

**SPRINGFIELD TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
September 26, 2006**

Present: Jim Brownlow, Chairman; Chuck Halderman, Vice Chairman; Karen Bedics; Rob Zisko; Richard Schilling, Township Manager; Terry Clemons, Solicitor, Bob Wynn Township Engineer.

The meeting was called to order at 7:30 p.m. and opened with the Pledge of Allegiance.

Brownlow announced that the board met in an executive session prior to the regular meeting to discuss two personnel issues: part-time receptionist/clerk for the Township. Zisko motions to hire Deborah Godshall for this 25-hour a week position at a starting rate of \$13.00/hourly. Bedics seconds the motion. Schilling states this is a part-time, paid holidays, no medical benefits position. Board votes unanimously in favor of the motion.

**Bills for Approval:**

Zisko motions to approve the bills list for September 13 through 22, 2006. Halderman seconds the motion. Bedics questions the locksmith bill for the EMS. Schilling explained a break-in caused the locks to be changed; also, other locks had to be changed and keys made. Board votes unanimously in favor of the motion.

**Public Comment on Agenda Items:**

Steve Gruber wants to speak about Britt Forestry. Brownlow says it will be talked about later and that Mr. Gruber is welcome to address it then.

**PLANNING MATTERS:**

**Cohen Subdivision**

Solicitor suggested G. Michael Carr of Eastburn & Gray attend tonight's meeting to discuss this subdivision. Carr states the properties in question are the Cohen/Martin properties. Cohen tract is 44 acres; Martin tract is 20 acres. Three-lot plan to subdivide the Cohen tract was filed. The Martins asked for 7 acres of the 44 acres. When this decision was made, the process was held up. In March, this was approved. The plans had to be revised per the engineer's letter. In June, the plans were recorded. In July, closing took place. Carr is asking the board to allow them to proceed with the current plan without resubmitting. Brownlow states the Planning Commission has a policy that anytime there is inactivity; they invite the applicant in and ask their intentions. Brownlow motions to rescind denial based upon Clemons' suggestions. Bedics seconds the motion. Board votes unanimously in favor of the motion.

**Thornwood/Hermo**

Waiver requests and conditional preliminary approval based on engineer's comments. The Planning Commission recommended preliminary approval of the Thornwood Builders Subdivision. Waivers requested as per Bryan McAdam Engineer letter. Edward Wild, Esquire is present at meeting and reviews original plan and conditional preliminary approval. Brownlow reviews Planning Commission recommendation and expresses his concern that a precedent is not being set here in regards to the Improvement fee. Solicitor Clemons make a recommendation that

the wording be specific to this particular subdivision. Schilling stated he believes the applicant appeared on the first Wednesday of August to Planning Commission. We then passed Improvement fee resolution on September 12<sup>th</sup>. Brownlow states what he is hearing is the possibility of adding the \$6,000 to letter of credit, which will be in addition to the amount set aside for escrow. Clemons says if we grant this waiver it will not set a precedent for the other developments. If the revision is granted, we will not be expected to go to another client the same circumstances. Halderman states this is the third one where monetary requirements are being waived. Brownlow motions to grant this application subject to the conditions of the draft approval letter prepared by the Township Engineer dated September 8, 2006. Zisko seconds the motion. Board votes unanimously in favor.

#### Palumbo Stormwater Waiver:

Attorney from Fitzpatrick, Lentz & Bubba representing the Palumbos. The Palumbos' application was tabled on 9/12/06. 1) Original waivers request and 2) to move forward and have opportunity to revisit the design of the bioretention facility, which might need some other possible avenues to achieve water runoff. He discussed with Wynn these points. Bedics states the Palumbo visited the EAC last Thursday. The EAC did not have time to review the plan ahead of time so there was no formal EAC recommendation. However, excavator Neil White invited Scott Douglas / Chairman EAC to the site on Sunday. Upon site viewing, it appears the detention base would not be the best approach to managing stormwater. The basin would require excavation and tree cutting contrary to our ordinance. Mr. White felt the vast majority of the site would infiltrate fine. Douglas suggested if landowners wish to change design, submit new plan and consultation with engineer. Wynn suggested that the EAC submit a formal recommendation. They cannot do this until next month's meeting. Neil White states that his clients are under a construction deadline and they sold their prior residence. Bedics states that she also has visited the site and suggests going with the natural infiltration rather than the basin because it would be more economical. White prefers this and is asking for waivers tonight to move forward. Worse case scenario if no other solutions go with original agreed upon solution approved by Mr. Wynn's office. The reason for the waivers is the access ramp would cause more problems to the environment causing more harm to the creek. The same goes for the retention wall. Those waivers go to the goal of this bioretention basin, which is to protect the creek. Brownlow states that they could build what they need to build without asking for the waivers. Halderman asks if the house envelope can be moved to accommodate the basin. Palumbo is asking for the opportunity to move forward on what's already been approved and at the same time look at other solutions out there to serve that same purpose. White explains location of the house in relation to infiltration. The site will not include groundwater recharge infiltration. Zisko motions to approve the waivers requested by the applicant. Brownlow seconds the motion. Bedics says she would like to see they submit documentation to the township if they do not do the infiltration naturally, asking that they would test and prove to the township that they were not physically able to do it. The motion is amended to add natural infiltration. Brownlow seconds the amended motion. Board votes unanimously in favor of the amended motion.

#### **OLD BUSINESS**

##### Schanbacher Waiver of Land Development

Carryover from last two meetings where resident is requesting a waiver from land development. The Schanbachers are not at tonight's meeting. Halderman motions to table this until the October

10<sup>th</sup> meeting. Bedics seconds the motion. Board votes unanimously in favor to table the waiver request.

### Britt Forestry Request

Resident is requesting to allow forestry on a tract where there is a natural easement. This is a carryover from last meeting. Bedics asks Mr. Britt if there has been lumbering going on since the last meeting of September 12<sup>th</sup>; Britt replies there has not, but before the last meeting there was lumbering. Board members asks if a lot of trees have been cut and Britt replies that Heacock Lumber has, and that Jeff Mease advised them and approved the logging of that property and states that he has a permit. Schilling reviews the paper that Britt has and states that the paper that Britt has is a permit application. Britt says Heacock Lumber handled the permit application and he was not involved in the process. He said he was told by Mease that this is normal. Schilling asked was that before Jeff Mease realized that there was a natural easement on the property. Britt said no; even before the forester was hired to go out there to do a survey, he came to Mease. He explained the property to Mease and that he was going to have a forestry survey done. He said Mease asked if there was any problem with selective harvesting on those 25 acres. He said to consider that land agricultural as far as the selective cutting of timber. Schilling asked why would you come before the board a month ago. Britt said the escrow was posted and Jeff Mease told the representative from Heacock Lumber that now there has been a change. He said he believed he had the authority to approve the selective harvest and was then told that he needed to go to the board. At that time Britt said he told Heacock to shut down until going before the board. He states he has gone through every effort to comply with the rules. Schilling asks if Britt was told he could start the logging based upon a permit application. Britt said the very day that Heacock stepped on the property; he personally called Mease who stated it was OK to cut trees. He said Mease stated he had been busy and will get that permit to Heacock in a few days. He said then Mease said he did not have the authority, but it had to go before the board. Schilling states Mease and he discussed this with him and said it was a conservation easement, not for agriculture. Schilling thought it was for natural features, but there was some discussion at the last board meeting that it was given to prevent further subdivision. Britt stated there was a lot of activity that took place before that. Wynn states that trees were dragged through existing wetlands. Britt states that he is not aware of that happening but would check it out. Steve Gruber and Krista Carr (neighboring property owners) commented that they went out to property and were upset by what they saw. They are concerned that the existing woods are exposed to elements of wind that they are not accustomed to. They feel they are trashing everything. Brownlow addresses Britt as being the owner of the property and being the one who is responsible here. Clemons states there is no tree cutting without the township's consent. Brownlow states Britt as cutting the trees without a permit and wants to be assured that this will stop. Halderman requests getting a forestry management program. Brownlow asks the solicitor where the township is at this point. Clemons says as a private property owner any cutting of trees would be subject to the express written approval of the township. We're not here on whether there was a permit issued. Clemons states Britt is permitted under the easement to forest with the township board of supervisor's approval. Halderman asked Britt if the seller disclosed this conservation easement when Britt purchased the property. Britt said yes, but it did not say anything about cutting trees. Schilling states the bottom line is cutting trees is not a bad thing because trees can look healthy on the exterior, but may not be inside. We're back to a conservation easement on this property, so if the board would like Mr. Britt to establish an

escrow to have Wynn evaluate the plan. Halderman asked if the EAC evaluated the property. Britt said no and he thought there was a liability issue there and he has no problem with the township professional staff evaluating the property, confirm what's been done and make sure he has all he needs to have. He also agreed to a forest management plan. His question is what is wrong with the plan he paid for. Brownlow said they need the engineer to look at the plan. There's been no permit issued, so how do we move forward? Halderman asked how many trees were cut. Britt said the plan calls for 12 to 15 percent cutting. None were included in the wetlands themselves. Britt invited each board member and a waiver of liability to come back in and check for them. Halderman would like to see Wynn and the EAC go out there. Schilling asks who will pay Mr. Wynn. Someone replies that the landowner is responsible. Britt states he paid \$11,500 in escrow and the township can use that money. Halderman motions to authorize Wynn and EAC to visit the Britt property with Heacock Lumber and the money to be paid with the escrow. Schilling states the problem is the check is from Heacock Lumber. Clemons says it's not a problem. Bedics seconds the motion. Britt says before the board votes on this, he went to the EAC meeting, which he was asked to go to. Members have no nametags. Brownlow assures the owner that an official member of the EAC will come out. Board votes unanimously in favor of the motion.

#### Act 4

Allows for the freezing of taxes at the current rate by the county, school district and local municipality on land that is in or placed in Farmland Preservation. All three entities must agree to adopt Act 4. Solicitor to address by what mechanism (ordinance or resolution) that this needs to be done. Halderman suggested at the last meeting that neighbors be notified (Tinicum and Nockamixon are present). Clemons and Halderman discuss and explain what the Act 4 does: Requires township, school district and the county to agree.

Legislature adopted a law to permit real estate tax district to freeze taxes on easements. For this to be effective, all three districts must adopt resolution to bring this about. They would have to cover same subject. County of Bucks adopted ordinance freezing tax mileage on 99 agricultural easement properties. Zisko motions to authorize Clemons to model a resolution or ordinance after the Bucks County model. Bedics seconds the motion. Board votes unanimously in favor.

#### EAC Recommendation for Girl Scouts Project

Schilling states the deadline is the end of September. Schilling updates on the native garden project. Schilling and Hans Reimann will meet this Saturday at 9 a.m. and landscape around the building with the help of Bedics. Board consensus is that the Girl Scout Project would be a good thing to put in for. Schilling will follow up.

#### **NEW BUSINESS:**

##### Historic Commission - Sale of Tiles

Zisko motions to give the Historic Commission permission to sell new designed tiles. Brownlow seconds the motion. Board votes unanimously in favor of the motion.

##### Appoint of Legal Counsel for Police Collective Bargaining

Brownlow explains in the past the township used Reed Smith, but the township manager suggests using Heimbach, Spitko & Heckman from Allentown at a much lower rate. Schilling explains this firm would only be used in the case that the negotiations go to arbitration.

Brownlow motions to authorize the township manager to hire the Allentown firm to provide legal counsel for the police collective bargaining. Halderman seconds the motion. Bedics asks about the sentence stating additional costs like travel for meetings and postage, etc. Brownlow states that is standard. Board voted unanimously in favor of the motion.

### Upper Bucks EMS

EMS Personnel was present to discuss their needs. Gary Pearson, acting president spoke. He explained that the EMS covers three townships: Tinicum, Nockamixon and Springfield. He summarizes the audit financial statement and shows a loss of \$81,378 in 2005; \$11,000 loss in 2004; \$42,000 in 2003 and \$178,000 in 2002. This picture shows the EMS has been operating at a loss every year since 2002 requiring a change. We need an additional \$40,000 to break even. 2007 is the next issue. A budget has not been set yet. He asks that all municipalities pay their fair share and this can be discussed when the 2007 budget is presented. There is a reduction in coverage. Right now it's modified service coverage. Ambulance service numbers are down primarily because of the service fees, which are generated from the insurance companies. Brownlow asks if the EMS balance bills after billing to insurance companies, which Pearson replies that they do. Zisko motions to contribute \$20,000 from Springfield Township for this year; Brownlow seconds the motion. Bedics questions the utility bills for the building. Halderman questions insurance costs. Schilling asks the EMS rep if they are paying renter's insurance. Pearson states that he will sit down with Schilling and go over the usage and logistics. Bedics asks if they will be able to go back to full-time coverage. They respond that the money will only carry them through December 2006. There is discussion also about the generator. Schilling asks if the donation from Springfield includes the building. EMS says it does not include the facility. They meet the third Monday of every month and invite anyone to attend the meetings. The board votes unanimously in favor of the motion.

Bedics announces Upper Bucks Regional EMS Open House on October 15, 1-4 p.m. Refreshments served; tour given; questions answered; raffle prizes. She has tickets for anyone interested.

### **PUBLIC COMMENT:**

Ken Simmons invites the public to the Springtown Water Authority meeting on Thursday, 7 p.m., at the Springtown Firehouse. This is an informational meeting for the residents of Springtown.

Reimann thanks the board, manager, solicitor and residents who spoke in regard to the Britt forestry issue.

### **SUPERVISORS COMMENTS:**

Bedics states that she wants Patty Raynock to replace her as a regular member of the EAC. Schilling says board needs to accept Bedics' resignation first. Zisko motions to accept Bedics' resignation as a regular member of the EAC. Halderman seconds the motion. Board votes unanimously in favor. Bedics motions for Patty Raynock to replace her on the Environmental Advisory Committee. Halderman seconds the motion. Board votes unanimously in favor of the motion.

Brownlow asks the board for input on the 2007 Budget for the next work session. Since it is getting late Brownlow moves to cancel the work session and adjourn. Halderman seconds the motion. Board votes unanimously to adjourn at 10:42 p.m.

Respectfully Submitted,

Richard H. Schilling  
Township Manager/Secretary