

**MINUTES OF NOCKAMIXON TOWNSHIP
BOARD OF SUPERVISORS
August 17, 2011**

The regularly scheduled meeting for August was held on August 17, 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 A. Santopietro and C. Bahnck. Members absent: B. Keyser. Other attendees: Solicitor, J. B. Yeager, Esq., Secretary A. Eichlin and Treasurer K. DeLuca.

A moment of silence was held for Clarence Berger.

SCHEDULING:

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

MINUTES OF MEETING:

A motion was made by C. Bahnck, seconded by Wm. Sadow, Jr., to approve the minutes of the July 20, 2011 Board of Supervisors meeting as presented. The motion carried 3-0-1, with A. Santopietro abstaining. He did not attend the meeting.

PUBLIC COMMENT:

-Joe Brennan, a resident of Tower Road, read a narrative to the Board concerning the number of concerts that were held at 83 Tower Road over the past six weekends. A motion was made by N. Janyszeski, seconded by C. Bahnck, to authorize the Zoning Officer to issue an enforcement notice for 83 Tower Road and to include taking legal action as well. The motion carried 4-0-0.

ROAD REPORT:

Road Report - July 2011 - A motion was made by A. Santopietro, seconded by Wm. Sadow, Jr., to approve the July 2011 Road Report as presented. The motion carried 4-0-0. It was noted that the Public Works Department cleaned the roadway in front of the 83 Tower Road property following the weekend music event.

-Haycock Run Bridge Closure (County) - Concurrence of Use of Township Roads for Detours - Discussion. The bridge was closed immediately to traffic for an indefinite amount of time. The Board was concerned about the length of closure and the impact of additional traffic on Township roadways. After a lengthy discussion, the Board opted not to approve the use of Township roadways for detours. A motion was made by N. Janyszeski, seconded by A. Santopietro, not to approve the use of township roads to detour traffic around the Haycock Run Bridge and requested a meeting with County officials. The motion carried 3-0-1 with C. Bahnck abstaining. The Board directed the Solicitor to send a letter to the County.

TREASURER'S REPORT:

The Treasurer, K. DeLuca gave the report.

-The ARLE Grant to replace bridge guide rails on two Township Bridges was submitted to PennDOT on July 27, 2011. The amount requested is \$20,000, with Nockamixon Township matching \$5,000, for a total of \$25,000. This is a reimbursement grant, no money will be provided upfront. The Township bridges included in this grant are Bridge 4 on Rock Ridge Road that crossed Beaver Creek and Bridge 5 on Lonely Cottage Road that crossed Rapp Creek.

-The Treasurer will meet with the Public Works Director to finalize the number of traffic signal lights that will be converted to LED's before putting them out for bid. The Treasurer requests authorization from the Board to begin the bidding process for LED traffic signal lights. The grant the Township received from PennDOT is for \$10,000.00 with Nockamixon matching \$3,000.00 in labor costs. This is also a reimbursement grant. A motion was made by N. Janyszeski, seconded by C. Bahnck, to authorize the Treasurer to begin the bidding process for the LED lights. The motion carried 4-0-0.

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-In his preparation for the budget work sessions, input from the Board prior to the work sessions would be greatly appreciated.

-A request for the release of driveway escrow to Guy Jesiolowski in the amount of \$1,000.00 - A motion was received from N. Janyszeski, seconded by C. Bahnck to release the driveway escrow payable to Guy Jesiolowski in the amount of \$1,000.00. The motion carried 4-0-0.

-Year to date the Zoning Officer/Building Inspector collected \$19,174.20 in permit fees, while billing the Township \$44,185.00 for these services.

-Total bills being presented tonight; from the General Fund, \$44,604.34; Fire & EMS Distribution, \$2,173.93; Escrow Fund, \$4,263.45 and \$1,248.00 from the Recreation Fund.

-Transfers requested; \$1,248.00 from the Recreation Fund to the General Fund.

-A motion was made by N. Janyszeski, seconded by Wm. Sadow, Jr., to transfer \$1,248.00 from the Recreation Fund to the General Fund. The motion carried 4-0-0.

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

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

COMMITTEE ACTION ITEMS:

-**BNT GWMC** - Member Steve Donovan was in attendance. A grant proposal was presented to the Board for approval of funding for legal counsel for the committee. The Solicitor, J. Yeager also reviewed a letter received from Bridgeton Township which included various points of concern to all three member townships. The Board took no action on the grant proposal and tabled until the September meeting.

-**EAC** - Member, Sancu Tenney was in attendance. She requested topics of discussion from the Board for the upcoming September Work Session. The Board had no topics at this time.

-**Nockamixon Historic Commission** - Member, Neil Jesiolowski was in attendance. They will be having a fundraiser and it was noted that all monies will be brought to the Township to be held for future projects. He commented that Clarence Berger was a very valuable member of the Historic Commission and would be greatly missed.

-**Park & Recreation Board** - No one was in attendance. The Board discussed blacktopping the walking path at Veteran's Park. A motion was made by N. Janyszeski, seconded by Wm. Sadow, Jr., to move forward with paving the walking path at Veteran's park using Township resources at a cost not to exceed \$25,000.00. Park & Recreation Funds will be utilized. The motion carried 4-0-0.

-**EMA** - No members present. CPR training will be conducted by UBREMS at the Township Building, Tuesday, August 23, 2011 from 6:00 P.M. - 9:00 P.M. - One of the EMA's generators is located on the Horse Park and they are requesting approval from the Board to have it moved for easier access. The Board approved. C. Bahnck will make the arrangements.

SOLICITOR'S REPORT:

The Solicitor, J. Yeager, gave the report.

-**PADEP** - correspondence was received regarding PADEP consideration of the TCE contamination in the Township. The department conducted a review of the situation and considered a number of alternatives to address the water contamination. The Solicitor read excerpts from the 'Statement of Decision' which addresses water quality issues only. Whole house water filtration systems are to be installed on impacted wells. Sancu Tenney asked that it be placed on the website and/or be made available to the public. The Board directed the Secretary to contact DEP to confirm that the decision can be publicized.

-**Nockamixon State Park** - **Parking on Township roads.** Concerns were expressed by the Board regarding vehicles parking along Township roadways near Nockamixon State

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Park. Their presence limits the access way for emergency vehicles. The Solicitor's office was authorized by the Board and in the process of drafting an ordinance to address parking concerns on various Township roadways.

-**Berger Road Litigation** - The Ferreira's are no longer requesting that Berger Road be improved, they are asking that the Township vacate the road.

-**Hanson Quarry** - Hanson Aggregates, BMC asked the PA State Supreme Court to review their case challenging the procedural validity of the Township's Ordinances. Their review was denied; the Ordinances have been upheld.

-**Arbor Resources - Cabot Site** - The PADEP sent correspondence reminding Cabot of the final restoration and stabilization of the Cabot #2 Well site by July 31, 2011. The Township is awaiting a response from PADEP with regard to this matter. It was noted that there are several retention basins on the Cabot site. N. Janyszeski commented that Cabot had been contacted by the Township in the past with a request that they conduct inspections of the basins. The Board directed the Secretary to send a letter to Cabot regarding retention basin inspections.

-At 8:50 P.M. Chair, N. Janyszeski commented that the Board would meet in Executive Session to discuss litigation. The Board returned from Executive Session at 9:15 P.M. after discussing litigation.

SUBDIVISIONS:

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

b. D. Gross/Byers Road Subdivision TMP# 30-15-33 & 30-15-41-1 - Awaiting response. A motion was made by Wm. Sadow, Jr., seconded by A. Santopietro, to deem denied the D. Gross/Byers Road Subdivision, TMP# 30-15-33 & 30-15-41-1, if the Township has not received an extension by August 28, 2011. The motion carried 4-0-0.

c. Release of Escrow - D. Gross/Beaver Run Road Sub. TMP# 30-11-168 - Voucher #2, In the amount of \$3,711.00 payable to Nockamixon Township. Resolution. Tabled.

d. File a claim under Bucks County Tax Sale (D. Gross). - the Solicitor commented that the Board can entertain a motion to authorize the filing of a claim for outstanding monies in connection with the Beaver Run Project that is scheduled for a tax upset sale. N. Janyszeski entertained that as her motion, seconded by A. Santopietro. The motion carried 4-0-0.

LAND DEVELOPMENT:

a. Wehrung's Phase II L/D - TMP# 30-10-35 - grants extension to November 30, 2011 - A motion was made by N. Janyszeski, seconded by Wm. Sadow, Jr., to approve the Wehrung's Phase II L/D, TMP# 30-10-35, extension until November 30, 2011. The motion carried 4-0-0.

OLD BUSINESS:

a. **Township Website - Discussion.** N. Janyszeski commented that Dreamweaver Software is needed in order to proceed with the Township website. A motion was made by Wm. Sadow, Jr., seconded by A. Santopietro, to expend up to \$500.00 for the Dreamweaver Software to upgrade the office computer system in order to update the Township website. The motion carried 4-0-0.

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NEW BUSINESS:

a. ARLE Grant Resolution and ARLE Agreement - Discussion. A motion was made by N. Janyszeski, seconded by A. Santopietro, to approve ARLE Grant Resolution #8-17-2011, hereby authorizing the Co-Chair, Wm. Sadow, Jr., to sign the Automated Red Light Enforcement (ARLE) Program Project Funding Agreement on the Board's behalf. The motion carried 4-0-0.

b. Section 904 Recycling Grant - Permission to Apply - Date TBD. A motion was made by N. Janyszeski, seconded by A. Santopietro, to grant permission for the Treasurer to apply for the Section 904 Recycling Grant. Date to be determined. The motion carried 4-0-0.

c. CDBG - EUB Senior Center - Resolution #8-17-2011A - FY 2012. A motion was made by N. Janyszeski, seconded by Wm. Sadow, Jr., to approve Resolution #8-17-2011A to authorize the Treasurer to apply for the Fiscal Year 2012 CDBG (Grant) for the Eastern Upper Bucks Senior Center with Nockamixon Township as the lead. The motion carried 4-0-0.

d. Central Bucks Bicycle Club Covered Bridge Run, Sunday, October 9, 2011 - Request for Fire Police at the SR611/Center Hill/Church Hill Intersection - Discussion. The Board reviewed the letter received from the Central Bucks Bicycle Club. Concerns were raised regarding the roads to be traveled by the cyclists as well as the anticipated number of riders. A motion was made by N. Janyszeski, seconded by A. Santopietro, to deny the request of the Central Bucks Bicycle Club at this time. The motion carried 3-1-0 with C. Bahnck voting nay.

e. Card to Clarence Berger from the Board - The Board took no action. The Solicitor left the meeting at 9:27 P.M.

COMMITTEE REPORTS:

a. Zoning Report - A motion was made by N. Janyszeski, seconded by A. Santopietro to approve the August 2011 Zoning Report. The motion carried 4-0-0.

b. Emergency Management - Discussed earlier in meeting

c. Environmental Advisory Council - Discussed earlier in meeting.

d. BNT Ground Water Committee - Discussed earlier in meeting.

e. Open Space Committee - No report - Co-Chair Nancy Alessi and Member Sanci Tenney were in attendance.

f. Park & Recreation Board - Discussed earlier in meeting.

g. Nockamixon Historic Commission - Discussed earlier in meeting.

-An e-mail was received from Paul DiFillipo regarding missing road signs in the Township including, but not limited to: 'Village of Kintnersville' and old and faded highway signage. The Secretary requested permission from the Board to have the Public Works Dept. inventory the signs as noted and, after compiling a list, send a letter to PennDOT requesting the needed signage. It was the consensus of the Board that the Secretary moves forward with the signage request.

A motion was made by A. Santopietro, seconded by N. Janyszeski, to adjourn the Board of Supervisors meeting at 9:45 P.M. The motion carried 4-0-0.

Respectfully Submitted,

Arlene E. Eichlin
Recording Secretary