

MINUTES OF NOCKAMIXON TOWNSHIP BOARD OF SUPERVISORS

September 18, 2012

The regularly scheduled meeting for September was held on September 18, 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:                    Others in attendance:**

Carl Bahnck, Vice-Chairman	<u>Attorney</u>
Albert Santopietro	Krista Harper, Esq.
Nancy Alessi	<u>Secretary</u>
Shannon Doman	Arlene E. Eichlin
<u>Township Engineer</u>	<u>Treasurer:</u>
Steven Baluh, P.E.	Keith R. DeLuca

**SCHEDULING:**

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

**MINUTES OF MEETING:**

-A motion was made by Carl Bahnck, seconded by Nancy Alessi, to approve the minutes of the August 21, 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.

-Henry Gawronski publicly thanked the many residents who donated goods or volunteered time to assist with the 9<sup>th</sup> Annual Nockamixon Community Day including, but not limited to: the Public Works Dept. George Housworth, Ebby Ridge and Scott Weaver; Carl and Rodger Bahnck; Jim and Ellen Litzenberger; Dennis and Pidge Smith; Ed and Catherine Kemble; John Holroyd Family; Neil Jesiolowski; Mark and Tammy Cunningham; Bucks County Commissioners and Bucks County Horse Park. A raffle was held to defray Community Day costs, however the \$800.00 collected was donated to the Fox Family in memory of Officer Bradley Fox.

-Sanci Tenney voiced concerns about HB2224 which allows for the sale of public parks on land that has been donated to municipalities. The Board had no information concerning this House Bill.

-Deb Fisher-Horvath commented that she attended the June Board meeting when the decision was made to purchase the Shively property via referendum. She now understands that Open Space money will be used instead and the Committee may not be inclined to agree. She requested a response from the Board regarding this property. As a taxpayer she does not agree with the Board. Krista Harper, Esq. commented that it is not a subject of discussion on the agenda and the Board will not be making a decision at tonight's meeting.

**PUBLIC HEARING:**

a. **Conservation Easement - TMP# 30-4-102 & 30-4-104.** Krista Harper, Esq. opened the hearing at 7:50 P.M. She commented that this hearing was advertised on September 11, 2012 in the Intelligencer. Ellen Chapman, Co-Chair of the Open Space Committee presented information for Project #14 approval to the Board. Total acreage for the property is 43.5+/-; the conservation easement consists of 36+/- acres along Church Hill and Frogtown Roads and lies at the headwaters of two unnamed tributaries of Gallows Run. The total Open Space allocation is approximately \$291,000.00. Nockamixon Township will fund \$54,512.89; the balance will be funded by Bucks County Open Space. The Committee requested that the Board execute the agreement of sale and that the Chair or Vice-Chair be present at the closing which is tentatively scheduled for the end of September. Attorney Harper broadened the request for the resolution: that the Board authorizes entering into the agreement of sale and closing under the agreement of sale including signing the necessary documents and funding the purchase. Nancy Alessi commented that this is a wonderful acquisition for the Township and the Open Space Committee has been

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working on this project for 10-15 years. She thanked the Committee for a remarkable job and for never giving up. The hearing was closed at 8:05 P.M.

-A motion was made by Nancy Alessi, seconded by Shannon Doman, to move forward with entering into the agreement of sale for TMP# 30-4-102 & 30-4-104. Resolution #9-18-2012. The motion carried 5-0-0.

-In addition, Krista Harper suggested that the Board make a motion to close under the agreement of sale, fund the purchase pursuant to the agreement of sale and enter into the easement. Nancy Alessi entertained that as her motion, seconded by Carl Bahnck. The motion carried 5-0-0.

**STAFF REPORTS:**

a. Road Report - August 2012 - A motion was made by Albert Santopietro, seconded by Nancy Alessi, to approve the August 2012 Road report as presented. The motion carried 5-0-0. George Housworth requested the approval of the Board to rent a bucket truck for two days to remove low hanging branches caused by the most recent storms from Township Roads, in particular Quarry Road. The Board approved.

**b. Treasurer's Report:**

Keith DeLuca gave the report.

-Keith was in the process of completing the 2013 CDBG grant application for delivery to the county by September 26, 2012. The application will need to be signed by the Board Chair prior to delivery.

-The 2011 Municipal Recycling Program Performance Grant was completed on August 27, 2012. It was noted that the grant will be less than last year.

-Nockamixon Township has received a notice of the Township's estimated liquid fuels allocation. Next year's allocation will be \$124,667.84, which is less than this year's allocation of \$129,394.09.

-Year to date the Building Inspector/Zoning Officer has billed the Township \$42,392.00 and collected \$30,302.00 in fees.

-Included in this month's bill list is \$132,725.65 to A.M.S. for this year's tar and chip application.

-Bills being presented tonight; from the General Fund, \$37,624.57; Fire & EMS Tax Distribution, \$1,997.31; State Fund, \$135,850.65; Recreation Fund, \$137.00; Open Space, \$715.00 and from the Escrow Fund, \$18,315.84.

-Transfers requested tonight: \$137.00 from the Recreation Fund to the General Fund & \$715.00 from Open Space to the General Fund.

-A motion was made by Wm. Sadow, Jr., seconded by Albert Santopietro, to approve the September 2012 Treasurer's Report as presented. Nancy Alessi requested that the Treasurer contact the Bank and ask for a letter with regard to changes for the checking account signatures. The motion carried 5-0-0.

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

-A motion was made by Carl Bahnck, seconded by Nancy Alessi, to transfer \$137.00 from the Recreation Fund to the General Fund and \$715.00 from the Open Space Fund to the General Fund. The motion carried 5-0-0.

**COMMITTEE ACTION ITEMS:** (as needed)

-Nockamixon Historic Commission - Ordinance #141 - Change of Name. Neil Jesiolowski, Chairman, brought to the Board's attention the wording in both the Ordinance and Resolution for the Commission: "Nockamixon Historical Commission". He requested an amendment to change the name to "Nockamixon Historic Commission". Krista Harper commented that it would be necessary to review the documents prior to amending. The Board noted that the Solicitor will review the documents and advise options.

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**-EAC** - Jeff Petersen, Chair gave the report - There are no responses from any government agencies to the following Action Items: Hidden Valley and the Revere Chemical Site. Nancy Alessi thanked all those who attended the Cabot on-site inspection of September 14, 2012. They are awaiting a response from the USEPA and DEP. The EAC requested permission to be involved in the administrative guidelines to implement ACT 537 requirements. The Board approved.

**-OSC** - Sanci Tenney, Co-Chair, gave the report - She read the support letter requested for a joint project, involving, GRWA, Park & Rec, OSC, and the Heritage Conservancy. She requested permission from the Board to send to the Conservancy. Albert Santopietro wanted to know if this was to create a Historic District for a home or groups of houses. He noted that residents are not interested in that type of district. Sanci Tenney commented that there is no intention of that whatsoever, it is access to funding for specific projects and would help alleviate the costs of preservation. It is a grant program available for funding similar to that of Conservation Easements. There was a consensus of the Board to have the Secretary forward the letter. Additional items discussed: OSC updates/corrections to Township website and the August OSC Memo to the Board. The August Memo was tabled to the October Board meeting.

**SOLICITOR'S REPORT:**

- a. **Proposed Ordinance - Fair Housing - Draft - Authorize Solicitor to Advertise.**
- b. **Proposed Ordinance - Codification of Ordinances - Draft - Authorize Solicitor to Advertise. A motion was made by Wm. Sadow, Jr., seconded by Albert Santopietro, to authorize the Solicitor to advertise for both proposed ordinances, the Fair Housing and the Codification of Ordinances. The motion carried 5-0-0.**

**SUBDIVISIONS:**

- a. **G. Hoffman - 5-Lot Sub TMP# 30-11-164-2; -164-3 & -164-5 grants extension to March 30, 2013 - A motion was made by Nancy Alessi, seconded by Albert Santopietro to grant a 6-month extension to the George Hoffman Sub. TMP# 30-11-164-2; -164-3 & -164-5. The motion carried 5-0-0.**
- b. **A.M. Morton - Lonely Cottage Drive - TMP# 30-13-5 - grants extension to November 30, 2012 - A motion was made by Carl Bahnck, seconded by Albert Santopietro, to grant an extension to the A.M. Morton, Lonely Cottage Drive Sub. TMP# 30-13-5 until November 30, 2012. The motion carried 5-0-0.**

**LAND DEVELOPMENT:**

a. **The Wehrung Group L.P. - LOC #975800303 - February 1, 2103 Termination - Discussion - Steve Baluh, Township Engineer, spoke with Mr. Wehrung. He is investigating his options to replace the Letter Of Credit and will advise the Board.**

b. **Harrow Station LLC 55+ - Revised Final Plan - Discussion - Paul Dietz, Engineer for the applicant, was in attendance as well as the applicant, Glenn Neebe. At their meeting earlier this month, the Nockamixon Township Planning Commission reviewed and recommended final conditional approval. The plan is comprised of 36 housing units. The Wynn Letter of September 13, 2012 was reviewed by the Board, Paul Dietz and Glenn Neebe.**

Items #1 thru #16 were reviewed and are 'Will Comply'. They included: Cartway widening; Verification of approval of parking area/entrance. Glenn Neebe is awaiting written approval from the adjoining property owner; SR412 ultimate right-of-way dedicated to Township, unless PennDOT dedication is required; include open space and recreation areas within the Senior Citizen Housing. Park & Recreation Board will review; acquire permits for proposed wetland crossing - GP5 and GP7 in process; prepare appropriate maintenance documents for ownership of common areas; underground detention facility and wetland stormwater management basin proposed;

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execute Operation & Maintenance agreement to guarantee long term function of the system; verify approval of erosion and sedimentation control measures for implementation during earthmoving activities; fire suppression system and water impact study in process - three 600' wells have been drilled and preliminary water test results have been good - a water filtration system will be installed; obtain an NPDES permit to increase discharge limits to the proposed pump station; identify all utility easements and right-of-ways on the record plans; execute Development/Financial Agreements between the applicant and Township; submit Water Impact Study and sewage treatment facility modifications to Township EAC; submit proposed street name for Township approval; will address engineering/drafting comments A thru E. - The applicant is seeking final conditional approval from the Board. It was noted that the outstanding items addressed are mostly outside agency approvals. **A motion was made by Carl Bahnck, seconded by Nancy Alessi, to grant final conditional approval to Harrow Station LLC, Age Restricted Housing, TMP# 30-11-30-7 & 30-3, pending satisfactory completion of items in the Wynn Assoc. letter of September 13, 2012, as well as the concerns of the Township. The condominium document will be reviewed by the Board of Supervisors and the Township Solicitor. The motion carried 5-0-0.**

It was noted by the Chair, Wm. Sadow, Jr. that no plan extension is required.

**OLD BUSINESS:**

**a. Delaware & Lehigh Nat'l Heritage Corridor - Project Cancelled.** Information was received from the President, Elissa Garofalo, advising that they are no longer pursuing byway designations of Routes 611 and 32 between Easton and Bristol, PA.

**NEW BUSINESS:**

**a. Designation of Halloween Hours - Wednesday, October 31, 2012 - 4-8 P.M.**

**A motion was made by Nancy Alessi, seconded by Shannon Doman, to approve Halloween Hours for Wednesday, October 31, 2012 from 4-8 P.M. the motion carried 5-0-0.**

**b. EUB Senior Center - Request for Donation - Discussion.** The donation request was tabled until after the 2013 Budget review.

**c. Planning Commission - Change of November Meeting Date to Wednesday, November 7, 2012 - Permission for Secretary to Advertise.** There was a consensus of the Board to have the Secretary advertise the change of meeting date for the Planning Commission meeting to Wednesday, November 7, 2012.

**d. SECTV - Issues Regarding Internet and Phone Outages - P. DiFilippo -** it was noted that Mr. T. Himmelwright would be contacted and invited to attend a Board meeting annually, in order to keep up-to-date on SECTV upgrades. It will be included on the January Reorganization items.

**e. BCATO - Fall Dinner, Tuesday, October 30, 2012 - Attendees -** all members declined. The Board requested that the Secretary send a thank you letter for the invitation.

**COMMITTEE REPORTS:**

**a. Zoning Report -** A motion was made by Wm. Sadow, Jr., seconded by Nancy Alessi to approve the September 2012 zoning report as presented. The motion carried 5-0-0.

**b. Emergency Management -** Generator and Radio Update - Tom Macfarlan, EMC, was unable to attend the meeting. Wm. Sadow, Jr. will contact the EMC.

**c. Environmental Advisory Committee -** Discussed earlier in the meeting.

**d. BNT Ground Water Committee -** No members in attendance, no report.

**e. Open Space Committee -** Executive Session, Real Estate.

**f. Park & Recreation Board -** Thomas Keebler, Chair, in attendance - no report.

**g. Nockamixon Historic commission -** Discussed earlier in the meeting.

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At 9:35 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 10:08 P.M. where they discussed Real Estate and Personnel.

-A motion was made by Wm. Sadow, Jr., seconded by Nancy Alessi, to approve the purchase of a frame and photograph not to exceed \$50.00 for the most recently acquired conservation easement. The motion carried 5-0-0.

-A motion was made by Nancy Alessi, seconded by Albert Santopietro, to approve an out-of-meeting check in an amount not to exceed \$60,000.00 for the purchase of the conservation easement for TMP# 30-4-102 & 30-4-104. 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 10:10 P.M. The motion carried 5-0-0.

Respectfully submitted,

Arlene E. Eichlin  
Recording Secretary