

East Rockhill Township Board of Supervisors

March 26, 2019

Regular Business Meeting Minutes

The regular business meeting of the East Rockhill Township Board of Supervisors was held at 7:00p.m. on March 26, 2019 in the Township meeting room at the East Rockhill Township Municipal Building, 1622 North Ridge Road, Perkasie, PA 18944.

Present:	Gary Volovnik	Chairperson
	David Nyman	Vice-Chairperson
	Jim Nietupski	Member
	Marianne Morano	Township Manager
	John Rice, Esq.	Township Solicitor
	Steve Baluh, P.E.	Township Engineer
	Jeff Scholl	Public Works Director

The meeting was called to order at 7:00p.m. by Mr. Volovnik with the Pledge of Allegiance.

Solicitor Report: John B. Rice, Esq.

Federal Court Hearing/Decision Update.

Mr. Rice gave an overview of the recent Federal Court decision related to the Rockhill Quarry resulting in Department of Environmental Protection (DEP) to have jurisdiction on mining activities and the asphalt plant remanded to County Court. It was noted there have been minor changes to the DEP mining area; blasting occurs in the mining area and support activities take place in the Surface Mining Permit area; 500 ton required product removal is per a DEP regulation asbestos mitigation plan has not been received. An appeal period will expire next week; however, it was noted grounds of appeal would be narrow and chances for success very difficult to prove this Judge was wrong who was dealing with preemption aspect only and the entire decision would need to be appealed not a portion. The civil suit against the Board of Supervisors and Township Manager remains active with defense by the Township Insurance carrier.

Mr. Rice announced an Executive Session was held on March 8, 2019 to discuss litigation and an Executive Session would follow the meeting to discuss litigation and real estate.

Public Comment #1

- Kurt Weist, 779 E. Rockhill Road, asked if an appeal was filed would it slow down operations and open up the 500 ton product removal. No that is a DEP issue.
- Steve Connelly, 1600 West Rock Road, inquired about the Quarry map on display whereby the extraction, mining area, surface mining area and railway line were pointed out. It was noted a portion of the surface mining area is in the current Resource Protection District.
- Ryan Gottshall, 2201 N. Rockhill Road, provided a spreadsheet summarizing DEP activities from 1981 to 2017. He stated DEP maps had changes to the mining area in the 1980's. It was

noted the DEP mining area did not change but the support area (surface mining) area did have minor changes.

- Ken Holtje, 2733 Three Mile Run Road, noted Representative Fitzpatrick has sent a letter to DEP questioning the annual 500 ton requirement which is under DEP review and asked if Pierson contracted out asphalt to another company why is the asphalt plant an issue. There is a 10-year lease.
- Bruce Costa, 1476 West Rock Road, asked what an asbestos finding means. It is not common but other open quarries operate having naturally occurring asbestos.
- Jeannine Gravel, 2198 N. Rockhill Road, shared the Federal Judge statement that houses built around existing quarry was ridiculous and questioned who would protect them because DEP would not. Mr. Volovnik noted the Board would be making their decisions based on facts and would take any necessary steps they could. Ms. Gravel has made 67 email complaints to DEP and has not been satisfied with the response. She is willing to sell her property if the Quarry stays in operation.
- Luann Ausen, 1921 Three Mile Run Road, questioned if there were any other situations like this in Pennsylvania and believes this one is unique with people under the assumption the quarry would not reactivate. It was noted Township has minimal oversight on the quarry and they are only with zoning issues.
- Nicole Levine, 779 E. Rockhill Road, has worked with pipelines and questioned if FIMSA, who oversees pipelines, are aware there is a pipeline near the quarry. Ms. Levine will provide information to the Township Manager.
- John Edwards, 1934 N. Rockhill Road, noted railroad cars are sitting on the tracks and stated that it is not known if something explosive is being stored in them.
- Todd Hippauff, 29 Rockhill Road, questioned Mr. Volovnik's statement of whatever can be done. Whatever can be done within the law.
- Jim Nietupski, Supervisor, questioned if the 500 ton removal did not occur, and new DEP permits were applied for, could Zoning be reviewed. Zoning remains separate but there could be input at DEP public hearings.
- Mary Schulberger, 2386 Hill Road, questioned if 500 ton was not removed what would happen and if Zoning Hearings could stop. The process for a new mining permit would include a public hearing.
- Jim Pasquale, 1921 Three Mile Run Road, cannot believe the quarry is still going on, believes the Federal Judge missed by a mile, and pandered to residents, dismissing their concerns. He would like the Township to continue to fight, but noted his property was going to be sold.
- Ryan Gottshall, 2201 N. Rockhill Road, provided the Board with copies of DEP inspection records and would like the Federal Court decision to be appealed as it allowed too much oversight by DEP. He believes Mike Menghini from the DEP Mining Office is not performing his job adequately. He would like the Township to rise up and challenge DEP, noting there are already two active appeals. He does not want money saved in this regard.

There was a three minute recess.

Approval of Minutes and Bills Payable:

Approval of Minutes from February 26, 2019 Regular Meeting

On motion by Mr. Nietupski, seconded by Mr. Nyman, to adopt the meeting minutes from the Board of Supervisors' February 26, 2019 Regular Meeting. With no additional discussion, all present voted in favor.

Payment of Unpaid Bills dated March 22, 2019 in the amount of \$185,008.20

On motion by Mr. Nyman, seconded by Mr. Nietupski, to approve payment of Bills List dated March 22, 2019 in the amount of \$185,008.20. With no additional discussion, all present voted in favor.

Planning Commission Report: Anne Fenley

Agendas March 7, 2019 and March 14, 2019 and Draft Minutes March 14, 2019: Ms. Fenley reported the Dornstreich lot line was reviewed and they recommended preliminary / final approval. A Car Wash informal sketch plan was reviewed. The Comprehensive Plan update continues.

On motion by Mr. Nietupski, seconded by Mr. Nyman, to approve the Planning Commission Report. With no additional discussion, all present voted in favor.

Dornstreich Lot Line Adjustment at 1501 Branch Road and 151 White Road Preliminary Final: Mark Horn of Mease Associates, was present to review the proposed two lot line adjustment subdivision proposing to convey 0.1788 acres of TMP #12-14-54 to TMP #12-14-53 with both properties owned by Dornstreich. The resulting properties will be 1.8366 acres (TMP #12-14-54) and 21.4669 acres (TMP #12-14-53) in area with both properties containing an existing single-family dwelling and TMP #12-14-53 also containing various agricultural buildings. Both lots are served by onsite sewage disposal and well, located within the Agricultural Preservation Zoning District.

On motion by Mr. Nyman, seconded by Mr. Nietupski, to grant preliminary/final land development approval to the Dornstreich Lot Line and to grant waiver requests contingent on removal of vegetation for sight line visibility and compliance with the C. Robert Wynn Associates review letter dated February 26, 2019. With no additional discussion, all present voted in favor.

Pennridge Community Center Report: David Nyman

Mr. Nyman noted the March – April newsletter was available for the public and the Center continues to be partially closed to repair water damage to a portion of the Center.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to approve the Pennridge Community Center Report. With no additional discussion, all present voted in favor.

Pennridge Wastewater Treatment Authority Report: David Nyman

The February 25, 2019 Pennridge Wastewater Treatment Authority draft minutes and January 2019 flow reports are on file. Mr. Nyman noted at the March meeting they reviewed the draft 2018 Audit report and recommended development of a Fraud Prevention Program; discussed preparation of an I&I model Ordinance which was distributed to the Township Solicitor and Township Engineer for

review; distributed copies of the 2018 Chapter 94 Wasteload Management Report and discussed establishment of a Capital Reserve Fund with refunds typically paid back to members.

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to approve the Pennridge Wastewater Treatment Authority report. With no additional discussion, all present voted in favor.

Pennridge Area Coordinating Committee Report: David Nyman

Mr. Nyman reviewed the February 28, 2019 PACC notes. The meeting notes are on file.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to approve the Pennridge Area Coordinating Committee report. With no additional discussion, all present voted in favor.

Pennridge Regional Police Commission Report: Sergeant Maloney

Sergeant Maloney shared the February 2019 Pennridge Regional Police activity report. The report is on file.

- John Edwards, questioned the Pennridge School District approval of two armed guards. He was advised to attend School Board meetings for details.

On motion by Mr. Nietupski, seconded by Mr. Nyman, to approve the Police Commission Report. With no additional discussion, all present voted in favor.

Township Manager's Report: Marianne Morano

Eagle Scout Project Proposal at Willard H. Markey Centennial Park. Mr. William Calderone was present to review a proposed 10'x10' vegetable garden at the Willard H. Markey Centennial Park between the Township Maintenance Buildings and Park house. Equipment would be stored in the maintenance building, no fertilizers used and maintenance would be on a weekly basis throughout the growing season. Irrigation could involve a rain barrel with end of the season cleanup done before winter. The garden was proposed to be installed the beginning of April with the produce donated to Pennridge FISH or Revivals Outreach. Mr. Nyman noted there are a lot of deer in the park and that should be a consideration with the garden fence height.

On motion by Mr. Nyman, seconded by Mr. Nietupski, to approve the placement of a 10' x 10' vegetable garden at the Willard H. Markey Centennial Park as presented. With no additional discussion, all present voted in favor.

2019 Road Project Bid Results. Bid proposals were provided to the Board for ultra-thin bonded wearing course on Creek View Drive and a portion of Hillendale Road per the approved 2019 budget. Prior to the application public works would be completing prep work for spot repair.

On motion by Mr. Nyman, seconded by Mr. Nietupski, to approve Asphalt Maintenance Solutions in the amount of \$78,064.52 for the application of an ultra-thin bonded wearing course on Hillendale Road from North 5th Street to Creek View Drive and on Creek View Drive from North 5th Street to Hillendale Road per the submitted bid documents. With no additional discussion, all present voted in favor.

Hilltown Township Request to Purchase EDU's. All members were advised of the request to purchase 25 EDUs by Hilltown Water and Sewer Authority. The Board was provided an evaluation of how many EDUs East Rockhill Township currently has.

On motion by Mr. Nietupski, seconded by Mr. Nyman, to decline the request for the sale of Equivalent Dwelling Units (EDUs). With no additional discussion, all present voted in favor.

Street Tree Removal Request 160 Sunnyside Lane. A request for the removal of a healthy street tree has been received for 160 Sunnyside Lane which has resulted in the sidewalk lifting over two inches.

On motion by Mr. Nietupski, seconded by Mr. Nyman, to approve the removal of a 12 inch diameter street tree at 160 Sunnyside Lane contingent on the property owner replacing the sidewalk within six months of tree removal. With no additional discussion, all present voted in favor.

A snow emergency was declared on March 3, 2019 at 5:00pm to March 4, 2019 9:00am.

On motion by Mr. Nyman, seconded by Mr. Nietupski, to approve the Township Manager Report. With no additional discussion, all present voted in favor.

Public Works Report: Jeff Scholl

Mr. Scholl updated the Board on Public Works activities for February, 2019. The report is on file.

- Ryan Gottshall, questioned how many park inspections are done and stated he fixed a nail sticking up from the picnic table at Markey Park. It was noted any concerns at the park should be reported to the Township immediately and not delayed to a public meeting.

On motion by Mr. Nietupski, seconded by Mr. Nyman, to approve the Township Public Works Report. With no additional discussion, all present voted in favor.

Engineer Report: Steve Baluh, P.E.

Subdivision Plan Review Status. Review dated February 28, 2019 is in the Board's packets. No action is necessary.

- Mr. Nietupski questioned if a development under construction on SR313 had to disclose a quarry was in the vicinity. Mr. Rice advised him they do not.

On motion by Mr. Nyman, seconded by Mr. Nietupski, to approve the Township Engineer report. With no additional discussion, all present voted in favor.

Solicitor Report: John B. Rice, Esq.

There was nothing further.

Department and Emergency Services Reports

On motion by Mr. Nyman, seconded by Mr. Nietupski, to acknowledge receipt of the Department and Service Reports. With no additional discussion, all present voted in favor. Copies are on file.

New or Other Business – Supervisors’ Items

- Mr. Nietupski clarified information provided at the last meeting stating that Narcan was not free at pharmacies but was free at Bucks County Drug and Alcohol Commission.
- Mr. Nyman reported that he had attended the Perkasio Fire Department banquet and will attend the Quakertown Fire Department banquet to represent East Rockhill Township.
- Mr. Volovnik noted he inspected two walking trail bridges at Willard H. Markey Park with Mr. Scholl where they discussed a repair and it would be completed when the ground dries out.

Public Comment #2:

- John Edwards, questioned a proposed PPL pole location that may cause a sight visibility problem at his driveway.
- Dan Soliday, 1300 West Rock Road, stated that he did not support an appeal of the federal court ruling and believed the Township had more to lose than gain, but encouraged a brief to clarify some issues and would like nuisance ordinances to be enforced. Mr. Soliday noted when crushers were moved at the request of one resident the sound became louder at his house.
- Joanne Kater, 1710 West Rock Road, stated that the dangers of truck traffic to the public should be pursued. Enforcement requires there to be a standard.
- John Edward, questioned the value of reporting incidents involving trucks.
- Steve Connelly, asked if the Buck County Conservation District had a role in stormwater mitigation with the quarry.
- Mary Schulberger, stated that the Township should seek clarification of the federal court ruling, but not appeal.

There were general comments by the public without stating names and addresses for the record. No official action was taken by the Board.

Adjournment

On motion by Mr. Nietupski, seconded by Mr. Nyman, to adjourn into Executive Session. With no additional discussion, the meeting was adjourned at 9:06p.m.

Respectfully submitted,

Marianne Morano
Township Manager