

MINUTES OF NOCKAMIXON TOWNSHIP BOARD OF SUPERVISORS

February 21, 2012

The regularly scheduled meeting for February was held on February 21, 2012 in the Township Building in Ferndale, PA. Chairman Wm. Sadow, Jr. opened the meeting at 7:30 P.M. with a salute to the flag.

Other Members Present: Others in attendance:

Carl Bahnck, Vice-Chairman Attorney
Albert Santopietro B. Closser
Nancy Alessi Secretary
Shannon Doman Arlene E. Eichlin
Treasurer:
Keith R. DeLuca

Solicitor: Jordan B. Yeager
Arrived at 9:00 P.M.

SCHEDULING:

-The schedule for the month was reviewed by Chairman, Wm. Sadow, Jr. The Board of Supervisors Work Session scheduled for February 23, 2012 has been cancelled.

MINUTES OF MEETING:

-A motion was made by Nancy Alessi, seconded by Carl Bahnck, to approve the minutes of the January 17, 2012 Board of Supervisors meeting as presented. The motion carried 5-0-0.

-A motion was made by Nancy Alessi, seconded by Carl Bahnck, to approve the minutes of the January 26, 2012 Board of Supervisors Work Session as presented. The motion carried 5-0-0.

PUBLIC COMMENT: Open for 20 minutes - limited to three minutes per person.

-Sanci Tenney voiced comments about HB1950 which changed the gas and oil drilling lease law for Pennsylvania and asked the Board how it would impact the Township. The Board has no information at this time.

-Neil Jesiolowski followed-up on information to the Board regarding the storms of last year and reasons for the power outages.

-Ellen Chapman asked who was repairing the bridge in Ferndale. It was noted that the County is working on the bridge to Hidden Valley.

STAFF REPORTS:

a. **Public Works Report - January 2012 -** A motion was made by Albert Santopietro, seconded by Nancy Alessi, to approve the January 2012 Public Works report as presented. The motion carried 5-0-0.

-Salt Contract Participation Agreement 8/2012 thru 7/2013 - Resolution #2-21-2012 - A motion was made by Wm. Sadow, Jr., seconded by Albert Santopietro, to approve the Salt Contract Participation Agreement from 8/2012 thru 7/2013 for the purchase of Sodium Chloride (Road Salt) as Resolution #2-21-2012. The motion carried 5-0-0.

b. Treasurer's Report:

Keith DeLuca gave the report.

-Saturday, February 25th the Ottsville Fire Company will be sponsoring a computer and electronics recycling fundraiser. This would be a good time to do some housekeeping within the Township Building. We have accumulated computers, computer hardware and software, cellphones, electronics, etc. that either do not work or have become obsolete. I request permission from the supervisors to allow me to decide what should be recycled, what should be kept or what should just be thrown away. Supervisor Bahnck offered to transport the recycled items to the Ottsville Fire Co. Station House. There is a \$5.00 fee for CRT's which can come from petty cash. **There was a**

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consensus of the Board to sort through the electronics in the township building for recycling at the Ottsville Fire Company at a cost of \$5.00/ea.

-The Treasurer met with Tom Macfarlan, Emergency Management Coordinator to discuss the purchase of new narrowband two-way radios. Mr. Macfarlan agreed that in light of the cost of a new radio that the Township could get by with one radio. The anticipated cost for one radio is \$5,500.00.

-The FEMA/PEMA Representatives conducted a site inspection of the Township with the Public Works Director and the Treasurer to evaluate damages incurred during Hurricane Irene and Tropical Storm Lee. We received the project worksheets a few days later with the assessments for work completed. The FEMA Project Specialist estimates that Nockamixon Township could be reimbursed as much as \$20,488.61.

-To date the Building Inspector/Zoning Officer billed the Township \$5,330.00 and collected \$1,554.00 in fees.

-On tonight's bill list is a return of escrow for Brian McArdle in the amount of \$13,744.97 and return of driveway escrow to John Suchy for \$1,000.00.

-Bills being presented tonight; from the General Fund, \$33,130.19; State Fund, \$3,375.33; Open space Fund, \$13.00 and from the Escrow Fund, \$15,382.50.

-Transfers requested: \$13.00 from the Open Space Fund to the General Fund.

A motion was made by Nancy Alessi, seconded by Shannon Doman, to release the escrow money for Brian McArdle in the amount of \$13,744.97. The motion carried 5-0-0.

A motion was made by Carl Bahnck, seconded by Shannon Doman, to release the driveway escrow for John Suchy in the amount of \$1,000.00. The motion carried 5-0-0.

A motion was made by Wm. Sadow, Jr., seconded by Albert Santopietro, to approve the February 2012 Treasurer's Report as presented. The motion carried 5-0-0.

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

COMMITTEE ACTION ITEMS: (as needed)

-Park & Recreation - Albert Santopietro reviewed the items on the Park & Rec memo. They are requesting a 'Star Gazing' event from 8:00 to 11:00 P.M. at Rapp Creek Park on May 19, 2012. Rain date: May 20, 2012. - A 'Movie Night in The Park' to be held at the County Horse Park, after obtaining Park permission, on June 9 and July 14, 2012. - The purchase of a 2' x 6' Nockamixon Park & Recreation banner with Township logo. Cost forthcoming. **A motion was made by Carl Bahnck, seconded by Shannon Doman, to approve the Star Gazing event for Saturday May 19, rain date Sunday, May 20, 2012 from 8:00 to 11:00 P.M. and, pending permission from the Park, movie night at the County Horse Park, Saturday, June 9 and July 14, 2012 for Community Families. The motion carried 5-0-0.** Additional information is needed for the banner.

-EAC - Sancı Tenney read the action items to the Board including, but not limited to: the Nockamixon Water Management Planning Subcommittee and the recommendation for an environmental review of Cabot. The Board directed the Township Engineer, Steve Baluh with the assistance of the Solicitor, Jordan Yeager to write a letter to the US-EPA and US-DEP requesting a re-review of the site. - A Board Work Session was scheduled for Thursday, April 26, 2012 @ 7:30 P.M. with the EAC.

-Nockamixon Historic Commission - Neil Jesiolowski requested permission from the Board to apply for a Grant from the Pennsylvania Statewide Historic

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Preservation 2012-2017 Plan. The deadline is March 1, 2012. Keith DeLuca will assist with the application. A motion was made by Nancy Alessi, seconded by Albert Santopietro, to approve the application for a grant from Pennsylvania Statewide Historic Preservation, with the assistance of Keith DeLuca. The motion carried 5-0-0.

-OSC - Ellen Chapman requested permission from the Board for two members of the Open Space Committee to attend the PALTA Conference May 3-5, 2012 in Monroe County. She also requested that the Township become a member of the association. A motion was made by Nancy Alessi, to approve the expenditure of \$420-460 for the education of two (2) Open Space Committee members at this years' PALTA Conference. The motion carried 5-0-0. - A work session was scheduled with the Board for Thursday, May 24, 2012 @ 7:30 P.M.

At 8:15 P.M., Chairman, Wm. Sadow, Jr., commented that the Board would meet in Executive Session to discuss Real Estate. The Board returned from Executive Session at 8:40 P.M. where they discussed Real Estate.

SOLICITOR'S REPORT:

a. TowerOne - Nockamixon Estoppel (B0687878-2) - Agreement Regarding Development Agreement - The Board will address when Solicitor Jordan Yeager arrives later in the meeting.

SUBDIVISIONS:

a. Beatriz Erhardt - LOC #344 - (First Niagara Bank - will expire 3/31/2012). A motion was made by Wm. Sadow, Jr., seconded by Carl Bahnck, to approve release of LOC #344 for Beatriz Erhardt. The motion carried 5-0-0. Beatriz Erhardt was in attendance. A motion was made by Wm. Sadow, Jr., seconded by Carl Bahnck, that the LOC will expire on 3/31/2012 (to accept) and that the Board will draft a letter to the current owner of the parcel advising that they will be responsible for the Stormwater Management Plan, a PennDOT Highway Occupancy Permit (HOP) and any other developmental items still open. The motion carried 5-0-0.

b. John & Patricia Gouck Sub - TMP# 30-3-4-1 - request extension of 18-month Maintenance Period - A motion was made by Nancy Alessi, seconded by Albert Santopietro, to grant a 6-month extension to the John & Patricia Gouck 18-month maintenance period. The motion carried 5-0-0.

c. George Hoffman 5-Lot Sub. TMP# 30-11-164-5; -164-2 & -164-3 - grants extension to Sept 30, 2012 - A motion was made by Albert Santopietro, seconded by Nancy Alessi, to grant a 6-month extension to the George Hoffman Sub. TMP# 30-11-164-5; -164-2 & -164-3. The motion carried 5-0-0.

OLD BUSINESS:

a. PSATS - Twp. Emergency Management Assoc. Full Time Membership - Thomas R. Macfarlan - Discussion - Additional fee - \$75.00. A motion was made by Nancy Alessi, seconded by Albert Santopietro, to expend an additional \$75.00 for a full membership in the PSATS Township Emergency Management Association. The motion carried 5-0-0.

b. United States Post Office - Request for Resolution, Mailing Addresses (Ferndale) - Discussion - The Board tabled to the March meeting.

Addendum:

c. Expiration of Letter of Credit for TMP# 30-11-124-1 - Wm. Sadow, Jr., spoke with Steve Baluh and there is \$1,933 in cash escrow, more than enough funds to complete the conditions. A motion was made by Wm. Sadow, Jr., seconded by Nancy Alessi, to release the Letter of Credit and keep the cash escrow to cover any items that were not completed. The motion carried 5-0-0.

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NEW BUSINESS:

- a. Doylestown Duathlon - Lake Nockamixon, April 7, 2012 - 9 A.M. to 11 A.M. - Letter of Acknowledgement - A motion was made by Shannon Doman, seconded by Nancy Alessi to have the Secretary send out a letter of acknowledgement for the Doylestown Duathlon recognizing that we have received their letter. The motion carried 5-0-0.
- b. 2012 Great American Clean-Up Day - Set Date/Time (3/1 thru 5/31) - Permission to contact residents/businesses. The Secretary requests volunteers to assist with phone calls. A motion was made by Wm. Sadow, Jr., seconded by Nancy Alessi, to hold the 2012 Great American Clean-Up Day on Saturday, April 28, 2012 from 9:00 A.M. thru 1:00 P.M. Permission to contact resident/businesses and seek volunteers. The motion carried 5-0-0.
- c. SECTV Liaison position - Request from Paul DiFillipo - Board Response - Nancy Alessi contacted Mr. DiFillipo she advised that a liaison is not needed at this time; the township is in the second year of a ten-year contract. The Secretary, Arlene Eichlin, commented that she had contacted Tim Himmelwright of SECTV and was awaiting a response. The Board requested that the Secretary extend an invitation to attend the next Board meeting.
- d. PSATS - New Township Planning Assoc. - Annual Membership - Discussion - A motion was made by Nancy Alessi, seconded by Carl Bahnck, to approve a full membership for a member of the PSATS New Township Planning Assoc. up to \$175. The motion carried 5-0-0. Advise the Planning Commission of the Board approval and have them approve a choice.
- e. Nockamixon Township Planning Commission 2011 Annual Activity Report - A motion was made by Nancy Alessi, seconded by Albert Santopietro, to accept the Nockamixon Township Planning Commission 2011 Annual Activity Report as presented. The motion carried 5-0-0.

COMMITTEE REPORTS:

- a. Zoning Report - A motion was made by Wm. Sadow, Jr., seconded by Carl Bahnck to approve the February 2012 zoning report as presented. The motion carried 5-0-0.
- b. Emergency Management - no report
- c. Environmental Advisory Committee - Discussed earlier in the meeting.
- d. BNT Ground Water Committee - Draft permission letter requesting written consent of well owners to share collected well data. A motion was made by Wm. Sadow, Jr., seconded by Carl Bahnck, to approve the draft permission letter, as presented, requesting written consent of well owners to share collected well data commensurate with approval by both Bridgeton and Tinicum Townships. The motion carried 5-0-0.
A request was received for Board approval of the following two grants: 1) funding to establish a data logger and conductivity meter in the Rapp Creek and 2) funding to provide technical support for the conversion of BNTGMC archival files to a reader-friendly data base program. A motion was made by Nancy Alessi, seconded by Shannon Doman, to approve the BNT Ground Water Committee's request to apply for the grants at no cost to the Township. The motion carried 5-0-0.
- e. Open Space Committee - Executive Session, Real Estate.
- f. Park & Recreation Board - Discussed earlier in the meeting.
- g. Nockamixon Historic commission - Discussed earlier in the meeting.

The meeting continued with Solicitor's Report-Solicitor arrived at 9:00 P.M. -TowerOne is the company the Township entered into an agreement with the possibility of marketing Township property for cell towers to provide a potential revenue stream for the Township. TowerOne is being purchased by

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another company and an agreement is needed in order to transfer our current agreement to the successor company. After a short discussion, the Board tabled until the March meeting.

-The Solicitor met with Sen. McIlhinney regarding HB1950 (Act 13 of 2012) items discussed were 1) the 'Impact Fees', which applies to wells that are drilled in unconventional formations and 2) zoning provisions, which does not differentiate between wells drilled in 'conventional and unconventional formations'. He explained to the Board how both of these items would impact the township. Sen. McIlhinney requested a letter with our concerns which he would share with the Senate Staff and have them send a response to the township. We will then proceed accordingly. The Act takes effect 60 days after signing and municipalities have 120 days to bring their ordinances into compliance.

At 9:30 P.M., Chairman, Wm. Sadow, Jr., commented that the Board would meet in Executive Session to discuss Real Estate. At 10:05 P.M. the Board returned from Executive Session where they discussed Real Estate and Litigation.

-A motion was made by Shannon Doman, seconded by Nancy Alessi, regarding the mailbox that the Public Works Dept. allegedly struck in 2011, to pay Mr. McLeod \$35.00 for his damaged mailbox contingent upon receipt of the release forwarded to Mr. McLeod by the Solicitor, Jordan Yeager last week.

The Solicitor commented that the release doesn't reference a particular claim. It is a general release in payment of \$35.00 without a discussion about the mailbox or mailbox allegations, and with a specific disclaimer of any admission of liability. To be consistent with the release, he recommended the following motion: authorize the payment of \$35.00 to David McLeod in exchange for general releases approved by the Solicitor. Shannon Doman amended his motion, seconded by Nancy Alessi, to approve payment of \$35.00 to Mr. McLeod contingent upon receipt of the signed general release provided to Mr. McLeod by the Solicitor, Jordan Yeager. Albert Santopietro commented that it is a sad day when we cannot support our employees by going down this path and leaving them out. He also commented that he did not want it on March's bill list. Wm. Sadow, Jr., commented that he did not agree with this decision. The motion carried 3-2-0 with Wm. Sadow, Jr., and Albert Santopietro voting nay.

-A motion was made by Nancy Alessi, seconded by Wm. Sadow, Jr., to authorize the Solicitor, Jordan Yeager to join in a lawsuit challenging the new gas Act in Pennsylvania and in addition write a letter to our State Representative and State Senator and PSATS, our municipal organization expressing our extreme displeasure with their lack of representing our zoning. The motion carried 4-1-0 with Carl Bahnck voting nay. A draft letter will be presented to the Board for review.

ADJOURNMENT: A motion was made by Nancy Alessi, seconded by Albert Santopietro, to adjourn the Board of Supervisors meeting at 10:15 P.M. The motion carried 5-0-0.

Respectfully submitted,

Arlene E. Eichlin
Recording Secretary