

MINUTES OF NOCKAMIXON TOWNSHIP BOARD OF SUPERVISORS

April 16, 2015

The regularly scheduled meeting for April was held on Thursday, April 16, 2015 in the Township Building in Ferndale, PA. Chairman, William C. Sadow, Jr. opened the meeting at 7:30 P.M. with a salute to the flag.

**Members Present:**

William C. Sadow, Jr., Chair  
Carl Bahnck, Vice-Chair  
Nancy Alessi  
Frank Ganiszewski

**Others in attendance:**

Attorney:  
Jordan B. Yeager, Esq.

Engineer:  
Steve Baluh

S. Doman arrived 7:35 p.m. Treasurer:  
Keith DeLuca

Secretary:  
Heather DiSario

**SCHEDULING:**

The schedule for the month was reviewed by Chairman, William C. Sadow, Jr.

**MINUTES OF MEETING:**

A motion was made by C. Bahnck, seconded by F. Ganiszewski, to approve the minutes of the March 19, 2015 Board of Supervisors meeting as presented. The motion carried 4-0-0.

**PUBLIC COMMENT:** none

**PUBLIC HEARING:** none

**STAFF REPORTS:**

a. **Public Works Report, March 2015** - A motion was made by B. Sadow, seconded by C. Bahnck, to approve the March 2015 Public Works Report as presented. The motion carried 4-0-0.

**b. Treasurer's Report:**

Keith DeLuca gave the report.

The Township received the 2015 Liquid Fuels check this month in the amount of \$149,221.59. Last year's distribution was \$136,657.90.

Topics that had been brought up during last month's EAC/BOS joint work session were addressed and clarified as follows: to date, the Township Engineer has not been directed by the Board to conduct an annual inspection at Hidden Valley. S. Baluh explained that there are two different permits and 2 different testing cycles and the DEP is testing for what their permit requires; regarding the Quarry status and reclamation plan: S. Baluh explained that after the last annual renewal, a letter had been sent to DEP questioning the bond amount, noting it seemed to be significantly lower than what current standards were. The DEP contacted the Quarry explaining that the bond reclamation would be reviewed. The status to this date is unknown; one of the conditions of last year's quarry renewal was that more detailed reclamation information was to be provided with this year's submission.

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2015's renewal has not been submitted as of this time. S. Baluh explained it is DEP's responsibility to set the bonding. S. Baluh offered to reach out to the Quarry and see where they are with their report. B. Sadow stated that no further action will be taken on a Township permitting fee at this time; regarding plan reviews by EAC, notification of the last land development plan submitted to the Township was sent to the EAC via email to the committee; regarding distribution of committee minutes to all committee heads; it was explained that that was something not done in the past or posted on the website; regarding the content of the township website, it was noted that the Township is not required to maintain a website and a webmaster is not in the budget, however the Board agreed that the Supervisors' approved minutes and agendas should be posted to the website; and lastly it was noted that the Board had previously directed the EAC to not pursue a noise ordinance, per the July 17, 2014 BOS meeting minutes.

Next week is the annual Township audit.

The new generator is scheduled for delivery at end of this month.

Bills being presented tonight; from the General Fund, \$67,240.06; State Fund, \$8,621.69; Escrow Fund, \$242.17 and Debit Card, \$339.03.

**A motion was made by B. Sadow, seconded by N. Alessi, to approve the April 2015 Treasurer's Report as presented. The motion carried 5-0-0.**

**A motion was made by B. Sadow, seconded by N. Alessi, to approve the April 2015 Bills List as presented. The motion carried 5-0-0.**

**c. Zoning Report-**

**A motion was made by B. Sadow, seconded by N. Alessi, to approve the 2015 April Zoning Report as presented. The motion carried 5-0-0.**

**COMMITTEE ACTION ITEMS:**

Sanci Tenney, EAC, noted she received an email from a representative from National Wildlife requesting a Township road map and all Township zip codes. The Board named the zip codes and the requester was directed to contact the Township Office for the map.

Ben Naska, Park & Recreation Board, distributed to the Board two proposals for line painting in Veteran's Park. It was the consensus of the Board to get a bid for the parking lot line painting in Veteran's Park including handicapped spots, repainting of the stop bar line, and restriping the current parking spaces and the addition of a handicapped spot at the Township Building with the accompanying signs.

B. Naska also distributed a quote from Ehrlich for the spraying of the ball fields at Veteran's Park. He explained that a change to an organic product costs four times as much as the original quote, at \$1250.00, and there is no guarantee or re-application offered. It was suggested the Park & Recreation and EAC committees work together earlier in the season next year in order to allow enough time for effective spray application.

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A motion was made by N. Alessi, seconded by F. Ganiszewski, to accept the proposal from Ehrlich for this year's spraying, not to exceed \$800.00. The motion carried 5-0-0.

There was a lengthy discussion regarding the EAC's environmental concerns over the proposed walking path in Veteran's Park. It was decided to move forward with clearing the area where the path is to be located, while the Township Engineer reviews wetland inventory maps to determine if an area in question is in a flood plain, making adjustments to the path if necessary, and also confirming property boundaries.

A motion was made by S. Doman, seconded by N. Alessi; to allow the Park and Recreation Board to clear trees and bushes for the proposed pathway in Veteran's Park, making brush piles with the removed material, with no construction or depositing of outside materials into the area, in order to delineate the proposed route. The motion carried 5-0-0.

Todd Stone, BNT, requested use of the Township meeting room on the evening of May 27 or 28 in order for the BNT to give a presentation on the proposed groundwater ordinance. The Board gave permission for the committee to use the meeting room.

**SOLICITOR'S REPORT:** J. Yeager gave an update on the Jam at the Grove litigation. The property owners have been ordered by the court through a judgment for Township reimbursement for additional incurred costs.

**SUBDIVISIONS:**

a. **Thomas Lot Line Adjustment** - Scott Mease, Mease Engineering, presented for the applicants, who were not present. Mr. Mease explained that the lot line change is being proposed in order to add all of the conservation easement onto 1 lot. Mr. Mease referred to the April 2, 2015 Township Engineer's review letter noting that all items are a "will comply."

Mr. Baluh noted that certification has been received showing that the existing septic system is properly functioning, as previously requested.

Mr. Yeager explained that the lot line change proposed is consistent with the stipulation that the conservation easement area stays within one of the building envelopes.

A motion was made by N. Alessi, seconded by F. Ganiszewski, to approve the Thomas Lot Line Adjustment TMP# 30-4-102 & -104, and requested waivers consistent with the conditions listed in the April 2, 2015 Township Engineer's letter. The motion carried 5-0-0.

**LAND DEVELOPMENT:**

a. **John M. & Elizabeth Diehl - Waiver of Land Development** - Colby Grim, Grim, Biehn & Thatcher, presented for the applicants, who were also present. The 86 acre property was subdivided into five lots in 1993, with one lot totaling 81 acres and the remaining four lots consisting of two acres each. In order to not breach Act 319, the lots were to be transferred in two acre increments, one per year. Mr. Grim explained that the last two acre lot (Lot 2A) was not transferred over in time (before December 1998) to Lot 2. This transfer will be completed after Board approval.

A motion was made by C. Bahnck, seconded by N. Alessi, to grant approval of the Diehl Waiver of Land Development, based on the conditions listed in the April 1, 2015 Township Engineer's review letter. The motion carried 5-0-0.

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**b. Thomas Brubaker Land Development** - The applicant and applicant's representative were not present. S. Baluh explained that the subdivision, located at the intersection of Tabor Road and Route 611, was approved in 1998. A District Court building and an automotive repair business have been built on two of the lots. An empty lot adjoins the automotive repair shop, a vacant lot is on the corner, the site of the proposed 7000 square foot pole building to house a proposed distributor. A parking lot is being proposed around the building with access only off of Tabor Road.

The storm water management was originally designed with a detention basin located behind the court. The site still drains into that basin. Rain gardens and an underground storage bed under the parking lot are being proposed in order to come into compliance with the current Township storm water ordinance and state NPDES requirements. Mr. Baluh noted that the original subdivision was approved with one septic system on each lot. The applicant was asked to provide a second site. The original proposal for a fill site area was located too close to an existing well. Mr. Baluh noted that the site would be permitted to serve with a holding tank if not for the current ordinances. The latest plan shows one septic on the site, consistent with the original approved subdivision plan.

Mr. Baluh noted that the Planning Commission recommended preliminary final approval of the plan conditional upon installation of a water meter and subject to the conditions of the February 25, 2015 engineering letter. The PC also recommended the following waiver requests for approval: road improvements, parking within 20 feet of the building and submission of an environmental cultural impact assessment report. One exception was to investigate a possible grass shoulder on Tabor Road.

A motion was made by C. Bahnck, seconded by N. Alessi, to grant preliminary final approval of the Brubaker Land Development based on the conditions listed in the February 25, 2015 Township Engineer's review letter, and the requirement of a backup temporary holding tank. The motion carried 5-0-0.

A motion was made by S. Doman, seconded by N. Alessi, to grant the waivers requests based on the conditions listed in the February 25, 2015 Township Engineer's review letter. The motion carried 5-0-0.

**OLD BUSINESS:**

- a. Cabot Corp - no new information
- b. Hidden Valley - no new information

**NEW BUSINESS:** none

**COMMITTEE REPORTS:**

- a. **Emergency Management** - no report.
- b. **Environmental Advisory Committee** - previously discussed.
- c. **BNT Ground Water Committee** - T. Stone explained that the Committee is continuing with data collecting with water levels in the three townships. T. Stone also reported that the USGS is working with the committee to add the committee's collected data into a research format.
- d. **Open Space Committee** - no report.
- e. **Park & Recreation Board** - B. Naska explained that the American Legion is interested in helping work and pay for a fourth bench in the Park with the name of veteran Jack Schmidt. The EAC and Park and Recreation plan to create a

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butterfly area, a possible project for next year. Another proposed joint project with the EAC for next year is to hold a brownstone quarry expedition/guided tour.

B. Naska also suggested obtaining and keeping record of child clearances/background checks for township employees and committee members if the need arises.

- f. **Nockamixon Historic Commission** - N. Jesiolowski explained he met with Jeffrey Marshall of the Heritage Conservancy. A letter was sent to seven property owners for their consideration to be listed on the National Historic Registry.

**ADJOURNMENT:**

A motion was made by F. Ganiszewski, seconded by N. Alessi, to adjourn the Board of Supervisors meeting at 9:33 p.m. The motion carried 5-0-0.

Respectfully submitted,

Heather DiSario  
Recording Secretary