

MINUTES OF NOCKAMIXON TOWNSHIP BOARD OF SUPERVISORS

October 19, 2011

The regularly scheduled meeting for October was held on October 19, 2011 in the Township building in Ferndale, PA. Chairperson, N. Janyszeski, opened the meeting at 7:35 P.M. with a salute to the flag. Other members present: Vice-chair, Wm. Sadow, Jr., and Supervisors A. Santopietro, B. Keyser and C. Bahnck. Other attendees: Solicitor J.B. Yeager, Esq., Secretary A. Eichlin and Treasurer K. DeLuca.

A moment of silence was held for John MacFarland, former Supervisor, Zoning Hearing Board, Nockamixon Historic Commission and Open Space Committee member. He will be missed.

Former Supervisors John Fachet and Kurt Schneider were also remembered.

**SCHEDULING:**

The schedule for the month was reviewed by Chair, N. Janyszeski. It was noted that the Board of Supervisors work session of October 27, 2011 would be cancelled. A cancellation notice will be posted at the Township building. UBREMS will be holding an open house on Monday, October 31, 2011 from 4-8 P.M.

**MINUTES OF MEETING:**

A motion was made by C. Bahnck, seconded by A. Santopietro, to approve the August 17, 2011 Board of Supervisors as written. The motion carried 4-0-1 with B. Keyser abstaining. He did not attend the meeting.

A motion was made by C. Bahnck, seconded by B. Keyser, to approve the September 21, 2011 Board of Supervisors meeting as written. The motion carried 3-0-2 with N. Janyszeski and Wm. Sadow, Jr. abstaining. They did not attend the meeting.

A motion was made by C. Bahnck, seconded by A. Santopietro, to approve the Board of Supervisors Work Session Minutes of September 1, 2011 as presented. The motion carried 5-0-0.

A motion was made by C. Bahnck, seconded by B. Keyser, to approve the Board of Supervisors Work Session Minutes of September 8, 2011 as presented. The motion carried 4-0-1 with N. Janyszeski abstaining. She did not attend the meeting.

A motion was made by A. Santopietro, seconded by B. Keyser, to approve the Board of Supervisors Work Session Minutes of September 15, 2011 as presented. The motion carried 4-0-1 with N. Janyszeski abstaining. She did not attend the meeting.

A motion was made by C. Bahnck, seconded by Wm. Sadow, Jr., to approve the Board of Supervisors Work Session Minutes of September 29, 2011 as presented. The motion carried 5-0-0.

**PUBLIC COMMENT:**

-J. Petersen commented that unexpired/unused medications and over-the-counter collection will be held at Wehrung's and Springfield Elementary School on Saturday, October 29, 2011.

-Herb Sudfeld, Esq., Attorney for John & Janet Reidler, commented that a land development was approved in 1993 with certain conditions. At that time Truck Cap Sales/Service was listed as an accessory use; that business no longer exists. His clients are requesting that the Board amend that approval and change the use for TMP#30-11-76 and 30-11-76-1, 8305 Easton Road, to Auto Servicing/Repair. The Zoning Hearing scheduled for November 17, 2011 would not be required. Solicitor, J.B. Yeager, recommended that the Board consider the matter during an Executive Session.

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STAFF REPORTS:

ROAD REPORT:

Road Report: September 2011 - A motion was made by A. Santopietro, seconded by Wm. Sadow, Jr., to accept the September 2011 Public Works/Road Report as presented. The motion carried 5-0-0.

TREASURER'S REPORT:

Keith DeLuca gave the report:

-Request that the Nockamixon Board of Supervisors adopt the proposed 2012 Township Budget and authorize the Secretary to advertise. **A motion was made by Wm. Sadow, Jr., to adopt Nockamixon Township's 2012 Budget for advertisement as presented. The motion carried 5-0-0.**

-The 2012 Minimum Municipal Obligation Worksheet for Nockamixon Township's pension plan was submitted on September 22, 2011.

-The 2012 CDBG grant application was completed and hand delivered to Bucks County on September 30, 2011.

-The Public Works Director and Treasurer attended the PEMA/FEMA briefing for Public Assistance for Damage caused by Hurricane Irene and Tropical Storm Lee. The township must pass two Designations of Agent Resolutions appoint George Housworth, the applicant agent, one for each disaster. **A motion was made by N. Janyszeski, seconded by A. Santopietro, to designate George Housworth as the Resolution Agent Hurricane Irene for PEMA Financial Assistance. The motion carried 5-0-0.**

**-A motion was made by N. Janyszeski, seconded by C. Bahnck, to designate George Housworth as the Resolution Agent for Tropical Storm Lee for PEMA Financial Assistance. The motion carried 5-0-0.**

-All quarterly reports have been completed and are awaiting checks from this meeting.

-Year to date the Zoning Officer/Building Inspector collected \$23,704.20 in permit fees, while billing the Township \$61,670.00 for these services.

-Included in this month's bill list; Volunteer Fireman's Relief Association, \$67,986.19; Municipal Pension Grant, \$11,137.69 & AMS, for this year's Tar & Chip, \$52,771.60.

-Bills being presented tonight; from the General Fund, \$38,112.49; Fire & EMS Distribution, \$266.47; Volunteer Fireman's Relief Association, \$67,986.19; State Fund, \$52,771.60 and from the Escrow Fund, \$1,996.97.

**-A motion was made by A. Santopietro, seconded by B. Keyser, to accept the October 2011 Treasurer's Report as presented. The motion carried 5-0-0.**

**-A motion was made by C. Bahnck, seconded by Wm. Sadow, Jr., to approve the October 2011 Bill List as presented. The motion carried 4-0-1 with N. Janyszeski abstaining.**

COMMITTEE ACTION ITEMS:

a. OSC - Changes to Procedure for Acquisition of Conservation Easements with Township Open Space Funding. The Board and OSC discussed Note #6. **A motion made by N. Janyszeski, seconded by Wm. Sadow, Jr., suggested adding a sentence at the end, so that Note #6 would read: 'OSC presents property ranking to BOS and introduces Landowner to BOS with OSC in attendance'. The BOS, at its discretion, may also meet with the Landowner alone. The motion carried 5-0-0.**

At 8:20 P.M. Chair, N. Janyszeski commented that the Board would meet in Executive Session to discuss Real Estate and Litigation. The Board returned at 8:55 P.M. from Executive Session where they discussed Real Estate and Litigation.

-Reidler - Solicitor, J.B. Yeager addressed the Zoning Hearing Board scheduled in November. It was his understanding that it was the consensus of the Board to defend the decision of the 1993 agreement and to maintain the consistency of the terms of that agreement of the Waiver of Subdivision and Land Development. The

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Solicitor will appear at the November 17, 2011 Zoning Hearing to defend the Township and position of the Zoning Officer.

**-Hidden Valley** - A test pit inspection report from Bucks County's Environmental Engineer, summarized by the Township Engineer, now identifies the source of one of the problems and included recommendations for corrections.

**SOLICITOR'S REPORT:**

The Solicitor and the Board discussed the following:

**a. Proposed Parking/Towing Ordinance - Discussion** - A draft of the proposed ordinance was presented to the Board for review. The Township Engineer investigated the condition of several township roads related to the installation of parking restrictions. The Solicitor commented that this information would be included in the proposed ordinance and requested authorization from the Board to advertise a hearing for the November meeting. **A motion was made by N. Janyszeski, seconded by Wm. Sadow, Jr., to authorize the Solicitor to advertize a public hearing for the proposed Parking/Towing Ordinance at the November meeting. The motion carried 5-0-0.**

**b. Proposed Alternative Energy Zoning Ordinance Amendment - Discussion** - The Solicitor and the Board discussed comments and revisions to the July 2011 revised draft amendment received from the Planning Commission. It is before the Board for consideration for advertising for a public hearing. **A motion was made by N. Janyszeski, seconded by A. Santopietro, to authorize the Solicitor to advertise the Proposed Alternative Energy Zoning Ordinance Amendment for a public hearing at the November meeting. The motion carried 5-0-0.**

**c. Repeal of Ordinance #100** - The solicitor commented that the draft minutes of September 29, 2011 indicated the Board had voted to withdraw from the Bridgeton-Nockamixon-Tinicum Groundwater Management Committee. If the board wishes to withdraw, a motion will be needed to advertise for the repeal of the ordinance for the Board's consideration at a hearing. **A motion was made by Wm. Sadow, Jr., seconded by A. Santopietro, to repeal Ordinance #100 and authorize the Solicitor to advertise.** Under discussion, B. Keyser believes it is a mistake to repeal this ordinance. C. Bahnck noted that all comments should be relayed through a group spokesman. Wm. Sadow, Jr. noted that a year ago there was discussion addressing the issue of appointing a spokesman. They all agreed that the committee has done a good job for all three townships. J. Petersen and S. Tenney both voiced concerns if the Township decides to withdraw and the additional cost to proceed. It would not have the benefit of data collected from this time forward. Wm. Sadow, Jr. commented that the Township could continue with its own data collection. **The motion carried 3-2-0 with B. Keyser and C. Bahnck voting no.**

**d. Request from Resident - Road Maintenance Agreement - Old Schoolhouse Way.** The Township received a request, which was directed to the Solicitor's office, from Stefanie and Chris Fox asking if the township would agree to enter into a road maintenance agreement in connection with Old Schoolhouse Way. As written, it binds each of the current, as well as future, adjacent property owners to joint obligation to maintain the shared road. **It was the consensus of the Board that it might consider if all the other neighbors were inclined to sign this agreement and would be addressed at that time.**

-Solicitor, J.B. Yeager will be out of town for the November meeting. It was the consensus of the Board that the hearings be scheduled for November.

**-At 9:00 P.M. Chair, N. Janyszeski commented that the Board would meet in Executive Session to discuss Real Estate. At 9:10 P.M. the Board returned from Executive Session where they discussed Real Estate.**

**-A motion was made by N. Janyszeski, seconded by C. Bahnck, to rescind Resolution #9-21-2011 including Item #2 which was a direction to the Township Solicitor, Jordan Yeager. The motion carried 5-0-0.**

**-A motion was made by N. Janyszeski, seconded by Wm. Sadow, Jr., for Resolution #10-19-2011 which provides for the use of Municipal Open Space Program Funding.**

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Under discussion, it includes direction to the Township Solicitor to execute and file the appropriate forms. The motion carried 5-0-0.

-Solicitor J.B. Yeager left the meeting at 9:10 P.M.

SUBDIVISIONS:

a. A.M. Morton 3-Lot Sub.-TMP# 30-13-005 grants extension a 61-day extension to December 31, 2011 - A motion was made by N. Janyszeski, seconded by A. Santopietro, to approve the A.M. Morton 3-Lot Sub TMP# 30-13-005 extension until December 31, 2011. The motion carried 5-0-0.

OLD BUSINESS:

a. Hidden Valley - discussed earlier in meeting.

NEW BUSINESS:

a. Permission to send notification letter for Committee Positions whose terms are expiring - advertise for open positions - set date for receipt of letters of interest. A motion was made by N. Janyszeski, seconded by Wm. Sadow, Jr., to grant permission to the Township Secretary to advertise for Committee positions whose terms are expiring and advertise for open positions. Receive letters of interest by 3:00 P.M. on Wednesday, December 28, 2011. The motion carried 5-0-0.

b. BCATO - Fall Convention Thursday, Oct. 27, 2011 - Attendees - Roundtable/Dinner 4:30-8:00 P.M. - \$50.00/person. No attendees.

c. Letter of Interest - Auditor's Position 2-year term to expire Dec. 31, 2013 - appointment - Fulfill term of E. Gawronski. A motion was made by N. Janyszeski, seconded by A. Santopietro, to appoint Catherine A. Barndt to fulfill the vacant auditor's position that expires December 31, 2013. The motion carried 5-0-0.

d. Senate Bill 898 - Amend Noncoal Surface Mining conservation & Reclamation Act (Act 219 of 1984) - Contact Sevators - Discussion - A motion was made by N. Janyszeski, seconded by A.Santopietro, to oppose the amendment of the Noncoal Surface Mining Conservation & Reclamation Act (Act 219 of 1984). The motion carried 5-0-0.

e. House Prevailing Wage Legislative Before Package - Various HB's - Contact House Members - Discussion - A motion was made by C.Bahnck, seconded by Wm. Sadow, Jr., to support the House Prevailing Wage Legislative Reform Package contained in various HB's. The motion carried 5-0-0.

f. Disclaimer - Municipality - B.C. Board of Assessment Appeals - After a review of the disclaimer, the Board took no action.

g. Holiday Party - Discussion - Friday, December 16, 2011 - 4-7 P.M. A motion was made by N. Janyszeski, seconded by B. Keyser, to hold the Holiday Party, Friday, December 16, 2011 from 4-7 P.M. at the Indian Rock. The motion carried 5-0-0. The Secretary requested, and received, permission from the Board to send out invitations.

COMMITTEE REPORTS:

a. Zoning Report - A motion was made by N. Janyszeski, seconded by A.Santopietro, to accept the October 19, 2011 Zoning Report as presented. It was noted that signs are being set up at the Marienstein/Rt 611 corner making site distance difficult for traffic. The motion carried 5-0-0.

b. Emergency Management - A letter of commendation was received from Congressman Mike Fitzpatrick for jobs well done during the Hurricane Irene and Tropical Storm Lee events.

c. Environmental Advisory Committee - Co-Chair, Jeff Petersen, recommended that the Township proceed with the Environmental Education Grants application for Resource Inventory Development as discussed at the recent work session. Application information will be forwarded to Keith DeLuca.

d. BNT Ground Water Committee - Steve Donovan, Member, left earlier in the meeting. No report.

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

Nancy Alessi, Co-Chair gave the presentation to the Board. It consisted of two maps indicating the following Open Space properties in the Township: parcels that

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are Presumed Preserved, those with Non-Developmental Leases and those with Developmental Leases. Earlier contracts did not preclude landowners from signing gas leases. She noted that non-developmental gas leases were signed by 250 landowners of preserved parcels, with a few exceptions. Nancy Alessi explained there is a caveat that the information drawn from the 2007 County Maps may not be 100% correct. Three properties have received releases from Arbor Resources, but are not reflected on this map. She noted that there are approximately 55 properties of 20+ acres remaining which could reasonably be considered by the Open Space Program at this time with the preclusion of the developmental or non-developmental leases; that is out of 410 parcels of 10 or more acres or 1500 total parcels. Wm. Sadow, Jr. commented that several preserved parcels were donated to the Township.

**f. Park & Recreation Board - No Report**

**g. Nockamixon Historic Commission** - Chair, N. Jesiolowski commented that on October 6, we lost John MacFarland, a close friend, past chair, and valued member of the Commission, and who recently attended meetings as a guest. His wife, Joann Mylet, is willing to donate anything of John's of historic significance to the Commission for review. Neil thanked the Board for donating money toward their Community Day display and commented that painted slates are available for purchase. -- He discussed an action item with the Board regarding the Historical Society. The Commission was approached about comments being made concerning painting houses, historical items and adding local houses to the historical register. The Commission's charge is to record historical data. He requested that the Board direct someone to write a letter from the Board advising the Historical Society to provide an inventory of their items and advise that no one will be required to paint their houses certain colors. He would like these claims to cease and desist. Neil read the letter of February 18, 2010 sent to Roger and Christine deSocarras. The Board directed the Secretary to type a letter from the Board of Supervisors to the Historical Society with the assistance of Neil Jesiolowski.

-Kathleen Gentner, a write-in candidate for the Durham-Nockamixon seat on the School Board, introduced herself to the Board.

-Sanci Tenney wanted to bring to the Board's attention that they had acknowledged an individual who passed and would there be an acknowledgement of John MacFarland. It was noted by the Board that an announcement will be forthcoming. The Board will also follow-up on the final report from John MacFarland.

-The Board scheduled a Work Session for Thursday, October 27, 2011 @ 7:30 P.M.

**ADJOURNMENT:** A motion was made by A. Santopietro, seconded by B. Keyser, to adjourn the Board of Supervisors meeting at 9:50 P.M. The motion carried 5-0-0.

Respectfully submitted,

Arlene E. Eichlin  
Recording Secretary