

MINUTES OF THE  
THE EAST ROCKHILL TOWNSHIP  
BOARD OF SUPERVISORS

November 17, 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, Solicitor Patrick Armstrong, Esquire, Engineer C. Robert Wynn, P.E., and members of the press and public.

**Item #1: Approval of Minutes**

By **motion** of Mr. Cressman and **second** by Mr. Nyman, the minutes of October 19, 2009 were unanimously **approved 2-0**.

**Item #2: Payment of Bills**

On **motion** by Mr. Cressman, **seconded** by Mr. Nyman, the Bills List of November 17, 2009 totaling \$180,881.57 was **approved 3-0**.

**Public Comment I- Non Agenda Items:**

There was none.

**Item #3: Manager's Report: Anne Klepfer**

**Resolution No. 2009-26: A Resolution Authorizing the Destruction of Specific Township Records.** Approved 2-0 by motion of Mr. Cressman and second by Mr. Nyman.

**Resolution No. 2009-27:** A Resolution rescinding Resolution No. 2009-15 and appointing Kathy Percetti as the Township's Primary Voting delegate to the Bucks County Act 32 Tax Collection Committee and Anne Klepfer as the First Alternate Voting Delegate.

**Resolution No. 2009-28:** A Resolution supporting the East Rockhill Township Tax Collector in the appeal of the litigation regarding Pennridge School District's actions to reduce the pay of the Elected Tax Collectors. Approved **2-0** by **motion** of Mr. Cressman and **second** By Mr. Nyman.

**Public Comments on Resolution No. 2009-28:**

Steven Yates of Bridgeview Drive stated for the record that he is not in favor of Resolution No. 2009-28 and that he opposes the Township involving itself in the litigation between the Tax Collectors and the Pennridge School District. He is also not in favor of the Township using tax payer funds to support the Tax Collector's appeal. Mr. Yates noted for the record that his wife is on the School Board.

Anne Fenley of Branch Road noted for the record that she is in favor of Resolution No. 2009-28 and supports the Tax Collector's appeal.

Donald Swartley of E. Rockhill Road and Ron Barndt of Rockhill Road indicated for the record that they are supportive of the Tax Collector's appeal.

Mr. Nyman stated that the Township is taking this action in support of the Bucks County Association of Township Officials decision to file an Amicus Brief on behalf of the Tax Collectors. He noted the Board disappointment with the School District's decision to not accept the initial ruling of the Court. He further noted the Township's concerns regarding the Tax Collector's Resolution adopted by the School District in February, 2009 which could require certain municipal funds to be initially deposited in with District funds and their lack of responsiveness when questioned in this regard.

**2010 Draft Budget:** The Board discussed final adjustments made to the draft budget by the Township Manager. They also discussed policy changes included in the Budget and the need to adjust the escrow thresholds required for applicants of Subdivision and Land Development. Mr. Cressman announced that after many years of reviewing the feasibility and identifying locations, the Pennridge Regional Police Commission is getting ready to construct a new police headquarters building. The new building will be located in West Rockhill Township along the Old Bethlehem Pike corridor. The existing building that houses the Police Department is deficient in size, function and structure and has always been viewed as temporary accommodations following the withdrawal of Sellersville Borough from the Regional Department.

Mr. Cressman **moved** and Mr. Nyman **seconded** a motion to authorize the Township Manager to advertise the Draft 2010 Budget with a balance figure of \$3,535,180 all funds, inclusive of: a) a proposed 1.26 mill real estate tax increase for the purpose of future debt service on a proposed new Pennridge Regional Police Headquarters; b) a \$4.00 increase in the Street Light Assessment; and c) a \$5.00 per quarter increase to sewer rates. The motion **carried 2-0**.

By **motion** of Mr. Cressman and **second** by Mr. Nyman the Manager's Report was **approved 2-0**.

**Item #4: Planning Commission Report: Anne Fenley**

Mrs. Fenley reported that the Planning Commission reviewed the draft Suburban Zoning Ordinance amendment and recommended the Ordinance be considered by the Board of Supervisors.

By **motion** of Mr. Cressman and **second** by Mr. Nyman, the Planning Commission Report was approved by a vote of **2-0**.

**Item #5: PWTA Report:** John Cressman

Mr. Cressman reviewed the PWTA's October meeting. He noted an approximately 1.5% increase in their budget.

By **motion** of Mr. Nyman and **second** by Mr. Cressman, the PWTA Report was by a **vote of 2-0**.

**Item #6: PACC Report:** Mr. Nyman reported that PACC did not meet in October.

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

Voucher's Dated November 11,2009: Engineer Bob Wynn noted that there are two vouchers listed on his Voucher Report for the Elaine Wismer Subdivision. Both vouchers are for unpaid Engineering invoices. He stated he will attempt to get these invoices paid directly from Mrs. Wismer, but absent that he has included releases from the Bank holding a letter of Credit to guarantee the Wismer project. The Voucher's dated November 11, 2009 were **approved 2-0** by **motion** of Mr. Cressman and **second** by Mr. Nyman.

Pennridge Airport Improvements: C. Robert Wynn recommended that the Township accept the required improvements from the Pennridge Airport expansion for which both the Airport under Jean Curry's Management and Reinhart & Rusk, owners of hangars at the airport, were responsible. Mr. Cressman **moved** to accept the improvements and Mr. Nyman **seconded** the motion which **carried 2-0**.

By **motion** of Mr. Cressman and **second** by Mr. Nyman, the Engineer's Report was **approved 2-0**.

**Item #8 Solicitor's Report:** Patrick Armstrong, Esquire.

Rufe Conservation Easement Public Hearing: Chairman Nyman opened a public hearing at 8:11 PM to review the proposed purchase of a conservation easement on 45 acres of the William Hart and Jewel Rufe property located at 1890 N. Fifth Street. Approximately 2.5 acres for two existing houses and a future building lot are excluded from the easement. The cost of the easement is \$360,000 or \$8,000 per acre. The Bucks County Open Space Board has approved a 75% grant and the remaining cost will be born by the Township.

Jim Nietupski asked how much funds remain from the dedicated Earned Income Tax following the proposed transaction. The fund balance was not available.

The public hearing concluded at 8:15 PM.

By a **vote of 2-0** following a **motion** by Mr. Nyman and **second** by Mr. Cressman, the Board authorized Mrs. Klepfer to represent the Township at settlement and to finalize the purchase of the conservation easement.

**UCC Joint Appeals Board Ordinance:** Chairman Nyman opened a public hearing to consider the adoption of an Ordinance authorizing and Agreement to permit Dublin Borough to utilize the East and West Rockhill Township Joint UCC Board of Appeals at 8:15 PM. There were no public comments and the hearing was closed at 8:16 PM. By **motion** of Mr. Cressman and **second** by Mr. Nyman the Board **voted 2-0** to adopt **Ordinance Number 251** .

UCC Joint Appeals Board Agreement: Mr. Cressman **moved** to approve the Inter-municipal Agreement with West Rockhill Township and Dublin Borough for the operation of a Joint UCC Board of Appeals. The motion was **seconded** by Mr. Nyman and **approved 2-0**.

**Suburban Zoning:** Following discussion of Mrs. Fenley's report that the Planning Commission had reviewed the proposed Suburban Zoning amendments and recommended them for consideration by the Board, Mr. Cressman **moved** to authorize the Solicitor to advertise the Ordinance for consideration of adoption conditioned upon a presentation and discussion of the amendments at the December Work Session. The motion was **seconded** by Mr. Nyman and was **approved 2-0**.

**Sewer Treatment Plant Cell-Tower Site Lease:** By **motion** of Mr. Cressman and **second** by Mr. Nyman the Board **voted 2-0** to approve a lease agreement that will lease a 50x50 parcel on the Sewer Treatment Plant property along Branch Road. The lease terms include a \$25,000 payment upon issuance of a building permit and a 40%/60% share of rent from future carriers located on the Tower. The applicant will need to comply with all Township Ordinances.

By **motion** of Mr. Cressman and **second** by Mr. Nyman, the Solicitor's Report was **approved 2-0**.

**Item #9: Emergency Services Report:**

**On motion** by Mr. Cressman, **seconded** by Mr. Nyman, the Board acknowledged monthly reports from Perkasio, Sellersville and Dublin Fire Companies, **all voted in favor**.

**Item #10: Other Business:** Mr. Nyman indicated that he received a letter from Jerry Harris regarding an offer he received from Bucks County to purchase an agricultural easement on 68 acres of his 70+ acre tract located on Branch Road. Mr. Harris is interested in preserving his farm and has asked if the Township would contribute to the conservation of the tract. Mr. Nyman confirmed with the Solicitor that two appraisals are necessary and that it would be prudent to get more than one cost estimate for appraisal services.

Mr. Nyman asked for a motion to authorize the Township Manager to seek proposals for services to appraise the Harris Farm for an agricultural easement and to accept one of the proposals for ratification by the Board in November. The **motion** was made by Mr. Cressman, **seconded** by Mr. Nyman and **approved 3-0**.

### **Public Comment II**

Mr. Yates continued his discussion regarding the Resolution adopted in support of the Tax Collector and reiterated his opposition to it and any possibility of Township pursuing the matter further at taxpayer expense.

### **Adjournment:**

**On motion** by Mr. Cressman, **seconded** by Mr. Nyman, the Board adjourned into an Executive Session to discuss Real Estate and Personnel at 8:25 P.M. With no additional comment, all voted in favor.

The next Regular meeting will be December 15, 2009

Respectfully Submitted,

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Anne W. Klepfer, Secretary / Township Manager

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Date Approved