

**MINUTES OF NOCKAMIXON TOWNSHIP
BOARD OF SUPERVISORS**

July 20, 2011

The regularly scheduled meeting for July was held on July 20, 2011 in the Township building in Ferndale, PA. Chairperson, N. Janyszeski, opened the meeting at 7:40 P.M. with a salute to the flag. Other members present: Vice-Chair, Wm. Sadow, Jr., and Supervisors B. Keyser and C. Bahnck. Members absent: A. Santopietro. Other attendees: Solicitor, Jordan B. Yeager, Esq., Secretary A. Eichlin and Treasurer K. DeLuca.

-Chairperson N. Janyszeski commented that the Board met in Executive Session from 7:20 - 7:40 P.M. to discuss litigation.

SCHEDULING:

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

MINUTES OF MEETING:

A motion was made by Wm. Sadow, Jr., seconded by C. Bahnck, to approve the Minutes of the June 15, 2011 Board of Supervisors meeting, as presented. The motion carried 4-0-0.

PUBLIC COMMENT:

-Jeff Peterson wanted to know when agendas will be available on the website. The Township is making preparations for the downloading of information to the website.

-Beth & Michael Mulkeen, 99 Fink Drive, brought a narrative to the Board concerning the increased traffic on Fink Drive since the opening of additional stores at Harrow Station and the newly completed mountain bike trail on Nockamixon State Park. After a short discussion, the Solicitor commented that, with Board permission, he would contact the Township Engineer and have him review the Land Development Agreement signed by the developer of Park View Estates. There was a consensus of the Board to authorize the Solicitor to contact the Township Engineer.

REQUEST TO BE ON AGENDA: None

-The Board and Solicitor reviewed the decision of the Conditional Use Hearing for the Meadows Petroleum Products Land Development. The Solicitor commented that a draft decision has been prepared and shared with the applicant. In addition to the conditions contained in the original draft of July 20, 2011, the applicant has agreed to the following three conditions: 1) donation of AFFF AR foam to the fire company; quantity and type to be determined by the Fire Chief; 2) incorporate language reflecting an agreement to the proposal from the applicant's attorney dated July 18, 2011 maintaining the scope of the water testing, and 3) maintain the trees planted under the conditional use including a maintenance escrow of \$1,500.00 to be held by the Township for five years. With those additions, the conditional use draft decision is before the Board for approval. **A motion was made by C. Bahnck, seconded by Wm. Sadow, Jr. to approve the Meadows Petroleum Products, Inc., TMP# 30-11-159 written decision for the Conditional Use as outlined by the Solicitor. The motion carried 4-0-0.**

-At 7:55 P.M., Chair, N. Janyszeski commented that the Board would meet in Executive Session to discuss litigation. They returned from Executive Session at 8:00 P.M. where they discussed litigation.

-The Solicitor, J. B. Yeager left the meeting at 8:00 P.M.

STAFF REPORTS:

a. ROAD REPORT - June 2011-

A motion was made by N. Janyszeski, seconded by B. Keyser, to approve the June 2011 Public Works Department Road Report as presented. The motion carried 4-0-0.

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A motion was made by N. Janyszeski, seconded by C. Bahnck, to replace the 25 M.P.H. sign on Fink Drive. The motion carried 4-0-0.

AWARD AGGREGATES BID:

FOB Aggregates and Antiskid materials were bid through Co-Stars. Keith DeLuca commented that according to the Co-Stars contract, the Township has to award the contract to the lowest bidder. The bids were adjusted by mileage requirement of 20 cents per mile per ton as an additional cost factor with number of miles to be calculated from plant to Township Building. Letters were sent to the following contractors currently on the Co-Stars list: H&K Materials, Inc., Hanson Aggregates BMC, Eastern Industries, Inc., Highway Materials, Inc., Plumstead Materials, and Vulcan Materials Company. No bid: Eureka Stone Quarry, Inc., they are no longer on the Co-Stars list. Bids were received for Aggregates and Antiskid materials from the following quarries:

Eastern Industries, Inc.:

Aggregate #2	\$14.55/ton
Aggregate #3	N/A
Ballast	\$15.85/ton
Aggregate #8	\$20.35/ton
Screenings	N/A
Aggregate #57	\$16.35/ton
Aggregate #3	\$15.85/ton
Aggregate R-4	\$20.60/ton
Aggregate R-6	\$23.10/ton
Surge	\$15.10/ton
Antiskid	\$16.45/ton

Plumstead Materials:

Aggregate #2	\$10.50/ton
Aggregate #3	N/A
Ballast	\$12.15/ton
Aggregate #8	\$15.00/ton
Screenings	\$10.70/ton
Aggregate #57	\$12.80/ton
Aggregate #3	\$12.15/ton
Aggregate R-4	\$14.00/ton
Aggregate R-6	\$18.00/ton
Surge	N/A
Antiskid	N/A

H&K Materials, Inc.:

Aggregate #2	\$11.30/ton
Aggregate #3	N/A
Ballast	\$12.20/ton
Aggregate #8	\$14.80/ton
Screenings	\$ 9.80/ton
Aggregate #57	\$12.90/ton
Aggregate #3	\$12.20/ton
Aggregate R-4	N/A
Aggregate R-6	\$17.80/ton
Surge	N/A
Antiskid	N/A

Hanson Aggregates BMC:

Aggregate #2	\$ 8.00/ton
Aggregate #3	\$ 8.00/ton
Ballast	\$ 9.90/ton
Aggregate #8	\$12.60/ton
Screenings	\$ 7.25/ton
Aggregate #57	\$10.15/ton
Aggregate #3	\$ 9.90/ton
Aggregate R-4	\$12.35/ton
Aggregate R-6	\$17.00/ton
Surge	\$ 9.00/ton
Antiskid	\$ 9.75/ton

It was noted by the Treasurer that the Bituminous products are handled strictly through Co-Stars and the Township is able to purchase from any Co-Star provider.

A motion was made by Wm. Sadow, Jr., seconded by C. Bahnck, to award the bid, as read, from Hansen Aggregates BMC for the purchase of aggregates and antiskid. The motion carried 4-0-0.

TREASURER'S REPORT:

-The Treasurer requested authorization from the Board to advertise the 2010 Concise Financial Statement. **A motion was made by N. Janyszeski, seconded by Wm. Sadow, Jr., to advertise the December 31, 2010 Concise Balance Sheet in the Intel. The motion carried 4-0-0.**

-With the upcoming 2012 budget approaching the Treasurer suggested that the Board schedules dates for the ensuing work sessions. **A motion was made by N. Janyszeski, seconded by B. Keyser, to direct the Secretary to advertise the Nockamixon Township Budget Work Sessions in the Intel for the following Thursdays: September 1, 8, 15 and 29; October 6, 2011. The motion carried 4-0-0.**

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-The alarm system is installed and armed. This office requests that all committee chairs turn in their keys and receive key fobs prior to their next scheduled meeting.

-All Federal, State and Local quarterly reports are completed and awaiting checks.

-After speaking with the Township Engineer we decided that the best approach in applying to the State for the ARLE Grant Program would be to reduce the number of bridge guide rail replacements proposed from five bridges to two bridges.

-In regards to the five Township bridges. The Township needs to develop a strategy to replace the Township bridges in the near future and determine where the funding will come from.

-Update on the acquisition of a defibrillator for the Township building. The Treasurer has been unsuccessful in locating a grant to date. At the suggestion of Supervisor Bahnck, he has contacted the Nockamixon-Bucks Industrial & Commercial Development Authority and will be making a request for a grant from the authority to purchase a defibrillator.

-The 2010 CDBG Grant for the Senior Center has hit a snag. The county has sent out a questionnaire to selected approved projects inquiring as to how much of a reduction the project can accept and still meet its goals. The Treasurer is waiting for a reply from the County in regard to the questionnaire that was completed and submitted on June 28th.

-Keith spoke with Tom Macfarlan from Emergency Management on the matter of replacing their two-way radios to meet mandatory compliance by 2013. Tom has received quotes of \$3,000.00 each. Emergency Management needs two radios and asked if Keith could research and apply for grants on their behalf.

-The Treasurer met with Art Feltes, Bucks County Recycling Coordinator, on the subject of our recycling program. While our ongoing problems are not unique, he is working on some alternatives to correct the problems we are experiencing.

-The Public Works Department completed work on Old Forge Road in conjunction with Bridgeton Township. Nockamixon Township agreed to supply the manpower, machinery and purchased the macadam, while Bridgeton Township supplied the pipe and stone. Nockamixon still absorbed a larger part of the cost. Does the Board wish the Treasurer to bill Bridgeton Township for the difference?

-Year to date the Zoning Officer/Building Inspector collected \$17,266.20 in permit fees, while billing the Township \$35,835.00 for their services.

-Total bills being presented tonight; from the General Fund, \$65,964.87; Fire and EMS Distribution \$11,905.75; Open Space Fund, \$9,711.38 and Escrow Fund, \$1,129.12. Transfers requested; \$40,000.00 from the General Fund to the High Yield Money Market; \$9,711.38 from the Open Space Fund to the General Fund.

A motion was made by N. Janyszeski, seconded by B. Keyser, to transfer \$40,000.00 from the General Fund to the High Yield Money Market. The motion carried 4-0-0.

A motion was made by N. Janyszeski, seconded by B. Keyser, to transfer \$9,711.38 from the Open Space Fund to the General Fund. The motion carried 4-0-0.

A motion was made by N. Janyszeski, seconded by C. Bahnck, to approve the July 2011 Treasurer's Report, as presented. The motion carried 4-0-0.

A motion was made by N. Janyszeski, seconded by C. Bahnck, to approve the July 2011 Bill List as presented. The motion carried 4-0-0.

COMMITTEE ACTION ITEMS: None

SOLICITOR'S REPORT: There was no report.

SUBDIVISIONS:

a. A.M. Morton - Lonely Cottage Drive - 3-Lot Subdivision TMP# 30-13-5 - grants extension to August 31, 2011. A motion was made by N. Janyszeski, seconded by B. Keyser to approve the A.M. Morton, Lonely Cottage Drive 3-Lot Subdivision TMP# 30-13-5 extension to August 31, 2011. The motion carried 4-0-0.

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LAND DEVELOPMENT:

a. Meadows Petroleum Products L/D - TMP# 30-11-159 - 21 Brownstone Road - Amended Final Land Development Plan - Approval - the applicant, Kevin Meadows, was in attendance as well as his attorney, Carrie B. Nase and Engineer L. Scott Mill from VanCleeef Engineering. At their July 5, 2011 meeting, The Planning Commission gave a favorable recommendation for approval of the amended final land development plan. The applicant is requesting approval from the Board of Supervisors. **The Attorney and the Board reviewed Items #1 through #7 in the Wynn Associates letter dated June 29, 2011.** All items were a 'Will Comply' except as noted below:

Item #2: There is no additional security lighting proposed.

Item #4: Additional BMP (Best Management Practices), they will install a stone berm to catch/filter water prior to reaching the basin.

Item #5: the applicant has resubmitted paperwork to B.C. Conservation District advising of the increase to the berm height (6').

A motion was made by N. Janyszeski, seconded by B. Keyser, to approve the Meadows Petroleum Products, TMP# 30-11-159, amended final Land Development Plans based on completion of outstanding items as listed on the Wynn letter of June 27, 2011 and Conditional Use approval. The motion carried 4-0-0.

RELEASE OF ESCROW:

a. Release of Escrow for G.Jesiolowski - TMP# 30-11-15-4 - Voucher #1 in the amount of \$10,000.00 payable to Guy Jesiolowski. A motion was made by N.Janyszeski, seconded by Wm. Sadow, Jr., to release escrow, Voucher #1 in the amount of \$10,000.00 payable to Guy Jesiolowski for TMP#30-11-15-4. The motion carried 4-0-0.

OLD BUSINESS:

a. Approval of Decision - Meadows Petroleum Products L/D - Conditional Use Hearing - The Board approved earlier in the meeting.

NEW BUSINESS:

a. Twp. of Upper Pottsgrove Request for Letter of Support - HB951 - Open Space Development - Discussion - N. Janyszeski read excerpts from the letter received from the Township of Upper Pottsgrove requesting support for HB951. Upper Pottsgrove residents are unable to enjoy the open space lands due to the fact that open space funds are limited to the purchase only. They would like to use some of this money for capital improvements and have been lobbying their State Representatives to amend the statute that authorized the tax referendum. PSATS has recommended approval of the amendment. It was noted that this bill would give every township the ability to develop the land as a useful piece of property for residents. Nancy Alessi believes there is a danger that municipalities could raid the money meant to purchase land for perpetuity and put the money into buildings and improvements which are short term. The purpose of open space is to have it forever. It was the consensus of the Board to send a letter of Support for HB951 to the Township of Upper Pottsgrove.

-N. Janyszeski commented that there has been a rash of burglaries in the Bunker Hill/Beaver Run area of the Township and to take precautions with your house and automobiles.

-Service Electric inquiries have been received by the Township. The Board requested that a letter be sent to Tim Himmelwright regarding areas in the Township, including Quarry and Center Hill Roads, that do not have cable access. The Township requested an update of SECTV's progress to install access to these roadways.

-PennDOT News Release - Paver marker installation is scheduled for SR563/611 the week of July 25th.

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-SB1100 in the Pennsylvania Senate - Natural Gas Impact Fee Bill Threatens Local Zoning Authority. The Public Utility Commission would be given the power to craft a model zoning ordinance for unconventional natural gas wells, like those in the Marcellus Shale. It would further restrict municipalities from adopting zoning provisions for natural gas drilling operations that address quality-of-life issues, such as noise, light, fencing height and security. It was the consensus of the Board to draft a letter to State Senators and Representatives in support of amending SB1100.

COMMITTEE REPORTS:

- a. Zoning Report - A motion was made by N. Janyszeski, seconded by Wm. Sadow, Jr., to approve the July Zoning Report as presented. The motion carried 4-0-0.**
- b. Emergency Management-No members in attendance. No report.**
- c. Environmental Advisory Committee-Chair Jeff Petersen was in attendance. He reviewed the EAC Report to the Board.**
- d. BNT Ground Water Committee-No members in attendance. No report.**
- e. Open Space Committee-Executive Session, Real Estate-Cancelled. Co-Chair, Nancy Alessi was in attendance. No report.**
- f. Park & Recreation Board-No members in attendance. No report.**
- g. Nockamixon Historic Commission-No members in attendance. No report.**

ADJOURNMENT:

A motion was made by N. Janyszeski, seconded by B. Keyser, to adjourn the Board of Supervisors meeting at 8:45 P.M. The motion carried 4-0-0.

Respectfully submitted,

Arlene E. Eichlin
Recording Secretary