

Minutes of the East Rockhill Township Board of Supervisors
Work Session
Monday, May 12, 2009
Minutes

The meeting was called to order at 7:00 PM by Chairman David R. Nyman. Also present were Vice-Chairman John R. Cressman, member Gary Volovnik as well as Solicitor John B. Rice, Esquire, Engineer C. Robert Wynn, P.E., Public Works Director Steve Funk and Township Manager Anne W. Klepfer as well as members of the press and public.

Item #1. Approval of Minutes

On motion by Mr. Volovnik, **seconded** by Mr. Cressman, the Work Session Minutes of April 14, 2009 were approved 3-0.

Item #2. Payment of Bills

On motion by Mr. Cressman **seconded** by Mr. Volovnik, the Board **voted 3-0 to approve** the Bills List dated May 8 and May 12, 2009. By **motion** of Mr. Volovnik and **second** by Mr. Cressman the Board **voted 3-0** to approve the adjusted Bills List from April 14, 2009 to reflect a total of \$74,302.60.

Public Comment Period #1 – There were no public comments on non-agenda items.

Item #3. Manager's Report: Anne Klepfer

Chairman Nyman asked Mrs. Klepfer to move the ATV Draft Ordinance from the Solicitor's report to the top of the Manager's report.

ATV Regulations – Draft Ordinance: John Rice reported that the original draft ordinance has been revised based on on-going discussions and comments; however the revisions do not include restrictions on the number of guests/guest ATVs or changes to the number of ATV's that can be operated simultaneously. Mr. Rice has reviewed the State regulations which focus mainly on safety and registration issues and he will add these to the draft ordinance. The ordinance has not yet been authorized for advertisement and is not yet in its final draft form.

Kevin Kochanski of 9 Winterberry Drive said his family does not currently utilize recreation vehicles however he thinks the ordinance is too restrictive as currently drafted. Specifically he believes that 7 PM is too early a curfew for the activity and that the setbacks are too restrictive. He is in agreement with prohibiting the activity on public land but is not in favor or regulating it on private property. He stated that set back requirements translates to requiring at least 8.25 acres. Mr. Kochanski also commented that the language under G.3. seems to attempt to limit the time ATVs can be used. However, three different riders could alternate every hour and still ride ATV's for three hours continuously. He is in favor of the exhaust and no modification requirements as they are good for the environment.

Neil Schwan of 2733 Three Mile Run Road stated that his neighborhood is generally a quiet area except for the neighboring property where ATVs are being operated. He stated that the noise and nuisance ordinance is not strong enough and he thinks a 300' setback might not even be enough. He also thinks permitting more than two people to ride ATVs at a time is ridiculous and permitting them to operate ATVs un-muffled would be even more ridiculous. Mr. Schwan told the Board that he thinks this ordinance is necessary. He and his neighbors have tried to work with the Township and Mr. Gardner but the nuisance continues. He thinks the activity should be stopped before 7 PM.

Jean Pfunder of 2737 Three Mile Run Road stated that her primary concerns are air pollution and dust clouds. Her family has health issues and the dust clouds from the ATVs forces them inside of their house.

Jim Person of 1086 Old Bethlehem Road stated that the Township staff has spoken directly to the ATV users and sent letters to the property owner in 2007 and 2008 and yet the activity continues. He's not suggesting the Township ban the use of the ATVs but there need to be laws to prevent people from disturbing the peace of their neighbors. The use of the ATV's is on a daily basis and on Saturday and Sunday nights. The tenants of the property have guests who trailer in 2-4 ATVs and there are frequently 4-7 ATVs in use and it is starting to look like a commercial track. He asked the Board to consider reducing the number of concurrent riders from four to two users and to reduce the hours they can be ridden on weekends.

Kevin Kochanski of 9 Winterberry Drive further commented that he thinks the Township's existing nuisance and pollution standards are sufficient and it is just a matter of enforcement.

Chairman Nyman asked Pennridge Regional Police Chief if he would review it and provide his suggestions to the Board of Supervisors. He also thinks the Park System may have additional regulations that might be pertinent.

Mr. Person invited the Township to spot inspect the vehicles that are being used as he suspects that the exhaust systems have been altered.

Anne Fenley of Branch Road stated that she is not in favor of over regulation and feels the Township needs to be more aware of land owners' rights.

Jean Pfunder stated that her son did have an ATV at one time and was considerate of the neighbors. The problem is people who aren't good neighbors. She suggested designating a day for ATV use or conversely times for quiet. She said too many regulations are hard for kids to follow. Dust and pesticides are her biggest concerns.

Mr. Kochanski asked why the Conservation District can't be utilized to enforce the dust and natural features protection issues.

Mr. Volovnik asked the residents in attendance if they feel the Township staff has exhausted efforts to deal with this problem with current resources. The residents stated that they think the Township has done as much as it can do based on the current regulations.

Chairman Nyman thanked the residents for providing their comments and suggestions and said the Board will keep working on finding the correct balance and continue discussing it at the June Work Session.

Pennridge Regional Police Chief David Mettin – Traffic Committee: Chief Mettin talked to the Board about a Traffic Safety Committee that the Pennridge Regional Police Commission has asked him to start. Chief Mettin provided a variety of statistics that support the need for a Traffic Safety Committee. He said that 37% of their work load is traffic related and that his goal is to reduce the traffic related call volume. He is looking for two citizens from East Rockhill Township and West Rockhill Township to meet regularly and identify traffic safety concerns. The deadline is July 30, 2009. Through questions and answers with Chief Mettin, the Board discussed the pros and cons of starting such a committee. They concluded that only positive safety improvements can result from the Chief's efforts and lauded him for his efforts.

Appointment of Part-time Bookkeeper- Mrs. Klepfer recommended the Board ratify the hiring of Kimberly Mauer in accordance with the terms and conditions outlined in the offer of employment. By **motion** of Mr. Cressman and **second** by Mr. Volovnik the appointment of Kimberly Mauer was **unanimously ratified**.

Waiver of Well-Capping and abandonment requirements- Mrs. Klepfer indicated that she has received two agricultural exemption requests and three requests from residents who wish to continue to use their well for agricultural purposes. By **motion** of Mr. Cressman and **second** by Mr. Volovnik the Board of Supervisors **voted 3-0** to approve the agricultural related well capping exemptions (Barlow and Pettit) and to authorize Mrs. Klepfer to request DEP to amend the terms of the Grant Funding Agreement to change the scope of work to permit the Township to consider the exemption requests without violating the terms of the Funding Agreement.

Park Memorial: Mrs. Klepfer discussed with the Board a request for a memorial garden in Markey Park. She informed the Board that the Park and Recreation Committee discussed the request and are interested in formulating policy and "memorial" option that can be offered as a standard when similar requests are made. The Board encouraged the Park and Recreation Committee to formulate such program and present it to them for consideration. In the mean time the Board was in favor of accommodating the request in a fashion satisfactory to Public Works Director Steve Funk to address future maintenance of the memorial. Township Engineer C. Robert Wynn recommended that native species be utilized for any plantings.

Item #4. Public Works Report: Mr. Funk provided an update on park maintenance, road maintenance and sewer plant and conveyance system activities. The

Board directed Mr. Funk to remove the overgrown shrubbery along the walking path. Mr. Funk reported that skin patching and crack sealing has occurred and some stormwater work. He also reported that water line installation is underway and is going well.

Item #5. PWTA Report: John R. Cressman – Mr. Cressman reported that PWTA is referring to the 1975 Agreement to ask members for updates of all connection records for EDUs connected to the PWTA system. They will continue talking about how to implement this process.

Item #6. Solicitor's Report: - John B. Rice, Esquire

ATV Draft Ordinance – was discussed under the Manager's Report

Brownfields Cleanup Revolving Loan Fund Subgrant Recipient Agreement: A draft of the agreement necessary to access federal funds through the Bucks County Redevelopment Authority for the Cedarview Water Line Extension Project has been submitted to Solicitor Rice's office and he is reviewing it.

UCC Appeal by Tohickon Peace Lutheran Church: The Board declined to take a position or get involved in the application.

Personnel Manual – Mr. Rice advised the Board his office has reviewed the draft update and he has a minor change he would like to discuss with the Board in Executive Session as a Personnel Item.

MUA Electric Bid: Chairman David Nyman asked the Township Manager to send the rates to PP&L and ask them if they can match the rates before the Board considers moving forward with the alternate supplier identified by the Municipal Utility Alliance.

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

Crestview Subdivision: Mr. Wynn asked the Board if they would like him to send a letter to the developer of Crestview asking him to complete the specific improvements that are outstanding and giving him a specific deadline. Mr. Cressman **moved** to direct the Township Engineer to send a letter to the developer of Crestview Subdivision with specific improvements to be completed and a very specific deadline. The motion was **seconded** by Mr. Volovnik and **approved 3-0**.

Green Jackets Football Field Expansion: Township Engineer is recommending the Green Jackets be required to install pipes and perforated pipe in a swale to collect storm water and prevent the sheet flow of storm water across the parking lot. He is going to include this recommendation in his review letter.

Item #8. Other Business:

Mr. Nyman announced that Personnel and Real Estate matters need to be discussed in Executive Session.

Public Comment Period #2 – Anne Fenley reiterated that she thinks the 300’ setback requirement in the draft ATV ordinance is excessive. The Board agreed to reconsider that. Mr. Nyman stated that his primary concern is noise.

Item #9. Adjournment: **By motion** of Mr. Cressman and **second** by Mr. Volovnik the meeting unanimously adjourned to a real estate and personnel meeting at 8:50 PM.

Respectfully Submitted,

Anne W. Klepfer
Secretary / Manager

Approved: _____