



Lower Frederick Township
53 Spring Mount Rd.
Schwenksville, PA 19473

Lower Frederick currently under a disaster declaration due to the COVID-19 pandemic.

Board of Supervisors Workshop

MEETING DATE June 23, 2020

1 | CALL TO ORDER Meeting called to order at approximately 7:00 PM by Supervisor Chuck Yeiser, Chairman.

2 | PLEDGE TO THE AMERICAN FLAG

3 | MEMBERS PRESENT

BOARD OF SUPERVISORS

Chuck Yeiser, *Chairman*
Marla Hexter, *Vice Chair*
Terry Bird
Noelle Halter
Dan Orfe

TOWNSHIP STAFF

Mark Hudson, *Township Manager*
Eric Brown, *Solicitor*
Carol Schuehler, *Engineer*

4 | ANNOUNCEMENTS

The following announcement was posted on the agenda:

Township meetings are recorded for the purpose of preparing the minutes. The recordings are destroyed six months after the minutes are approved.

It is requested that all persons wishing to speak before the Board shall state their name, address, and subject matter upon which they wish to speak for the record. In the interest of facilitating the business of the Board, all persons addressing the Board shall be limited to (2) minutes unless such time is extended by the Chairman for good cause. Individuals are requested to remain in their seats and to respect when other persons are speaking. The Board of Supervisors will provide a reasonable opportunity for citizens to comment on any non-agenda items after all agenda items have been addressed, but prior to the adjournment of the public meeting. (adopted 1/30/2018)

Instructions were given for residents on how to participate in the meeting. Residents were urged to identify themselves and give address with comment.

5 | PRESENTATION BY NATIONAL LANDS FOR THE POTENTIAL CONSERVATION OF LAND WITHIN LOWER FREDERICK TOWNSHIP

By Peter Williamson, NL

Mr. Williamson gave a short presentation about the stated the three fold mission of National Lands (NL): save open space, care for nature, and connect people with the outdoors. NL also provides consulting services. He presented slides of the Stone Hill Greenway project maps of the five tax parcels of the Furia, Gaines, and NL properties in Lower Frederick Township near Mine Hill Road in Schwenksville as an open space purchase opportunity. National Lands uses a process called recombination to reconfigure tax parcel boundaries. The project financing estimate draft for purchase of the Furia property showed the likely costs totaling \$582,500. Mr. Williamson reported the Gaines family is willing to donate the value of a conservation easement, in effect, give up the right to subdivide and create a new house lot on the property. Potential funding sources for the project included: DCED Greenways, Recreation and Trails-35%; DCNR Community Conservation Partnership Program-34%; Montgomery County 2040 or OS Fund-24%; LFT Gaines Conservation Easement-6%; and private grants-2%. Application dates were included – 2021. Mr. Williamson stated that in a normal year, this would be a very modest program, however, the state of the Commonwealth funding is uncertain in this current climate. The cost to Lower Frederick Township could potentially be \$35,000 or 6% of the overall cost but worst case scenario cost to the Township could be \$200,000. National Lands would cover the \$7,500 cost of the grant writing. Mr. Williamson spoke positively about the likelihood of getting funding and the attractiveness of the project. Mr. Williamson requested the Board give consideration to the project for the remainder of the summer and give answer in the fall to possibly pursue the project. Board inquiry included fund matching potential sources, Meng Sanctuary abutment, potential trail connections, seller intent and flexibility, total acreage, and township costs. Phil Smith spoke to the flexibility of the Furia family regarding the time element of the project and willingness to be accommodating.

Bryan Hill, Zieglerville Rd. expressed concern over potential budget/tax impact the purchase would have on residents and made mention of the importance of focusing on expanding public sewer. Supervisor Yeiser affirmed that such a purchase is not in the budget for 2020. Mr. Williamson will make his slides available to the Township Manager for forwarding to interested parties.

6 | WASTEWATER ENGINEER RATE SCHEDULE

The Township Manager stated the Wastewater Engineer Rate Schedule would be on the July 7 Board of Supervisors meeting agenda for approval. The Rate Schedule was circulated to the Board for review.

7 | DISCUSSION ON BELOW GRADE STRUCTURES ORDINANCE

By Ross Snook, New Hanover EAC, in attendance to the meeting to update the Board on New Hanover's experience.

Jackie O'Neill of the LFT EAC introduced Mr. Snook and highlighted his many credentials and relevant experience, including: Supervisor of New Hanover Township, Chair of the New Hanover Township EAC, Associate Director of Montgomery County Conservation District, on the Executive Committee of Montgomery County Association of Township Officials, on the Advisory Committee Penn State Extension Master Watershed Stewards, a Master Watershed Steward, a Treetender, awarded the Good Nature Pennsylvania Award by DCNR for this work on stormwater management, a former Navy Ocean Systems Technician in charge of oil drilling, a former supervisor at Republic Environmental in Hatfield and promoted to Government Contracts Manager, and hired by New Hanover Township in 2015 as a hazardous waste consultant before becoming Supervisor.

Mr. Snook addressed key discussion points raised at a prior meeting and provided a package for the Board's review. Mr. Snook complimented LFT on their interest to protect groundwater systems. He stated the two-fold purpose for New Hanover Township's addressing below grade structures and sump pump ordinances: the protection of drinking water and groundwater aquifers. Mr. Snook noted that greater than 50% of New Hanover's township groundwater was zero to 36 inches below the surface of the ground; when developers come in they put in basements and two sump pumps and developments are wet all the time. He reported that New Hanover spent one year in research and observation of the effects of sump pumps. They found sump pumps to be the major source of year round wet ground in residential developments. Water ponding effects included algae and an increase in the mosquito population.

NHT reviewed approximately 100 ordinances throughout the state of PA on below grade structures. New Hanover's engineer reviewed the findings. New Hanover Township pursued a more general ordinance using a 30,000 gallon figure rather than a larger figure, had Montgomery County vet the ordinance, and educated their Planning Commission to review plans through the lens of the ordinance. NHT reported having received no pushback from township residents, developers, or HOAs and stated it had no legal ramifications to date. He noted some residents had come from areas with high water tables. NHT provides information on alternatives to sump pumps and provided information on how to install rain gardens, and rain barrels, and dry sinks and has a lot of free labor and expertise available as well. Mr. Snook reported Buckingham and Upper Milford as having created ordinances related to sump pumps. Mr. Snook also noted that some of their residents have wells and said there was a good chance they would run out of water. He said a sump pump will pump 400 gallons an hour. The average cost of an infiltration test is \$500 - 1000.

Discussion: Supervisor Hexter inquired regarding how to determine the depth to ground water in LFT, which would help the Township to understand the scope of the problem. Mr. Snook stated the back or front of old plan sets offer the information. Jackie O'Neill offered to review soil maps to compile adequate data for LFT. Manager Hudson stated the Township has maps of color coded soil survey maps with water depths and Engineer Schuehler has GIS data shape files to share collaboratively with Jackie

O'Neill. Supervisor Hexter inquired of Mr. Snook if the County provides any assistance. Mr. Yeiser answered that the County does provide GIS services for free (shape files.) Manager Hudson stated that Engineer Schuehler has the shape files and web soil sample data to download.

Supervisor Orfe inquired as to the topographical effects from development leveling the soil. Mr. Snook stated this leveling of the soil blinds the water recharging affecting the hydrologic water cycle. This effect is lessened on sloped soil, but still present. Chairman Yeiser spoke to the many slopes in LFT, desiring to look at the complete package, making mention of the controls that are already in place in the rural resource areas of the Township. Mr. Yeiser expressed interest in reviewing Doylestown's plan for the issue of sump pumps. He expressed a desire for the ordinance for any sump pump regulation to be in the SALDO. Mr. Yeiser noted the NHT allows the ordinance to be waived for hardship.

EAC Chair Ruth Heil offered comment on recent research because of a seeming lack of State guidance on the matter. She stated the PA Title 25, chapter 102 (MPDES) focuses on stormwater management. Chapter 105 focuses on water pulled out of the ground. Ms. Heil stated the proposed Township ordinance marries the two to address the issue at hand, as prevention takes precedence over mitigation. Supervisor Hexter inquired if the Township's having less groundwater would help with the Township's MS4 permit requirements. Mr. Snook gave answer that the largest contaminant in LFT is sediment with sump pumps as an active contributor, creating an MS4 issue. The overuse of fill in developments also contributes to more sediment in runoff. He added that what people do upstream from your township will also affect your runoff, just as what you do affects those downstream. Mr. Snook encouraged the Board to include neighboring practices in review that may contribute to related issues and spoke to the value of the education component he found for residents.

Chairman Yeiser inquired if there was a particular contact at the County where their ordinance was reviewed. Mr. Snook answered in the negative. Mr. Yeiser further requested samples of the 100 ordinances mentioned earlier. Mr. Snook stated he would have NHT's Manager forward some of this information to Manager Hudson. Supervisor Hexter inquired if NHT considered making this regulation a part of their SALDO or why they chose to implement as a stand-alone ordinance. Mr. Snook said NHT found the regulation quicker and easier to implement and enforce as a stand-alone ordinance. He also noted that they added a hardship clause in case it was needed.

Supervisor Hexter proposed letting the EAC create mapping of LFT using the shape files and soil tests as offered by Jackie O'Neill and then draft an ordinance for review. Mr. Snook reiterated using LFT's plan sets as a resource for said mapping. There was general discussion on the matter of where to put the ordinance. Supervisor Hexter asked the solicitor this question. Solicitor Brown noted that putting it in the SALDO made it easier to apply because the waiver process is easier and offered that adding a sump pump ordinance either in the SALDO or stand-alone ordinance should be determined by the expressed goals of the Township and the scope. He urged the Board to focus on determining the goals of the Township and constructing the ordinance best supporting those goals.

Supervisor Orfe inquired of Mr. Snook if Doylestown was among those townships reviewed. Mr. Snook answered in the affirmative and spoke favorably of their ordinance. Mention was made of a related court case Doylestown had whereby the courts ruled in favor of the Township. He cautioned the Board not to wait too long to get something in place to protect the Township's resources and the residents currently living there. Supervisor Bird inquired of Mr. Snook if current developers were exempt from the ordinance in NHT. Mr. Snook answered in the affirmative. Supervisor Bird further inquired if new developer(s) was currently in compliance with the new ordinance. Mr. Snook answered in the

affirmative adding that resistance is not anticipated. Supervisor Bird also asked how much it would cost for a landowner to go through the waiver process. Mr. Snook said he was not able to provide details.

Warren Jacobs, Fulmer Rd. inquired of the particulars of the Doylestown court case. Mr. Yeiser spoke to court costs in general rather than this specific case. Mr. Jacobs wondered whether the Township should automatically back down even if they were right legally. Mr. Yeiser spoke again in favor of consulting with a soil scientist.

Bryan Hill, nZieglerville Rd. inquired if the ordinance would only affect future development. EAC's Jackie O'Neill answered in the affirmative adding that if a resident wanted to install a sump pump, they would be given alternative solutions to consider.

The Board was in general agreement to move forward to gather data specific to Lower Frederick Township for review to determine next steps.

8 | DISCUSSION ON A 5G ORDINANCE

Supervisor Hexter proposed the discussion focus be on design standards, as 5G technology installations are imminent. Solicitor Brown offered to forward a model ordinance to Manager Hudson for distribution to the Board for review. The Board agreed to move forward with a consideration of model ordinances to get started.

9 | NONAGENDA ITEM

COMPREHENSIVE PLAN SURVEY - Chairman Chuck Yeiser

Chairman Yeiser proposed the Comprehensive Plan survey accompany the sewer bill mailing as was discussed at earlier meetings. There was general discussion on the strengths and weaknesses of the survey and the medium by which it would be executed. Supervisor Orfe spoke in opposition to the survey going out in its current format. Although the balance of the Board members acknowledged the merits of some of the changes suggested by Mr. Orfe, they generally agreed that a modified survey with added comment boxes should go out with the sewer bill mailing to keep the Comprehensive Plan moving forward. Supervisor Halter was concerned that if residents did not feel included because the survey was only sent to sewage customers then it could be viewed as an empty gesture and results might not be representative of the Township. Supervisor Yeisser noted that the survey was intended to understand the pulse of the community and could give an indication where zoning may be lacking. Supervisors Hexter and Halter volunteered to cover the cost of an additional cost of postcard mailing to reach residents that have either onlot septic or Schwenksville sewer. Manager Hudson volunteered to review preparations for the additional postcard mailing. The Board expressed a desire to keep the interest of the community in the Comprehensive Plan, as it has not been able to meet in person due to the current restrictions.

Ruth Heil, Swamp Creek Road spoke in favor of adding the additional comment boxes to the survey.

Bryan Hill, Zieglerville Rd. spoke in favor of having the Solicitor review the survey questions.

Linda Jansson, Simmons Rd. expressed concern for a graphic in the survey potentially conflicting with current zoning.

Warren Jacobs, Fulmer Rd. reiterated the weak standard of communication with residents and proposed discussions to improve resident outreach be placed on a coming agenda. Supervisor Hexter spoke in agreement with Mr. Jacobs and assured him of coming improvement.

Comp Plan member Amy Sacks, 6 Little Rd. spoke in favor of the added postcard ~~bulk~~-mailing to cover the remaining residents.

10 | PUBLIC COMMENT

Phil Smith, Gerloff Rd. requested the Planning Commission receive a copy of the below grade structure ordinance. Manager Hudson stated the Board would review ordinance samplings, then he would forward a copy of the ordinance selection to the Planning Commission.

Linda Jansson, Simmons Rd. expressed her appreciation for the presentations. Additionally, she requested direction from the Board on how the EAC and Planning Commission should move forward in working together on the below grade structure ordinance.

Ruth Heil, Swamp Creek Road offered comment that all are in agreement with the goals of the below grade structure ordinance. Ms. Heil inquired of the Solicitor on how the two bodies could meet for informational discussion only. Solicitor Brown stated that less than a quorum from the Planning Commission and EAC could meet for discussion and it need not be advertised, e.g. two or three delegates from each body.

Bob Burns, Zieglerville Rd. inquired as to how the survey could be tracked to ensure each person only did it once and that only residents did it. Chairman Yeiser remarked that the survey contains a space that asks if the one filling out the survey is a resident. He added that residents are generally on their honor in filling out the survey.

Amy Sacks, Little Rd. requested that the combination meeting with Planning Commission and EAC be advertised. Linda Jansson reiterated that the meeting does not need to be advertised if no quorum is present and the meeting is solely informational.

11 | ADJOURNMENT

MOTION to adjourn the meeting at 9:35 PM

MOVED: Marla Hexter

SECOND: Noelle Halter

DISCUSSION: NONE

APPROVED: 5 – 0

JULY 2020 TOWNSHIP MEETINGS ONLINE:

- *** July 6 | Parks and Recreation Board
- July 7 | Board of Supervisors General
- July 9 | Comprehensive Plan Steering Committee
- July 16 | Planning Commission
- *** July 27 | Environmental Advisory Council
- July 28 | Board of Supervisors Workshop

Minutes Draft Respectfully Submitted by T. Kilpatrick