

MINUTES OF NOCKAMIXON TOWNSHIP BOARD OF SUPERVISORS

January 17, 2012

The regularly scheduled meeting for January was held on January 17, 2012 in the Township building in Ferndale, PA. Chairman, Wm. Sadow, Jr. opened the meeting at 7:35 P.M. with a salute to the flag.

Members Present:	Others in attendance:
Carl Bahnck, Vice-Chairman	<u>Solicitor</u>
Albert Santopietro	Jordan B. Yeager, Esq.
Nancy Alessi	<u>Secretary</u>
Shannon Doman	Arlene E. Eichlin
Arrived 7:35 P.M.	<u>Treasurer:</u>
	Keith R. DeLuca

SCHEDULING:

-The schedule for the month was reviewed by Chairman, Wm. Sadow, Jr.

MINUTES OF MEETING:

-A motion was made by Albert Santopietro, seconded by Carl Bahnck, to approve the Minutes of the December 21, 2011 Board of Supervisors meeting as presented. The motion carried 3-0-2. With Nancy Alessi and Shannon Doman abstaining, they were not supervisors.

-A motion was made by Carl Bahnck, seconded by Nancy Alessi, to approve the Minutes of the January 3, 2012 Board of Supervisors Organization meeting as presented. The motion carried 5-0-0.

PUBLIC COMMENT:

-Celeste Dashiell, 228 Church Hill Road, commented that her property is in compliance with Township zoning regulations regarding the current use and number of horses allowed.

-Joe Baumhauer, a resident, addressed comments on a survey compiled from residents' remarks of recent power outages and the impact on older citizens in the Township. A discussion ensued regarding a recent meeting held at the Township and it was noted that when additional meetings are held the Board of Supervisors would be attending.

-Additional comments were received from Elsie McHale and Sancie Tenney.

-Neil Jesiolowski commented that he did some research regarding outages and has information he will forward to the Township.

CONDITIONAL USE:

a. **Evans & Sayre, 9207 Old Easton Road TMP# 30-007-015** - Solicitor, J. Yeager, opened the hearing at 7:53 P.M. Court Stenographer, Justine A. Gregor, recorded the proceedings. The applicant, John Suchy, on behalf of property owners Michael Evans and Laura Sayre concerning property at 9207 Old Easton Road, TMP# 30-7-15 is seeking Conditional Use approval for the residential conversion of an accessory building. An existing cottage on the property will remain a residential dwelling. Board exhibit packet #1 was distributed to the Board and public. Contained in the packet was the following: the application; hearing public notice; correspondence to the Legal Advertising Dept. of the Intell, proof of publication for January 3 and 10, 2012; certification of notice posting at the Township building verified by the Secretary, Arlene Eichlin; certification of posting of the property verified by Zoning Officer, Christopher Clayton; set of certified mail receipts for notification of neighboring properties; correspondence to property owners at 9207 Old Easton Road; three (3) sections of zoning ordinance excerpts raised by the Conditional Use application; correspondence dated January 6, 2012 from the Township Engineer on behalf of the Planning Commission citing their review and recommendation of approval. When asked by the Solicitor, no one requested party status. John Suchy, a realtor with Coldwell Banker Hearthside, was authorized by

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the property owners to submit the application and gave testimony on their behalf. He gave a short history of the property. He presented exhibit A1: the most recent inspection of the sand mound. The Solicitor discussed ordinance standards for the basis of the Conditional Use. Testimony was closed and when asked, there was no public comment. John Suchy requested a letter from the Township confirming the Use for this property. **The solicitor commented that if the Board is so inclined they can entertain a motion to grant the application such as conditioned that the use of the property be carried out consistent with the testimony, consistent with the existing use and its prior use. That the applicant pay all Township expenses related to the application to the extent not already paid, and the applicant comply with rules, regulations and ordinances of the Township, Commonwealth, the United States, particularly the Township Zoning Ordinance and Subdivision And Land Development Ordinance unless otherwise waived.** Carl Bahnck entertained that as his motion, seconded by Shannon Doman. The motion carried 5-0-0. When asked, the applicant, on behalf of the owners, agreed to the conditions stated. A decision will be available in 45 days. The Solicitor closed the hearing at 8:10 P.M.

STAFF REPORTS:

a. Road Report - December 2011 - Petroleum Product Bid Awards - A motion was made by Albert Santopietro, seconded by Wm. Sadow, Jr., to approve the December 2011 Public Works Dept. Report as presented. The motion carried 5-0-0.

Ultra-Low Sulfer #2 Diesel Fuel Bid Award:

The following bids were received and reviewed by the Board:

Superior Plus Energy Services

OPIS Philadelphia Ave. day of Delivery Plus \$.2800 per gallon

Example: 1/6/12 \$3.4427 + \$.2800 per gallon, plus any applicable taxes.

Stem Brothers

\$3.559/gallon - floating

Brinker's Fuels

\$3.427/gallon - floating - delivered from Riegelsville

Farm & Home Energy

\$3.6920/gallon - fluctuate based on Buckeye Telford Rack Average + \$.4500

Atlantic Coast Energy

\$3.42/gallon fluctuating

The Board discussed installing a 1,000 gallon fuel tank to accommodate the amount of fuel needed for miscellaneous township equipment. A motion was made by Nancy Alessi, seconded by Albert Santopietro, to award the Petroleum Product Bid for Ultra-Low Sulfer #2 Diesel to Atlantic Coast Energy at a cost of \$3.42/gallon-fluctuating. The contract begins January 31, 2012. The motion carried 5-0-0.

TREASURER'S REPORT:

Keith DeLuca gave the report.

-The Treasurer has successfully renegotiating the Township's contract with its current recycling service, Allied Waste, reducing the cost from \$360.00 per month to a flat fee of \$135.00 per month. For the remaining two years of the contract, in addition, we have negotiated with Newman Paper to recycle the Townships cardboard and paper at no cost to the Township.

-The Treasurer requests authorization to sign on behalf of the Township an agreement between Hutchinson, Gillahan & Freeh and Nockamixon Township to perform its annual audit at a cost of \$7,500.00.

-The Treasurer requests consent to submit the 2011 PennDOT MS - 965, liquid fuels actual use report. Also completed and submitted were the 2011 DCED-CLGS-69, survey of financial condition and the 2012 DCED-CLGS-2565, municipal tax information form. As well as all quarterly Federal, State, County and Local reports.

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-The 2011 W-2's and 1099's will be completed and mailed by the end of the month, as will complementary annual reports.

-Permission is requested for the Township Secretary to advertise the sale, by closed bid, of the Townships 1987 Ford Dump Truck. The Board discussed the cost to advertise and other alternatives to dispose of the Ford Dump Truck. If the fair market value of the truck is less than \$1,000.00 there is no issue, no advertising is necessary. Also no bidding requirements if the Board disposed of the truck and money received is applied to the cost of a new vehicle. The Board took no action.

-Bills being presented tonight; from the General Fund, \$30,817.37; Fire & EMS Distribution, \$3,441.11; Open Space Fund, \$78.00 and from the Escrow Fund, \$1,722.74.

-Transfers requested: \$78.00 from the Open Space Fund to the General Fund.

-A Motion was made by Carl Bahnck, seconded by Nancy Alessi, to approve the January 2012 Treasurer's Report as presented. The motion carried 5-0-0.

-A motion was made by Carl Bahnck, seconded by Wm. Sadow, Jr., to authorize the Treasurer to sign the contract for the annual audit by Hutchinson, Gillahan & Freeh at a cost of \$7,500.00. The motion carried 5-0-0.

-A motion was made by Wm. Sadow, Jr., seconded by Nancy Alessi, for the Treasurer to submit the 2011 PennDOT MS-965 liquid fuels actual use report, 2011 DCED-CLGS-69, survey of financial condition and the 2012 DCED-CLGS-2565, municipal tax information forms as well as all quarterly Federal, State, County and Local reports. The motion carried 5-0-0.

-A motion was made by Wm. Sadow, Jr., seconded by Albert Santopietro, to approve the January 2012 Bill List as presented. The motion carried 5-0-0.

-A motion was made by Wm. Sadow, Jr., seconded by Carl Bahnck, to transfer \$78.00 from the Open Space Fund to the General Fund. The motion carried 5-0-0.

COMMITTEE ACTION ITEMS:

-Jeff Petersen, EAC Chair, read a list of action items to the Board including, but not limited to: recommending the formation of the proposed Nockamixon Water Management Planning Subcommittee. He noted that the data would be compiled from the BNT GWMC. **A motion was made by Albert Santopietro, seconded by Nancy Alessi, to give direction to the Planning Commission to set up the Nockamixon Water Management Planning Subcommittee including the minimum/maximum number of members within the Planning Commission, additional citizen members and to compose a mission statement.** Under discussion, have the Planners review the letter sent by the EAC last year. To clarify, that the Planners discuss how to structure, and then bring their recommendations back to the Board. **The motion carried 5-0-0.** - EAC will be sending a letter of recommendation to the Board regarding the Cabot Environmental Covenant. EAC requested an update of quarry inspections and the Status of Act 537: currently in process The Board requested that the Secretary contact Steve Baluh for updates. - Work sessions to be scheduled at a later date.

-Neil Jesiolowski, Chair, Nockamixon Historic Commission requested \$50.00 to register their domain name: nockamixonhistoriccommission.org. **A motion was made by Nancy Alessi, seconded by Albert Santopietro, to approve the \$50.00 to protect the domain name.** The motion carried 5-0-0.

SOLICITOR'S REPORT:

a. Breiner enforcement action will be heard Wednesday, January 18, 2012.

b. Berger Road litigation once again in the hands of the Judge.

At 8:50 P.M. Chair, Wm. Sadow, Jr., commented that the Board would meet in Executive Session to discuss Litigation and Real Estate. The Board returned from Executive Session at 10:13 P.M. after discussing Litigation and Real Estate.

The Solicitor, J. B. Yeager, left the meeting at 10:13 P.M.

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LAND DEVELOPMENT:

a. Wehrung's Group Phase II - TMP# 30-10-35-1 - grants extension to March 30, 2012. - A motion was made by Wm. Sadow, Jr., seconded by Albert Santopietro, to grant the extension to Wehrung's Group Phase II, TMP# 30-10-35-1 until March 30, 2012. The motion carried 5-0-0.

LAND DEVELOPMENT ESCROW:

a. Jugovich/Meadows L/D - TMP# 30-11-159 - Release cash escrow after final bills are paid. A motion was made by Wm. Sadow, Jr., seconded by Albert Santopietro, to release cash escrow after final bills are paid. The motion carried 5-0-0.

b. Eastern Oak Tree Service - Voucher #1A - \$32,250.00 - payable to Eastern Oak. A motion was made by Nancy Alessi, seconded by Albert Santopietro, for the Treasurer to release Voucher #1A in the amount of \$32,250.00, payable to Eastern Oak. The motion carried 5-0-0.

c. Wehrung Group Phase I - TMP# 30-10-35 - LOC#975800303. (First Savings w/cancel 02/01/2012)- Discussion. A letter was to be written to advise the Wehrung Group of the extension granted by the Board at their December meeting. Table until the work Session. Secretary to contact the Solicitor.

d. Dwayne E. Gross LOC#975844476. (First Savings w/expire 7/27/2012) - A motion was made by Albert Santopietro, seconded by Nancy Alessi, to accept the expiration date of July 27, 2012 for LOC#975844476. The motion carried 5-0-0.

OLD BUSINESS:

a. Amend - Holiday Schedule - Primary Election Day - Tuesday, April 24, 2012 (May 8, 2012 at Reorg). Motion by Nancy Alessi, seconded by Shannon Doman, to amend the Holiday Schedule - Primary Election Day to Tuesday, April 24, 2012. The motion carried 5-0-0.

b. Letter of Interest - Mark Passerini, Park & Rec Board - Term to expire 12/31/2016 (5-year). - A motion was made by Albert Santopietro, seconded by Carl Bahnck, to re-appoint Mark Passerini to the Park & Rec Board for a 5-year term to expire 12/31/2016. The motion carried 5-0-0.

c. 2012 Fee Schedule Resolution #01-17-2012. After a short discussion, the Board tabled until the January Work Session.

NEW BUSINESS:

a. BCATO Convention February 4, 2012 - Attendees. No attendees.

b. PSATS Convention - May 6-9, 2012 - Attendees. A motion was made by Carl Bahnck, seconded by Nancy Alessi, to have the Chair, Wm. Sadow, Jr., attend the PSATS Convention. The motion carried 5-0-0. A motion was made by Wm. Sadow, Jr., seconded by Carl Bahnck, to issue an out-of-meeting check for the registration fee, not to exceed \$500.00. The motion carried 5-0-0.

c. Appointment ZHB Solicitor - Grim, Biehn, Thatcher, PC - Jonathan Reiss, Esq. Hourly Rate-\$150.00 - A motion was made by Shannon Doman, seconded by Carl Bahnck, to approve the re-appointment of Grim, Biehn, Thatcher, PC - Jonathan Reiss, Esq. as the ZHB Solicitor, at an hourly rate of \$150.00. The motion carried 5-0-0.

d. Sixth Annual PCF - 5K Challenge - May 5, 2012 @ 9:00 A.M. - Board approval. - A motion was made by Nancy Alessi, seconded by Shannon Doman, to approve the Sixth Annual PCF, 5K Challenge scheduled for May 5, 2012 @ 9:00 A.M. The motion carried 5-0-0.

e. Resignation - Bruce Young, Nockamixon Historic Commission, accept resignation. A motion was made by Wm. Sadow, Jr., seconded by Nancy Alessi, to accept the resignation of Bruce Young from the Historic Commission. The motion carried 5-0-0.

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COMMITTEE REPORTS:

- a. **Zoning Report** - C. Clayton, Zoning Officer, was not in attendance. A motion was made by Nancy Alessi, seconded by Carl Bahnck to accept the Zoning Report as presented. The motion carried 5-0-0.
- b. **Emergency Management** - Discussed earlier in the meeting.
- c. **Environmental Advisory Council** - Discussed earlier in the meeting.
- d. **BNT Ground Water Committee** - No Report
- e. **Open Space Committee** - Executive Session held earlier in meeting.
- f. **Park & Rec Board** - No report
- g. **Nockamixon Historic Commission** - Discussed earlier in the meeting.

ADJOURNMENT: A motion was made by Albert Santopietro, seconded by Nancy Alessi, to adjourn the meeting at 10:25 P.M. The motion carried 5-0-0.

-At 10:27 P.M., the Chair, Wm. Sadow, Jr., reopened the meeting. Carl Bahnck commented that a celebration will be held at Ottsville Fire House in February for Sgt. Jenna Stanzione and he requested that the Board of Supervisors present a certificate of recognition. A motion was made by Nancy Alessi, seconded by Albert Santopietro, authorization to expend up to \$75.00. The motion carried 5-0-0.

-Nancy Alessi discussed the possibility of 75% funding of a property easements value from Bucks County's Municipal Open Space Funding. She requested a consensus of the Board for the Open Space Program that, when filling out forms for property easements, they apply for 75% County funding. The Board agreed.

ADJOURNMENT: A motion was made by Nancy Alessi, seconded by Albert Santopietro, to adjourn the meeting at 10:30 P.M. The motion carried 5-0-0.

Respectfully submitted,

Arlene E. Eichlin
Recording Secretary