

MINUTES OF NOCKAMIXON TOWNSHIP BOARD OF SUPERVISORS

December 21, 2011

The regularly scheduled meeting for December was held on December 21, 2011 in the Township building in Ferndale, PA. Vice-Chair, Wm. Sadow, Jr., opened the meeting at 7:35 P.M. with a salute to the flag. Other members present: Supervisors A. Santopietro, B. Keyser and C. Bahnck. Members absent: Chairperson N. Janyszeski. Other attendees: Solicitor, J. B. Yeager, Esq., Secretary A. Eichlin and Treasurer K. DeLuca.

Vice-Chairman Wm. Sadow, Jr. chaired the meeting due to the absence of Chairperson, N. Janyszeski.

SCHEDULING:

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

MINUTES OF MEETING:

-A motion was made by A. Santopietro, seconded by B. Keyser, to approve the November 16, 2011 Board of Supervisors meeting minutes as presented. The motion carried 3-0-1. C. Bahnck abstained, he was not in attendance.

-A motion was made by A. Santopietro, seconded by B. Keyser, to approve the October 27, 2011 Board of Supervisors Work Session minutes as presented. The motion carried 4-0-0.

PUBLIC COMMENT:

-Jeff Petersen thanked outgoing Supervisors Bruce Keyser and Nancy Janyszeski for their service. This was followed by applause. Supervisors-Elect Shannon Doman and Nancy Alessi were introduced to those in attendance by Vice-Chair Wm. Sadow, Jr.

PUBLIC HEARING:

a. Proposed Parking Ordinance - the Solicitor, J. B. Yeager opened the public hearing at 7:40 P.M. He commented that the proposed ordinance appeared before the Board of Supervisors several times for review. An exhibit packet was presented to the Board containing documents that reflect compliance with the provisions of the Second Class Township Code: the initial advertising for the November meeting was not handled correctly by the Intelligencer, a second advertisement was necessary and is included; a letter to the Bucks County Law Library and a proof of filing; a copy of the legal notice advertised in the Intelligencer on December 7, 2011 along with proof of advertising; a Certificate of Posting at the Township Building; a parking restrictions study from the Township Engineer. The Ordinance has been properly advertised, posted and available for public viewing and is before the Board for consideration. The hearing was opened for public comment. Nancy Alessi requested a copy of the Snow Emergency Route map. It was noted that the roads are designated in the Ordinance. The Township does not have the authority to designate State Roadways. In answer to Jeff Petersen's question, an amendment would be required to identify and/or change future township road designations. The Solicitor closed the public hearing at 7:45 P.M. **A motion was made by B. Keyser, seconded by C. Bahnck, to adopt Ordinance #143, the parking ordinance declaring certain no parking areas and certain snow emergency routes in Nockamixon Township. The motion carried 4-0-0.**

b. Proposed Alternative Energy Zoning Ordinance Amendment - the Solicitor, J. B. Yeager opened the public hearing at 7:47 P.M. An exhibit packet was presented to the Board. He commented that this is an amendment to Chapter 234 of the Nockamixon Township Code of Ordinances pertaining to zoning to establish standards and regulations for solar, geothermal, and outdoor solid fuel burning appliance energy systems within the Township. It was prepared by the Township Engineer and recommended for adoption by the Township Planning Commission. Included in the ordinance packet is the following: correspondence to the Intelligencer with a copy

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of the public notice advertised on December 2 and December 9, 2011 along with proof of advertising; correspondence to Bucks County Law Library and proof of filing; Certificate of Posting at the Township Building; review letters from both the Township Engineer and the Bucks County Planning Commission. The Ordinance has been properly advertised, posted and available for public viewing and is before the Board for consideration. The reason for this ordinance is to have regulations in place for the installation of solar and alternative energy systems. This ordinance is modeled after several existing ordinances. The Solicitor closed the public hearing at 7:52 P.M. **A motion was made by B. Keyser seconded by A. Santopietro, to adopt Ordinance #144 to establish standards and regulations for solar, geothermal, and outdoor solid fuel burning appliance energy systems within the Township. The motion carried 4-0-0.**

CONDITIONAL USE:

a. Evans & Sayre, 9207 Old Easton Road TMP# 30-007-015 - Direct Solicitor to Schedule Hearing Date. A motion was made by Wm. Sadow, Jr., seconded by B. Keyser, to direct the solicitor to schedule the Conditional Use Hearing for Evans & Sayre, 9207 Old Easton Road at the next Board meeting on January 17, 2012 @ 7:30 P.M. The motion carried 4-0-0.

REQUEST TO BE ON AGENDA:

a. Sgt. Eric Turk, Station Commander - Dublin Barracks - Introduce himself to Supervisors and public. Answer questions. Sgt. Turk gave a short introduction. Items for discussion included: the most recent Township emergency, the turning lane at the SR611/412 intersection and assistance for senior citizens. Sgt. Turk commented that they have many sources available for seniors and could assist and/or suggest a direction that the Township could take.

STAFF REPORTS:

a. Road Report - November 2011 - A motion was made by A. Santopietro, seconded by B. Keyser, to approve the November 2011 Road Report as presented. The motion carried 4-0-0.

b. Treasurer's Report -

Keith DeLuca gave the Report.

-The 2010 PADEP section 904 Recycling Grant has been completed and ready to be submitted. The Township has been informed by Bucks County to expect 60% of what was awarded in 2009.

-The Treasurer is presently re-negotiating the Township's contract with its current recycling service, in addition to contacting other providers for competitive pricing.

-As directed by the Board, the Treasurer placed an order for the 2012 International 7400 dump truck through Co-Stars. The cost for the International 7400 is \$128,125.00. Financing will be secured by a loan from First Savings Bank. The loan will have a term of 5 years and has a rate of 4.875%. Funding will come from the states liquid fuels money.

-As discussed at the November BOS meeting, the Township has changed its mobile phone provider from Nextel to Verizon Wireless. The cost is basically the same and Verizon provides better coverage to our service area.

-The Board and the Treasurer had previously discussed purchasing Dreamweaver to maintain the Township web site. It was brought to his attention by Nancy Alessi and Mary Shafer that the Township could obtain a similar program, Word Press, for no charge. The only cost would be for the web host site which has the same cost as our present web host. He requested the Board's permission to change the web hosts. In addition we should look into the possibility of having a Facebook and Twitter account for the Township. It would allow for more interaction with Township residents.

-The Township has been contacted by the Bucks County Workforce Investment Board, Inc. (BC-WIB). The BC-WIB has received a National Emergency Grant through the

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Department of Labor for Flood Recovery Projects. The BC-WIB will provide temporary jobs to crew members to restore public infrastructure. The Township provided the BC-WIB with preliminary planning information to see if the Township qualified for these work crews. The Township was approved to participate in this program. The attached agreement requires a signature from the Township to move forward.

-Year to date the Zoning Officer/Building Inspector collected \$32,320.45 in permit fees, while billing the Township \$71,613.75 for these services. As of January 1, 2012 the Zoning Officer/Building Inspectors hours will be reduced to 20 hours per week.

-On tonight's bill list is Nockamixon Township's 2011 donation to the Palisades School District for its annual Harrisburg trip, \$800.00; the biannual LST distribution to UBREMS, \$5,207.97 and the \$25,000.00 down payment for the new Township truck.

-Bills being presented tonight: from the General Fund, #34,532.42; Fire & EMS Distribution, \$5,505.20; Recreation Fund, \$750.00; Open Space Fund, \$1,800.00; State Fund, \$27,398.80 and from the Escrow Fund \$3,012.86.

-Transfers requested: \$750.00 from the Recreation Fund to the General Fund; \$1,075.00 from the Beres Construction Fund to the Escrow Fund and \$1,800.00 from the Open Space Fund to the General Fund.

-Elsie McHall commented that she believes the Township should not be using public funds to pay for a school trip to Harrisburg for students of the Palisades School District. The Board noted that this has been Township policy for several years.

-A motion was made by Wm. Sadow, Jr., seconded by C. Bahnck, to approve the December 2011 Treasurer's Report as presented. The motion carried 4-0-0.

-A motion was made by Wm. Sadow, Jr., seconded by A. Santopietro, to approve the December 2011 Bill List as presented. The motion carried 4-0-0.

-A motion was made by Wm. Sadow, Jr., seconded by B. Keyser, to transfer \$750.00 from the Recreation Fund to the General Fund. The motion carried 4-0-0.

-A motion was made by Wm. Sadow, Jr., seconded by A. Santopietro, to transfer \$1,075.00 from the Beres Construction Fund to the Escrow Fund. The motion carried 4-0-0.

-A motion was made by Wm. Sadow, Jr., seconded by A. Santopietro, to transfer \$1,800.00 from the Open Space Fund to the General Fund. The motion carried 4-0-0.

COMMITTEE ACTION ITEMS: (as needed)

-Ellen Chapman, Co-Chair Open Space Committee, requested guidelines for including Open Space items on the Township website.

-Jeff Petersen, Chair EAC, requested that the Township consider applying for the Environmental Education Grant during the next grant cycle. - A review was received from the Township Engineer for the Cabot Environmental Covenant. The EAC recommends that the Township hire an environmental professional to perform an in-depth review. The Solicitor cautioned that this can be a time-consuming process conducted by the Federal Government (EPA) along with other responsible parties. There is an inspection schedule and there will be another update. He suggested that, if the EAC has concerns, they should research, identify and document items that may not be reflected on the current report. - Jeff asked that EAC members, Alana Balogh and Frances (Sanci) Tenney, be considered for re-appointment. He thanked Supervisor Bruce Keyser for his help as liaison for the committee.

The Board reviewed the Land Development* items and then returned to the Solicitor's Report.

SOLICITOR'S REPORT:

-Berger Road litigation - update. The Ferreira's have re-filed an amended petition for a 'Board of Viewers'. The court may appoint this Board who will take testimony and made a determination whether the road should be vacated. The original request was for the Township to make road improvements.

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-Update-Steven Breiner - An enforcement complaint was filed by the Township Zoning Officer. Mr. Breiner filed an 'intent to defend'- a January hearing is scheduled. Continuing the discussion, B. Keyser wanted to know the number of horses allowed on an adjoining property and if the resident was in compliance. Information would be available from the Zoning Officer.

At 8:40 P.M. Vice-Chair Wm. Sadow, Jr. commented that the Board will meet in Executive Session to discuss litigation. At 9:12 P.M. the Open Space Committee was invited into the Executive Session. At 9:20 P.M. the Board returned from Executive Session where Vice-Chair Wm. Sadow, Jr., commented they met to discuss litigation and real estate.

-A motion was made by Wm. Sadow, Jr., seconded by A. Santopietro, to have the Board sign the Heritage Conservancy letter dated October 17, 2011. The motion carried 4-0-0.

SUBDIVISIONS:

a. B. McArdle 2-Lot Subdivision TMP# 30-11-103-2 - Acceptance of Completion - A motion was made by A. Santopietro, seconded by B. Keyser, to accept the completion of the B. McArdle 2-Lot Subdivision TMP# 30-11-103-2. The motion carried 4-0-0.

b. A.M. Morton 3-Lot Subdivision TMP# 30-13-5 - grants extension to March 31, 2012. A motion was made by Wm. Sadow, Jr., seconded by A. Santopietro, to grant an extension for the A.M. Morton 3-Lot Subdivision, TMP# 30-13-5 until March 31, 2012. The motion carried 4-0-0.

***LAND DEVELOPMENT:**

a. Eastern Oak Tree Service LOC #57 (First Savings w/cancel 02/04/2012)-Discussion Mr. Hendricks was in attendance. The Solicitor commented that the applicant has several options: the Township can call the LOC in order to have the funds to clear up any outstanding conditions; extend the LOC or provide escrow to the Township. Per his discussion with Steve the LOC will be transferred to a cash escrow at a reduced amount. The bulk of the work is completed but there are still several outstanding issues. Steve Baluh recommended reducing the LOC to \$5,700.00 (15% of the original escrow). The applicant agreed. This will be addressed at the January Board meeting.

b. Wehrung Group Phase I - TMP# 30-10-35 - LOC #975800303 (First Savings w/cancel 02/01/2012)-Discussion Mr. Wehrung was contacted by the Township Engineer, Steve Baluh, and is prepared to renew the LOC. He is seeking confirmation from the Board for an extension of the terms as stated in the original limited Financial/Security Agreement. The Solicitor recommended that his office or the Township Engineer write a letter confirming Board approval. A motion was made by Wm. Sadow, Jr., seconded by Albert Santopietro, to extend the Wehrung Group Phase I, TMP# 30-10-35, Letter of Credit #975800303 for one year to December 21, 2012. The motion carried 4-0-0. The applicant can request an extension at the end of the year.

OLD BUSINESS: None

NEW BUSINESS:

a. Permission to Advertise for 2012 Reorganization Meetings: Board, January 3, 2012@7:30 P.M.: Planning Commission, January 4, 2012@7:30 P.M.: Elected Township Auditors, January 4, 2012@6:30 P.M.: Zoning Hearing Board, January 5, 2012@7:00 P.M. - A motion was made by Wm. Sadow, Jr., seconded by A. Santopietro, to have the Secretary advertise the 2012 Reorganization Meetings as read. The motion carried 4-0-0.

b. Permission to Advertise Board/PC and Committee Meetings for 2012. A motion was made by Wm. Sadow, Jr., seconded by A. Santopietro, to have the Secretary advertise the Board/PC and Committee Meetings for 2012. The motion carried 4-0-0.

c. PSATS - New Township Emergency Mgmt. Assoc. - Annual Membership - Discussion. It was noted that EMC Thomas Macfarlan was interested in receiving the partial membership benefits which include: the quarterly newsletter 'The Emergency

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Manager', discounted fees to seminars and free phone consultations. A motion was made by Wm. Sadow, Jr., seconded by B. Keyser, to approve the \$50.00 partial membership to PSATS Township Emergency Mgmt. Assoc. for Thomas Macfarlan.

The motion carried 4-0-0.

d. PSATS - Annual Dues & Township News Billing - Discussion. A motion was made by A. Santopietro, seconded by C. Bahnck for the township to continue their membership to PSATS. The motion carried 4-0-0.

e. National Science Foundation - Nature Nurture Center. Request Letter of Support. - The mission of this center is to focus on flooding issues in the Gallows Run and Delaware River. A motion was made by C. Bahnck, seconded by A. Santopietro, to have the Secretary send a letter of support to the Nature Nurture Center. The motion carried 4-0-0.

COMMITTEE REPORTS:

a. Zoning Report - 2012 Fee Schedule - Zoning Officer Recommendations - Review - A motion was made by A. Santopietro, seconded by B. Keyser, to approve the December 2011 Zoning Report as presented. The motion carried 4-0-0. The Board will address the 2012 Fee Schedule after the first of the year.

b. Emergency Management - No one in attendance

c. Environmental Advisory Committee - Discussed 'action items' earlier in meeting.

d. BNT Ground Water Committee - By-Law Update, Board Review - The Solicitor reviewed the by-law update. He requested that Todd send a word version of the document to his office in order to clarify the document. A motion was made by A. Santopietro, seconded by B. Keyser, to authorize approval of the 2011 proposed revisions to the BNT Groundwater Management Committee by-laws based on the Solicitor's recommended changes. The motion carried 4-0-0.

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

f. Park & Recreation Board - No one in attendance.

g. Nockamixon Historic Commission - No one in attendance.

The Solicitor, J.B. Yeager, left the meeting at 9:40 P.M.

Vice-Chair Wm. Sadow, Jr., wished everyone a Merry Christmas and Happy New Year!

ADJOURNMENT: A motion was made by A. Santopietro, seconded by B. Keyser, to adjourn the Board of Supervisors meeting at 9:42 P.M. The motion carried 4-0-0.

Respectfully submitted,

Arlene E. Eichlin
Recording Secretary