

Minutes of the East Rockhill Township Board of Supervisors
Work Session
Tuesday, June 12, 2007
7:00 PM
Minutes

In attendance were Board of Supervisors Gary W. Volovnik, David R. Nyman and John R. Cressman. Also present, Solicitor Patrick Armstrong, Township Manager Anne W. Klepfer, Township Engineer C. Robert Wynn as well as members of the public.

Item #1. Approval of Minutes

Approval of the May 8, 2007 Work Session Minutes, were approved by **motion** of Mr. Nyman, **seconded** by Mr. Cressman, **3-0**.

Item #2. Payment of Bills

Bills totaling \$26,079.00 dated June 12th 2007 were approved by **motion** of Mr. Nyman, **seconded** by Mr. Cressman, **3-0**.

Public Comment Period #- Mr. Tom Fenley of Branch Road provided his phone number and requested that the Township Engineer contact him about a problem he feels there is regarding the Township Detention Basin near his home. C. Robert Wynn will call Mr. Fenley to discuss the problem

Item #3. Managers Report: Anne W. Klepfer

Lake House : Mrs. Klepfer informed the Board that the staff has received about a dozen complaints about noise and speeding emanating from the banquet events being held at the Lake House Inn. She indicated that many of the residents inconvenienced by the disturbance were present to share their concerns.

Jim Person, 1086 Old Bethlehem Road, stated that he is concerned about the noise from live entertainment that is frequently held at events occurring at the Lake House Inn. He asserted that the outdoor tent facility has no sound barriers. He tried to address the noise problem with the Inn owner, Mr. Glenn Stevens. He said that sound boards were installed but that they are not working. His clients bring in their own bands and own sound equipment. Mr. Person said that even with his windows closed and air conditioning on, he can still hear the music. He wants to know what Mr. Stevens is going to do about it. He added that it is not just for banquets and weddings. He read an advertisement for a regular Jazz Band night that is open to the general public.

Mr. Person also informed the Board that parking and speeding by the valet parking attendants is also a problem. He said the Church where Mr. Stevens leases parking was

on at least one occasion, triple parked and the drivers speed through the neighborhood. He doesn't want to see anyone get hurt.

Mr. Kurt Barthel of 2743 Three Mile Run Road stated that the loud music is keeping him up at night and that his health conditions are aggravated by a loss of sleep. He stated it is like having a "boom box" in his bedroom. He also complained about the speeding on the roads.

Ms. Stacy Bunn of 1090 Old Bethlehem Road stated that she is concerned that Mr. Stevens is not taking the noise problem seriously. The residents agreed that Mr. Stevens was polite and would tell the guest band to turn down the sound a level, however they did not listen to him and the problem never went away.

Mr. Volovnik stated that there should be no misunderstanding about the seriousness of the complaints. He stated that he felt the residents have been more than patient and have tried to address the problem directly to Mr. Stevens to no avail. He said that after listening to residents, he feels that the Township was seemingly misinformed or misled on several issues relating to the nature of the business. Regardless, Mr. Volovnik said the Township does have a noise ordinance and the Township will enforce it and try to resolve the problem.

Mr. Barthel asked if there is any time table for resolving the problem. Solicitor Armstrong stated that the Township first needs to determine whether or not Mr. Stevens is violating the noise ordinance. To do this they will need to obtain the proper equipment and measure the noise. If he is violating the ordinance, the next step would be to give Mr. Stevens two weeks written notice of the violation and requirement to comply. If he fails to comply, then the matter would go before the District Justice. The Township Noise Ordinance also has broader language that it can compel compliance with, however technical proof of a violation will hold up better in court.

Ms. Robin Bell, Events Coordinator for the Lake House Inn, stated that contrary to what was being stated, she could assure everyone that Mr. and Mrs. Stevens are taking the complaints very seriously. She said that Mr. Stevens has been surprised by the acoustics and that musicians are being asking to keep it down. Mr. Stevens is looking into what additional sound proofing can be done to the tent to reduce the amount of noise. Mrs. Klepfer asked Ms. Bell to provide the Township with specifications for what ever product or method Mr. Stevens decides to try.

Mr. Volovnik re-stated to Ms. Bell that the Township will not permit this kind of violation to continue. The Township believes that Mr. Stevens has an obligation to the community to be a good neighbor and this means return to the shuttle bus concept that was first pitched to the Township instead of valet parking, scheduling of private functions and Mr. Stevens and his family actually living in the Inn. He indicated that a time table is a good question and that the Township will move forward quickly.

Mr. Nyman stated that the Township has already requested a traffic study on the state highway. He suggested residents could help by contacting their State Representatives to ask them to support lowering the legal speed limit on Old Bethlehem Road.

Mr. Person reiterated his concern about speeding and the possibility that guests will drink and drive. Mrs. Person asked if Ridge Road is a state road and questioned why the speed limit on Ridge Road is lower than it is on Old Bethlehem Pike. Mrs. Klepfer explained how speed limits are determined and suggested that it was easier to get roads posted for lower speeds years ago when Ridge Road was posted.

Mr. Person asked why there is a discrepancy between the Zoning Ordinance which permits outdoor entertainment until 11:30 PM and the Noise Ordinance that regulates it until 10:00 PM. Mr. Armstong stated that under the noise Ordinance, the outdoor entertainment has to be under 50 dba after 10:00 PM and under the Zoning Ordinance it can continue until 11:30 PM as long as it is in compliance with the Noise Ordinance.

Mr. Volovnik thanked the residents for coming out and praised them for their tolerance. He assured them that the Township would move forward as quickly as possible with enforcement of the noise ordinance and asked the Township Manager to provide daily updates. The Board also asked Mrs. Klepfer to determine what the Inn's capacity is and how much parking is required and how much is being provided off-site.

Keelersville Club- Conditional Use: Mrs. Klepfer indicated that an application for Conditional Use has been filed by the Keelersville Club for permission to have temporary events open to the public such as car shows, motorcycle shows and clambakes. The hearing has been scheduled for June 19th at 8:00 PM or following the Regular Meeting of the Board of Supervisors. The application will be reviewed by the Planning Commission first. The Board discussed their concern over whether or not the "burn-out pit" violated the Township's nuisance ordinance and whether or not the club had an adequate septic system to handle the crowds. They wanted to know what the legal capacity of the club facility is. They want these issues addressed as well as parking and event management to prevent the parking problem on Butler Lane from re-occurring as well as traffic and disturbances.

Gulla- Stans Stop property: Mr. Tim Gulla was present to discuss his proposal for a land development at the north-east corner of the intersection of Fifth Street and Route 313. He stated his desire to follow up with the Board on his plans for the Stan's Stop property. He indicated, that of the sketches that the planner prepared, he would like to move forward with a combination of the first and second sketch. He would like to continue with plans for the uses indicated on the first sketch (carwash, convenience store with gas pumps and lube operation) but utilize the closer road setbacks used in the second sketch. Mr. Gulla asked how he should proceed to obtain the necessary zoning approvals. Mr. Nyman stated that if he is in a hurry that Mr. Gulla could apply to the Zoning Hearing Board for a variance. Otherwise, he could request a zoning amendment and ordinance change. Mrs. Klepfer will provide Mr. Gulla with the application for a zoning change.

Mr. Gulla reviewed architectural drawings that were done for his development across the street from Stan's Stop. His thought would be to incorporate the same design features into the Stan's Stop project. Mr. Cressmen asked if Mr. Gulla thought about exchanging one of the proposed uses for more retail space similar to the Village at East Rockhill Township. Mr. Gulla said that idea was reviewed extensively with the Planning Commission and by himself, but he was unsure how much retail space East Rockhill Township could support and with is project and the Pilleggi project up the street already proposing retail space, he felt service uses had a greater chance of success. Mr. Gulla also indicated that he plans to include a request to rezone the residential property he owns adjacent to the Village at East Rockhill Township.

The Board of Supervisors indicated they don't object to Mr. Gulla proceeding with his project or applications for zoning approval. Mr. Gulla asked when the sewer service conversation could be continued. Mr. Rice's office will look into getting that scheduled.

Mager Stipulation: Mrs. Klepfer announced that an agreement has been reached with Robert Mager to settle his appeal of the Township's denial of building permits without land development. Mr. Mager will stipulate that land development was required and the Township will agree to waive land development in exchange for certain public improvements such as stormwater management and road improvements. Mr. Nyman **moved** to ratify the stipulation to resolve the litigation with Robert Mager regarding TP #12-20-03, 12-20-04, 12-20-05 and 12-20-06, **seconded** by Mr. Cressman and **approved unanimously**.

Blooming Glen Road/Moods Bridge: Mrs. Klepfer announced that Lycoming Supply Inc. is the contractor responsible for re-construction of Moods Covered Bridge. The Township was notified that Blooming Glen Road will be closed beginning July 2nd until the project is completed in the fall. The official detour is Callowhill Road. Road Closed signs will be posted June 15th. Also, the Traffic Engineer who prepared the Township commissioned traffic study of Blooming Glen Road for the purpose of evaluating a one way traffic restriction will be present at the June 19th Regular Meeting to review his report and take questions from the Board and other interested parties.

Three Mile Run Walking Path: Mrs. Klepfer informed the Board that Perkasio Borough Authority responded to her letter regarding the Township's expectations regarding the extension of water lines necessary to activate Well #7 along Three Mile Run Road. The Authority's response clarifies and modifies her letter slightly. The Board discussed PBA's May 17th response particularly Items #2 and #7. The amount and cost of clearing of trees for the path was debated and it was decided that Mr. Wynn and Mr. Funk need to see first hand the path location the Board has suggested. If PBA wants the easement approved next Tuesday they will need to either agree to the Township's terms or wait until the Township can determine the cost of clearing the trees in order to respond to PBA's request that the Township take on that responsibility.

Mowing/Maintenance: Mr. Funk provided a map of what the Township's mowing program entails for comments from the Board. Mr. Funk indicated that it takes two or three employees four days to complete the mowing cycle once. They start over again

every ten days. Mr. Nyman asked if we can reduce the area mowed at the Hildebrandt property by only mowing twenty feet off the road. He also questioned why more township properties are not leased to local farmers to mow for hay. Mr. Funk indicated that he has tried several times but many of the township's properties are either not big enough or too remote to make it worthwhile.

Item #4 Public Works Report: Steve Funk

Mr. Funk reviewed his monthly report with the Board of Supervisors.

Item #5. PWTA Report: John R. Cressman

Mr. Cressman noted that so far no one is buying Sellersville's EDUs but had nothing else to report.

Item #6. Solicitor's Report: Patrick Armstrong, Esq.

Mr. Armstrong reported to the Board that all of the Clymer Mill Easement paperwork is ready for execution. Mr. Nyman **moved** to authorize execution of the documents. Mr. Cressman **seconded**. The motion **carried 3-0**.

Item #7. Engineer's Report: C. Robert Wynn, P.E.

Mr. Wynn reported on the Airport's request for an extension of time to complete their road improvements. They ran into trouble due to the location of a gas line. They will also need to adjust the design because of the gas line. By **motion** of Mr. Nyman and **seconded** by Mr. Cressman, an extension of time as determined by the Township Engineer was **approved 3-0**.

Item #8. PACC Report: This report was deferred until the Regular Meeting.

Item #9. Other Business

Mr. Nyman attended the Perkasio Borough Fire Department's parade and housing ceremony. East Rockhill's attendance was appreciated.

John Cressman attended the Park and Recreation Committee meeting and they discussed ideas for a Covered Bridge Committee and a celebration for the re-opening of Moods Covered Bridge. Sam Martin and Patricia Martin expressed interest.

Public Comment Period #2

Anne Fenley asked for follow-up information on efforts to acquire a conservation easement on 51 acres of land in East Rockhill Township.

Item #9. Adjournment:

With no further business anticipated, at 9:00 PM, Mr. Nyman **moved** to adjourn into Executive Session to discuss litigation and real estate, **seconded** by Mr. Cressman and **approved 3-0**.

Respectfully Submitted,

Anne W. Klepfer, Township Manager

Approved: _____