

East Rockhill Township Board of Supervisors

April 18, 2023

Regular Business Meeting Minutes

The regular business meeting of the East Rockhill Township Board of Supervisors was held at 7:00p.m. on April 18, 2023, in the meeting room at the East Rockhill Township Municipal Office, 1622 North Ridge Road, Perkasie, PA 18944.

| | | |
|----------|---------------------|--------------------------------------|
| Present: | Gary Volovnik | Supervisor Vice-Chairperson |
| | Jim Nietupski | Supervisor Member |
| | Marianne Morano | Township Manager |
| | Will Oetinger, Esq. | Township Solicitor |
| | Steve Baluh, P.E. | Township Engineer |
| | Jeff Scholl | Public Works Director |
| | Chief Dickinson | Pennridge Regional Police Department |

The meeting was called to order at 7:01p.m. by Mr. Volovnik with the Pledge of Allegiance.

Members of the public and press were present.

Announcements or Presentations:

- Next Board of Supervisors Meeting May 23, 2023 7:00pm
- Executive Session to take place following the meeting for potential real estate acquisition

Public Comment #1:

- Kathleen Hart, 696 W. Schwenkmill Road, stated she and her neighbors are present regarding ReNew Church revised Zoning Hearing Board application.
- Bob Godshall, 698 W. Schwenkmill Road, no public comment.
- Nancy Croll, 694 W. Schwenkmill Road, no public comment.
- Greg Hart, 696 W. Schwenkmill Road, no public comment.
- Shirley Yoder, 610 Schwenkmill Road, no public comment.
- Jim Yoder, 610 Schwenkmill Road, no public comment.
- George Hawthorne, 690 W. Schwenkmill Road, no public comment.
- Sandy Hawthorne, 690 W. Schwenkmill Road, no public comment.
- Kathleen Hart, 696 W. Schwenkmill Road, stated opposition to ReNew Zoning Hearing Board revised application.
- Jennifer Wright, 400 Three Mile Run Road, asked about a tree limb on wires on Three Mile Run Road across from the walking path. The limb is outside of township right-of-way on Verizon wire who do not remove unless service is disrupted.

Approval of Minutes and Bills Payable:

Approval of Minutes Payment of Unpaid Bills.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to approve the meeting minutes from the Board of Supervisors' March 28, 2023 Regular Meeting and to approve payment of the Bills List dated April 14, 2023, for a total amount of \$188,746.83 as presented. With no additional discussion, all present voted in favor.

DRAFT

Board and Commission Reports:

Pennridge Regional Police Department: Chief Dickinson

The Chief shared the March 2023 Pennridge Regional Police activity report. The report is on file. Mr. Nietupski noted Pennridge Regional Police is part of the newly formed Upper Bucks Co-Responder Program sponsored by Bucks County.

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to accept the Pennridge Regional Police Department report. With no additional discussion, all present voted in favor.

Township Manager's Report: Marianne Morano

Zoning Hearing Application 1600 N. 5th Street, ReNew Bible Church. Mr. Greg Landis and Mr. Scott Mease P.E. were present. Mr. Landis noted as a result of a neighbor meeting on February 27, 2023 the Church became aware of concerns they had not known and therefore requested a Zoning Hearing continuance and revised the plan. Impervious surface variance has been reduced from 45.13% to 32.41% where 30% is allowed; parking variance for 1,134 required spaces was amended from 496 to 507 spaces; and request for woodland clearing variance has been removed. The existing stormwater basin has been enlarged and a second basin added to ensure no stormwater will leave this location. Additionally, parking and driveway improvements have been moved away from neighboring properties and lighting has been realigned and timers reset which they were advised on February 27, 2023 were impacting neighboring properties.

- George Hawthorne, 690 W. Schwenkmill Road, requested a fence due to vehicle lights going onto his property and has contacted Pennridge Regional Police when it occurs. It was noted Mr. Hawthorne's lights also shine into the Church parish dwelling but it is believed to be part of living in a community. Mr. Hawthorne was not satisfied and was advised by Chief Dickinson to give the Church an opportunity to address his concerns.
- Mr. Mease stated the Zoning Hearing Board application requesting variances for 2.41% over allowable impervious surface and reduction in parking requirement were currently before the Board and should a variance be approved land development would be submitted.

Consensus of the Board was to take a neutral position on the application.

Zoning Hearing Application 400 Branch Road, Shane Dam. Equitable Owner Shane Dam and Lawrence Byrne P.E. were present to review variance requests for a reduction in the required off-street parking; encroachment into front yard setback and wetland disturbance. It was noted an addition is proposed; the facility would be 24/7 eventually to accommodate patrons who do shift work such as medical and police; a day care would be in the facility while parents were using equipment and entrance would now be defined with an entrance added on Branch Road.

- Vicki Sellers, 505 E. Callowhill Street, asked if the triangle parcel on the corner would be disturbed which is currently owned by her. No.

Consensus of the Board was to take a neutral position on the application.

2022 Draft Financial Report.

DRAFT

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to approve the 2022 financial report and reaffirm Township Manager execution of representation letter to the appointed auditor as presented. With no additional discussion, all present voted in favor.

Use of Fire Police Personnel.

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to authorize fire police personnel for traffic control duties for triathlon bicycle events on May 21, 2023 and August 6, 2023 as presented. With no additional discussion, all present voted in favor.

Branch Road Path Unbudgeted Expense Repair and PA DEP Permit Submission.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to authorize Township Engineer preparation of a Chapter 105 General Permit 3 application to PADEP for a not to exceed amount of \$5,500.00 in order to public works to relocate the walking path and do a stream bank repair as presented. With no additional discussion, all present voted in favor.

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to approve the Township Manager report. With no additional discussion, all present voted in favor.

Public Works Report: Jeff Scholl

Mr. Scholl updated the Board on Public Works activities as of April 13, 2023. The report is on file.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to approve the Township Public Works report. With no additional discussion, all present voted in favor.

Township Engineer Report: Steve Baluh, P.E.

Public Works Complex Site Location. Three site locations for a new public works building to replace the 1983 pole barn building and relocating storage bins and salt shed were re-presented to the Board.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to authorize location with Option C per Wynn Associates plan dated January 19, 2023 to the rear of the municipal office as presented. With no additional discussion, all present voted in favor.

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to authorize the Township Engineer preparation of site plans; submission of waiver of land development; preparation of lot line adjustment; submission of erosion control plan to Bucks County Conservation District; submission of NPDES permit to PA DEP; coordination with project architect and preparation of bid specifications and estimates for site work for a not to exceed amount of \$40,000.00 as presented. With no additional discussion, all present voted in favor.

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to approve the Township Engineer report. With no additional discussion, all present voted in favor.

Township Solicitor Report: Will Oetinger, Esq.

Declaration of Easements for Round-a-Bout at Park Avenue and Three Mile Run Road.

DRAFT

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to authorize Chairperson execution of Declaration of Easements for 1642 Park Avenue; 1631 Park Avenue and 117 Three Mile Run Road contingent on property owners receiving easement payment within five business days as presented. With no additional discussion, all present voted in favor.

Earth Moving Agreement Park Hill Estates (McClennen Tract).

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to authorize execution of an Earth Moving Agreement contingent on Declaration of Easement payments to property owners within five business days; letter of credit and agreement to the satisfaction of the Township Solicitor and plans recorded within 30 days as presented. With no additional discussion, all present voted in favor.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to approve the Township Solicitor report. With no additional discussion, all present voted in favor.

Department and Emergency Services Reports:

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to acknowledge receipt of the Department and Emergency Services reports. With no additional discussion, all presented voted in favor.

New or Other Business Supervisors' Items:

- Mr. Nietupski noted the annual financial report includes a Management discussion analysis prepared by Mrs. Morano that is very informative.
- Mr. Volovnik noted the Township news alert posting stated Callowhill Street bridge would be closed for rehabilitation.

Public Comment #2:

- Sandy Lehrmann, 1470 West Rock Road, asked for PFAS well testing information and was directed to the contact information on the sewer and water Township webpage.

Adjournment:

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to adjourn the regular meeting into Executive Session. With no additional discussion, the meeting was adjourned at 8:22p.m.

Respectfully submitted,

NOT APPROVED

Marianne Morano

Township Manager

East Rockhill Township
Unpaid Bills List

May 19, 2023

Summary of Fund Expenses

| FUND NAME | DESCRIPTION | TOTAL |
|--|---|----------------------|
| General | <i>General Purposes</i> | \$ 135,067.64 |
| Fire | <i>Revenue from Real Estate 1.0 mil. Expenses related to Fire Volunteer Services.</i> | \$ 431.75 |
| Open Space | <i>Revenue from Earned Income 0.25. Expenses for preservation and maintenance per HB1523.</i> | \$ 4,574.41 |
| Sewer | <i>Revenue from sewer rates and connections. Expenses for sewer operations.</i> | \$ 20,625.35 |
| Park & Recreation / Golf Driving Range | <i>Revenue from token sales, park reservations & contributions. Expenses for driving range and park maintenance.</i> | \$ 3,178.08 |
| Street Light | <i>Revenue from annual street light assessment for properties in district. Expenses payable to PPL for street light rental and maintenance.</i> | \$ 1,649.63 |
| Capital Improvement | <i>Revenue from Real Estate 1.25 mil. Expenses for capital projects as budgeted and approved by Board of Supervisors.</i> | \$ - |
| Building Debt | <i>Revenue from Real Estate 1.26 mil. Expenses for Police Headquarter and Municipal Complex building debt.</i> | \$ 5,797.22 |
| Capital Reserve | <i>Revenue from grants and contributions. Expenses per allocations as budgeted and approved by Board of Supervisors.</i> | \$ 545.36 |
| State Aid (Liquid Fuels) | <i>Revenue from State fuel tax. Expenses according to PennDOT guidelines for road and vehicle maintenance.</i> | \$ 4,562.20 |
| Escrow | <i>Revenue for consultant review time. Expenses for projects under review with escrow requirements.</i> | \$ 8,757.69 |
| Unpaid Bills Total | | \$ 185,189.33 |

East Rockhill Township
Unpaid Bills List

May 19, 2023

Detail of Fund Expenses

| <u>Payable To</u> | <u>Memo</u> | <u>Amount</u> |
|---|--|---------------|
| General Fund - 01 | | |
| BIU | Code Services | 1,417.50 |
| Bucks County Court Reporters | Zoning Hearing | 250.00 |
| Chase Credit Card | PSATS Educational Conference | 1,445.14 |
| Chase Credit Card | Office Supplies | 116.96 |
| Chase Credit Card | Lowe's | 19.96 |
| Clemens Uniform | Uniforms | 47.24 * |
| Clemens Uniform | Uniforms | 188.96 |
| Clemons Richter & Reiss | General | 74.00 |
| Clemons Richter & Reiss | Wedman | 351.50 |
| Clemons Richter & Reiss | Giant Inc | 573.50 |
| Clemons Richter & Reiss | RENEW Bible Church | 111.00 |
| Daniel Beardsley | Supplies | 659.25 |
| Davis Feed | Supplies | 328.65 |
| Delaware Valley Health Insurance (DVHT) | Insurance Premium | 12,451.55 |
| Dunlap SLK | 2022 Audit | 2,500.00 * |
| Dunlap SLK | 2022 Audit | 1,000.00 |
| Emerald Garden | Lawn Maintenance | 870.00 |
| Grim, Biehn & Thatcher | Township Solicitor General | 1,056.00 |
| Grim, Biehn & Thatcher | Township Solicitor Litigation | 198.00 |
| Grim, Biehn & Thatcher | Township Solicitor 809 Three Mile Run Rd | 247.00 |
| IPFone | Phone Service | 272.35 |
| IT Business Solutions | Monthly Service | 479.00 |
| J&J Arbor Care | Tree Removal | 1,920.00 |
| Kathleen Percetti | Reimbursement | 945.60 |
| Keystone Collections Group | EIT Commission | 829.11 * |
| Keystone Collections Group | Costs Retained by Tax Officer (Act 192) | 1,219.92 * |
| Keystone Collections Group | EIT Taxpayer Refunds | 3,911.59 * |
| Keystone Collections Group | LST Commission | 95.73 * |
| Keystone Collections Group | LST Refunds | 46.09 * |
| Kriebel Security | Quarterly Service | 147.00 |
| Lapps Landscape Products | Supplies | 676.00 |
| Lawson | Supplies | 312.88 |
| Manko Gold Katcher Fox | Township Environmental Solicitor | 1,405.00 |
| Municipay | Card Reader | 229.00 |
| Neat & Clean | Township Office | 280.00 |
| Pennridge Community Center | DN 2023 Supervisor Wage Donation | 1,875.00 |
| Pennridge Community Center | DN 2023 PWTA Rep Wage Donation | 900.00 |

East Rockhill Township
Unpaid Bills List

May 19, 2023

Detail of Fund Expenses

| <u>Payable To</u> | <u>Memo</u> | <u>Amount</u> |
|-----------------------------|---|-----------------------------|
| Pennridge Community Center | GV 2023 Supervisor Wage Donation | 675.00 |
| Pennridge Fish Organization | GV 2023 Supervisor Wage Donation | 600.00 |
| Perkasie Fire Company | GV 2023 Supervisor Wage Donation | 600.00 |
| Pennridge Regional Police | Police Service | 86,255.33 |
| Perkasie Regional Authority | Municipal Office Water Bill | 145.60 * |
| PP&L Electric | Parking Lot Lights | 176.54 |
| PP&L Electric | Municipal Office | 155.14 |
| PP&L Electric | Garage/Shop | 87.41 |
| PP&L Electric | 426 Three Mile Run Rd | 95.45 * |
| Principal Financial Group | Insurance Premium | 698.41 |
| Ricoh | Prepay Copier Rental | 132.23 |
| Safety-Kleen | Supplies | 346.66 |
| Shadywood Communications | Enewsletter | 215.00 |
| Sprint | Cell Phone Service | 132.72 |
| TRAISSR LLC | Permit Software | 350.00 |
| Upper Makefield Township | PSATS Reimbursement | 515.07 |
| Verizon | FIOS service | 119.00 |
| Wynn Associates | Township Engineer 809 Three Mile Run Rd | 607.65 |
| Wynn Associates | Township Engineer General | 1,609.60 |
| Wynn Associates | Township Engineer Twp Maint Complex | 1,974.35 |
| Wynn Associates | Township Engineer Stone Edge Rd | 126.00 |
| <i>General Fund</i> | | <u>\$ 135,067.64</u> |

Fire Fund - 03

| | | |
|------------------|-------------------------|-------------------------|
| Amerigas | Propane Fuel Substation | 328.30 |
| PP&L Electric | Substation | 103.45 |
| <i>Fire Fund</i> | | <u>\$ 431.75</u> |

Open Space Fund - 05

| | | |
|----------------------------|------------------------------|---------------------------|
| A James Scanzillo | Appraisals | 1,750.00 |
| Keystone Collections Group | EIT Commission | 412.59 * |
| Keystone Collections Group | Taxpayer Refunds | 1,955.77 * |
| Wynn Associates | Township Engineer Open Space | 456.05 |
| <i>Open Space Fund</i> | | <u>\$ 4,574.41</u> |

Sewer Fund - 08

| | | |
|---|-------------------------------|----------|
| ARRO Consulting | Engineering Treatment Plant | 3,791.50 |
| Bullseye | Pumping Station Alarm Service | 158.74 |
| Comcast | Treatment Plant Phone Service | 109.48 |
| Delaware Valley Health Insurance (DVHT) | Insurance Premium | 793.64 |

East Rockhill Township
Unpaid Bills List

May 19, 2023

Detail of Fund Expenses

| <u>Payable To</u> | <u>Memo</u> | <u>Amount</u> |
|---------------------------|--|----------------------------|
| Diversified Technology | Fee Chargeback | 6.00 |
| Emerald Garden | Lawn Maintenance | 200.00 |
| Home Depot | Supplies | 10.94 |
| Kevin Franks | Treatment Plant | 1,850.00 |
| MJ Reider Associates | Lab Analysis | 289.95 |
| PP&L Electric | Pump Station | 743.82 |
| PP&L Electric | Treatment Plant | 1,935.98 |
| Principal Financial Group | Insurance Premium | 166.57 |
| Quakertown National Bank | 2021 Note Interest | 3,375.00 * |
| Riggins | Diesel Fuel | 621.59 |
| Riggins | Unleaded Fuel | 273.38 |
| Sprint | Cell Phone Service | 88.50 |
| Telford 55 Enterprises | GMC Lift Gate | 5,945.66 |
| Wynn Associates | Township Engineer Old Bethlehem Pk Sewer | 264.60 |
| | <i>Sewer Fund</i> | <u>\$ 20,625.35</u> |

Park & Recreation / Driving Range Fund -09

| | | |
|------------------------------------|--|---------------------------|
| Billows | Pavilion Lights | 384.01 |
| Chase Credit Card | Lowe's | 52.31 |
| Dog Waste Depot | Bags | 79.97 |
| Emerald Garden | Lawn Maintenance | 425.00 |
| George Allen Portable Toilets Inc. | Markey Centennial Park | 160.00 |
| Home Depot | Supplies | 235.17 |
| Littles | Gator Parts | 540.25 |
| Miller Tire | Mower Tires | 381.33 |
| PP&L Electric | Markey Centennial Park Sign | 26.79 |
| PP&L Electric | Markey Centennial Park Buildings | 51.00 |
| Range Servant | Driving Range | 842.25 |
| | <i>Park & Rec / Driving Range Fund</i> | <u>\$ 3,178.08</u> |

Street Light Fund - 13

| | | |
|---------------|--------------------------|---------------------------|
| PP&L Electric | Street Lights | 1,649.63 |
| | <i>Street Light Fund</i> | <u>\$ 1,649.63</u> |

Capital Improvement Fund - 19

Capital Improvement Fund **\$ -**

East Rockhill Township
Unpaid Bills List

May 19, 2023

Detail of Fund Expenses

| <u>Payable To</u> | <u>Memo</u> | <u>Amount</u> |
|--|---------------------------------------|--------------------|
| Building Debt Fund - 22 | | |
| Pennridge Regional Police Department | Principle and Interest Debt Payment | 5,797.22 |
| | <i>Building Debt Fund</i> | <u>\$ 5,797.22</u> |
| Capital Reserve Fund - 30 | | |
| Coopersburg Materials | East Rock Road BCCD Grant | 545.36 * |
| | <i>Capital Reserve Fund</i> | <u>\$ 545.36</u> |
| State Aid (Liquid Fuel) Fund - 35 | | |
| Auto Plus | Supplies | 81.00 |
| Bergeys | Parts | 269.33 |
| Daniel Beardsley | Roller Parts | 139.50 |
| H&K Materials | Supplies | 813.00 |
| LB Water | Pipe Supplies | 277.73 |
| M&W Precast | Pipe Supplies | 575.04 |
| Naceville Materials | Supplies | 863.77 |
| NAPA | Truck Parts | 143.06 |
| PP&L Electric | Signal 313 & 5th | 29.75 |
| PP&L Electric | Flasher 5th Street | 25.69 |
| PP&L Electric | Signal Campus & 5th | 34.75 |
| PP&L Electric | Signal 313 & 563 | 29.99 |
| PP&L Electric | Flasher Schwenkmill Road | 25.71 |
| PP&L Electric | Signal 313 & Mountain View | 39.75 |
| PP&L Electric | Flasher Mountain View | 25.53 |
| Telford 55 Enterprises | Trailer Service | 1,188.60 |
| | <i>State Aid Fund</i> | <u>\$ 4,562.20</u> |
| Escrow Fund - 90 | | |
| Grim Biehn & Thatcher | Township Solicitor McClennen | 2,603.00 |
| Grim Biehn & Thatcher | Township Solicitor Boice | 300.50 |
| Grim Biehn & Thatcher | Township Solicitor RENEW Bible Church | 190.00 |
| Grim Biehn & Thatcher | Township Solicitor Dam | 48.00 |
| Wynn Associates | Township Engineer Pennridge SD | 735.10 |
| Wynn Associates | Township Engineer Park Hill McClennen | 4,079.84 |
| Wynn Associates | Township Engineer Mager | 131.90 |
| Wynn Associates | Township Engineer Dam | 113.40 |
| Wynn Associates | Township Engineer ML Homes | 376.10 |
| Wynn Associates | Township Engineer Edmonds | 179.85 |
| | <i>Escrow fund</i> | <u>\$ 8,757.69</u> |

East Rockhill Township
Unpaid Bills List

May 19, 2023

Detail of Fund Expenses

| <u>Payable To</u> | <u>Memo</u> | <u>Amount</u> |
|-------------------|-------------|---|
| | | Total Unpaid Bills \$ 185,189.33 |

**denotes already paid*

**EAST ROCKHILL TOWNSHIP
BUCKS COUNTY, PA**

RESOLUTION NO. 2023-_____

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
EAST ROCKHILL TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA REQUESTING AN AMENDMENT TO THE
STERLING ACT TO REQUIRE THAT UP TO ONE PERCENT
(1%) OF EARNED INCOME BY NON-RESIDENTS TO THE
CITY OF PHILADELPHIA AND COLLECTED UNDER THE
REQUIREMENTS OF THE PHILADELPHIA WAGE TAX BE
REMITTED TO THE MUNICIPALITY IN WHICH THE
TAXPAYER RESIDES**

WHEREAS, East Rockhill Township, Bucks County, Pennsylvania has enacted an Earned Income Tax of one (1%) percent in accordance with the Pennsylvania Local Tax Enabling Act; and

WHEREAS, East Rockhill Township relies on the revenue generated by the EIT to provide essential services to its residents and taxpayers, including emergency services that protect the health, safety, and welfare of the community; and

WHEREAS, the City of Philadelphia, pursuant to the Sterling Act of 1932, enacted an Earned Income Tax, also known as a Wage Tax, on both residents of the City, and on non-residents that work in the City; and

WHEREAS, in 1932, the Counties surrounding Philadelphia consisted mainly of farmland with few local government services; and

WHEREAS, in 1932, the Act made sense because residents in the adjacent Counties visited the City on a regular basis to shop, dine, and avail themselves of businesses and services not available in the adjacent Counties, and

WHEREAS, the Sterling Act was only intended to be in effect for a period of one (1) year; and

WHEREAS, 99 East Rockhill Township residents pay Earned Income Tax to the City of Philadelphia at the current non-resident rate of 3.448%; and

WHEREAS, the Sterling Act, unlike the Local Tax Enabling Act, does not require Philadelphia to remit any portion of its Earned Income Tax revenue to the municipality in which the non-resident taxpayer resides, even though the non-resident's home municipality has enacted its own Earned Income Tax; and

WHEREAS, East Rockhill Township, under the provisions of the Sterling Act, is not entitled to any remittance from the City of Philadelphia on the non-resident Earned Income Tax paid by its

residents to the City, including the one percent (1%) Earned Income Tax levied by the Township on its residents; and

WHEREAS, East Rockhill Township residents who do not work in the City of Philadelphia bear a higher tax burden to support local services because of the inequities caused by the provisions of the Sterling Act; and

WHEREAS, the inequities created by Sterling Act deprive East Rockhill Township of annual Earned Income Tax revenue in excess of \$27,000 that could be used to provide essential local government services including police, fire and emergency medical services; and

WHEREAS, SB 671 was passed by the Pennsylvania Senate on May 3, 2023; and

WHEREAS, East Rockhill Township requests that the Pennsylvania House introduce a companion bill to be voted on by the Pennsylvania House of Representatives; and

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of East Rockhill Township to formally request the Governor of the Commonwealth of Pennsylvania and the Senators and Representatives of the General Assembly of Pennsylvania to amend the Sterling Act and require that an amount of up to one (1%) percent of the earned income paid by non-residents to the City Philadelphia, and collected under the requirements of the Philadelphia Wage Tax, be remitted to the municipality in which the taxpayer resides if that municipality has enacted an earned income tax.

SO RESOLVED, this 23rd day of May, A.D., 2023.

**EAST ROCKHILL TOWNSHIP
BOARD OF SUPERVISORS**

David R. Nyman, Chairman

NOT APPROVED

Gary W. Volovnik, Vice-Chairman

James C. Nietupski, Member

ATTEST:

Marianne Morano, Township Manager

LEGAL NOTICE

Notice is hereby given that the East Rockhill Township Board of Supervisors will hold a public hearing on May 23, 2023 at 7:00 p.m., at the East Rockhill Township municipal building, 1622 Ridge Road Perkasio, PA 18944 to consider for possible adoption an Ordinance, of which this notice is a summary, amending Chapter 26 of the Township Code of Ordinances by creating district for mandatory connection to public water service. A summary of the Ordinance is as follows:

The proposed ordinance corrects the name of the public water provider from Perkasio Borough Authority to Perkasio Regional Authority; provides for a mandatory water connection district in the area north of Old Bethlehem Pike and Three Mile Run and requires all property owners to connect within that district within ninety (90) days of notice; This section provides for fines, remedies, and penalties of no more than One Hundred (\$100.00) Dollars per day for each day of non-compliance.

Article II – Repealer.

Article III – Severability.

Article IV – Effective date is five (5) days after adoption.

Copies of the full text of the ordinance are available at the offices of this newspaper, the Bucks County Law Library, and the Township offices during normal business hours. All interested parties are invited to attend this public hearing.

EAST ROCKHILL TOWNSHIP
John B. Rice, Esquire
GRIM, BIEHN & THATCHER
104 S. Sixth Street
P.O. Box 215
Perkasio, PA 18944

BOARD OF SUPERVISORS OF EAST ROCKHILL TOWNSHIP

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF EAST ROCKHILL TOWNSHIP AMENDING THE EAST ROCKHILL TOWNSHIP CODE OF ORDINANCES AT CHAPTER 26, WATER, BY CREATING A DISTRICT FOR MANDATORY CONNECTION TO PUBLIC WATER SERVICE TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE; PROVIDING FOR MANDATORY CONNECTION OF CERTAIN PROPERTIES ABUTTING THE PROPOSED PUBLIC WATER SYSTEM EXTENSION; PROVIDING FOR REMEDIES FOR FAILURE TO CONNECT; REQUIRING WELL ABANDONMENT AT THE DIRECTION OF THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION; AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, East Rockhill Township has identified in the area described on Exhibit “A” hereto as having actual or potential perfluorochemical (PFC) contamination of the groundwater supply in excess of limits established by the United States Environmental Protection Agency and the Pennsylvania Department of Environmental Resources, which presents a significant threat to the public health, safety and welfare of persons using water from private wells in such area; and

WHEREAS, the Second Class Township Code empowers East Rockhill Township to adopt an ordinance mandating public water connections (53 P.S. § 67603); and

WHEREAS, Perkasio Regional Authority is extending public water services to properties within the area identified on Exhibit “A” hereto; and

WHEREAS, Perkasio Regional Authority has obtained a grant to extend public water services to properties and into the homes within the area identified on Exhibit “A,” and has projected no cost relating to the introduction of public water to these properties; and

WHEREAS, pursuant to §26-206 of the East Rockhill Township Code of Ordinances, and its general powers to protect the public health, safety, and welfare, the Township is empowered to require the properties within the area identified on Exhibit “A” hereto that abut the public water extension to connect to the public water system.

NOW THEREFORE, the Code of Ordinances of East Rockhill Township is hereby amended as follows:

ARTICLE I. AMENDMENTS

1. Chapter 26, Part 2, §26-201 is hereby amended so that the definition of “Water System” reflects “Perkasio Regional Authority” rather than “Perkasio Borough Water Authority” as the applicable water service provider referenced in Chapter 26, Part 2.

The revised definition of “Water System” shall read as follows with italicized language reflecting the revision:

Water System- All facilities, as of any particular time, for production, transmission, storage and distribution of water in the Township of East Rockhill owned, operated, and maintained by the *Perkasie Regional Authority (“PRA”)*.

2. Chapter 26, Part 2, shall be amended so that all references to the “Perkasie Borough Water Authority” or “PBA” are replaced with “Perkasie Regional Authority” or “PRA,” respectively. The amendment shall be made in the following sections:

- §26-202.1
- §26-202.2
- §26-203.1
- §26-203.2
- §26-203.3
- §26-204
- §26-205.3
- §26-205.4
- §26-206.1
- §26-206.2
- §26.206.3

3. Chapter 26, Part 2, §26-206.3 shall be amended to reflect that connection to public water shall be made within Ninety (90) days’ notice, rather than the Sixty (60) days’ notice currently provided. The revised §26-206.3 shall read as follows:

§26-206.3. If the owner of any improved property abutting upon the water system is directed by the Township, with PRA’s approval, to connect to the water system due to a threat to public health, safety, and/or welfare, the Township, and/or the PRA with the Township’s approval, after Ninety (90) days’ notice and failure to connect, may construct such connection and collect from such owner the costs and expenses thereof in any manner permitted by law.

4. Chapter 26, Part 2, shall be amended with the creation of a new §26-207 entitled “Mandatory Connection District.” The existing §26-207, relating to penalties, shall be resequenced to §26-208. The new §26-207 shall read as follows:

§26-207 Mandatory Connection District.

1. Any Improved Property located within the area described on the attached Exhibit “A” and abutting upon PRA’s public water system is hereby required to connect to the public water system of PRA within Ninety (90) days after notification from PRA that the connection for such Improved Property to the water system is available. The term “Improved Property” shall mean any property which now contains, or on which there is hereafter constructed, a structure for the continuous or periodic occupancy or use by humans.

2. The cost to the Property Owners connecting to PRA's water system shall be set by the PRA Board and governed by the Municipal Authorities Act. All Property Owners connected to PRA's water system shall pay PRA's water rates and charges, and comply with all of PRA's rules and regulations, in effect at the time of connection and as may thereafter be amended. The term "Property Owner" shall mean any individual or entity with a legal or equitable ownership interest in an Improved Property.
3. The private wells located on the properties connecting to PRA's water system shall be sealed and abandoned at the direction of the Pennsylvania Department of Environmental Protection.
4. If any property owner required under this Part to connect with and use the system fails to do so within ninety days after notice to do so has been served by the board of supervisors, the board of supervisors or their agents may enter the property and construct the connection.
5. Chapter 26, Part 2, shall be amended so that the resequenced §26-208, relating to penalties, is restated to read as follows:

§26-208- Any Owner who shall fail to comply, and any Property that is not in compliance, with any provision of this Ordinance shall be subject to all rights and remedies available to the Township and PRA under applicable laws, and in addition, shall be subject to a fine of no more than One-Hundred Dollars (\$100.00) per day for each day that such noncompliance with this Ordinance continues.

ARTICLE II. REPEALER

All ordinances or parts of ordinances, which are inconsistent herewith are hereby repealed.

ARTICLE III. SEVERABILITY.

If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

ARTICLE IV. EFFECTIVE DATE.

This ordinance shall become effective five (5) days after its adoption by the Board of Supervisors.

SIGNATURE PAGE
MANDATORY WATER CONNECTION ORDINANCE
NO. _____

SO ORDAINED AND ENACTED this _____ day of _____, 2023.

EAST ROCKHILL TOWNSHIP
BOARD OF SUPERVISORS

David R. Nyman, Chairman

NOT APPROVED

Gary W. Volovnik, Vice-Chairman

James C. Nietupski, Member

ATTEST:

Marianne Morano, Secretary

EXHIBIT "A"

Description of Mandatory Connection Area

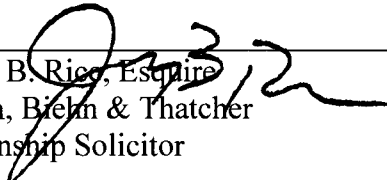
The following Bucks County Tax Map Parcels:

| Parcel Number | Address (Physical) |
|----------------|-------------------------|
| 12-008-001 | 2015 OLD BETHLEHEM PIK |
| 12-008-029 | PARK AVE |
| 12-008-031 | 1809 OLD BETHLEHEM PIKE |
| 12-008-032 | 1813 OLD BETHLEHEM PIKE |
| 12-008-033 | 1815 OLD BETHLEHEM PIKE |
| 12-008-033-001 | 1819 OLD BETHLEHEM PIKE |
| 12-008-034 | 1885 OLD BETHLEHEM PIK |
| 12-008-035 | 1901 OLD BETHLEHEM PIKE |
| 12-008-036 | 1905 OLD BETHLEHEM PIKE |
| 12-008-037 | 1907 OLD BETHLEHEM PIKE |
| 12-008-037-001 | 1911 OLD BETHLEHEM PIKE |
| 12-008-037-002 | 1909 OLD BETHLEHEM PIKE |
| 12-008-038 | OLD BETHLEHEM PIKE |
| 12-008-041 | 1917 OLD BETHLEHEM PIKE |
| 12-008-042 | 1919 OLD BETHLEHEM PIKE |
| 12-008-043 | 1921 OLD BETHLEHEM PIKE |
| 12-008-043-001 | 2003 OLD BETHLEHEM PIKE |
| 12-008-044 | 2007 OLD BETHLEHEM PIKE |
| 12-008-077 | 1700 OLD BETHLEHEM PIKE |
| 12-008-087-001 | 1626 PARK AVE |

| | |
|----------------|----------------------------|
| 12-008-087-002 | 1642 PARK AVE |
| 12-008-087-003 | 1638 PARK AVE |
| 12-008-087-004 | 1634 PARK AVE |
| 12-008-087-005 | 1630 PARK AVE |
| 12-008-098 | 1631 PARK AVE |
| 12-008-040 | 1915 OLD BETHLEHEM PIKE |

ATTEST:

I do hereby certify that this is a true and correct copy of the proposed Ordinance of East Rockhill Township, being advertised for possible adoption by the Radnor Township Board of Commissioners on May 23, 2023.



John B. Rice, Esquire
Grim, Bielm & Thatcher
Township Solicitor

**EAST ROCKHILL TOWNSHIP
BUCKS COUNTY, PA**

RESOLUTION NO. 2023-__

A RESOLUTION OF THE EAST ROCKHILL TOWNSHIP BOARD OF SUPERVISORS APPROVING JOINING A MUNICIPAL CONSORTIUM TO PROPOSE LEGISLATION AMENDING ACT 12 OF 2016; TO OPPOSE LEGISLATION AND OTHER ACTIONS THAT WOULD NEGATIVELY IMPACT WATER AND SEWER CUSTOMERS; AND AGREEING TO PAY AN ANNUAL FEE OF \$250 TOWARD OFFSETTING COSTS OF THE CONSORTIUM.

WHEREAS, the recent experience with Aqua Pennsylvania attempting to acquire sewer assets of the Bucks County Water and Sewer Authority (BCWSA) underscores the belief that privatization of municipal water and sewer assets ultimately results in significant negative impacts on municipalities and their residents; and

WHEREAS, Act 12 of 2016 permits private “for profit” utilities (“*Private Utilities*”) to purchase water and sewer assets for a far greater amount than was permitted before its adoption and must be amended to prevent such purchases in the future; and

WHEREAS, other legislation being supported by Private Utilities proposes to impose additional burdens on public water authorities that are not imposed on Private Utilities, putting them at a competitive disadvantage; and

WHEREAS, a consortium of municipal entities (“*Consortium*”) is proposed to further the interests of residents and municipal entities in opposing actions that would negatively impact the ability of municipalities and public authorities to function according to their mandates.

NOW THEREFORE, be it resolved and enacted by the Board of Supervisors of East Rockhill Township (“*Board*”) as follows:

1. The Board finds that the Consortium is needed to forward the interests of municipalities, authorities, and similar municipal entities concerning the governance and operation of municipalities, authorities, and similar entities.
2. Once formed, the Board hereby approves joining the Consortium, which shall be formed for the following purposes:
 - a. to oppose the sale of municipal water and sewer assets to Private Utilities;
 - b. to take such action, including legal action, reasonably necessary to prevent the sale of municipal water and sewer assets to Private Utilities;
 - c. to oppose legislation that would impose requirements on public authorities that would benefit Private Utilities at the cost of residents served by public authorities;
 - d. To oppose future sales of water and sewer assets that would have a negative impact on residents and taxpayers;
 - e. To work with legislators to oppose legislation that would undermine municipal water and sewer providers and favor for-profit investor owned utilities; and
 - f. To represent municipal interests regarding Bucks County Water and Sewer Authority's proposed collection systems upgrades.
3. The Board approves paying an annual fee for members established in the amount of \$250.00.
4. The Board acknowledges and agrees that any expenditures exceeding the annual contribution must be approved in advance by a majority of members of the Consortium in attendance, in person or virtually, at a Consortium Meeting, subject to the provisions of Paragraph 9 below.

5. The Board acknowledges and agrees that the Consortium is authorized to retain such experts, consultants, and legal counsel, as approved by a majority of the members of the Consortium in attendance, in person or virtually, at a Consortium Meeting, to prepare such analyses, studies, court actions, and other documents, deemed needed to further the purposes of the Consortium.

6 The Board agrees to consider contributing to the costs incurred to retain and utilize the services described in Paragraph 5 above subject to approval as provided in Paragraph 4 above. No Consortium member shall be required to contribute towards such costs.

7. The Board acknowledges and agrees that Doylestown Borough shall act as the lead agency for the Consortium ("**Lead Agency**"), whose Borough Manager, upon approval of a majority of the members of the Consortium, shall enter into contracts to retain such experts, consultants, and legal counsel as are deemed needed and to take such other actions that further the purpose and objectives stated above. If Doylestown Borough elects not to serve as Lead Agency, then such other municipality selected by majority vote of the members of the Consortium shall be the Lead Agency with all of the authority stated herein.

8. The Board acknowledges and agrees that upon the approval of a majority of the members of the Consortium, legal counsel retained by the Consortium shall have the authority to institute such complaints, injunction actions, or engage in other legal actions related to the sale of public authority assets to a Private Utility and to take such actions deemed needed to further the purposes stated in Paragraph 2 above. No municipality shall be named a plaintiff in such actions unless such municipality appropriately approves of the taking such an action.

9. The Board acknowledges and agrees that if additional funds are required to fund the purposes, goals, and objectives of the Consortium, Consortium members will be asked to

contribute such additional funds requested which shall be applied to Consortium costs, as provided in Paragraph 4 above. No Consortium member shall be required to provide such additional funds.

10. The Board acknowledges and agrees that the Consortium shall meet at least quarterly at a time and place set by the Manager of the Lead Agency.

11. The Board acknowledges and agrees that at the first meeting of the Consortium, or as soon thereafter as reasonably possible, the Consortium shall adopt by-laws that, among other things, provide for the election of officers of the Consortium and for the division of additional costs and funds amongst the members of the Consortium.

12. The Board acknowledges and agrees that the Consortium shall terminate on May 1, 2026, unless terminated earlier or extended by majority vote of the members of the Consortium.

SO RESOLVED, this 23rd day of May, A.D., 2023.

**EAST ROCKHILL TOWNSHIP
BOARD OF SUPERVISORS**

David R. Nyman, Chairman

NOT APPROVED

Gary W. Volovnik, Vice Chairman

James C. Nietupski, Member

ATTEST:

Marianne Morano, Township Manager