to allow the Solicitor to approve the financial security agreement. Zisko seconds the motion. Board votes unanimously.

**Estates at State Road** – The three-lot subdivision located on State Rd was recommended for preliminary approval subject to completion of items a contained within the May 18, 2006 engineering review with the following modifications from Engineer Wynn: One recommendation: access to arterial street. This involves number of driveways. Applicant has revised the plan to include a shared driveway for two of the lots. Secondly, several waivers about street improvements. All are being recommended for waiver subject to installation of shoulder along the road. Zisko asks what is the dollar amount on that? Brownlow says no dollar amount. Schilling states they are talking contribution to road improvements. It could be 100 percent of estimated cost; it could be 50 percent. We are looking at that now. This waiver is conditioned on appropriate contribution to the Township by the applicant for the waiver of required street improvements. Evan Pellegrino applicants engineer states his direction is they are willing to pay a fee in lieu of street permits listed here. They are willing to work to obtain a number that the board is happy with. Halderman: What is the linear foot of curbing? Pellegrino: 604 feet along State Road. Halderman states he is saying if we are not enforcing these requirements, we should remove them from the ordinance or put them in the future versions. Pellegrino states fee that is set, for every lot you come into and develop, and in this case, \$10,000.

Another way is cost estimate. Then we come up with a number. I cannot tell you what applicant is going to give because I am not writing the check. Solicitor: If you are going to approve the plan then grant waivers conditioned upon an agreement between supervisors and applicant for an appropriate contribution. Zisko motions to grant preliminary approval granting waivers conditioned on an appropriate contribution that will be agreeable to the supervisors. Wieder seconds motion. Halderman: I'm looking at the watershed requirement...I don't think that's a waiver. Halderman asks Scott Douglas if the storm water basin is okay. Douglas states yes. Board votes unanimously to approve the plan, and to grant waivers conditioned upon an agreement between supervisors and applicant for an appropriate contribution.

### **Old Business**

**Waste Water Management:** The EAC was charged with items to research and recommend. EAC felt as if it was a lot on their plate and they are farming out to subcommittee. Carson will head the subcommittee. One of the issues is some direction from the board as to extent of what it is board is looking for in a way of review. Halderman would like to see Carson look at centralized water sewer issue and legal information as to control the potential for centralized water and sewage and Act 537 plan. More specifically the new ordinance has centralized water sewer; he needs to move on design.

Carson states that there are a number of issues. The existing Act 537 plan passed in 1994 is dated, and I was unsure as to whether or not presuming you didn't want to launch into a revision. You would like us to evaluate that plan as to how that stands pending zoning ordinance and in the context of changes that have happened in wastewater treatment and management. If you have something more in mind, I need to know. Bedics asks Douglas last regional EAC speaker said that the goal is 100 percent infiltration. Halderman spoke with Carson that the language allows cluster of one-acre lots with centralized water/sewer. We are not prepared for that. Look at Act 537's new language in ordinance. That is the priority. Carson anticipated committee would report where Act 537 plan needs attention and which parts are still viable. Broader issues are out there for other communities encountering this. The board would have to give a directive if they want full blown revision of the 537 plan. Halderman says there is language in there where we are not prepared; need to pull cluster option out. Carson says the wording in the proposed ordinance says any centralized wastewater treatment would need to be township approved. Board must pass any centralized wastewater treatment facility. We are hoping to get subcommittee as quickly as possible and I think we're protected in the interim. Halderman says design and management are the two critical components. Brownlow recommends and motions to authorize Carson to head the subcommittee and work with EAC and report back to the board. Halderman seconds the motion. Board votes unanimously to approve.

### **Springtown Knolls**

Reshetar: Intex Environmental submitted a preliminary study to Littlefield, the townships hydrologist. We received a letter from Littlefield requesting that wells are retested to see if stability in nitrate levels or any unusual fluctuations. Last result today of the four wells, 3 came up lower than first test. One is a new well. The combined is equal to or less than

first report. There should be no surprise on revised data submitted end of this week. Littlefield requested test to establish pattern underground water flow, which remains the same as first report. That should be finished end of week also additional scientist info from lab is in revised report. No surprises expected. Relayed this to the DEP and they sent a letter this week stating that new planning modules do not need to be submitted. This can be made a supplement to original module. Clemons: Littlefield suggested since achieving the opinion of 2.69 background nitrate dependent on other wells being resampled. At (address) 3492, Rt. 212 the well is being influenced by groundwater infiltration. Minimum recommendation retesting of well for fluorides, chloroform expected along with higher nitrate concentration. Reshetar says it was retested. Nitrate level significantly dropped. Owner says it was 7 years old. Not a traditional well. They are susceptible to groundwater influx. One of the major forms of nitrate comes from fertilizer, also septic system. His well is not far from his septic system. This is the older house closer to the bridge on west side Rt.412 & 212. In essence that's why fluctuations are occurring. His septic system is polluting the well. Clemons: Your testing info, is this going to be forwarded to Littlefield? Reshetar says he did retest and level is lower than first test. Does not know about chloroform. He talked to owner and told him nitrate results and he was not concerned. Under 10 parts. Clemons: Contribution to septic system to background there is a need to know whether Funks Mill and Rt. 212 well is in fact influenced by the items that you suggested in that determination. I am just suggesting that you will provide the results to. Are you willing to have this done and submit results along with the other testing? Reshetar will talk to Mr. Walker and he does not have an answer. Clemons: there are a variety of options ranging from simply reapproving planning modules and sending down reports along with this report and put in DEP lap to stating that you are not satisfied with sending the modules to DEP until Littlefield finding no adverse impact of nitrate levels to the systems to requesting we meet with DEP concerning the adequacy of the testing. When solicitor talked with Littlefield they were his requirements. Another question whether or not the underground flow is in same direction of surface flow. Not completely clear from this data. The DEP final review may want some of this testing. Background nitrates as suggested. Littlefield says if these assumptions are correct. When systems are installed make sure in ground systems are not encountering limestone or other chemicals. Reshetar: Preview of what your consultant is going to see. Brownlow: did you receive Littlefield's review of your consultant's work and he has raised issues? Are you going to respond to those issues? Reshetar says he asked for additional info and we have all the technical info at this time. We see nothing negative. This is a preview. No surprises. Next review comes back clean. Reshetar: my concern is that we are not delayed any longer. DEP needs letter from manager accepting Littlefield second review then DEP can finalize their review. Clemons: have they issued a preliminary review? Reshetar: no. Lare: what applicant is requesting and what the DEP says is needed to move planning module to acceptance, is to resubmit existing planning modules and new resolution of adoption. We are asking timeline within the next two weeks that all info reviewed by Littlefield and board will act on that. This is just a heads-up. Reshetar shows map that is available from state an overview of Upper Bucks County and Springfield. In 1994 an engineer did extensive water testing. He tested 70 different wells for unusual nitrate levels or chemicals in water. Results came out positive. 3 wells are in Springtown. Dolomite formation Springtown knolls 6.4 miles wide continues in

Northampton and Lehigh County. Just in Upper Bucks there are 100 existing houses over this rock. Some houses are 200 years old. That is not that unusual. Lehigh County has a higher number of houses built. Schilling: last paragraph...in a new resolution on or before June 6 meeting. It will happen July 11. Kalatas and his neighbor's highest concern is that their wells being affected by septic system. Reshetar offered him waterline back to his house. I met with him 2 weeks ago and agreed to run easement and waterline to him and neighbor. The revised final plan is in Wynn's office for review right now. Does anyone have an issue? Clemons: I understand there was a final plan approval. You are not revising that final plan to provide an extension of waterline and to show it on the plans? Reshetar: yes. We have been running a lateral. Engineer did calculate 1-1/4 inches. If accepted he will do it as an amendment later. Halderman says he would like Reshetar to dedicated the easement and put something in escrow. No need to move water out of the village. I would like to discuss my thoughts to prepare a resolution for you. I think that is a good gesture if you do not run that water. If it's not broke, don't fix it. Is that acceptable to you? Clemons: I want to understand the proposal. Mr. Reshetar are you going to extend these at no charge to Kalata and neighbor? Also Halderman suggests that you revise plan to provide easement permitting extension of water service line to these two properties and agree to escrow the amount sufficient to pay the cost of that extension if in fact they experience a loss of water quality or quantity. Are you offering to pay the capping fees? Reshetar: no. To physically run the lateral, provide the easement. If they decide to switch to public water, we won't be affecting the quantity of water. Halderman says I'd like to know if we can pull the existing sewage management agreements and provide Wrightstown model. It speaks of pump, non-conventional systems, and drip irrigation. Can we resign those and change that agreement and reflect the proper language as opposed to the one we have because they're not for sand mound. The DEP said they were the wrong ones. Can we correct that and work out the proper agreement. Reshetar: I had given them the Wrightstown plan to the township showing them what we had done. Clemons: I think they were elevated sand mounds. Are you willing to agree to substitute the agreements? What amount is agreed to? Halderman says \$2500 is too much. You will save \$30,000 if you go down to \$1,000 and throw in two connection fees? Bedics: to Reshetar: When we draft new sewage maintenance agreement do you think it would be reasonable for the people buying the homes to submit to testing every 3 years? Clemons: that agreement; initial title researchers/resales. Township needs to have packet to hand out. Reshetar: yes. We have an acknowledgement page that occurs when you purchase the house. Halderman: does the agreement say that every 3 years? Reshetar: no. The board decides to take no action until Littlefield can review all data.

### **Water Company**

Steskal: the ad hoc committee was formed by supervisors consisting of seven individuals and a consistent group of residents meeting over the months. Three subcommittees were formed to answer the following questions. Do we keep it? Do we sell it? How to operate? The committee at its meeting on June 8 voted unanimously to recommend that the water authority be reconstituted and that the township retain ownership of the water system in Springtown. What the committee wants to do is present their findings for your review and understanding and then open it up for questions, comments, and discussion. Instrumental in all of this is Ken Simmons and a number of other people. Simmons: comments ad hoc

great job and prioritizing projects to improve. In November, a charge given to committee: to study all viable options. We feel that has been accomplished. The committee then presented what the proposed fix will include and financial calculations that they perceive are very conservative. They also outlined the management structure that they propose. Brownlow thanks the ad hoc committee. A lot of public input was made. All meetings were posted and advertised. Speaking as chairperson of that ad hoc committee I want to emphasize the recommendation was unanimous that the twp retains the ownership of the water in Springtown and authority be reconstituted to allow them to act independent of the township supervisors. Zisko: it's my understanding that there's still a Springfield authority. Clemons: we checked with PA corp bureau and no determination filed. Mr. Brownlow suggested the authority that exists has very broad authority to extend water and sewage, consider by contract to have agreement no water outside of district without agreement of supervisors. It does appear that the authority is still there. I don't know if the terms have expired for the members. If they have, you would have a free hand to appoint new members to the authority. Zisko: we could use that authority that's already established? Clemons: yes. The obligations it has \$60,000 loan reduced to \$15,000 is still an authority debt. Douglas says that loan was taken out in 2003? Clemons: No documentation. If they took out a loan and using authority monies to repay it is their indebtedness. We have not received any documentation. In other townships you could lend that authority money to retire that existing indebtedness and make it an interest free loan so that at some point you will be in a position to forgive it. Milford Township is an example. We are in the process of contact McNamara also perhaps a meeting with John Rice. Simmons: the authority never lost money. We were loaned \$25,000 and it has been repaid with water money. We are asking for some relief. Brownlow says: how do we reform this? The second issue needs input from the board regardless of how this happens, when it is done, how much authority do you want to give to the Authority to oversee? Just water? Water and sewer? Water in Springtown? That would be in that contract. This needs in put from the board. Zisko says let's focus on the water. Who knows what will come 20 years down the road. Brownlow: if we do it by contract, the contract can be amended any time. If it needs to be expanded an amendment to the contract. Halderman: it's a general authority. My thoughts are that Springtown should be their charge identified by the parcels. Suggestion might be looking for relief from existing debt maybe the township can hold a piece of their property. Right now it is held under the old authority. Clemons: I have not had a chance to research. Look at the most cost effective way to get things up and running. When you dispose of assets, a termination process, transfer those assets back to the authority. Halderman: if there's contention on the relief issue, hold that piece of property. Steskal: the township can't hold anything because they don't own it. According to documents in Doylestown, Bucks County all those properties are in the authority's name. Clemons: to the extent the place where friction comes is when customers need cash revenue is a concern, if you enter a global agreement that involves part of that consideration the township assuming the old debt, prepare an operating agreement that spells out the jurisdiction of what that authority will be and how it must operate and come back to you for consent. You can probably keep your big umbrella here that has water and sewer jurisdiction and restrict operations to water with other approval. Winton: while in the planning phase Chuck eluded to cluster developments centralized water system, of fixing Springtown water system, whether the cluster developments are

going to occur. One at Slifer Valley and Rt. 212 . Don't cut off your nose to spite your face. If we're going to fix the Springtown and cluster developments close to the village, make sure that they are not or are feasible to interconnect. Decision needs to be made before we get too far in revitalization. It would be redundant to spend the money.

Brownlow: you managed to highlight the issue that the solicitor just said that authorities to stay in business in order to expand. You are introducing an element into the discussion. That is going to start do we or don't we foster development? I think the issue is the water system in Springtown and how to fix it and bring it up to level. The second issue would be the one you are raising. Keep them separate. That's what I would personally do. Your point is well taken. Winton: if you don't look at it in the planning stages, problems later. I am not promoting growth of the authority, just that the board needs to decide. Brownlow says a lot of negotiations need to happen . In general, are you satisfied? Board: Yes. How do we get there? Let's assume we get past that, can you suggest names? Simmons says he can and will give to Schilling. We can revisit again at next meeting in July. Another issue is that debt? Clemons: would board authorize our office meet McNamara and former solicitor to sort out these questions? Halderman says he wants to see more in writing first. Doesn't want to repeat problems. Wants ad hoc committee to meet with solicitor. Issues include: water servicing area, the charter, bylaws. Wants to see something concrete. Clemons: my vision is that there would be a number of things instituted at the same time. One form he can see it taking is an operating agreement between township and authority territorial issues, assumption of debt. I see that as one of the documents agreed upon between township and authority at time it is constituted. Recordkeeping and status of authority needs to be finalized. Halderman: I want safeguards so that it is protected. What kind of latitude promotes water/sewage? Brownlow: it will be in the contract. Halderman: properties, under old authority, maybe township wants to hold real estate and have a lease? Clemons: All these things will impact one another. You could as a means of control have the existing authority dissolved. That will involve time and expense. Then you own those assets. You are responsible for operating. Then you could structure the transfer of some interest of those assets to the authority. One of the parts about this that you don't know is what a lender is going to look at. They look at balancing sheets too. What is their ability to have customers and pay off this debt? Unfortunately, it's not just between the authority and the township. We have to look at how this is going to operate. The extent to which the authority is independent gives it more authority to borrow. The less is if the township has to act as a guarantor. These are policy decisions that must be reached. I think myself and T.J. Walsh who has worked with some authorities; we can look at those things and come up with solutions so that it does not become a runaway authority. Halderman: you know how Wrightstown, Newtown, and Upper Makefield deal with it. Clemons: those are different. Simmons volunteers to meet with solicitor to fill him in anytime he wants. Winton: One mile radius or two mile radius anything outside must come from board that way we have limitations set by authority. Brownlow: before we have that discussion we need alternatives. Brownlow motions to authorize solicitor to research. Zisko seconds the motion. Clemons: need hands on documents relevant before us (loans) we have charter from Pa corp. bureau. I want document adopted by board that terminated authority and see where that stands. Apparently there are deeds available on assets, etc. that's info gathering. The second thing is you want us to come up with alternatives on how you consider this authority to

operate. Do you want those assets back? If so, we need to tell you how to terminate this auth so that you own the assets that they own. Will your objectives be met by contract? At some level how that will impact the authority being able to finance indebtedness. Board votes unanimously to approve motion.

Simmons: manual is simple and straightforward. This is a small system. This is not rocket science. Halderman: that is not the issue. The issue is expansion. That is the safeguard I am looking for. Simmons: our immediate charge is the Springtown water system. Steskal: we can do it giving boundaries (street names, etc) Douglas: when can we get grant money etc? Brownlow: reconsider this in July. Depends on how far he gets on recommendations, some action could be taken in July. Bedics: Is Danielle (Sen. Wonderling's office) given documents? Danielle states she has them. Brownlow: Wonderling expressed interest in financial help along with Clymer. Wieder thanks committee for all their hard work. He might have some documents over all the years he could come up with.

Rod Wieder left meeting at 9:50pm

### **Noise Ordinance**

Letter was read from Wonderling advising excessive motorcycle noise. This was discussed several times. Not resolved satisfactorily by anyone. Huber: we would have to enact an ordinance. There are federal agencies that would enforce the federally mandated decibel level. Huber: One decibel meter and have officers trained to use them. Sound meter measures averages. To measure sound based on this you would have to determine frequency and decibel level. He has been involved in this many times. That standard is a tough one. Clemons says it is clear that ordinance do not cover motorcycles etc. New Hope is another situation. Bob Bell reiterates that an ATV is a motor vehicle code, and therefore, the law does not apply to it. Bedics states that the model noise ordinances from PSATS can be amended to suit our township. She offers copies to Chief and members to look at amending current ordinance. Solicitor wrote a noise ordinance for Solebury Township. Agrees that ordinance needs to be appropriate for our township. We can have a stand-alone ordinance. Paul Mosinskis asks Clemons: Is it your opinion that the noise ordinance is enforceable? Clemons: It's unenforceable with motor vehicles. Schilling suggested instead of a noise ordinance to consider a nuisance ordinance. If someone next door was creating a position unpleasant the complainant could take him or her to a magistrate. My concern is these ordinances are next to impossible to enforce. Once you start you are open to every landowner feud. Everyone gets involved because they are annoyed with everything. I saw \$40,000 spent on the adoption of a noise ordinance and it was never enacted. I understand about noise, tread very discreetly because it is very tough to enforce. Clemons: There are nuisance ordinances to give the property owner the right to take someone to court. Halderman: In the new zoning ordinance, there are a lot of accessory uses. If you work on a car without a muffler... where are we going here? Brownlow asks Bedics to circulate copies and for private nuisance ordinance from Schilling. Get from Lower Milford. East Rockhill also just passed a noise ordinance. Bring up at next meeting. Bedics: Do you think ordinance needs fixing? Clemons: I would recommend that. Halderman: Are we going to respond to Wonderling's office? I

will get my info on EPA manufacturing ATV's etc. he is referencing not in compliance of federal mandates. Brownlow: Chief said there is no money to enforce it. We don't enforce federal statute. Bell: One, I know the individuals probably involved in this. As Karen said they are not the way they were manufactured. My guess the manufacturer is under the federal mandates. Two, you are paying a manager who gave you clear-cut advice about getting into a Hatfield McCoy fight. I've seen whatever enforcement agency in the township on silly little things. Years ago on Bursonville Rd, it took care of itself, when the air quality control EPA, said there was dust coming from that property, The problem was eradicated. The DEP has an air quality standard, but I don't know how that applies to noise. Schilling: a lot of zoning ordinances require a zoning office to check it out. Steskal: When we come down to sound control, measuring the sound/distance/frequency band with this meter. It's easier on these particular cars because they fall within frequency band that we're set up to measure. The toughest thing is knowing the distance you are from that source.

### **Open Space**

Mission Statement and Ordinance for creation of open space committee

Cindy: I have from three people who are committed and waiting to hear back from 4<sup>th</sup> person. I would feel much better if we could do an ad. Brownlow: First, we need a committee. And we need to pass on a mission. Cindy: I just want to ask residents if they're interested. Brownlow reads mission statement. Zisko motions to propose to adopt mission statement. Bedics seconds motion. Board votes unanimously in favor. Zisko motions to authorize ad to form open space committee based on draft. Bedics seconds the motion. Clemons asks for clarification because he sent a revision. Two individuals selected. Is that in line? Zisko amends motion. Halderman says he thinks we already have an ordinance to create an open space committee. Solicitor says we need a legal notice and put a provision this ordinance supersedes ordinance previously adopted. Motion to advertise the readoption of ordinance creating open space committee based on current draft document. Bedics second. Board votes 4-0 to approve.

Bell brings up cost of that ad. Schilling says give a brief summary to Morning Call. Cost should be around \$200.00.

Brownlow: we asked for wording for proposed bond referendum. This can be done by resolution. In order to get it on the November ballot, we must take action by our August meeting. Brownlow reads proposed resolution. Halderman thanks solicitor for memo. Bedics: have we discussed that the debt would be paid for out of the additional .25%. Clemons: that's not something that comes from the ballot. To sell it, let people know we're not increasing taxes. Zisko for the purpose of agricultural...do we need to have that in for the purpose? Clemons: That's your determination. You may want to leave it there because some of this open space may be for recreation. Zisko brings up a survey years ago about wanting parks etc. and that it was shut down. Solicitor says if you think it's going to be a problem, just say open space. Zisko says leaves for purpose of recreation out of it. Also, what is our dollar amount? Brownlow says find out what the going rate is for us to borrow money and then compute how much we could borrow at that rate with a payment of? That we bring in. we could consider this for adoption in July. Halderman:

did we just modify the language? I disagree with you on the parks and recreation. If there's a piece of property that could be used for parks and recommendation, you're missing the beat with the county. The county wants to promote biking, walking, etc. we're a "fat" America. If you really think that people are going to kill it with parks and recreation, we shouldn't tie our hands up and say we're not going to do it. Brownlow: you have your acquisition of open space, who's to say that we can't use that for parks and recreation. Clemons: one of the townships made it clear that money is not just for open space. I agree with you Jim, that open space would include that land for recreation. Your time would be better spent to avoid the battle. Brownlow: the whole purpose was to acquire easements. Zisko: in the open space, in the criteria there's not a whole lot to do with parks. Clemons: this doesn't mean you can't acquire park land. It says you can't use electoral debt. This is just saying this electoral debt you are incurring is going to be earmarked for this. Schilling: keep in mind when you do your recreation study, if you have zip, it's going to be high. Brownlow: just don't put the language in there. Haldeman: are we going to have some ideas on amounts? Amortization schedule. Schilling: yes for the next meeting.

### **Road Bid Awards**

3 bids for roadwork: Recommendation from Wynn's office. Low bid - Asphalt Maintenance Solutions (76250 square yards). Motion Bedics award; second Zisko. Haldeman: this is for driveway sealer. Schilling: it's more in depth than driveway sealer. It's actual compaction of stone. That bid is a very good bid in today's market. 163,000. Board votes 4-0 to award contract to Asphalt Maintenance Solutions.

### **Hookup to Milford Sewer Authority**

Schilling: Request to allow 3145 Old Bethlehem Pike to hookup to the Milford Sewer Authority. Original homeowner petitioned to exempt him from hooking up to the system. This was granted by Authority. Real estate transaction on that property indicates that the old system does not pass. So now they want to hook up to Milford system. Milford wrote owner advising them to come to Springfield Township for approval. Even though they allocate the 84 hookups to us, they are all allocated. They would favorably look on our recommendation even though not allocated. Bedics: if they hook up this property will they be able to subdivide in the future? Zisko: no. Clemons: Milford twp did not think those allocations would be used for those residents. The board got its nose out of joint over that. Was there any testing to see if you could get on lot sewage disposal being installed? Elizabeth Snyder, Realtor Keller Williams (representing Ben Foell, owner): zoning and no additional hookups. There are DU's reserved for new construction, but they would only give 1 EDU. Clemons: policy questions from board. You need to decide. I don't think there's a guarantee that we have more capacity from Milford. Deed restriction would be one way to handle. Zisko amends motion to allow home hooked up pending the deed restriction of the lot for further development. Realtor accepts that. Record a declaration that the property would not be subdivided. There would be a restriction put on the property that the property. If they want to do an on lot septic system to that new home in future use. I don't mind putting a deed restriction. Mr. Myers is basically saying the same thing. Not allowing EDUs to new construction. We're fine with that. The topography of the land. A one-home subdivision in the very back. I don't think

you could get an on lot system because of the wetlands. It takes down the value of the house. Halderman: I spoke to Lee Myers today. Those EDU's are used for Milford Twp/Trumbauersville. Realtor: it would require a variance. The back is agriculture residential. Halderman: if I see a document that says we can't do it because of the available land, then we'll do it. We made a commitment for 84 EDU's and we need to stick to our agreement. Schilling: Milford told these people they're on board if you're on board. It doesn't make sense that they would send them here if they didn't really have the EDU's. Halderman: This brings me to how many additional properties were waived on Zion hill? Snyder: just this property and the neighbor. Schilling: If there were a subdivision, would they not say to the prospective builder that you have to come back to this board for approval? Clemons: a declaration should be recorded if the board approves that the property is allowed he hookup and if you didn't want subdivision, it. Zisko: makes motion to recommend allowing 1 EDU for property located at 3145 Old Bethlehem Pike. Motion seconded by Halderman. Vote was 4-0 to approve. Board directed solicitor to send a letter to Mr. Myers.

#### **Audit Completion January 1-March 31, 2006**

Brownlow read Auditors Report stating that the audit was complete for the period of January 1<sup>st</sup>-March 31<sup>st</sup>, 2006 and that all was found in order.

#### **Correspondence:**

**Verizon letter to Richard Schilling** pushing bill to provide cable across the state. It would honor local franchise agreement.

**PEMA letter** of closeout for project related to Hurricane Ivan. Schilling: You have two different agencies FEMA and PEMA and PEMA has to kick in with their federal money. Percentage is 10% holdback that they forward to you upon completion.

**Letter from King** resigning June 1. Schilling was appointed to join Ken Simmons.

**Memo from Ann Rhoads to Ted Evans** to evaluate 3 different properties for open space

**Memo from Auditors** re: Legality of sale of tiles by Historic Commission. Clemons: The second class township code does not address this.

**Durham Township Committee Plan Update.** Schilling emailed a large file to supervisors. Schilling is in the process of looking at how that impacts Springfield Township.

#### **Letters from Clymer on 412 resurfacing**

Bedics suggests send a letter about emergency vehicles not having access/safety hazards to Clymer. Schilling stated the biggest concern is the PEMA funding. PEMA and FEMA give money to restore public infrastructure. Schilling believes that the state is no different than municipality. You can't take the money and pay something else. If the state received money for the bridge, why isn't it being fixed? You have one year from check cutting to use the check or receive an extension. Brownlow references the PEMA money. Zisko says it is just not safe. Halderman asks if we can also write the county on the other bridge.

#### **Order of dismissal action taken by Reismann.**

Appeal dismissed.

Clemons comments on the appeal pending by the Lindtners. Settlement reached. That was not complied with and the Lindtners filed petition for sanctions before the court. I don't think McNamara actively participated in appeal. A hearing will be held on June 30 where the issue is going to be and the sanctions will have to be imposed. Does the board direct him to appear> he will be on vacation. The intervention to support decision of zoning hearing board granted variance to Franklin. Someone else can take his place or he can request continuance. Decision to appeal to agreement between property owners. Court sanctioned agreement that Franklin would not further subdivided property. He went before board and got permission then. Lindtners went back and said there's a court-sanctioned agreement stating you cannot do this. Rather than litigate parties entered agreement. Mutually agreed to resolution. Brownlow: Lindtners are fighting the battles for us. Helene Bell: It's a personal issue. Solicitor: the question is you agreed to do this and you're not doing it. Make them sign this paper to withdrawal this action or go to jail. We are a named party to that appeal. Solicitor: Protect the record. Brownlow states that it is an offense to the court whether we are there or not there.

### **Public Comment**

Steskal: resolution on the ballot. Referendum should be on there again that in November do some selling techniques this time. This is really about buying open space. I don't think parks and recreations words should be on there.

Bell agrees with Steskal. Last night's news made a comment on a two percent change on violent crime. State police website states serious crime that a year-to-date change, look at rate of change assuming same reporting policies are. We have a 123 percent increase in serious crime.

Steven Doncevic stated that he appreciated the water presentation. Why was it not done at the firehouse and so more people could enjoy the presentation. Simmons: as soon as we can we will have an open house at firehouse for people at Springtown, so that they are in tune with what we are proposing.

### **Supervisor Comments**

Bedics thanks ad hoc committee on the time and energy in educating us all on behalf of the township. Zisko also thanks committee.

Halderman also thanks them and asks Schilling to study Durham ordinance.

Motion to Adjourn by Zisko. Brownlow seconds the motion. Meeting adjourns at 11:20p.m.

Respectfully Submitted,

Richard H. Schilling  
Township Manager/Secretary