

MINUTES OF THE
THE EAST ROCKHILL TOWNSHIP
BOARD OF SUPERVISORS

July 21, 2009

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 Patrick Armstrong, Esquire, Engineer Steve Baluh, 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 June 16, 2009 were approved unanimously.

Item #2: Payment of Bills

Mr. Cressman moved to approve payment of the bills list as July 21, 2009 totaling \$166777.57. The motion was seconded by Mr. Volovnik and approved 3-0.

Public Comment I: No Public Comment on non-agenda items.

Item #3: Manager's Report: Anne Klepfer

Recycling– Mrs. Klepfer reported that after researching the County Recycling Contract she is recommending that the Township hold off on opting into the contract. She will continue to explore all recycling options.

Hafler Subdivision- By motion of John Cressman and second by David Nyman the Board moved to close the Hafler Subdivision Escrow Account and forgive the balance of the account due to miscommunication of the account status. The motion carried 3-0.

Item #4: Planning Commission Report:

Mr. Nyman reported that the Planning Commission reviewed the Geisert five-lot subdivision on Blooming Glen Road and recommended conditional preliminary/final plan approval subject to addressing the comments contained in the July 2, 2009 C. Robert Wynn Associates letter. The Planning Commission also acknowledged extension received for the B&D Subdivision through December and the Geisert Subdivision.

By motion of Mr. Cressman and seconded by Mr. Volovnik the Board unanimously approved the Planning Commission report.

Item #5: PWTA Report:

Mrs. Klepfer and Mr. Cressman reported PWTA has had higher than anticipated capital expenses this year due to some equipment failures. In addition, although authorization was given to draw down a line of credit if needed in July, it was not necessary to do so.

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

Item #6 PACC Report:

Mr. Nyman reported the Inter-municipal agreement is now ready for the interested municipalities to adopt. John Cressman moved to authorize the advertisement of the Ordinance that will authorize entering into an Upper Bucks County Cooperative Agreement with participating municipalities. The motion was seconded by Gary Volovnik and was adopted by the vote of 3-0. Mr. Nyman also reported that several Pennridge municipalities are in favor of appointing the same representatives to the County Tax Collection Committee as appointed by the Pennridge School District.

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

Item #7: Engineer's Report: Steve Baluh, P.E.

Geisert Subdivision, 5 lots, Blooming Glen Road: John Cressman announced that he would be recusing himself from consideration of the Geisert 5-lot subdivision because he is related to the applicant. Cheryleen Strothers for Cowan Associates reviewed the application. The application proposes five lots that included three new building lots, the existing home and a lot containing a pond that is proposed to be conveyed to a neighboring property. Most of the items in the C. Robert Wynn Associates letter of July 2, 2009 are will comply. Ms. Strothers did review a few items with the Board. The existing spillway of the pond has problems with erosion on the upside of the pond and the applicant is willing to consider addressing them in exchange for an offset to some of the Township's usual fees in lieu of improvements as recommended by the Planning Commission. With regard to the waivers requested the Planning Commission did not recommend the overlay waiver but were okay with the existing driveway not being centered on the lots that it is now proposed to service in addition to the existing home. Ms. Strothers noted that the applicant has satisfied the Fire Company's concerns by widening the driveway at the entrance and extending the additional width back fifty feet. The applicant is asking for a waiver of a stormwater management system to the existing house and existing driveway. Steve Baluh noted that in addition to the comments in his letter, there is also a Recreation Land requirement but noted that a proposed Pedestrian Easement across the rear of Lot #4 in the current drainage easement could satisfy that requirement. She also noted that the applicant is proposing new wells to service the proposed building lots.

Mr. Volovnik moved to grant conditional preliminary approval the Geisert Subdivision subject to satisfying the comments contained in the July 2, 2009 C. Robert Wynn Associates Letter, Provision of the discussed pedestrian easement and working out the required improvements with the Township Engineer. The motion was seconded by Mr. Nyman and was approved 3-0, with Mr. Cressman abstaining.

Vouchers – By motion of Mr. Volovnik and seconded by Mr. Cressman the Board of Supervisors authorized Voucher #2A dated July 21, 2009 for the Bucks County Community College for Escrow Administration and Construction Observation. The motion carried 3-0.

Extensions: Mr. Baluh noted for the minutes that the Township received an extension for the High Tract Subdivision through December 21, 2009.

Mr. Cressman moved to accept the Township Engineer's Report. Mr. Volovnik seconded the motion which carried 3-0.

Item #8: Township Solicitor's Report- Patrick Armstrong, Esq.

ATV Ordinance: Solicitor Armstrong announced that the ATV was advertised as prescribed by law in a newspaper of general circulation (*News Herald*), was provided to the Bucks County Law Library and made available at the Township Office and is scheduled for a Public Hearing and consideration by the Board. Mr. Armstrong summarized the Ordinance as containing requirements necessary to regulate dust, noise, exhaust systems, users, hours of use, setbacks and providing for fines for offenses. He added that there are exceptions for ATV's used for agriculture, yard work, landscaping, maintenance and snow removal.

Chairman Nyman opened the Public Hearing at 7:37 PM. Mr. Steve Owens of 1915 Old Bethlehem Pike stated that he feels the ordinance is too restrictive and he is opposed to it. He stated that the Police have only received five complaints about ATVs and most of them were filed by the same person. He is opposed to enacting an Ordinance to address a few reckless individuals and suggested the existing township and state laws should be sufficient to maintain the peach. Specifically he questioned the 500' foot setback from livestock. He also asked how many people are opposed to the ordinance versus how many people are advocating the ordinance. He stated that it does not make sense to him that you can make as much noise as you want on a lawn mower but not on an ATV. He also stated that it doesn't think its fair to people who currently ride their ATV's on their own property but will not be able to meet the new requirements.

Anne Fenley of Branch Road stated that she feels the hours of 11 AM to 5 PM are too restrictive because people who work on week days would be limited to the weekends for use of their ATVs.

Mr. Houston, half owner of 1070 Old Bethlehem Road said that he doesn't think the ordinance is necessary either.

Chairman Nyman stated that the fact that there have been only five complaints seems to indicate that most people are operating their ATV's in a respectful manner and shouldn't have a problem under the new Ordinance. The purpose of the ordinance is to provide the Police and Code Enforcement Office with the means to put an end to repetitive disturbances when neighbors can't respect neighbors. Mr. Nyman stated that over the course of the several months the ordinance has been revised and reviewed numerous times but he does not recall discussing the livestock setback and agreed that is something he'd like to take another look at.

Mr. Volovnik stated that it is very unfortunate that the Township has to consider this ordinance and it all comes down to respecting your neighbors.

Donna Freed of Hill Road stated that she agrees with the other residents who have spoken this evening. She doesn't like the fact that a neighbor can control what she does on her property.

John Cressman stated that the use ordinance takes the subjectivity out of the police department's hand and makes it easier for them to enforce.

After considering all the public comment provided, Chairman Nyman stated that he would like to continue the public hearing and further review the livestock and hours of operation provisions. Gary Volovnik moved to continue the hearing on the ATV Ordinance until August 11, 2009 at 7:00 PM and take no action at this time. The motion was seconded by John Cressman and approved 4-0.

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

Item #9: Emergency Services Report:

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

Item #10: Other Business: There was no Other Business to discuss.

Public Comment II – There was none.

Item #11: Adjournment:

On motion by Mr. Cressman, seconded by Mr. Volovnik, the Board adjourned into an Executive Session to discuss real estate at 8:07 P.M. With no additional comment, all voted in favor. The next Regular meeting will be combined with the August 11, 2009 Work Session.

Respectfully Submitted,

Anne W. Klepfer, Secretary / Township Manager

Date Approved