

MINUTES OF NOCKAMIXON TOWNSHIP BOARD OF SUPERVISORS

August 21, 2012

The regularly scheduled meeting for August was held on August 21, 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.

Other Members Present:

Carl Bahnck, Vice-Chairman
Albert Santopietro
Nancy Alessi
Shannon Doman

Others in attendance:

Attorney
Jordan B. Yeager
Secretary
Arlene E. Eichlin
Treasurer:
Keith R. DeLuca

SCHEDULING:

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

MINUTES OF MEETING:

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

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

Elsie McHale commented about, and had pictures of, the seven 'snow emergency signs' installed recently on Beverly Drive. She asked for both the cost of the signs and to install. It was noted by the Board that several Township roads have been posted.

-Sanci Tenney requested date of Quarry Inspection and had several permitting questions. They will be addressed later in the meeting.

-Susan Keogh thanked the Township for their consideration to use Open Space money to purchase the Mary Shively Property for additional recreation areas, in particular ball fields.

-Tom Buccigrassi works with Tom Keebler in the baseball/softball programs and commented that they are looking for open space for additional ball fields and also the need for a 90' baseball field.

-Jim Logan thanked the Board and the Secretary for contacting the County about the previous damage to the Quarry Road Bridge. Additional damage occurred recently and he asked the Board to consider posting signs prohibiting trucks with trailers. Steve Baluh will contact George Housworth to discuss options.

-Nancy Alessi commented that Ray Schulz, an Open Space Member, attended the PALTA Conference earlier this year. He brought back a signed copy of 'The End of Country' by Seamus McGraw which he presented to the Township. The Board requested that the Secretary send a thank you letter to Mr. Schulz.

PUBLIC HEARING:

a. Amended Sewage Facilities Act 537 - Resolution #08-21-2012 -

Township Engineer, Steven Baluh, P.E. opened the public hearing at 7:50 P.M. and gave the Board a brief overview of the amended Sewage Facilities (Act 537) Plan Resolution. The Hearing was advertised in the Intelligencer July 20, 2012. The Township seeks to maintain private on-lot systems and enact procedures to ensure proper maintenance of these facilities. Without this resolution, PADEP would mandate the installation of public sewers and/or treatment plants.

Steve Baluh and the Board reviewed the 'Alternatives of choice to be implemented for the Township' including but not limited to: Adoption of an Ordinance to implement an OLDS (On-Lot Disposal System) Program; Expansion of Harrow Station Treatment Facility; Revise Zoning Ordinance to include protection of Prime Agricultural Soils and Soils of Statewide Importance; Evaluation of future needs for sewage disposal within high density areas, including the Ferndale (Route 611/Church Hill Road), Mountain View Road/Haycock Drive and William Road/Helen

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Drive neighborhoods. If more than 25% of on-lot sewage disposal system failures are reported in the high density areas (does not include repairs) in a three-year period, the PADEP will review and discuss the township options. Maintaining the status-quo of systems in the Township will require increased monitoring and encouragement to residents to maintain/pump out systems. The hearing was open for public comment and residents voiced the following concerns: the requirement of having systems pumped every two years considered too often; implementation and monitoring of systems; penalty that the Township would impose for non-compliance; increase the current two-year blanket requirement for all systems to three years; impact considering the age of systems in the area. Steve Baluh commented that the timeframe to pump can be addressed when the draft ordinance comes before the Board. The Township will send letters advising residents of the new regulations setting a uniform standard for pumping and timeframe for compliance and/or hold seminars to disseminate information. The resident will be responsible for sending a copy of the pumping receipt to the Township office. Todd Stone commended the Township for the work they have accomplished to implement the State's directive. Steve Baluh commented that after PADEP approval, a schedule will be implemented to review the ordinance. The hearing was closed at 8:20 P.M. **A motion was made by Nancy Alessi, seconded by Shannon Doman, to approve the adoption of Resolution #08-21-2012 for the Revision to the Water Facilities Plan, Act 537 as summarized by the Township Engineer. The motion carried 5-0-0.**

STAFF REPORTS:

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

- Award Aggregates Bid

Quarry	Eureka Stone Quarry, Inc.*	Plumstead Materials*	H & K Materials, Inc.*
Description			
Aggregate #2A	\$12.00	\$10.50	\$11.30
Aggregate #3A	\$12.30	N/A	N/A
Ballast	\$14.50	\$12.15	\$12.20
Aggregate #8	\$20.00	\$15.00	\$14.80
Screenings	\$12.50	\$10.70	\$9.80
Aggregate #57	\$15.00	\$12.80	\$12.90
Aggregate #3	\$14.50	\$12.15	\$12.20
Aggregate R-4	\$17.00	\$14.00	N/A
Aggregate R-6	\$21.50	\$18.00	\$17.80
Surge	\$17.00	N/A	N/A
Antiskid	N/A	N/A	N/A

* adjusted by \$0.20 per mile per ton

The Board reviewed the bids received by the Township. After contacting the Hanson Aggregates BMC office, no proposal was received. **- A motion was made by Wm. Sadow, Jr., seconded by Nancy Alessi, to accept the Plumstead Materials bid for aggregates and anti-skid materials as listed. The motion carried 5-0-0.**

- Trauger's Crossing over Gallows Run Bridge - Discussion - Township Engineer Steve Baluh commented that Ludwig Engineering was authorized by the Board to update the design to current PennDOT standards. It was noted that the Township would do as

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much of the bridge replacement work as possible. He recommended that the Board consider, if possible, compiling a materials list, obtain pricing and purchase materials in 2012. This would minimize delays during construction and limit the required road closure. - **A motion was made by Albert Santopietro, seconded by Carl Bahnck, to authorize the Township Engineer, Steve Baluh, to compile a materials list and obtain an approximate cost, to replace the deck and the guide rails on the Trauger's Crossing over Gallows Run Bridge. The motion carried 5-0-0.**

- **Rock Ridge Rd. over Beaver Creek Bridge - Reconstruction drawings, specs and procedures - Discussion** - Steve Baluh commented that a letter was received through a PennDOT inspection agency advising that if repairs are not forthcoming for the Rock Ridge Rd. over Beaver Creek Bridge, the weight limit would be restricted. A repair design, authorized by the Board, was completed by Ludwig Engineering. The repairs can be completed by the Township. The bridge deck is in good condition. He made a recommendation that the Board compile a materials list, obtain pricing and purchase materials in 2012, if possible. Steve Baluh will contact the Public Works Director, George Housworth. - **A motion was made by Albert Santopietro, seconded by Carl Bahnck, to authorize the Township Engineer, Steve Baluh, to move forward with the Rock Ridge Rd. over Beaver Creek Bridge repairs. The motion carried 5-0-0.**

b. Treasurer's Report:

Keith DeLuca gave the report.

-The 2013 CDBG grant application has been made available by the County. There is a mandatory meeting for all applicants on August 22, 2012 at 2:00 P.M. He will be attending the meeting which will be held in Doylestown. **The Board approved.**

-The Township received, which is presumably, its final reimbursement from PEMA for damages attributed to Hurricane Irene and Tropical Storm Lee. Payments to Nockamixon Township to date have totaled \$30,569.28.

-Payment has been submitted to Nockamixon Township, from Hanson Aggregates in the amount of \$9,982.50 for their 2012 Quarry Permit.

-Nockamixon Township has received a check for \$5,000.00 from the First Energy Foundation to be used towards upgrading the generator in the township building. The replacement cost for a generator is in the \$25,000.00 range.

-A letter from First Savings was sent to Nockamixon Township on the subject of enforcing the Township's multiple signature clause. It is enforceable at the local branch level, but at the clearing house the scanning devices only read one signature. This is an industry wide standard. Nancy Alessi voiced concerns about recent correspondence received from the bank where the Township deposits their funds. **There was a consensus of the Board that the Treasurer contacts other banks and townships concerning checking/deposit/withdrawal policies.**

-Schedule 3013 Budget Work Sessions for September. - **A motion was made by Wm. Sadow, Jr., seconded by Nancy Alessi, to hold 2013 Budget Work Sessions on Thursday, September 13, 20 and 27, 2012 and on October 4, 2012 (if needed) at 7:30 P.M. The motion carried 5-0-0. The Secretary will advertise in The Intelligencer.**

-Some house cleaning items; 1) get prices on having the carpeting cleaned and 2) schedule maintenance service for the HVAC. **There was a consensus of the Board to have the Treasurer obtain pricing for carpet cleaning and HVAC maintenance service.**

-Year to date the Building Inspector/Zoning Officer has billed the Township \$38,180.59 and collected \$26,666.85 in fees.

-Bills being presented tonight; from the General Fund, \$38,436.05; Fire & EMS Tax Distribution, \$2,068.64; State Fund, \$3,125.00; Recreation Fund, \$8,427.65 and from the Escrow Fund, \$4,275.22.

-Transfers requested tonight: \$8,427.65 from the Recreation Fund to the General Fund.

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

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-A motion was made by Carl Bahnck, seconded by Nancy Alessi, to approve the August 2012 Bill List as presented. The motion carried 5-0-0.

-A motion was made by Carl Bahnck, seconded by Nancy Alessi, to transfer \$8,427.65 from the Recreation Fund to the General Fund. The motion carried 5-0-0.

COMMITTEE ACTION ITEMS: (as needed)

OSC - Ellen Chapman, Co-Chair, discussed action items as listed on the Open Space Committee report dated August 2012 with the Board. It concerns the property (Shively) being considered for purchase. Including: Adherence to the Conservation and Land Development Act of PA (Act 153 of 1996, Section 7.2); Park and Recreation Plan; Gas Leases and Funding of Open Space Projects by the State and County as it relates to the purchase of land to be considered for Open Space. She submitted comments to the Board and requested a response.

BNT GWMC - Todd Stone, President, requested use of the Nockamixon Township meeting room Thursday, November 15, 2012 @ 7:30 P.M. to hold a presentation for all three Townships. The Board approved.

EAC - Sanci Tenney, Co-Chair, reviewed action items with the Board. A follow-up work session will be discussed at the reorganization meeting. The Quarry Inspection is scheduled for Saturday, September 8, 2012 @ 10:00 A.M.

SOLICITOR'S REPORT:

-There are two proposed ordinances for the Board's consideration for advertisement at the September meeting: the Fair Housing Act and the Codification of Ordinances.

-Act 13 of 2012 has been struck down by Commonwealth Court and is being appealed to the State Supreme Court. The briefing schedule has been expedited. Arguments will begin in October.

-Todd Stone congratulated the Solicitor for all the work he has done with regard to Act 13.

LAND DEVELOPMENT:

a. Wehrung-Phase II - TMP# 30-10-35 - Grants extension to Nov. 30, 2012 - A motion was made by Wm. Sadow, Jr., seconded by Albert Santopietro, to grant an extension to the Wehrung-Phase II Land Development, TMP# 30-10-35 until November 30, 2012. The motion carried 5-0-0.

b. Harrow Station LLC - LOC #975558671 - August 31, 2012 Expiration - Board Recommendation - Steve Baluh commented that Phase I of the project is complete and recommended release of the funds and also to maintain the second Letter of Credit to guarantee completions of punch list items. This will be the Maintenance and Security Fund. The developer, Glenn Neebe, agreed to comply with the Wynn Assoc. Letter of July 23, 2012. A motion was made by Nancy Alessi, seconded by Carl Bahnck, to release the monies currently in LOC #975558671 to Glenn Neebe consistent with the Wynn Assoc. letter of July 23, 2012. The motion carried 5-0-0.

OLD BUSINESS:

a. Hidden Valley - Update - Steve Baluh contacted Joe Bush of Bucks County. The County is waiting for a response from DEP regarding how to address seeps at Hidden Valley.

b. Reverse Chemical Site - Awaiting Well Testing Update - Steve Baluh commented that the Township will be notified by the EPA when a decision is made.

b. Contract for FY 2012 CDBG Funding (EUB Senior Center) - Chair Signature -

-A motion was made by Nancy Alessi, seconded by Carl Bahnck, to approve the Chair signature on the Contract for FY 2012 CDBG Funding. The motion carried 5-0-0.

Addendum:

d. Quarry - Sanci Tenney discussed the current Performance Bond, the amount of money set aside for reclamation, and annual Township permit fees. Steve Baluh commented that the last time the bond amount was addressed was prior to the current

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Solicitor and that the bond amount is set by the State. The Board noted that any unresolved issues will be addressed after the September 8th inspection.

RELEASE OF ESCROW:

- a. David DiPalantino L/D - TMP# 30-11-83 - Voucher #1 - \$9,382.50 payable to David DiPalantino. A motion was made by Nancy Alessi, seconded by Albert Santopietro, to release the David DePalantino L/D, TMP# 30-11-83, Voucher #1, for \$9,382.50 payable to David DiPalantino. The motion carried 5-0-0.
- b. Edward McArdle 5-Lot Sub - TMP# 30-11-33 - (LOC) Voucher #1 - \$104,075.00, payable to Edward McArdle - A motion was made by Nancy Alessi, seconded by Albert Santopietro to release the Edward McArdle 5-Lot Sub - TMP# 30-11-33, (LOC) Voucher #1 for \$104,075.00 payable to Edward McArdle. The motion carried 5-0-0.
- c. Edward McArdle 5-Lot Sub - TMP# 30-11-33 - requests Release of Escrow after final bills are paid. A motion was made by Albert Santopietro, seconded by Nancy Alessi, to release escrow to Edward McArdle after final bills are paid. The motion carried 5-0-0.

NEW BUSINESS:

- a. 2012 Concise Financial Statement - Permission for Secretary to Advertise.
-A motion was made by Wm. Sadow, Jr., seconded by Albert Santopietro, to grant permission for the Secretary to advertise the 2012 Concise Financial Statement in the Intelligencer. The motion carried 5-0-0.
- b. 'Distributed Antenna System' (DAS) Telecommunications Upgrade - Discussion.
Steve Baluh brought the Board up-to-date regarding the DAS options. The new concept is to install smaller towers, which are essentially extensions to existing utility poles or light posts. In cases where poles do not exist, i.e. new housing developments with underground utilities, the telecommunications companies are installing new poles along streets, connected by underground fiber optics. The Company doing this was given preferential designation by the PUC which allows them to do work within the rights-of-way of public roads with limited ability by townships to address. As long as they meet Township requirements, a permit cannot be denied. Several townships are considering if they should or can upgrade their current cell tower-telecommunications ordinances to include this type of set-up and to establish some basic parameters. It is unclear how far anyone can proceed. The Solicitor commented that the problem is the PUC designation of rights within the r-o-w. No matter what an ordinance stipulates, there is nothing the Township can do. He believes it is worth reviewing so we have as much protection as possible. **There was a consensus of the Board to request that the Planning Commission review Ordinance #109 and Resolution #10-22-2003.** It was noted that the Board sent a letter to BCATO in June asking that the Cohen Law Firm contact the Township with a proposal. There has been no response.
- c. Community Day - Request for use of Public Works Department - There was a consensus of the Board to have the Public Works Department assist Community Day personnel in setting up tents. Carl Bahnck will co-ordinate with the Public Works Department.

COMMITTEE REPORT:

- a. Zoning Report - A motion was made by Nancy Alessi, seconded by Albert Santopietro, to approve the August 2012 Zoning Report. The motion carried 5-0-0.
- b. Emergency Management - Applications for Grants have been submitted.
- c. Environmental Advisory Committee - Discussed earlier in meeting.
- d. BNT Ground Water Committee - Discussed earlier in meeting.
- e. Open Space Committee - Executive Session - Real Estate
- f. Park & Recreation Board - Chairman, Thomas Keebler in attendance - no report
- g. Nockamixon Historic Commission - Chairman Neil Jesiolowski in attendance - he

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updated the Board on the historical surveys that will be conducted in the Township. On July 25 an article 'Hunt for History' was in the Intell. The Commission received responses from several residents interested in becoming members.

-At 9:45 P.M., Chairman, Wm. Sadow, Jr. commented that the Board would meet in Executive Session to discuss Real Estate. The Board returned at 10:05 P.M. after discussing Real Estate.

-A motion was made by Shannon Doman, seconded by Nancy Alessi, to announce the Board's intent to purchase a Conservation Easement in Nockamixon Township for TMP# 30-004-102 and 30-004-104, thus opening the two-week comment period. The Solicitor was authorized to advertise a hearing for the September Board meeting. The motion carried 5-0-0.

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