

MINUTES OF NOCKAMIXON TOWNSHIP BOARD OF SUPERVISORS

December 19, 2013

The regularly scheduled meeting for December was held on Thursday, December 19, 2013 in the Township Building in Ferndale, PA. Chairman, William C. Sadow, Jr. opened the meeting at 7:30 P.M. with a salute to the flag.

**Members Present:**

William C. Sadow, Chair  
Carl Bahnck, Vice-Chair  
Nancy Alessi  
Al Santopietro  
Shannon L. Doman

**Others in attendance:**

Attorney:  
Jordan B. Yeager, Esq.  
Treasurer:  
Keith DeLuca  
Secretary:  
Heather DiSario

**SCHEDULING:**

The schedule for the month was reviewed by Chairman, William C. Sadow, Jr.

**MINUTES OF MEETING:**

A motion was made by C. Bahnck, seconded by N. Alessi, to approve the minutes of the November 21, 2013 Board of Supervisors meeting as presented. The motion carried 4-0-1 with A. Santopietro abstaining.

**PUBLIC COMMENT:** Bill Sadow thanked Keith and Janet DeLuca and Heather DiSario for helping to set up the holiday party.

**PUBLIC HEARING:**

**a. Purchase of Conservation Easement** - J. Yeager distributed to the Board the proposed resolution, notices and advertisements, and a revised version of the agreement of sale regarding the McCandless Property at 475 Traugers Crossing Road in Kintnersville. The hearing opened at 7:40 p.m. J. Yeager noted the minor changes made to the agreement of sale. S. Tenney made a presentation describing the property in detail. The hearing was open to public comment. There was no public comment. The hearing was closed at 7:52 p.m.

A motion was made by N. Alessi, seconded by S. Doman, to approve Resolution #12-19-2013 authorizing entering into an agreement of sale for the purchase of a conservation easement over certain lands owned by Jennifer McCandless, for open space purposes. The motion carried 5-0-0.

**b. Adoption of Year 2014 Budget** - Jordan Yeager opened the public hearing at 7:56 p.m. The hearing was open to public comment. There was no public comment. The hearing was closed at 7:56 p.m. The ordinance was placed before the Board for consideration.

A motion was made by B. Sadow, seconded by N. Alessi, to adopt the 2014 Township Budget as presented and advertised. The motion carried 5-0-0.

**STAFF REPORTS:**

**a. Public Works Report, November 2013** - A motion was made by A. Santopietro, seconded by B. Sadow, to approve the November 2013 Public Works Report as presented. The motion carried 5-0-0.

There was a discussion regarding a plowing conflict involving a property on Quarry Road. A. Santopietro suggested contacting the landowner to remediate the problem,

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or have the Township remove the overgrowth. J. Yeager will contact the Township Engineer regarding the right of way and send communication to the land owner.

**b. Treasurer's Report:**

Keith DeLuca gave the report. K. DeLuca said goodbye to and thanked Supervisor Al Santopietro, who's term is up at the end of the year.

The new backhoe is in and the Township expects to take delivery the first week of January. It was recommended by the Township Solicitor to secure a loan rather than a lease; since the loan comes at a lower interest rate. J. Yeager prepared a draft ordinance for advertisement.

Hutchinson, Gillahan & Freeh submitted their fee for this year's audit. The fee for the 2013 audit is \$7600.00.

The board reviewed a draft entry for the Township newsletter regarding the Act 537 policy. There was a discussion regarding contacting haulers regarding having them submitting the proof of pump out to the Township.

K. DeLuca requested to attend a Right-to-Know Open Records Officer seminar in January.

The road crew scrapped the 1987 Ford Dump Truck. 611 Metals was the highest price per pound. \$1342.00 was paid to the Township.

Bills being presented tonight: from the General Fund, \$57,345.09; State Fund, \$5460.88; LST Distributions, \$7395.50, Escrow Fund, \$1420.53 and Open Space \$810.00.

A check is being sent to Quality Bridge & Fab for \$27,685.00 for the steel for Trauger's Crossing Bridge so it will be in this year's budget. The Township is in discussions with the same company regarding acquiring the steel for the other Lonely Cottage Bridge.

Transfers requested tonight: \$810.00 from the Open Space Fund to the General Fund.

A motion was made by B. Sadow, seconded by A. Santopietro, to approve the December 2013 Treasurer's Report as presented. The motion carried 5-0-0.

A motion was made by B. Sadow, seconded by A. Santopietro, to approve the December 2013 Bill List as presented. The motion carried 5-0-0.

A motion was made by B. Sadow, seconded by A. Santopietro, to authorize the transfer of \$810.00 from the Open Space Fund to the General Fund. The motion carried 5-0-0.

A motion was made by B. Sadow, seconded by A. Santopietro, to approve two out of meeting checks for the McCandless closing, amount to be determined, and \$85,900 to Plasterer for the new backhoe. The motion carried 5-0-0.

**c. Zoning Report-** Jim Kopchak, Zoning Officer from Keystone Municipal Services, reviewed with the Board the monthly zoning report and also non-traffic citations issuance procedures. He explained other township's procedures issuing non traffic citations. J. Yeager noted that when a Zoning

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Officer is enforcing the Zoning Ordinance, it requires Board approval before any civil enforcement action is taken; with the recognition that an enforcement officer exercises professional discretion in a way that is consistent with the wishes of the Board.

A motion was made by seconded by B. Sadow, seconded by A. Santopietro, to approve the December 2013 Zoning Report as presented. The motion carried 5-0-0.

COMMITTEE ACTION ITEMS:

SOLICITOR'S REPORT:

J. Yeager thanked Al Santopietro for his time on the Board.

There was a discussion regarding Act 13 being found unconstitutional.

There was also a discussion on paying for the new backhoe with the loan or the general fund.

A motion was made S. Doman, seconded by N. Alessi, to authorize advertisement for incurring the additional debt for the purchase of the John Deere backhoe. The motion carried 5-0-0.

J. Yeager gave an update on the Jam at the Grove court case.

J. Yeager is planning to meet with the Commissioners regarding the Gorham property. He asked if a board member could join him.

A motion was made by N. Alessi, seconded by A. Santopietro, to authorize the Township Solicitor to send a notice to the Mears property owner regarding right of way issues. The motion carried 5-0-0.

J. Yeager noted there is a hearing scheduled for January 2 regarding the Arbor case.

SUBDIVISIONS:

- a. G. Hoffman 5-lot Subdivision TMP# 30-11-164-2; -164-2; -164-5 grants extension to 01/23/2014
- b. A.M. Morton - Lonely Cottage Road Subdivision - TMP# 30-13-5 grants extension to 03/31/2014
- c. Smith Minor Subdivision - TMP# 30-11-17-3 grants extension to 2/28/2014

LAND DEVELOPMENT:

- a. Wehrung's Phase II L/D TMP# 30-10-35 - grants extension to 6/30/2014

OLD BUSINESS:

- a. Cabot Corp - no new information.
- b. Hidden Valley - no new information.

NEW BUSINESS:

- a. Permission to advertise the 2014 Reorganization meetings: Board of Supervisors - Monday January 6, 2014 @7:30 PM; Planning Commission, Tuesday January 7, 2014 @7:30 PM; Elected Township Auditors, Tuesday January 7, 2014 @6:30 PM; Zoning Hearing Board, Wednesday January 8, 2014 @7:00 PM.

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A motion was made by B. Sadow, seconded by N. Alessi, to authorize advertisement of the 2014 Reorganization meetings. The motion carried 5-0-0.

COMMITTEE REPORTS:

- a. Emergency Management -
- b. Environmental Advisory Committee -
- c. BNT Ground Water Committee -
- d. Open Space Committee -
- e. Park & Recreation Board-
- f. Nockamixon Historic Commission- N. Jesiolowski noted the Historic Commission has an article submission for the upcoming Township newsletter.

ADJOURNMENT:

A motion was made by A. Santopietro, seconded by N. Alessi, to adjourn the Board of Supervisors meeting at 9:45 p.m. The motion carried 5-0-0.

Respectfully submitted,

Heather DiSario  
Recording Secretary

DRAFT