

Board of Supervisors

MINUTES

June 22, 2010

(Meeting held at Zion Hill Lutheran Church Annex, 2966 Old Bethlehem Pike, Zion Hill, PA 18981)

Supervisors Present: Karen Bedics, Jim Brownlow, Barbara Lindtner, Volker Oakey and Rob Zisko

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

Jim Brownlow, Chairman, called the meeting to order at 7:30 p.m. and opened with the Pledge of Allegiance. Jim Brownlow noted that real estate issues were discussed in an executive session held prior to the meeting.

Minutes

Rob Zisko **moved** to adopt minutes from the May 11, 2010, meeting. Voting **Yes**: Karen Bedics, Volker Oakey and Rob Zisko. **Abstaining** - not present at May 11 meeting: Jim Brownlow and Barbara Lindtner The motion **carried**.

Rob Zisko **moved** to adopt minutes from the May 25, 2010, meeting. Voting **Yes**: Karen Bedics, Jim Brownlow, Barbara Lindtner, Rob Zisko **Abstaining** - not present at May 25 meeting: Volker Oakey The motion **carried**.

Bills for Approval

Barbara Lindtner **moved** to approve the following bills paid from May 26 – June 22, 2010:

1. General Fund	\$35,410.31	4. Subdivision & Escrow	\$14,082.04
2. Liquid Fuels	\$13,026.22	5. Farmers Market	\$ 4,103.99
3. Open Space	\$15,426.27	6. Highway Capital Improvement	\$ 80.00

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

Reports

Road Report – Report posted on bulletin board.

Police Report – The department handled 160 incidents in May, of which 17 were criminal offenses. Property valued at \$2,230 was stolen; property valued at \$22,300 was recovered. The police report is posted on the Police portion of the Township website. Ernie Atiyea, who set up successful Neighborhood Watch programs in North Whitehall, Allentown and several other municipalities, will meet with Chief Laudenslager and Rich Schilling tomorrow. Burglaries continue in the township. Residents are encouraged to contact the police about any suspicious activity in their neighborhoods.

Township Manager's Report – A response is being prepared for the DEP review of the Act 537 plan. The RFP for the Recreation Plan will be advertised June 23. It is also available on the Township website. Rich is waiting for the engineer sealed plans to begin work on the CDBG Grant project awarded for the handicapped accessible bathroom and handicap-access to the Township building. Hardware and software are in place to begin the work on the GIS project. Notification will go to committees to sign up for GIS training. Rich and Mark Laudenslager continue to work on the re-application for the COPS Grant. If awarded, the grant would cover all expenses for a rookie officer for three years.

42 permits were issued in May totaling \$20,024.25. Follow-up work continues on zoning violations on several properties. Rob Zisko noted that of the \$20,024.25 collected in May, 11 permits were tripled fees, which he feels are excessive. Rich anticipates some busy summer months, after which he expects permit activity to level off.

Public Comments on Agenda Items - None

Governmental Matters

Letter Supporting Extending Federal Death Benefits to Nongovernmental EMS Personnel (HR 2485) Rob Zisko **moved** to send a letter to Representative Patrick Murphy encouraging him to support extending death benefits to Nongovernmental EMS Personnel. Karen Bedics **seconded**; the motion **passed** unanimously.

Planning Matters

Sutch Subdivision – This two-lot minor subdivision is located in the Village Residential District on Richlandtown Pike. One lot contains an existing dwelling and a twin home is planned for the second lot. At their June 2 meeting, the Planning Commission recommended that the Board grant preliminary approval for this plan and the waivers requested. Jason Smeland, P.E., Lenape Valley Engineering, presented for the applicant Luanne Sutch, who was also present. The twin home will use the existing driveway and a new driveway will service the existing home. Significant vegetation will be removed along the frontage of the entire property to permit safer sight distance while accessing Richlandtown Pike. This brush removal will not increase the water runoff on Richlandtown Pike, because two stormwater management facilities will be placed on the property and improvements will be made to the culvert at the existing driveway. The applicant will comply with all the items listed in the engineer’s review letter. After discussion, Rob Zisko **moved** to grant preliminary approval conditioned upon completion of the items in the township engineer’s May 24, 2010, review letter, which includes payment of a fee-in-lieu of road improvements. The motion also included the condition that a plan note be added that Lot 2 shall not be further subdivided into more than two lots unless the adjacent property (TMP 42-10-22) is subdivided in conjunction with the further subdivision of Lot 2 and the applicant and the then owner of the adjacent lot provide a loop road that intersects with Richlandtown Pike along the frontage of Lot 2 and also along the frontage of 42-10-22. Volker Oakey **seconded**; the motion **passed** unanimously.

The Police Chief was excused at 8:30 p.m.

Old Business

1. Re-adoption of Resolution approving Township’s Sewage Facilities Plan – The Board approved Resolution 2010-004 at their February 23, 2010, meeting. DEP pointed out in their review letter that the PA Code requires the Township to assert that they are committed to implementing the Act 537 Plan within the time limits contained within the implementation schedule. Scott MacNair, co-solicitor, prepared a revised resolution changing the last paragraph to reflect the PA Code requirement. Karen Bedics **moved** to adopt Resolution 2010-016 amending the former approval of Springfield Township’s Sewage Facilities Plan. Barbara Lindtner **seconded**; the motion **passed** unanimously.

2. Open Space Update – Dave Long, Open Space Committee, advised that Heritage Conservancy notified the Open Space Committee that two of the potential natural area easements under consideration have been approved. Second, the Highlands funding is being delayed by the DCNR Office. Rich Schilling and a representative from the Open Space Committee will contact DCNR to see if they can accelerate the release of the funding.

3. Voter Referendum for Tax Dedicated to Emergency Services Funding – The Board authorized the solicitor to prepare draft ballot questions relating to increasing tax to fund emergency services. These questions were presented to the Board for the discussion.

Volker Oakey feels that it is the job of the elected supervisors to manage the township budget and increase taxes as required. He referenced page 36 of a DCED publication entitled *Referendum Handbook*, which states that Pennsylvania courts have traditionally reinforced the role of elected officials to make decisions on public matters and minimized the role of voters, even when direct action is authorized by statute. He read further that “three appellate court decisions have ended the practice of placing non-binding advisory questions on the ballot in Pennsylvania,” which basically means that if a voter referendum passes, it becomes binding. With the anticipated \$125,000 expected back from the state for completion of the Act 537 plan, Volker does not feel that it is prudent to increase taxes until it is actually necessary. He feels in the present economy, the township should try to function without raising taxes.

Rob Zisko does not feel we should put the question on the ballot in light of the information Volker shared.

Jim Brownlow summarized the Fire/EMS Expense Breakdown the Board received. Out of the current 3½ mil real estate tax assessed on residents, approximately 1½ mil is going to Fire and EMS expenses (\$116,854.73). If this is placed on the ballot, and is approved by the voters, he feels the supervisors are morally committed to increase taxes. He stated that:

1. This is a way to gauge whether the electorate wants a tax increase to fund emergency services.
2. If such a voter referendum passes, we would fix the millage for fire and EMS and they would have to get that amount of money each year, whether they spent it or not.

Jim agrees with Volker’s basic position that it is better for the supervisors to review the budget annually and allocate to fire and EMS what revenue will permit the township to give based upon what these organizations actually need.

Barbara Lindtner feels the voter referendum bypasses the supervisors’ responsibility in the budgeting process.

Scott MacNair added that the Township can have up to a 14½ mil real estate tax (we are currently at 3½ mils) and up to 3 mils of real estate tax dedicated to fire services and up to ½ mil for EMS without a voter referendum.

Karen Bedics asked whether the Board was saying that if the fire companies or the EMS squads needed more funding they could come to the Board and request additional funding. She was advised this was what the Board was stating, although these requests should be made early so they can be reviewed as part of the budgeting process.

Jim was most troubled when the unanticipated economic downturn required the Township in 2008 to not pay the amount committed in the budget to UBREMS. He would like to ensure that in the future, we follow through with whatever is committed in the budget to either fire companies or EMS.

It was the consensus of the majority of the Board that a referendum question not be placed on the November ballot regarding a tax dedicated to Fire and EMS services.

4. Paving Project – Bid Award / Re-striping of Various Township Roads – Two bids were received for paving Walnut, Center, Church, Chapel and Mill Streets in Springtown with superpave asphalt coming from Naceville Materials at no cost to the Township.

- Bracalente Construction, Inc. \$21,040.00
- Harris Blacktopping, Inc. \$17,679.00

Bob Wynn recommended that the bid be awarded to the lowest bidder, Harris Blacktopping, Inc. Barbara Lindtner **moved** to award the contract to Harris Blacktopping, Inc., for \$17,679, subject to receipt of the required performance and payment bonds in the amount of a 100% insurance certificate and subject to project approval from PennDOT. Volker Oakey **seconded**; the motion **passed** unanimously.

Rich Schilling requested authorization to have line striping done on the following roads at a cost of \$3,400 to be paid from Liquid Fuels:

Blue Church Road	Pleasant View Road
Bursonville Road	Springfield Street (309 side)
Hilltop Road (each end)	

Karen Bedics suggested that Passer Road also needs to be restriped. Rich Schilling will ask Rich Pursell to check Passer. Rob Zisko **moved** to authorize line striping on the five roads listed above at a cost of \$3,400 to be paid from Liquid Fuels. Karen Bedics **seconded**; the motion **passed** unanimously.

5. Township Manager Open Space Involvement – Rich Schilling asked for the Board to authorize when he should be involved in Open Space discussions. It was the consensus of the Board that Rich Schilling attend meetings as he feels it is necessary when finances and/or potential building envelopes on easements are discussed with applicants.

6. Zoning & Building Permit Amnesty Period – After discussion of some of the potential problems of offering an amnesty period for people who have done things without permits, it was the consensus of the Board that an amnesty period not be extended. Rich Schilling will continue to handle these situations as judiciously as possible, always giving anyone who has a tripled fine the option of coming to the Board to repeal penalties he assesses.

New Business

At 9:05, Bob Wynn and Scott MacNair were excused. Terry Clemons provided a phone update to Rich Schilling on the June 21 oral arguments on the PPL situation in front of the three-judge panel. We should receive a formal decision in four to six weeks.

1. Authorization to Sell Surplus Equipment – Karen Bedics **moved** to authorize the sale by bid of the following four pieces of road equipment, valued at approximately \$12,000:

- 1983 International Harvester 6-wheel dump truck with salt spreader and snow plow
- 1986 International Harvester 6-wheel dump truck with salt spreader
- 1972 Asplundh Chipper
- Swenson V Box Salt Spreader

Barbara Lindtner **seconded**; the motion **passed** unanimously.

2. Purchase of Second “Historical Village” Sign for Springtown – Barbara Lindtner **moved** to authorize the purchase of a second “Historical Village” sign at an approximate cost of \$500 for the other end of Springtown, using the remaining budgeted Historic Commission funds and paying the rest from the general fund. Volker Oakey **seconded**; the motion **passed** unanimously.

3. Renaming the Highway Capital Improvement Fund to Special Fees Fund & adding a PLGIT PLUS Account to the Special Fees Fund – Sandy Everitt notified the Board that rather than adding a new account to gather fees paid in lieu of doing stormwater improvements, she had renamed that fund the *Special Fees Fund*. Highway Capital and Stormwater Capital funds will appear as sub categories under the Special Fees Fund. In addition, a PLGIT Plus account has been added to this account. The primary reason is that when \$50,000 is available, it can be moved from the lower interest PLGIT checking account to the PLGIT Plus account (double the interest of the PLGIT checking account). Combining these “special” fees into one account will permit the funds to build to \$50,000 quicker.

4. 2010 Newsletter – Karen Bedics reminded the Board that the deadline for submitting 300 – 500 word articles for the newsletter is July 2. Ugis Nigels will again do the layout of the newsletter for the same cost as last year. Jim thanked Karen for editing the newsletter and stated it would be a great loss not to have the newsletter. He mentioned that Haycock Township sends out a quarterly electronic (email) newsletter. Between newsletters, they have email news flashes of important information they want to get out to the residents.

Public Comment

Steve Doncevic again suggested that the Board consider writing a letter to township legislators requesting a moratorium on gas drilling until a proper method of disposing of the millions of gallons of contaminated water is determined. Karen Bedics said she has contacted Paul Clymer about this issue and he is in favor of this type of drilling in Pennsylvania, because he sees it as a viable energy source and an economic advantage for the state. Jim Brownlow suggested we place this item on our next agenda for discussion under Government Matters. Rich Schilling asked Steve Doncevic to share any information he has so that he can provide it to the supervisors in their next meeting packet.

Supervisors Comments

Rob Zisko asked Rich Schilling for any update information about the gas station in Pleasant Valley. Rich will check with DEP about this and email information to the supervisors.

Barbara Lindtner suggested that a board member write an article for the newsletter about HB 2431 having to do with abolishing local governments and making counties the lowest level of government. Sandy Everitt suggested using the Township’s Today article written by PSATS.

Volker Oakey will update the Board at the next meeting on the solar panels he recently completed installation of on his property.

Jim Brownlow asked about some missing items on the Board “to do” list. Sandy Everitt separated “staff to do” items from “board to do” items. She will put these back to back on future lists to the Board.

Sandy Everitt asked Board members to stop by the Township building to sign final plans for the Duke subdivision.

Adjournment

At 10:00 p.m., Jim Brownlow **moved** to adjourn the meeting. Barbara Lindtner **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt
Secretary/Treasurer

Next meeting: July 27, 2010
Approved: July 27, 2010