

MINUTES OF NOCKAMIXON TOWNSHIP

BOARD OF SUPERVISORS

May 18, 2011

The regular scheduled meeting for May was held on May 18, 2011 in the Township building in Ferndale, PA. Vice-Chairman, Wm. Sadow, Jr. opened the meeting at 7:40 P.M. with a salute to the flag. Other members present: Supervisors B. Keyser and C. Bahnck. Members absent: Chairperson N. Janyszeski and member, A. Santopietro. Other attendees: Solicitor, Jordan B. Yeager, Esq., Secretary, A. Eichlin and Treasurer, K. DeLuca.

At 7:55 P.M. Vice-Chairman, Wm. Sadow, Jr., commented that the Board would be meeting in Executive Session to discuss litigation. At 8:20 P.M. The Board returned from Executive Session where they discussed litigation.

SCHEDULING:

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

MINUTES OF MEETING:

A motion was made by C. Bahnck, seconded by B. Keyser, to approve the April 20, 2011 minutes as presented. The motion carried 3-0-0.

The minutes of the April 28, 2011 Work Session were tabled due to a lack of quorum.

PUBLIC COMMENT:

-Andrew Hamm, a resident of Church Hill Road, requested the status of 212 Church Hill Road regarding the stormwater management plan. The Board commented that the property owner has been in contact, and is working, with the Zoning Officer.

-Nancy Alessi commented about 212 Church Hill Road and noted that trucks are coming/going daily to the site. The Solicitor, Jordan Yeager commented there are several ways to resolve the issue: the property owner brings himself into compliance; Township authorizes the Solicitor and Zoning Officer to bring enforcement action based on the notice previously issued and, if the Township takes no action, residents have remedies under the Municipalities Planning Code. Wm. Sadow, Jr. commented that he would contact the Zoning Officer for an update.

-Phil Crossley commented that he has a problem with the lack of water drainage from his property. There has been a steady build-up of soils and debris in the drainage ditch which is holding back the runoff. He presented pictures to the Board. There are three large pieces of concrete on top of the pipes that carry the water under William Road. They have been undermined by water and are in danger of falling into the drainage ditch. The Board requested that George Housworth and Steve Baluh conduct a site visit.

-Laura Giarratana wanted to know if a determination will be made by the Board regarding the plant stand located on the Reidler property located on Easton Road. This will be discussed during the Solicitor's Report.

-At 7:55 P.M., Wm. Sadow Jr. commented that the Board would meet in Executive Session to discuss Litigation. The Board returned from Executive Session at 8:22 P.M.

STAFF REPORTS:

a. ROAD REPORT - April 2011 - The Public Works Director, George Housworth, has authorization from PA-ONE-CALL to make improvements on SR611 near the Comly property and Veteran's Park. Ron Martin from PennDOT was contacted and has approved the road work. **A motion was made by B. Keyser, seconded by C. Bahnck, to approve the April 2011 Road Report as presented. The motion carried 3-0-0.**

b. Treasurer's Report

Keith DeLuca gave the Treasurer's Report.

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-On May 11th and 16th the Department of the Auditor General performed its 2008 - 2010 PMRS pension audit. They will return next week to complete the audit.

-Hutchinson, Gillahan & Freeh is scheduled to perform the 2010 Township audit on May 26th and 27th. In preparation of the upcoming audit, the reconciliation of the escrow accounts has been ongoing.

-Altronics will begin installation of the building access and alarm system on June 6th.

-The Township was awarded a \$10,000.00 grant to upgrade the Township traffic signal lights to LED. He is in the process of procuring three bids for replacement lights and requested authorization from the Board to proceed. Unfortunately, the Township did not receive the grant applied for that would have funded the replacement of guiderails on Township bridges. **A motion was made by C. Bahnck, seconded by B. Keyser, to authorize the Treasurer to procure three bids for the replacement of traffic signal lights with LED's. The motion carried 3-0-0.**

-A meeting has been scheduled for the Bucks County TCC on Tuesday May 31 at 7 P.M. in Warwick Township. Does the Board wish him to attend? **There was a consensus of the Board to authorize the Treasurer to attend the Bucks County TCC meeting on Tuesday, May 31 at 7 P.M in Warwick Township.**

-Addition to the report. Keith DeLuca contacted Kim Gaspar who is available to assess the office computer problems. **A motion was made by Wm. Sadow, Jr., seconded by C. Bahnck, for approval of Kim Gaspar to assess the computer problems at a cost not to exceed \$200.00 (\$25.00/Hr for 8 hours). The motion carried 3-0-0.**

-Year to date the Zoning Officer/Building Inspector collected \$11,195.20, in permit fees, while billing the Township \$25,430.00 for their services.

-Total bills being presented tonight: General Fund, \$28,119.61; Fire & EMS Tax Distribution, \$83,205.94 and Escrow Fund, \$1,442.97.

-Transfers requested; \$100,000.00 from General Fund to High Yield Money Market Fund. **-A motion was made by Wm. Sadow, Jr., seconded by C. Bahnck, to transfer \$100,000.00 from the General Fund to the High Yield Money Market Fund. The motion carried 3-0-0.**

-A motion was made by B. Keyser, seconded by C. Bahnck, to approve the May 2011 Treasurer's Report as presented. The motion carried 3-0-0.

-A motion was made by C. Bahnck, seconded by B. Keyser, to approve the May 2011 Bill List as presented. The motion carried 3-0-0.

COMMITTEE ACTION ITEMS:

-Jeff Petersen questioned when the building access and alarm system will be installed. It was noted that the Committee Chairs would be contacted for training.

SOLICITOR'S REPORT:

a. Meadows Variance Appeal Update - the applicant's request for a variance at 21 Brownstone Road was denied by the Zoning Hearing Board. Solicitor J. Yeager commented that a 'Stipulation of Settlement' is before the Board for their consideration. The applicant, Kevin Meadows, and his attorney were in attendance. **A motion was made by Wm. Sadow, Jr., seconded by B. Keyser, to authorize signing of the 'Stipulation of Settlement' in connection with the Zoning Appeal for TMP# 30-11-159 upon final review and approval by the Township Engineer. The motion carried 3-0-0.** A copy of the file has been e-mailed to the Engineer and, upon his approval, will be signed and forwarded to the Court. The Conditional Use Hearing will be held at the June Board meeting conditioned upon advertising.

b. Berger Road Litigation Update - The Ferreira's have filed a complaint in Court seeking appointment of a 'Board of Review' and asking that the Court, through the Board of Review, make a decision to grant improvements to or vacate Berger Road. The Township insurance firm is handling the case.

c. Reidler Enforcement Action - Laura Giarratana, plant stand tenant, was in attendance. The Solicitor, J. Yeager, commented that prior enforcement notices have

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been issued repeatedly over the past number of years. No appeals have been filed by the resident or the tenant. The activity, subject to these enforcement actions, is not a permitted use in the Commercial Zoning District. L. Giarratana was seeking a response from the Board regarding this issue. The Board was not prepared to respond this evening. **A motion was made by Wm. Sadow, Jr., seconded by B. Keyser, to authorize the Township Solicitor to take the necessary legal action to enforce the Township Ordinances as they relate to TMP# 30-11-76. The motion carried 3-0-0.**

SUBDIVISIONS:

a. A.M. Morton 3-Lot Sub - TMP# 30-13-5 - grants extension to July 29, 2011 - A motion was made by C. Bahnck, seconded by Wm. Sadow, Jr., to accept the extension for the A.M. Morton 3-Lot Subdivision - TMP# 30-13-5 until July 29, 2011. The motion carried 3-0-0.

-A motion was made by C. Bahnck, seconded by Wm. Sadow, Jr., to grant the extension for the Meadows Conditional Use TMP# 30-11-159 until June 30, 2011. The motion carried 3-0-0.

-The Solicitor, J. Yeager, left the meeting at 9:00 P.M.

LAND DEVELOPMENT:

**a. Camp Nock-A-Mixon, TMP# 30-4-34, Planning Module Approval - Resolution -
-A motion was made by C. Bahnck, seconded by B. Keyser, to approve Planning Module Resolution #5-18-2011 for Camp Nock-A-Mixon, TMP# 30-4-34.
The motion carried 3-0-0.**

RELEASE OF ESCROW:

A. Beaver Run Road Subdivision - D. Gross - TMP# 30-13-70 - accept Completion of Maintenance Period.

-A motion was made by Wm. Sadow, Jr., seconded by B. Keyser, to accept completion of the Maintenance Period for the (D. Gross) Beaver Run Road Sub. TMP# 30-13-70 and authorize release of remaining escrow funds after all outstanding Township bills have been paid. The motion carried 3-0-0.

OLD BUSINESS:

a. P. DiFillipo - Update - Center Hill Road Issues - Ron Martin has been contacted regarding the problems on Center Hill Road. Road repairs are scheduled for later this year.

b. M. Suder - Update - Ealer Hill Road Issues - A motion was made by Wm. Sadow, Jr., seconded by C. Bahnck, to authorize the Township Solicitor to send a letter for the Ealer Hill Road issues to M. Suder. The motion carried 3-0-0.

c. J. Comly-Update-Water Runoff, Veteran's Park - discussed during the Road Report.

NEW BUSINESS:

a. Update - Township Code Bidding Legislation - SB283 - Discussion - The Senate Appropriations Committee in Harrisburg is considering amendments to the Second Class Township for the increase of dollar amounts for advertising bids for purchases and contracts from the current \$10M to \$25M. Some senators are considering amending the bill and PSATS requested that municipalities contact your senator. **A motion was made by B. Keyser, seconded by C. Bahnck, to authorize the Secretary to send a letter to Sen. Mensch requesting that he support SB283, and the other bid bills, as currently written. The motion carried 3-0-0.**

b. Automated External Defibrillator (AED) - on Township Premises - Discussion - Wm. Sadow, Jr. commented that AED's are available in most government offices. However, due to the size of our Township Building, Nockamixon would not be required to have an AED on premises. It was the consensus of the Board to have the Treasurer contact

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Adam Maziuk at UBREMS for information concerning the cost as well as the availability of grants.

c. Nockamixon Community Day - Request for Support - set up/take down - Discussion - A motion was made by B. Keyser, seconded by C. Bahnck, to authorize the use of the Public Works Department for two days to set-up and take-down Community Day tents. The motion carried 3-0-0.

d. Addendum: Training - Website Updates - K. DeLuca - A motion was made by Wm. Sadow, Jr., seconded by C. Bahnck, to approve training for K. Deluca in order to update the Township website. The motion carried 3-0-0.

e. Addendum: Buckingham United Soccer Club - Request use of Fire Police for the June 4th and 5th Soccer Event, 8:00 A.M. to 6:00 P.M. - A motion was made by Wm. Sadow, Jr., seconded by B. Keyser, to authorize the Secretary to send a letter to Springfield, Tinicum, Riegelsville Borough and Bridgeton requesting the use of their Fire Police at Palisades High School on June 4th and 5th for a Soccer Tournament from 8:00 A.M. thru 6:00 P.M. The motion carried 3-0-0.

COMMITTEE REPORTS:

a. Zoning Report - C. Clayton, Zoning Officer, was not in attendance. A motion was made by B. Keyser, seconded by C. Bahnck, to approve the May 2011 Zoning Report as presented. The motion carried 3-0-0.

b. Emergency Management - the Board discussed the request from Emergency Management to purchase jackets and shirts for their members. The Secretary commented that, with Board permission, she would contact Tom Macfarlan for a list of the items needed and the cost for same. Carl Bahnck commented that he and Thomas Macfarlan attended the recent Bucks County Hazard Mitigation meeting. Attendance assures that the Township will have County assistance during HazMat events.

c. Environmental Advisory Committee - Chair Jeff Petersen was in attendance. He requested a copy of the Quarterly Report for Hidden Valley. Steve Baluh has contacted Bucks County requesting information about the debris on the former Havis Property. Set date for joint work session: tentative for June 23, 2011.

d. BNT Ground Water Committee - the June 16, 2011 meeting will be held at Bridgeton Township to discuss goals, projects and other agenda items.

e. Open Space Committee - Executive Session - Co-Chair Nancy Alessi was in attendance. No report.

f. Park & Recreation Board - No members in attendance. The Board discussed the ball fields. Arlene Eichlin spoke with Thomas Keebler and he will contact another company to discuss spraying of the fields.

g. Nockamixon Historic Commission - Chair Neil Jesiolowski was in attendance. The May monthly report will be forwarded to the Board.

-Catherine Kemble wanted to know if a copy of the UBREMS audit had been received as noted in previous minutes. As requested, the Secretary will review the minutes and advise the Board.

ADJOURNMENT: A motion was made by Chair, B. Keyser, seconded by Wm. Sadow, Jr., to adjourn the Board of Supervisors meeting at 9:35 P.M. The motion carried 3-0-0.

Respectfully submitted,

Arlene E. Eichlin,
Recording Secretary