

**MINUTES OF THE
THE EAST ROCKHILL TOWNSHIP
BOARD OF SUPERVISORS**

September 16, 2008

The Regular Meeting of the East Rockhill Township Board of Supervisors was called to order at 7:00 p.m. by Chairman David Nyman, who led the Salute to the American Flag. Also present were Vice Chairman John Cressman, Supervisor Gary Volovnik, Solicitor John Rice, Esquire, Engineer C. Robert Wynn, P.E., Township Manager Anne Klepfer and members of the press and public.

Item #1: Approval of Minutes

On motion by Mr. Volovnik **seconded** by Mr. Cressman, the minutes of August 19, 2008 were approved **unanimously**.

Item #2: Payment of Bills

Mr. Cressman **moved** to approve payment of the bills list dated September 16, 2008 totaling \$106,118.51, **seconded** by Mr. Volovnik and **approved 3-0**.

Public Comment I - There were no public comments.

Item #3: Manager's Report: Anne Klepfer

2009 MMO Resolution: Mrs. Klepfer presented Resolution No. 2008-15 acknowledging receipt of the 2009 MMO. The Total Minimum Municipal Obligation for Non-uniformed Township Employees for 2009 is \$73,373.00. By **motion** of Mr. Volovnik and **second** by Mr. Cressman, Resolution No. 2008-15 was **unanimously adopted**.

Delaware River Basin Commission: Mrs. Klepfer announced that a DRBC hearing for the activation of Well #7 is Scheduled as a matter of procedure.

By motion of Mr. Cressman and **seconded** by Mr. Volovnik, the Manager's Report was **unanimously approved**.

Item #4: Planning Commission Report:

Mrs. Klepfer reported that the Planning Commission reviewed a revised lot configuration submitted by B&D Builders for a project at 2305 Old Bethlehem Pike. The Planning Commission agreed that B&D gave a good faith effort to relocate as many lots as possible to East Rockhill Road to reduce the number of new driveways on Old Bethlehem Pike. Soils testing indicated that only one of the lots could be relocated. There were no other plans to discuss. The Planning Commission recommended an extension for Peach Lutheran Church or in its absence denial of the plan. An extension has since been received.

By motion of Mr. Volovnik and **seconded** by Mr. Cressman, the Planning Commission Report was **unanimously approved**.

Item #5: PWTA Report:

Mr. Cressman reported that PWTA adopted their budget for 2009 and other than that it was a very short meeting.

By **motion** of Mr. Volovnik and **seconded** by Mr. Nyman, the PWTA Report was **unanimously approved**.

Item #6: Engineer's Report: C. Robert Wynn, P.E.

Crest View Subdivision. Engineer Wynn reported that his office inspected the subject site on August 21, 2008 and reported a punch list of items that remain to be addressed prior to the September 20th deadline. His office tried several times to communicate with the developer. A letter from the developer was received via fax today requesting an extension to complete the improvements due to the market and the fact that he has not completed construction or sales of the proposed homes. Engineer Robert Wynn recommended to the Board of Supervisors that they find him in default of the developers agreement and make a demand for funds to cover a leveling course for the roads, crack sealing, street trees and Voucher Number 16 dated September 9, 2008 in the amount of \$452.07 By **motion** of John Cressman and **second** by Gary Volovnik the Board of Supervisors **unanimously voted** to accept the recommendation of the Township Engineer to find the developer for Crest View Subdivision in default. The Board also directed the Solicitor and Engineer to coordinate the steps that need to be taken to retrieve the necessary funds (estimated at \$89,114) from the financial institution holding the funds.

Vouchers: Engineer Wynn asked the Board to approve two Vouchers, the first from the School District, No. 57, dated September 9, 2008 in the amount of \$607.14 for construction observation /escrow administration; and the second for Crest View Subdivision in the amount of \$452.07 for construction observation/escrow administration. Mr. Wynn asked that the Board approve both Vouchers, but included the Crest View Voucher amount in the draw on the security from finding the developer in default. By **motion** of Gary Volovnik and **second** by John Cressman, the Board **unanimously approved** the Vouchers as requested by Engineer Wynn.

Extensions: Mr. Wynn reported that he is in receipt of an extension from Peach Valley Lutheran Church extending the Township's time for review of the plan until April 6, 2009.

John Cressman **moved** to approve the Engineer's Report. The motion was **seconded** by Gary Volovnik and was **unanimously approved**.

Item #7: Solicitor's Report: Patrick Armstrong, Esq.

PBA Business: Solicitor Armstrong reported that he is still working on finalizing the PBA Water Extension Agreement for the Cedar View Water Extension. He also presented the Board with a draft Drought Ordinance his office prepared for Upper Makefield and he will update it for East Rockhill for discussion in October. He also reported that his office is still working with PBA to finalize the Water District Ordinance and Conservation Easement Agreement.

Fireworks Ordinance: By **motion** of John Cressman and **second** by Gary Volovnik, the Board of Supervisors **3-0 voted** to authorize advertising the Fire Works Ordinance for adoption October 21, 2008.

Conditional Use Application: Mr. Rice confirmed that the Conditional Use application by Metro PCS has been scheduled for September 21, 2008 at 7:15 PM.

By **motion** of Mr. Cressman and **seconded** by Mr. Volovnik the Solicitor's Report was accepted **unanimously**.

Item #8: Emergency Services Report:

The Board acknowledged reports from Perkasio, Sellersville and Dublin Fire Companies, by **motion** of Mr. Cressman, **seconded** by Mr. Volovnik, **voting 3-0**.

Item #9: Other Business: None.

Public Comment II – An East Rock Road resident asked if the Quarry will pump water when they start extracting rock for the project in New Jersey. Mrs. Klepfer said that they might not need to use the East Rockhill Township quarry after all, but if they do they will only be hauling rock that has already been quarried and will not need to pump water.

David Swartly asked if the Township has taken any actions to stop the ATV Track on the B&D project site. The Township has not, but the Conservation District may have.

Item #10: Adjournment:

On motion by Mr. Cressman, **seconded** by Mr. Volovnik, the Board adjourned at 8:25 P.M. With no additional comment, **all voted in favor**.

The next Regular Meeting – October 21, 2008, 7:00 PM. .

Respectfully Submitted,

Anne W. Klepfer, Secretary / Township Manager

Date Approved