

**MINUTES OF NOCKAMIXON TOWNSHIP
BOARD OF SUPERVISORS
June 15, 2011**

The regularly scheduled meeting for June was held on June 15, 2011 in the Township building in Ferndale, PA. Chairperson, N. Janyszeski, opened the meeting at 7:30 P.M. with a salute to the flag. Other members present: Vice-Chair, Wm. Sadow, Jr., and Supervisors B. Keyser, A. Santopietro and C. Bahnck. Other attendees: Solicitor, Jordan B. Yeager, Esq., Secretary A. Eichlin and Treasurer, K. DeLuca.

SCHEDULING:

The schedule for the month was reviewed by Chairperson, N. Janyszeski.

-The Chairperson N. Janyszeski acknowledged a 'thank you' letter received from the Durham-Nox fourth graders in response to the Board's payment for their trip to Harrisburg.

MINUTES OF MEETING:

A motion was made by C. Bahnck, seconded by Wm. Sadow, Jr., to approve the Minutes of the May 18, 2011 Board of Supervisors meeting. The motion carried 3-0-2 with Chairperson N. Janyszeski and Supervisor A. Santopietro abstaining, they did not attend the meeting.

A motion was made by C. Bahnck, seconded by N. Janyszeski, to approve the Minutes of the April 28, 2011 Board of Supervisors Work Session. The motion carried 2-0-3 the supervisors who attended the work session (majority) voted 'yes'. Abstaining members: B. Keyser, A. Santopietro and Wm. Sadow, Jr.

A motion was made by C. Bahnck, seconded by B. Keyser, to approve the Minutes of the May 26, 2011 Board of Supervisors Work Session. The motion carried 4-0-1 with Chairperson N. Janyszeski abstaining. She did not attend the work session.

PUBLIC COMMENT:

Andrew and Nancy Hamm of Church Hill Road requested an update of the Breiner property located at 212 Church Hill Road. Wm. Sadow, Jr. commented that everything for this site is currently on hold for various reasons. He spoke with the Zoning Officer who confirmed that there has been no forward movement. It was noted by Nancy Hamm that there are two to three tractors-trailers on the site for repairs within five feet of their house on weekends. If there is a building erected, who will police the number of trucks being repaired within? Mr. Hamm requested that Wm. Sadow Jr. contact him with updates.

REQUEST TO BE ON AGENDA:

a. **John Salventi - TMP# 30-10-7-3 - Change Zoning District from "R" to "VC"** - John Salventi, owner of the property at 2503 Mountain View Drive, commented that in 2006 the property was subdivided into two parcels. one parcel consists of 5+ acres on which Parkside Orchid nursery is located; his home is located on the remaining 7+/- acre parcel. In 2007 the property was rezoned from "Village Center" (VC) to "Residential" (R). He is currently considering selling the nursery and, in order to continue as a nursery, he is requesting that the Board rezone this property, TMP# 30-10-7-3, to "VC". The Solicitor, J. Yeager, asked Mr. Salventi to give both he and the Township Engineer time to address the issues presented to the Board. Mr. Salventi agreed.

CONDITIONAL USE HEARING:

a. **Meadows Petroleum LLC, 21 Brownstone Road** - The Solicitor, Jordon Yeager, opened the Conditional Use Hearing at 7:50 P.M. in connection with an application originally filed by Meadows Petroleum Products, Inc. in September 2010. It concerns property located at 21 Brownstone Road, TMP# 30-11-159. The applicant is considering the property for a G-4 Contractors Services with G-5 Fuel Storage and

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Distribution Use for the offsite sale of oil and propane. The applicant, Kevin Meadows, was in attendance as well as his attorney, Carrie B. Nase, Esquire. Court stenographer, Donna Lehmann, recorded the proceedings. Notice has been provided pursuant to the Municipalities Planning Code and Township Ordinance. The Solicitor identified several items including, on site posting of the property as well as in the Township Office; notices mailed to surrounding properties within 600'; advertised twice in the Daily Intelligencer: Tuesday, May 24, 2011 and Tuesday, May 31, 2011. Vickie Klein, 22 Brownstone Road, responded to the Solicitor's request for party status. The Solicitor entered four exhibits into the record. Carrie B. Nase, attorney for the applicant, distributed exhibits A-1 thru A-9 to the Board. Witnesses called to give testimony were: L. Scott Mill, Van Cleef Engineering, Gregory R. Fay, Traffic Planning & Design as well as the applicant Kevin Meadows. When testimony was completed, Solicitor Jordon Yeager closed the record for evidence. There was no public comment. At 8:52 P.M. a brief Executive Session was held by the Board for deliberation. They returned at 8:58 P.M.

The Solicitor, J. Yeager, commented that if the Board is so inclined they could entertain a motion to grant the application subject to the conditions that were agreed upon and stated during the scope of the applicant's testimony and witnesses including specifically, but not limited to: conditions concerning the 6' minimum height of the berm, 8' minimum height of the trees, establishment of a reasonable escrow for tree maintenance, establishment of a program for baseline water testing, terms to be agreed upon, and a reasonable well protection agreement which the parties will agree on the geographic scope and the scope of what will be tested. That the applicant will comply with each of the conditions set forth in the June 6, 2011 letter from the Township Engineer which is Exhibit B-1 and part of the applicant's exhibits. That the project will be carried out and use conducted in the manner consistent with the applications, testimony, evidence and representation to the applicant and its representatives at this hearing. That there be proper receipt of all permits and approvals from any agencies that have jurisdiction over related matters, that any township expenses that are properly part of the conditional use process will be paid to the extent not already done so, and that the applicant will comply with the rules, regulations and ordinances of the Township, the Commonwealth and the United States including the Township Zoning Ordinance and Subdivision and Land Development Ordinance. Wm. Sadow, Jr. entertained that as his motion, seconded by N. Janyszeski, as put forth by the Solicitor. The motion carried 5-0-0. The Solicitor asked the applicant if the conditions were acceptable. The applicant, Kevin Meadows, agreed. The Solicitor commented that the court has 45 days to prepare a written decision. An appeal could be filed by the applicant within 30 days of the date of the decision. **The hearing was closed at 9:08 P.M.** Applicant attorney, Carrie Nase, commented that, in connection with the Conditional Use, the applicant has filed an Amended-Final land development plan which is scheduled for review at the July Planning Commission. In order to build the berm, they have the opportunity to obtain some fill and would like to move forward. They have applied to BCCD for an E&S permit and are awaiting approval. The applicant was cautioned by Wm. Sadow, Jr. that they are taking a risk should there be additional changes to the plan during the Planning review. The applicant was aware that may happen and was asked to coordinate with the township engineer.

STAFF REPORTS:

a. ROAD REPORT - May 2011 -

- Road Materials - Permission to Request Quotes
- Bituminous - Permission to Renew Contract (Co-Stars)
- Thank you letter from Mr. Lobarinas

A motion was made by A. Santopietro, seconded by B. Keyser, to approve the May 2011 Road Report as presented. The motion carried 5-0-0.

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-A Thank You letter from Mr. Lobarinas was received in response to their good work and prompt reply to his request.

-Correspondence was received from PennDOT indicating scheduled Center Hill Road work for milling and overlay. - Correspondence was received today from a resident regarding damage to his mailbox. It was noted that the state does not replace mailboxes. The consensus of the Board was not to take any action.

A motion was made by N. Janyszeski, seconded by A. Santopietro, to grant permission to the Treasurer to send out letters as necessary requesting quotes for aggregates road materials. The motion carried 5-0-0.

A motion was made by N. Janyszeski, seconded by A. Santopietro, to grant permission to the Treasurer to renew the Co-Stars contract for Bituminous Material. The motion carried 5-0-0.

b. Treasurer's Report

-Hutchinson, Gillahan & Freeh performed the 2010 Township audit at the Township building on May 26th & 27th. All went well; a final report will be ready soon. They were also helpful in providing QuickBooks support in preparation for next year's audit.

-Altronics has begun installation of the building access and alarm system. To date the alarm system is operational and the access system should be completed next week. Once installed we will contact existing key holders to turn in their keys and receive key fobs. In addition an updated list of contacts in case of an emergency was forwarded to Altronics.

-The State has reopened the ARLE Grant Program. He requested permission to reapply for a grant to replace the guide rails on the Township bridges. The applications are due July 31, 2011. The consensus of the Board was to apply for the grant.

-At the last Board of Supervisors meeting a request was made by the Board to the Treasurer to research the cost to acquire a defibrillator for the Township building. He contacted Adam Maziuk from UBREMS and he forwarded to me the discounted purchase price available to the Township if obtained through UBREMS. The cost per unit is approximately \$1,475.00.

-Kim Gasper evaluated the Township computers and recommended we upgrade our software. We are in the process of procuring the suggested software. In regards to software, is the Township planning on pursuing the acquisition of Dreamweaver? The Board discussed and approved acquiring Dreamweaver and MS Office 7.

-Nockamixon Township has received one hundred compact fluorescent light bulbs from First Energy. Since the township building is equipped with standard fluorescent light bulbs there is no need for the CFLs. It was his recommendation that we donate the CFLs to the Eastern Upper Bucks Senior Center for distribution to their members. The Board suggested giving the CFLs to the Lord's Pantry. Keith will research.

-In addition, Keith accessed approved municipal budgets and population numbers for townships in Bucks County. He divided the adopted budget by the number of residents in each municipality and Nockamixon was one of the lowest costs per resident in the county.

-Year to date the Zoning Officer/Building Inspector collected \$12,022.20 in permit fees, while billing the Township \$28,075.00 in services.

-Total bills presented tonight; General Fund, \$32,399.21; Fire & EMS Distribution, \$2,096.49; Recreation Fund, \$525.00 and Escrow Fund \$2,096.49.

-Transfers requested; \$525.00 from the Recreation Fund to the General Fund.

A motion was made by C. Bahnck, seconded by Wm. Sadow, Jr., to approve the June 2011 Treasurer's Report as presented. The motion carried 5-0-0.

A motion was made by Wm. Sadow, Jr., seconded by A. Santopietro, to approve the June 2011 Bill List as presented. The motion carried 5-0-0.

A motion was made by N. Janyszeski, seconded by Wm. Sadow, Jr., to transfer \$525.00 from the Recreation Fund to the General Fund. The motion carried 5-0-0.

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COMMITTEE ACTION ITEMS:

-Committee Funds for Community Day - A motion was made by N. Janyszeski, seconded by B. Keyser, to give each of the Township Committees \$100.00 (reimbursable) for Community Day Expenses, at their discretion. The motion carried 5-0-0.

-Proposed Water Management Planning Committee - Discussion - Todd Stone gave the Board recommendations regarding a proposed Water Management Plan and Committee. There are currently two grant proposals: 1) Upgrade the current water level loggers. They are seeking \$6,000 from their current funder. Tinicum has approved the grant proposals contingent upon Bridgeton and Nockamixon approval. **A motion was made by N. Janyszeski, seconded by A. Santopietro, to agree to Nockamixon approval of the applications for the grant for the loggers, to upgrade the existing grant. This is contingent upon Bridgeton Township's approval. Tinicum has already approved. The motion carried 5-0-0.** 2) Todd Stone commented that this grant proposal is for a new project: to assign a contractor for data collection for the BNT's programs. This is an effort to institutionalize the data collection. **N. Janyszeski entertained that as her motion, seconded by B. Keyser. This is contingent upon approval by Bridgeton Township. Tinicum has already approved. The motion carried 5-0-0.** No Township funding is required for either of the projects.

-Park & Recreation Board - N. Janyszeski voiced concerns about the current walking path at Veteran's Park. A. Santopietro has spoken with Tom Keebler suggesting an upgrade to the path with the installation of a solid surface. There was a consensus of the Board to have Tom obtain several proposals for an upgrade to the walking path with a solid surface. Tom also provided the Township with a proposal from Ehrlich for Vegetation Management Services: proposed cost for the ball field/\$450.00, walking path/\$798.00. **A motion was made by C. Bahnck, seconded by, to approve the proposal to spray at Veteran's Park received from Ehrlich for Vegetation Management Services at a cost of \$450.00/ball field and \$798.00/walking path. The motion carried 4-1-0 with N. Janyszeski voting nay.**

SOLICITOR'S REPORT:

a. Berger Road Litigation Update - the Ferreira's filed suit requesting that the Court appoint a Board of Review to vacate the road or order it to be improved. No board of review was appointed and the case has been assigned to Judge Waite. Wm. Sadow, Jr. suggested an ordinance limiting parking on Township roadways. There was a consensus of the Board for the Township, generally, for a narrowly tailored ordinance to ensure passable roadways and that provides police with the authority to 'ticket and tow' vehicles impeding access to the roadway. The Board directed the Solicitor to move forward with an ordinance.

b. Zoning Hearing Board - Philip Hickey, 99 Ealer Hill Road is seeking relief from side and rear lot line set backs for the construction of an attached garage. J. Yeager asked if the Board wanted to take a position on this case through the Solicitor's office or the Zoning Officer. It was the consensus of the Board to leave the decision up to the Zoning Hearing Board.

c. DiPalantino L/D, Final Plan - Signature - The Township is awaiting several signed agreements. Until they are received, the Board will take no action.

-At 9:40 P.M. Chair N. Janyszeski commented that the Board would meet in Executive Session to discuss litigation. The Board returned from Executive Session at 10:10 P.M. after discussing litigation.

Solicitor, J. Yeager, left the meeting after the Solicitor's Report.

LAND DEVELOPMENT:

a. Wehrung's Phase II L/D TMP# 30-10-35 - grants extension to August 30, 2011 - A motion was made by N. Janyszeski, seconded by Wm. Sadow, Jr., to accept the extension for Wehrung's Phase II L/D TMP# 30-10-35 until August 30, 2011. The motion carried 5-0-0.

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b. Nockamixon Crossing Shopping Center TMP# 30-11-77 & -77-2 - grants extension to December 20, 2011 - A motion was made by N. Janyszeski, seconded by C. Bahnck, to accept the extension for Nockamixon Crossing Shopping Center TMP# 30-11-77 & -77-2 until December 20, 2011. The motion carried 5-0-0.

c. DiPalantino L/D TMP# 30-11-83 - Final Plans for Signature - discussed during the Solicitor's Report. The Board commented that the plans will be signed after all agreements have been received.

OLD BUSINESS: Addendum:

a. 2481 Church Lane Drainage - Discussion - After much consideration, the Board made a determination that the drainage concerns on this property are not a Township matter. The Benedict Subdivision along Church Lane was developed within Township guidelines and a recent inspection of the stormwater management basin found the basin working in accordance with the approved plan. It was the consensus of the Board that the Engineer's letter be forwarded with a cover letter advising it has been determined this is not a Township matter.

b. Hidden Valley - Seep #5 - Correspondence was received from Penn E&R on behalf of the County of Bucks advising that they will begin a test pit location associated with "Seep #5" at Hidden Valley Landfill, as requested by PADEP. This will commence on June 15, 2011.

NEW BUSINESS:

a. Request Use of Fire Police - The Village Potager -Linden Hill Gardens - 8320 Easton Road - July 9, 2011 - 11:00 A.M. - 3:00 P.M. - A motion was made by N. Janyszeski, seconded by C. Bahnck, to request authorization of use the Fire Police for The Village Potager, Linden Hill Gardens, 8320 Easton Road on July 9, 2011 from 11:00 A.M. thru 3:00 P.M. The motion carried 5-0-0. The Secretary asked the Board for permission to send letters to other surrounding municipalities due to conflicting events. C. Bahnck commented that he would speak with a contact person from Ottsville Fire Company, and advise where letters should be sent.

b. Proposed Water Management Planning Committee - Discussion - Todd Stone sent information to the Board regarding this proposed committee. It was discussed last year at the Planning Commission and their recommendation at that time was that the Board should form a water management committee. The concept is for Nockamixon Township to have a specific working group that plans for the protection of groundwater. The immediate project would be to develop a group to set up Best Management Practices for use during a drought situation. Todd noted that it could be a temporary committee including Emergency Management, EAC, BNT, Palisades School District, and other members of the community. This is the recommendation of the BNT GWMC, an advisory group, who would supply technical support along with their resources of collected data. N. Janyszeski suggested that the scope of this water management committee should be presented to the Board in writing. No action was taken by the Board.

c. Resolution - Mileage - No action taken by the Board.

d. Committee Funds for Community Day - Discussed under Committee Action items.

COMMITTEE REPORTS:

a. Zoning Report - Zoning Officer, Christopher Clayton, was not in attendance. A motion was made by N. Janyszeski, seconded by A. Santopietro to approve the June 2011 Zoning Report as presented. The motion carried 5-0-0.

b. Emergency Management - Shirts & Jackets (In process) - No June Meeting.

c. Environmental Advisory Committee - Chair, Jeffrey Petersen was in attendance. He and the Board reviewed items on EAC report including: the draft Alternative Energy Ordinance and requested a copy for review by the Committee. It was noted that comments can be addressed at a Planning Commission meeting during the review process. The date agreed upon for a joint Board of Supervisors/EAC work session was

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Thursday, September 22, 2011 @ 7:30 P.M. No work sessions will be held during the months of June, July or August.

d. BNT Ground Water Committee - Member Todd Stone reminded the Board of the June 16, 2011 Ground Water Committee meeting.

e. Open Space Committee - Co-Chair N. Alessi was in attendance.

f. Park & Recreation Board - Discussed during Committee Action Items.

g. Nockamixon Historic Commission - No June Meeting

ADJOURNMENT: A motion was made by B. Keyser, seconded by A. Santopietro, to adjourn the Board of Supervisors meeting at 10:55 P.M. The motion carried 5-0-0.

Respectfully submitted,

Arlene E. Eichlin
Recording Secretary