

MINUTES OF NOCKAMIXON TOWNSHIP  
BOARD OF SUPERVISORS  
September 21, 2011

The regularly scheduled meeting for September was held on September 21, 2011 in the Township Building in Ferndale, PA. Supervisor B. Keyser opened the meeting at 7:30 P.M. with a salute to the flag. Other members present: Supervisors A. Santopietro and C. Bahnck. Members absent: Chairperson, N. Janyszeski and Vice-Chair Wm. Sadow, Jr. Other attendees: Solicitor, J.B. Yeager, Esq., Secretary A. Eichlin and Treasurer K. DeLuca.

Supervisor B. Keyser chaired the meeting, due to the absence of Chairperson, N. Janyszeski and Vice-Chair Wm. Sadow, Jr.

A moment of silence was held for Elaine Gawronski, an auditor and former Township Secretary

SCHEDULING:

The schedule for the month was reviewed by Supervisor B. Keyser.

MINUTES OF MEETING:

The August minutes were tabled. B. Keyser did not attend the August meeting.

MINUTES OF WORK SESSION:

The work session minutes for September 1 and 8, 2011 were tabled, incomplete.

PUBLIC COMMENT:

-Sanci Tenney commented that she had worked closely with Elaine for many years on many projects and hoped that the Board would acknowledge in some way.

-Devich Farbotnik wanted to make the Township aware that he heard that hunters have been given permission to hunt on the Gorham Property. They are now drifting onto the posted Farbotnik property. The Board was unaware of the hunters and has limited resources to enforce no hunting on Township properties. No one has contacted the office requesting permission to hunt on any of the Township properties. The Board will address at another time.

-Todd Stone commented that, even though they were not on the same side of the fence on many issues, no one cared more about the Township, gave more hours of their time in volunteer service and tried to work with everyone than Elaine. - The Gallows Run Watershed Association will be holding the annual Lynne Island clean up on November 12, 2011 and they are looking for volunteers. They requested a posting on the Township website. **There was a consensus of the Board to post on the website.**

-Nancy Alessi requested that the Board do something to contact the electric company and note their displeasure at the duration of the recent power outage. It was noted that, after State Representatives were contacted by residents, the power companies were advised of the extensive number of outages due to Hurricane Irene.

REQUEST TO BE ON AGENDA:

a. **Ed Mocarsi - Petition for Stop Sign - Kintner Hill & Lake Warren Rds.** - Ed Mocarsi presented, and read, a petition to the Board on behalf of the residents requesting the installation of a 4-way stop at the intersection of Kintner Hill & Lake Warren Rds. The Solicitor, J. Yeager, responded that the Board has been advised not to comment at this time and that traffic studies are currently being conducted.

b. **Kim Gaspar - EUB Senior Center - Update** - Kim Gaspar, Manager, Eastern Upper Bucks Senior Center, introduced herself to the Board. President Betty Martin was also in attendance. Kim thanked the Board for the opportunity to speak about the Senior Center. They began as a card club in 1981 on Route 412 at the Bucksville Shopping Center and have since become more social, educational and health conscious. Monthly newsletters and announcements are available at the Township building. She also thanked Keith DeLuca for his assistance in obtaining grants. Over the past

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several months they have acquired 30 new members and tributes that to the fact that Seniors need more one-on-one personal time. They work with local charities and organizations. Food vouchers are available at the Center until November 20, 2011. Kim extended an invitation to everyone to come to the Center. Donations are greatly appreciated and tax deductible.

**c. Celeste DaShiell - S. Breiner, 212 Church Hill Rd.** - Todd Savarese, attorney for the resident, Celeste DaShiell, made several comments about working with Elaine Gawronski and offered his condolences to the Board. He then read a statement to the Board regarding the resident at 212 Church Hill Rd. It included concerns for the current use of the property: the commercial truck terminal, as well as activities that have transpired on the property, specifically the development of a 20,000 sq. ft. parking area. He referred to the enforcement notice issued September 2010 advising Mr. Breiner of his violations, as well as subsequent correspondence requesting that he comply with stormwater management regulations. During winter months, unmanaged water runoff from the property causes icing conditions on the roadway. On behalf of Ms. DaShiell and other residents affected by Mr. Breiner's unregulated land use he is requesting that the Board authorize the Solicitor to proceed with the enforcement notice and civil enforcement proceedings. He believes that Mr. Breiner has been given ample opportunity to come into compliance with Township regulations. Todd Saravese thanked the Board for their time. The Board and the Solicitor discussed how the Township would move forward. **A motion was made by A. Santopietro, seconded by B. Keyser, to authorize the Zoning Officer to institute civil enforcement proceedings in conjunction with the Solicitor's office against Stephen Breiner. The motion carried 3-0-0.**

**STAFF REPORTS:**

**ROAD REPORT:**

Road Report-August 2011-**A motion was made by A. Santopietro, seconded by B. Keyser, to approve the August 2011 Road Report as presented.** The Tar & Chip work has been completed and the Board complemented Asphalt Maintenance Solutions and the Public Works Department for a job well done. A. Santopietro also acknowledged Emergency Management and the Public Works Department for their effort during the recent hurricane. He noted that there is a driveway causing water problems to one of the Township roadways. It was noted by the solicitor that Township issues are matters for the Code Enforcement Officer and he will contact the Zoning Officer. **The motion carried 3-0-0.**

**TREASURER'S REPORT:**

The Treasurer, Keith Deluca gave the report.

-With the 2012 Budget approximately 98% complete, he anticipates the budget will be completed and finalized by the September 29<sup>th</sup> work session. The Board can then authorize the Secretary to advertise at the October 2011 Board of Supervisors meeting.

-The 2012 Minimum Municipal Obligation Worksheet for Nockamixon Township's pension plan is complete and needs approval from the Board to be submitted. **A motion was made by C. Bahnck, seconded by A. Santopietro, to approve the submission of the Minimum Municipal Obligation Worksheet. The motion carried 3-0-0.**

-The 18-month certificate of deposit the Township currently held by First Savings Bank is about to mature. He recommended that the Township replace it with a 24-month CD. This will continue the investment strategy that was approved in 2010. If you recall we went with a ladder strategy that uses four CD's of different maturities that enables the Township to have its funds fairly liquid while providing a higher interest rate. There was a consensus of the Board to have the Treasurer open a 24-month CD.

-Keith is in the process of preparing the 2012 CDBG Grant. It will be completed and delivered by the end of the month. He requested permission from the Board to hand deliver the 2012 CDBG grant application to Bucks County before the September 30<sup>th</sup>

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deadline. **There was a consensus of the Board to have Keith hand deliver the 2012 CDBG Grant application to the County.**

-Year to date the Zoning Officer/Building Inspector collected \$20,386.20 in permit fees, while billing the Township \$55,860.00 for these services.

-Total bills being presented tonight; from the General Fund, \$30,262.48; Fire & EMS Distribution \$1,866.42; Escrow Fund, \$3,330.22 and \$889.94 from the Open Space Fund.

-Transfers requested; \$1,500.00 from the Beres Construction Fund to the Developers Escrow Fund and \$889.94 from the Open space Fund to the General Fund.

**-A motion was made by C. Bahnck, seconded by A. Santopietro, to approve the September 2011 Treasurer's Report. The motion carried 3-0-0.**

**-A motion was made by C. Bahnck, seconded by A. Santopietro, to approve the September 2011 Bill List as presented. The motion carried 3-0-0.**

**-A motion was made by C. Bahnck, seconded by A. Santopietro, to transfer \$1,500.00 from the Beres Construction fund to the Developers Escrow Fund and \$889.94 from the Open Space Fund to the General Fund. The motion carried 3-0-0.**

**COMMITTEE ACTION ITEMS:**

**a. BNT GWMC - Grant Proposal - Legal Counsel for Committee** - Todd Stone discussed the grant proposal with the Board. The BNT GWMC is seeking Board approval to obtain legal counsel for several issues of concern. They are proposing to meet with members of the Boards from the three townships to discuss available data and obtain advice on the Right-to-Know Law. **Solicitor, J. Yeager commented that the BNT GWMC is seeking a motion from Nockamixon Township to give BNT GWMC authorization to pursue the grant request for legal counsel. A. Santopietro entertained that as his motion, seconded by B. Keyser. The motion carried 3-0-0.**

**b. Environmental Advisory Council** - Jeff Petersen, Chair, discussed the Nockamixon Water Management Planning Subcommittee action item. He requested that the Board of Supervisors consider establishing a subcommittee to the Planning Commission to develop a water shortage contingency plan or to review a plan to manage water shortages and water in general throughout the Township. The Board had requested last year that a more specific plan be presented. It was noted that there is a State Water Plan being considered, but it is not geared toward local governments. **There was a consensus of the Board that all members should be present. This will be discussed at the work session scheduled with the EAC on September 22, 2011.**

**c. Open Space Committee** - Ellen Chapman, Co-Chair, commented that the Board requested changes to the OSC Procedures for Acquisition of Conservation Easements. The OSC has revised the 26-Step process and asked the Board to approve. **A motion was made by B. Keyser, seconded by C. Bahnck, to approve the changes to the OSC procedures as presented. The motion failed 2-0-1 with A. Santopietro abstaining.**

**-A motion was made by B. Keyser, seconded by C. Bahnck, to table discussion until the October meeting. The motion carried 3-0-0.**

-The committee requested Board consideration of OSC funds in the amount of \$750.00 for inclusion in the 2012 Budget. **The Board will take under consideration.**

-At 8:45 P.M., Supervisor B. Keyser commented that the Board would meet in Executive Session to discuss Real Estate. The Board returned from Executive Session at 9:10 P.M. after discussing Real Estate.

**-A motion was made by B. Keyser, seconded by C. Bahnck, to approve up to \$3,500.00 for an appraisal for Open Space Project #14. The motion carried 3-0-0.**

**-A motion was made by B. Keyser, seconded by C. Bahnck, to approve up to \$200.00 for printing of grant for Open Space. The motion carried 3-0-0.**

**SOLICITOR'S REPORT:**

The Solicitor, J. Yeager, gave the report to the Board.

**-Settlement Agreement** - an agreement has been reached between the Township, John & Janet Reidler and Laura Giarratana and is before the Board for approval dated August 25, 2011. **J. Yeager commented that a motion to approve and sign the settlement**

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agreement dated August 25, 2011 is in order. B. Keyser entertained that as his motion, seconded by C. Bahnck. The motion carried 3-0-0.

**-Proposed Parking Ordinance** - the Solicitor, J. Yeager, prepared a proposed parking ordinance for Board review. He commented that when the study by the Township Engineer is complete, it will identify appropriate areas to install 'no parking zones'. The ordinance will be updated and presented to the Board at next month's meeting.

**-Permit** - Janet Reidler commented that she would like to discuss a recent permit application. The Board has no authority to address this issue. It was suggested that they appear before the Zoning Hearing Board. The Solicitor, J. Yeager, commented that a denial letter for this permit was sent out by the Zoning Officer.

**-Natural Areas Program** - The Board has before it a resolution in connection with approving the filing of an application for funds under the County's Natural Areas Program and authorizing the Solicitor to execute and file the appropriate forms through the Bucks County Open Space Program. **A motion was made by C. Bahnck, seconded by B. Keyser, to approve filing of the application for funds in the Natural Areas Program (Bucks County). Resolution #09-21-2011. The motion carried 3-0-0.**

**-Haycock Run Road Closure** - Correspondence was received from Carroll Engineering on behalf of the County concerning the proposed detour in connection with the closure of Haycock Run Road Bridge. A letter was sent to the County advising of the Board's concerns with an invitation to Mr. Joseph Bush to attend the meeting. He was not in attendance. The Solicitor suggested a brief communication extending another invitation to Mr. Bush. **There was a consensus of the Board to have the Solicitor send another letter.**

**-Mailbox Claim, David McCloud** - An invitation was extended to Mr. McCloud to attend tonight's meeting. He was unable to attend due to a prior commitment. This will be addressed at a later date.

**-Parkside Orchid, John Salventi** - He attended a prior meeting requesting that the Township rezone his property. He was notified that the Township is not able to simply rewrite the zoning ordinance as requested and has no plans to undertake the process.

**-Environmental Covenant** - An updated Environmental Covenant was received from Cabot today restricting residential use on the site at 377 Beaver Run Road.

**-Open Auditor Position** - J. Yeager offered his condolences to the Gawronski Family. He noted that it leaves a number of voids both for their family and the community. With Elaine's passing an elected auditor's position is now open. The Board of Elections was contacted by Arlene Eichlin advising of the opening. They recommended appointing someone until 2013, the next election cycle. He requested that interested parties send a letter to the Township. He suggested posting a notice at the Township building and on website. **A motion was made by B. Keyser, seconded by C. Bahnck, to accept the Solicitor's Report as presented. The motion carried 3-0-0.**

-A. Santopietro commented that the Trauger's Crossing Bridge has sustained some damage and the weight will be reduced to three (3) tons until repairs are completed. The Solicitor left the meeting at 9:30 P.M.

**SUBDIVISIONS:**

a. G. Hoffman 5-Lot Sub. TMP# 30-11-164-2; -164-3 & -164-5 grants extension to March 30, 2012 - A motion was made by B. Keyser, seconded by A. Santopietro, to approve the G. Hoffman 5-Lot Sub. TMP# 30-11-164-2; -164-3 & -164-5 extension until March 30, 2012. The motion carried 3-0-0.

**OLD BUSINESS:**

a. Contract for FY 2011 CDBG Funding (EUB-Senior Center)-Signature - A motion was made by B. Keyser, seconded by A. Santopietro, to authorize the Chair to sign the contract for FY 2011 CDBG Funding (EUB-Senior Center).The motion carried 3-0-0.

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**NEW BUSINESS:**

a. Request for Fire Police - 207 Church Hill Road - Gallows Run/Palisades High School Benefit - Sunday, Nov 6 - 2-5 P.M. - A motion was made by B. Keyser, seconded by C. Bahnck, to request authorization for the use of Fire Police for the Gallows Run/Palisades High School Benefit Sunday, November 6 - 2-5 P.M. The motion carried 3-0-0.

b. Designation of Halloween Hours - Monday, October 31, 2011 (4-8 P.M.) - A motion was made by B. Keyser, Seconded by A. Santopietro to designate Nockamixon Township Halloween Hours - Monday, October 31, 2011 from 4-8 P.M. The motion carried 3-0-0.

c. PA Committee for Employer support of Guard & Reserve - Statement of Support- A motion was made by C. Bahnck, seconded by A Santopietro, to approve the Statement of Support for the Guard and Reserve. The motion carried 3-0-0.

d. Bucks County Water & Sewer - Provided Water During Power Outage - Thank You letter. There was a consensus of the Board to send a thank you letter to Bucks County Water & Sewer.

-A motion was made by B. Keyser, seconded by A. Santopietro, to send flowers to the Gawronski Family at a cost not to exceed \$50.00. The motion carried 3-0-0.

-Gail Nicholas, Ealer Hill Road, commented that water is running down the hill from the Kintner Ridge Subdivision flooding her property and as well as several neighbor's properties. The Township Engineer, Steve Baluh, did a recent site visit and Carl Bahnck read correspondence addressing solutions to the problem. It was noted that there has been an unusual amount of rainfall recently. After a short discussion, there was a consensus of the Board to have Carl Bahnck contact Steve Baluh regarding the water issues.

**COMMITTEE REPORTS:**

a. Zoning Report - A motion was made by A. Santopietro, seconded by B. Keyser to approve the September Zoning Report as presented. The motion carried 3-0-0.

b. Emergency Management

c. Environmental Advisory Committee

d. BNT Ground Water Committee - Todd Stone, Chairman, requested that the Board send a letter to the former Chair, C.C. Hopf recognizing her leadership and contribution to Nockamixon Township over the past decade. **There was a consensus of the Board to send a letter.**

e. Open Space Committee - Executive Session - held earlier in the meeting.

f. Park & Recreation Board - No report

g. Nockamixon Historic Commission - No report

-Todd Stone commented that a letter was sent to the Board requesting recognition of C.C. Hopf for her years of dedicated service as a member of the Bridgeton-Nockamixon-Tinicum Groundwater Management Committee. **There was a consensus of the Board to send a letter to C.C. Hopf.**

**ADJOURNMENT:** A motion was made by A. Santopietro, seconded by B. Keyser, to adjourn the Board of Supervisors meeting at 9:54 P.M. The motion carried 3-0-0.

Respectfully Submitted,

Arlene E. Eichlin  
Recording Secretary