

MINUTES OF NOCKAMIXON TOWNSHIP BOARD OF SUPERVISORS

April 18, 2013

The regularly scheduled meeting for April was held on Thursday, April 18, 2013 in the Township Building in Ferndale, PA. Chairman, Wm. C. Sadow, Jr. opened the meeting at 7:40 P.M. with a salute to the flag.

Other Members Present:

Carl Bahnck, Vice-Chair
Albert Santopietro
Nancy Alessi
Shannon L. Doman

Others in attendance:

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

SCHEDULING:

-The schedule for the month was reviewed by Chairman, Wm. C. Sadow, Jr. It was noted that the Nockamixon Historic Commission cancelled their May 21, 2013 meeting due to Primary Election Day.

MINUTES OF MEETING:

-A motion was made by Nancy Alessi, seconded by Albert Santopietro, to approve the minutes of the March 21, 2013 Board of Supervisors meeting as presented. The motion carried 4-0-1 with Wm. C. Sadow, Jr. abstaining, he was not in attendance.

-A motion was made by Carl Bahnck, seconded by Nancy Alessi, to approve the minutes of the Work Session of February 28, 2013 Board of Supervisors meeting as presented. The motion carried 4-0-1, with Shannon L. Doman abstaining, he was not in attendance.

-A motion was made by Albert Santopietro, seconded by Nancy Alessi, to approve the minutes of the Board of Supervisors Special Meeting of April 10, 2013 as presented. The motion carried 4-0-1, with Wm. C. Sadow, Jr. abstaining, he was not in attendance.

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

-Todd Stone, President of the Gallows Run Watershed Assoc. was in attendance and commented that a clean-up of the Gallows Run, as part of Nockamixon Township's Earth Day celebration, is scheduled for Saturday, April 27, 2013. They will meet at Johnny Mac's Grill Restaurant at 10:00 A.M.

-The Nurture Nature Center in Easton will hold an exhibit of Todd's paintings of the Gallows Run beginning Friday, April 26, 2013.

STAFF REPORTS:

a. Public Works Report, March 2013 - A motion was made by Albert Santopietro, seconded by Wm. C. Sadow, Jr., to approve the March 2013 Public Works Report as presented. The motion carried 5-0-0.

b. Treasurer's Report:

Keith DeLuca gave the report.

-Keith met with the FEMA representative to discuss the application for reimbursement from Hurricane Sandy. Everything is in order. Additionally, he addressed the possibility of getting reimbursement for Pastor Rex for supplying food to the Township and the shelter.

-Earlier this month it was brought to his attention that a grant, the Hazard Mitigation Grant, is available to purchase a generator for the Township building. A letter of intent was submitted and accepted. He has been preparing the grant submission, during that time we were also required to submit a generator worksheet. In order to complete the worksheet, an emergency power generation capacity certification, signed and sealed by a professional engineer was required. He contacted our Township Engineer but he was not familiar with what they

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required. The Zoning Officer suggested he speak with our electrical inspectors for some advice. Fortunately United Electrical has an Engineer on staff who agreed to prepare and sign the worksheet for the Township. The amount being requested to replace the existing generator, transfer switch and to consolidate the numerous electrical panels in the garage to one panel box is \$35,440.00, with \$26,580.00 coming from FEMA, \$5,000.00 from First Energy and \$3,898.00 from Nockamixon Township. The application must be postmarked by April 19, 2013.

-Keith contacted Dan at AMS in regards to the Tar & Chip contract. Dan has supplied the Township with the E-Verify letter required by the State and a letter accepting the terms of the previous Tar & Chip contract. Since the Board has previously passed a motion to extend the contract with AMS, all which is needed is a signature from the Chairman of the Board.

-The Township is in receipt of its 2013 Pa. Liquid Fuel allocation in the amount of \$126,371.16.

-QNB requires signatures from the Chair and Co-Chair to complete the purchase of a new CD. They will meet with you at the Township building.

-Bills being presented to the Board tonight are; from the General Fund, \$105,641.81; Fire & EMS Tax Distributions, \$23,707.32; State Fund, \$4,437.57 and from the Escrow Fund, \$1,154.32.

-A motion was made by Wm. C. Sadow, Jr., seconded by Nancy Alessi, to approve the April 2013 Treasurer's Report as presented. The motion carried 5-0-0.

-A motion was made by Wm. C. Sadow, Jr., seconded by Nancy Alessi, to approve the April 2013 Bill List as presented. The motion carried 5-0-0.

-A motion was made by Carl Bahnck, seconded by Nancy Alessi, to transfer \$250.00 from the Park & Recreation Fund to the General Fund. The motion carried 4-0-0.

-Keith noted that the FEMA Representative recommended that, in addition to the Declaration of Disaster, that the Township also declare the building as an Emergency Operations Center. This will ensure that we would receive reimbursement for additional items purchased e.g. food and oil. Tom Macfarlan, EOC, will contact the County for this information.

COMMITTEE ACTION ITEMS: (as needed)

-**Bridgeton-Nockamixon-Tinicum Ground Water Management Committee** - Todd Stone was in attendance. He requested a change of date for their report to the Townships on their Well Logging Data from Tuesday, April 30, 2013 to Wednesday, May 29, 2013 @ 7:30 P.M. There was a consensus of the Board to change the date.

SOLICITOR'S REPORT:

a. Proposed Sewage Management Ordinance - authorize Solicitor to Advertise - This is a follow-up to the Act 537 Plan that was approved by the Township last year, and will allow Act 537 to become operational. Before the Board tonight is the authorization of the Board to advertise for a Public Hearing. It has been reviewed and revised by the Planning Commission, Township Engineer and Solicitor. If the Board is so inclined it could authorize advertisement. **A motion was made by Nancy Alessi, seconded by Wm. C. Sadow, Jr., to authorize advertisement, by the Solicitor, for an ordinance amending Chapter 168 - sewers of the Code of Nockamixon Township to add article II, regulating the management and maintenance of individual and community sanitary sewage disposal facilities within the Township. The motion carried 5-0-0.** Jordan commented that the hearing will be scheduled for the May 16, 2013 Board meeting.

-**Gorham Property** - Solicitor, Jordan B. Yeager commented that he met with representative from Bucks County regarding this property. Information will be forthcoming by the May Board of Supervisors meeting.

-**Act 13.** We are still waiting for a court decision. Currently, there are six justices. A seventh justice is expected to be appointed shortly.

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LAND DEVELOPMENT:

- a. **Harrow Station, LLC - LOC#976376999 - First Savings Bank - will expire 06/17/2013.** The Solicitor will contact Steven Baluh for information regarding the disposition of the LOC. He recommended that the Board, unless the solicitor and Engineer can come to a resolution with Harrow Station LLC, that he be authorized to draw on the Letter of Credit. **A motion was made by Wm. C. Sadow, Jr., seconded by Nancy Alessi, to authorize the Solicitor to send out correspondence drawing on the LOC. The motion carried 5-0-0.**
- b. **Wehrung's L/D TMP# 30-10-35 - grants extension to June 30, 2013 (90 days) - A motion was made by Nancy Alessi, seconded by Albert Santopietro to grant an extension to Wehrung's L/D, TMP#30-10-35 to June 30, 2013. The motion carried 5-0-0.**

OLD BUSINESS:

- a. **Hidden Valley - Update -** There has been no response from Bucks County.
- b. **Cabot Revere Site - Update -** No additional information received from Cabot. Nancy Alessi commented that the EAC decided at their meeting, after reviewing information received from the EPA that outstanding issues still exist and they will draft a letter to the EPA for Jordan to review.
-Metz Complaint, site in Kintnersville - Wm. C. Sadow, Jr., commented that the Metz's have contacted him regarding the Kintner Hill Property with their concerns of trash and an unregistered vehicle on site. The Solicitor recommended that the Board direct the Zoning Officer to conduct an inspection to identify whether there are violations to the Township's Ordinances. The Board authorized the Solicitor to contact the Zoning Officer. **Jordan Yeager commented that, in addition to directing the Code Enforcement/Zoning Officer to conduct an inspection, and to issue whatever enforcement notices are appropriate that, if there are zoning violations and they are not addressed after an enforcement notice and 30-days are provided, that the Board would authorize Civil Action to enforce the appropriate enforcement notice. Albert Santopietro entertained that as his motion, seconded by Nancy Alessi. The motion carried 5-0-0.**

NEW BUSINESS:

- a. **Operation & Maintenance Agreement, Temporary Holding Tank - TMP# 30-11-159-1 - Board Approval.** A motion was made by Nancy Alessi, seconded by Carl Bahnck, to approve the O&M agreement for a temporary holding tank for TMP# 30-11-159-1, and to authorize the Chairman to sign. The motion carried 5-0-0.
- b. **Cycle Bucks County - June 22, 2013 - Acknowledge Presence.** The Board acknowledged the presence of Cycle Bucks County on Saturday, June 22, 2013
- c. **2013 Nockamixon Township Fee Schedule - Annual Quarry Fee - Update -** A motion was made by Wm. C. Sadow, Jr., seconded by Albert Santopietro, to include the Annual Quarry Fee of \$9,950.20 in the 2013 Fee Schedule. The motion carried 5-0-0.
- d. **Jerry Orbino resigned from Emergency Management Agency.** Tom Macfarlan requested a letter of acknowledgement. The Board directed the Secretary to write the letter or draw up a Certificate of Appreciation.

COMMITTEE REPORTS:

- a. **Zoning Report -** The Zoning Officer was not in attendance. **A motion was made by Albert Santopietro, seconded by Nancy Alessi, to approve the April Zoning Report as presented. The motion carried 5-0-0.** The Board requested that the TMP# and address be included in the report.
- b. **Emergency Management -** Discussed earlier in meeting.
- c. **Environmental Advisory Committee -** Discussed earlier in meeting.
- d. **BNT Ground Water Committee -** Request Change of Meeting date to Wednesday, May 29, 2013. - Discussed earlier in meeting.

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- e. **Open Space Committee** - Executive Session - Real Estate.
- f. **Park & Recreation Board** - Discussed earlier in meeting.
- g. **Nockamixon Historic Commission** - Member Jim Logan was in attendance. Windshield survey ongoing.

At 8:22 P.M., Wm. C. Sadow, Jr. commented that the Board would hold an Executive Session to discuss Real Estate. At 9:22 P.M., the Board returned from Executive Session after discussing Real Estate.

-A motion was made by Nancy Alessi, seconded by Shannon Doman, to resolve that Nockamixon Township approves the filing of an application for funds under the Natural Areas Program for the property identified as Project #15 and that the Township Solicitor, Jordan B. Yeager, is authorized and directed to file the appropriate forms with the Bucks County Open Space Program. Resolution #4-18-2013. The motion carried 4-1-0, with Albert Santopietro voting nay.

-A motion was made by Nancy Alessi, seconded by Shannon Doman, that the Township of Nockamixon approve the filing of an application for funds under the Natural Areas Program for the property identified as Project #17 and that the Township Solicitor, Jordan B. Yeager, is hereby authorized and directed to execute and file the appropriate forms with the Bucks County Open Space Program. (Resolution #4-18-2013A). The motion carried 3-1-1, with Albert Santopietro voting nay and Wm. C. Sadow, Jr. abstaining.

ADJOURNMENT: A motion was made by Nancy Alessi, seconded by Albert Santopietro, to adjourn the Board of Supervisors meeting at 9:29 P.M. The motion carried 5-0-0.

Respectfully submitted,

Arlene E. Eichlin
Recording Secretary