

East Rockhill Township Board of Supervisors

April 23, 2019

Regular Business Meeting Minutes

The regular business meeting of the East Rockhill Township Board of Supervisors was held at 7:00p.m. on April 23, 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
	Colby Grim, Esq.	Township Solicitor
	Steve Baluh, P.E.	Township Engineer
	Jeff Scholl	Public Works Director

The meeting was called to order at 6:59p.m. by Mr. Volovnik with the Pledge of Allegiance.

Public Comment #1

- Mark Ezzo, 2904 Hill Road, questioned the removal of 500 ton per year. Stone removal is under DEP purview. He was directed to make a request to Federal Court for copies of trial transcripts.
- Ken Holtje, 2733 Three Mile Run Road, referenced a letter dated March 25 from Congressman Fitzpatrick requesting EPA and DEP look into 500 ton stone removal and requested to review documents submitted by Ryan Gottshall at the March Supervisor meeting. Documents provided in March will be posted to the Township website.
- Jim Pascale, 1921 Three Mile Run Road, questioned 500 ton stone per year stone removal which is under DEP purview. He read a prepared public statement stating the Federal Judge was inept and complained to those present at the hearing of his heavy work load and failed to get off his 'rump' to leave Philadelphia and visit quarry site. He stated that he believes the quarry operator and DEP are playing a clever scheme and turning a blind eye and the burden is on residents because DEP does not 'give a damn' about residents or the environment. He cited the Township comp plan and the alleged failure to take ownership of a quarry that was never offered for purchase. He believes the Supervisors are attending secret meetings and has a document that the Township established quarry operation times. He stated that decisions should be made by residents not public officials. Mr. Volovnik advised Mr. Pascale his statements were not factual, that no meetings have taken place and that there is no document regarding hours of operation. Mr. Pascale was advised to provide the document he referenced to the Township.
- Ryan Gottshall, 2201 N. Rockhill Road, stated that he is aware the Zoning Hearing Board applicant attorney has requested Monday and Tuesday Hearings be continued until after the County Judge makes a ruling regarding if hearings will continue before the Zoning Hearing Board on the asphalt plant. He would like the hearings to take place regardless. Mr. Gottshall

reiterated his disappointment regarding an informal presentation by the quarry applicant that took place a year ago.

- Jeannine Gravel, 2198 N. Rockhill Road, questioned quarry hours of operation, cited PFAS contamination and questioned what recourse residents have if a well goes dry. Hours of operation would be under the Township nuisance ordinance and those ordinances are under review. Wells are investigated by DEP and if determined to be dry well as the result of quarry operations, the well is replaced by the quarry operator with no expense to the homeowner.
- Katie Zackon, 727 E. Rockhill Road, on behalf of Rockhill Environmental Preservation Alliance, indicated opposition to agreeing to a continuance of the Rockhill Quarry Zoning Hearings. Their legal council has sent their position to the Zoning Hearing Board Solicitor to have the April hearings take place.
- Dan Soliday, 1300 West Rock Road, is also opposed to Zoning Hearings being continued and believes granting the continuance helps the strategy of the applicant in the County Court Hearing.
- Karen Drum, 2105 N. Rockhill Road, asked who has the burden if a well goes dry, which is DEP.
- Mark Ezzo, 2904 Hill Road, questioned if unlimited water could be discharged from the Quarry site. Limits are established by DEP and typically metered.
- John Edwards, 1934 N. Rockhill Road, cited a newspaper article stating DEP had closed a Quarry in New Hope. That quarry had permit violations for mining outside of permit area, numerous sink holes and the quarry area had been expended.
- Ryan Gottshall, 2201 N. Rockhill Road, stated that he observed asbestos testing at the quarry site on April 18 and questioned why no one from the Township was present. Mr. Gottshall detailed his observations of the asbestos testing stating a DEP employee was only acting like she was overseeing things. He stated that the testing procedure is a joke and not a complete test. He believes Township should invest in a third party asbestos expert to perform testing in addition to DEP and the applicant's consultant testing.
- Katie Zackon, 727 E. Rockhill Road, asked if the Township has another consultant. Yes, the environmental legal firm of Manko, Gold, Katcher and Fox.
- Karen Drum, 2105 N. Rockhill Road, also questioned the Township not observing the asbestos testing.
- Ron Schulberger, 2386 Hill Road, stated that he would like Township to make a presence at the quarry site. It was noted the property owner would need to grant permission for the Township to be on site.
- Josh Scheider, 754 E. Rockhill Road, requested the Township make a presence on the site and would like the residents to work with the Township not against them, emphasizing that facts should be checked before making accusations.

Approval of Minutes and Bills Payable:

Approval of Minutes from March 26, 2019 Regular Meeting.

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

Payment of Unpaid Bills dated April 18, 2019 in the amount of \$219,594.55.

On motion by Mr. Nyman, seconded by Mr. Nietupski, to approve payment of Bills List dated April 18, 2019 in the amount of \$219,594.55. With no additional discussion, all present voted in favor.

Planning Commission Report: Anne Fenley

Agenda April 4, 2019. Ms. Fenley reported the Comprehensive Plan update continues.

- Mr. Nietupski asked how much of the comp plan review has been completed. More than half-way complete.
- Mary Schulberger, 2386 Hill Road, requested survey results. She can review those results at the Township office.
- Ryan Gottshall, 2201 N. Rockhill Road, would like to see approval of the comp plan delayed until after 2020 census results.

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

Pennridge Wastewater Treatment Authority Report: David Nyman

The March 25, 2019 Pennridge Wastewater Treatment Authority draft minutes and February 2019 flow reports are on file. Mr. Nyman noted at the April meeting that Hilltown Township would receive requested EDUs from Sellersville and Telford and that the Authority Board was opposed to recent DEP PFAS remediation response.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, 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 March 28, 2019 PACC notes. The meeting notes are on file.

On motion by Mr. Volovnik, seconded by Mr. Nietupski, 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 March 2019 Pennridge Regional Police activity report. Of note, a drug take back is scheduled for April 27 from 10am to 3pm. The report is on file.

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. Travis Fazio was present to review his proposed walking path distance markings at the Willard H. Markey Centennial Park.

Markings are to be in increments of 0.25 miles with a sign showing the starting point with 1" lines painted on the width of the path and white sign markers, 5' in height with a sign 4" x 6".

On motion by Mr. Nyman, seconded by Mr. Nietupski, to approve the placement of walking path distance markings at the Willard H. Markey Centennial Park as presented. With no additional discussion, all present voted in favor.

Foreman Farm 1200 Butler Lane Withdrawal of Recorded Plan and Request for Refund of Financial Security. Correspondence from Karl Foreman dated April 12, 2019 has been received requesting return of financial security in the amount of \$148,631.87 for the recorded Foreman Farm Land Development Plan. Mr. Foreman has indicated the property will not be sold with the approved riding facility. Mrs. Morano advised an accessory building has been installed without a permit.

On motion by Mr. Nyman, seconded by Mr. Nietupski, to approve the request subject to proper documentation for the withdrawal of an approved recorded plan and subject to expenses related to the withdrawal being paid by applicant prior to the release of the remaining financial security. With no additional discussion, all present voted in favor.

Clear Span Fiberglass Walking Trail Bridge Bid Results. A bid has been received for a 30' pre-fabricated fiberglass bridge with an alternate bid for an additional 10' to replace an existing bridge along the walking path off Blooming Glen Road near Moods Covered Bridge. The item is budgeted from capital improvement in the amount of \$26,500.

On motion by Mr. Nietupski, seconded by Mr. Nyman, to accept Creative Pultrusions, Inc. for a base bid amount of \$26,700 and the alternate bid in the amount of \$7,700 for a 40' pre-fabricated fiberglass bridge as presented. With no additional discussion, all present voted in favor.

West Rock Road In-House Paving. A proposal was presented to the Board to widen a corner at West Rock Road and Three Mile Run Road, to allow trucks with plows and buses to easily make a right-hand turn from Three Mile Run Road onto West Rock Road, as part of the in-house paving project as approved with the 2019 state aid budget. Approximately seven trees need to be removed and an Easement granted by the property owner. General fund expenses would be approximately \$3,200 for tree removal and consultant time in addition to state aid expenses of \$1,000 for materials.

On motion by Mr. Nyman, seconded by Mr. Nietupski, to approve the additional road work with expenses totaling \$3,200 from general fund and \$1,000 from state aid fund as presented. With no additional discussion, all present voted in favor.

March 26, 2019 Meeting follow-up - Railway Cars. Mrs. Morano reported that train cars on railway tracks & bridges will have a hazardous materials placard if there are any explosive materials. The Pennridge Regional Police Chief has contacted Conrail, who handle railway cars, regarding storage on bridges and verified that cars are allowed to be stored on bridges. Currently the cars are empty.

March 26, 2019 Meeting follow-up - PPL Utility Pole. PPL has contacted Mr. Edwards regarding a utility pole near his driveway with a site visibility concern and have agreed to remove a tree and

relocate the pole. Mr. Edwards stated as part of his meeting with PPL that easements on private property are being delayed by property owners due to the misconception the improvement is only for the quarry when it has been part of a capital plan to improve service on North Rockhill Road. Mr. Edwards recommended to PPL that they send out a mailing or attend a Township meeting with the information.

- Kim Manser (Gottshall), 2201 N. Rockhill Road, questioned when they would address the rest of North Rockhill Road where she resides.
- Ryan Gottshall, 2201 N. Rockhill Road, stated that ten properties in the vicinity of his house need upgraded electric.
- Dan Soliday, 1300 West Rock Road, asked if poles would be replaced/removed from the Township pump station over the hill to the quarry.

Mrs. Morano was directed to follow-up with PPL's municipal representative regarding the electric service to the remainder of North Rockhill Road and if poles would be replaced from pump station to over the hill.

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 March, 2019. Of note, paving is anticipated to be completed May 13 and flyers were placed at every residence. Quotes are being obtained to repair a grinder at the treatment plant. The report is on file.

On motion by Mr. Nyman, seconded by Mr. Nietupski, 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 April 5, 2019 is in the Board's packets. No action is necessary.

Wood's Edge Subdivision Authorization Voucher 5.

On motion by Mr. Nietupski, seconded by Mr. Nyman, to approve Authorization Voucher Number 5 for the Wood's Edge Subdivision in the amount of \$21,673.73 for driveway superpave 2" 19mm payable to Lynn Builders, LLC. With no additional discussion, all present voted in favor.

Pennridge Wastewater Treatment Authority Model Infiltration and Inflow Ordinance Review. As requested by the Board, the draft ordinance provided by PWTA to establish Infiltration and Inflow inspections for property sewer connections has been reviewed with comments provided to the Board.

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

- Josh Scheider, 754 E. Rockhill Road, asked if the Township received a response to their review letter in response to EarthRes application for naturally occurring asbestos testing and what steps could be taken by the Township. DEP has provided the letter to the applicant consultant for a response and it was noted that the environmental attorney would consult on any recommended action.
- Katie Zackon, 727 E. Rockhill Road, asked what additional information DEP had requested of the applicant which was mentioned by Mr. Baluh. The questions are believed to be part of an email chain discussion which are not posted to the Township website but Mrs. Morano will confirm.

Solicitor Report: Colby Grim, Esq.

Soroka-Kleina Easement Agreements.

On motion by Mr. Nyman, seconded by Mr. Nietupski, to authorize the Chairperson to execute Agreements granting the Township permission to construct sanitary sewer and water line connections to 1622 N. Ridge Road and 1008 Schwenkmill Road, Perkasio as presented. With no additional discussion, all present voted in favor.

Radosky Declaration Agreement.

On motion by Mr. Nietupski, seconded by Mr. Nyman, to acknowledge receipt and authorize recordation of the Unilateral Declaration of Covenants Conditions and Restrictions for an in-law suite located at 4431 Axe Handle Road, Quakertown in a manner consistent with Township Ordinances. With no additional discussion, all present voted in favor.

Reiss Right-of-Way Easement Dedication Agreement.

On motion by Mr. Nyman, seconded by Mr. Nietupski, to acknowledge receipt and authorize execution of the Declaration of Easement on Hill Road with an address of 2412 Hill Road, Sellersville as part of the Reiss Lot Line Adjustment acknowledging consolidation of the deed as required with conditional approval has not been received from the applicant for plan recordation. With no additional discussion, all present voted in favor.

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

Department and Emergency Services Reports

On motion by Mr. Nietupski, seconded by Mr. Nyman, 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 questioned if Township could take action on PFAS DEP ruling.

On motion by Mr. Nietupski, seconded by Mr. Nyman, to send a letter supporting public water connection. With no additional discussion, all present voted in favor.

- Mr. Nietupski questioned the status of Pennridge Community Center reopening. Mr. Nyman noted that it is anticipated to be completely reopened in two weeks.

Public Comment #2:

- Karen Drum, 2105 N. Rockhill Road, questioned the status of a tree line zoning hearing application. The Township is waiting to hear from the applicant before rescheduling. Mr. Nietupski noted he was not opposed to the use and Mr. Nyman noted a turn lane could possibly address traffic concerns.
- Mary Schulberger, 2386 Hill Road, agreed with Mr. Scheider's comment that residents need to be respectful of elected officials, cannot expect 100% of documents to be made public and everyone should stay united to mitigate damage. She believes the quarry use will most likely occur. Mr. Nyman appreciated her comments and noted that he takes extensive notes and the Board definitely does listen to residents and has taken into consideration those comments when making their decisions, but they may not always agree.
- Karen Drum, 2105 N. Rockhill Road, stated that the quarry is the tip of the iceberg.
- Kim Gottshall (Manser), 2201 N. Rockhill Road, stated that the magnitude will be greater at quarry than activities in the past.
- Ryan Gottshall, 2201 N. Rockhill Road, would like the quarry as an agenda item. He stated questions are not being answered and he would like questions answered at next meeting.
- Mr. Nyman asked Mr. Edwards if he had his questions answered from March's meeting tonight to which Mr. Edwards confirmed they had.

Adjournment

On motion by Mr. Nietupski, seconded by Mr. Nyman, to adjourn into Executive Session. With no additional discussion, the meeting was adjourned at 8:47p.m.

Respectfully submitted,

Marianne Morano
Township Manager