

East Rockhill Township Board of Supervisors

November 27, 2018

Regular Business Meeting Minutes

The regular business meeting of the East Rockhill Township Board of Supervisors was held at 7:00pm on November 27, 2018 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
	Patrick Armstrong, Esq.	Township Solicitor
	Steve Baluh, P.E.	Township Engineer
	Jeff Scholl	Public Works Director

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

Public Comment #1

- Ryan Gottshall, 2201 North Rockhill Road, good to see the announcement that there would not be a settlement with Rockhill Quarry litigation, but wanted the Supervisors to commit to never allowing an asphalt plant.
- Ken Holtje, 2737 Three Mile Run Road, seconded Mr. Gottshall comment.
- Mr. Volovnik read the press release as released on November 6, 2018.
After discussions with the federal court judge and counsel for the quarry operator, the East Rockhill Township Board of Supervisors have notified the court and the quarry operator that proposals to settle the federal court case and pending Zoning Hearing Board matters have been rejected by the Township. The quarry operator has insisted on placing an asphalt plant at the quarry site, which is unacceptable to the Township and its residents. The federal court case will now proceed to a hearing and the Zoning Hearings will continue per the advertised legal notices with Hearing dates and locations posted to the Township website.
- Ron Schulberger, 2386 Hill Road, asked why Rockhill Quarry could continue extraction activity and advised there is no asphalt plant on the property.
- Mary Schulberger, 2386 Hill Road, asked why a cease and desist was not issued. The operator is going through the approval process with Zoning Hearing Board meetings, the extraction use is allowed on the property by special exception and they are proceeding at their own risk.
- Katie Zackon, 727 E. Rockhill Road, asked if a court date has been scheduled. A status conference is scheduled for the end of this week.
- Curt Barthel, 2743 Three Mile Run Road, asked if they are operating under the old DEP permit. DEP Mining Permits do not expire however DEP has required updated information to the permit and they have an issued operation permit. Mr. Barthel requested the role of the Township. Supervisors have party status to the Zoning Hearing Board and are part of the appeal for the asphalt plant and land development currently before a federal judge.

- Josh Scheider, 754 E. Rockhill Road, asked if the DEP permit includes hours of operation. It could include hours of operation.
- Ryan Gottshall, 2201 N. Rockhill Road, stated that he believes the Township is sitting on their hands, suggesting research be done on stopping asphalt plants as West Rockhill and Plumstead have done; questioned why more stone is not being removed from the Rockhill Quarry site; that extraction is taking place in the Resource Protection Zone which used to be zoned Extraction; and have any permits been issued. A permit was issued to PP&L for work in the right-of-way.
- Mike Colkett, 50 Ridge Run Road, asked if anything was decided at the last Zoning Hearing. No, testimony continues.
- Sean Trotter, 33 Ridge Run Road, stated that he was informed by DEP that local ordinances govern hours, traffic, noise. Hours are limited for blasting only and Township curfew hours are 10pm to 7am.
- Josh Scheider, 754 E. Rockhill Road, stated that Mr. Nietupski has said to make your voices heard with the Judge and asked how that could be done.

Announcements:

Mr. Volovnik announced that upcoming meetings are posted to the Township website calendar and agendas are sent out through news alerts with sign-up available on the home page.

An Executive Session was held on October 30, 2018, for ongoing litigation (Pierson).

Approval of Minutes and Bills Payable:

Approval of Minutes from October 23, 2018 Budget and Regular Meeting

On motion by Mr. Nietupski, seconded by Mr. Nyman, to adopt the meeting minutes from the Board of Supervisors' October 23, 2018 Budget and Regular Meeting as presented. With no additional discussion, all present voted in favor.

Payment of Unpaid Bills dated November 16, 2018 in the amount of \$191,925.95

On motion by Mr. Nyman, seconded by Mr. Nietupski, to approve payment of the Bills List dated November 16, 2018 in the amount of \$191,925.95 as presented. With no additional discussion, all present voted in favor.

Planning Commission Report: Anne Fenley

Agenda and Draft Minutes November 1, 2018: Mrs. Fenley reported the Planning Commission reviewed the Comprehensive plan draft survey. Surveys are recommended to be mailed first-class mail in January with results requested 3 weeks after mailing.

Comprehensive Draft Survey: A draft of the Comprehensive Plan Survey was provided to the Board with Planning Commission recommended revisions.

On motion by Mr. Nyman, seconded by Mr. Nietupski, to accept the survey as presented with the Township Manager deciding the most efficient way to mail the survey. With no additional discussion, all present voted in favor.

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

Pennridge Area Coordinating Committee Report: Gary Volovnik

The October 25, 2018 PACC notes are on file. There will be no meetings in November and December.

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

Pennridge Wastewater Treatment Authority Report:

The October 22, 2018 draft minutes and September 2018 flows are on file.

On motion by Mr. Nietupski, seconded by Mr. Nyman, to acknowledge receipt of the Pennridge Wastewater Treatment Authority Report. With no additional discussion, all present voted in favor.

Pennridge Regional Police Commission Report: Sergeant Maloney

Sergeant Maloney shared the October, 2018 Pennridge Regional Police activity report. Mr. Nietupski noted as of October 2018 the Department has received 5,568 calls for service, responded to 303 accidents and had 402 offenses and 191 criminal charges. 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

Draft Facebook Policy: A draft Facebook policy was in Board packets should they like to consider continuing the page that was started in 2013 as a means of communication with news postings as they occur. With the updated website news alerts directly to subscribers is now available therefore it was recommended to deactivate the Facebook page.

On motion by Mr. Nyman, seconded by Mr. Nietupski, to approve the deactivation of the Facebook page. With no additional discussion, all present voted in favor.

2019 Meeting Dates:

Consensus was to approve advertising the 2019 Board of Supervisor regular meetings at 7:00pm on the fourth Tuesday of every month except for the month of December when the regular meeting shall be held on Thursday, December 19, 2019. The ReOrganization meeting will be held January 7, 2019 at 5:00pm and there will be no July 4, 2019 Planning Commission work session.

2019 Preliminary Budget: Mrs. Morano reviewed the 2019 proposed draft budget and advised the General Fund was presented with expenses exceeding revenue in the amount of \$42,948.00 due to expenses related to the Rockhill Quarry litigation with no road improvements being proposed in the general fund. Mr. Nyman noted this was the first time there was a deficit in his tenure as a Supervisor; there was an excess of \$110,000 in consultant expenses above 2018 budget; that there has been a 27% reduction in Township fund balance in 2018; there is a projected \$170,000 in litigation expenses for 2019 while

the Township needs to continue all regular Township operations and therefore recommends 3 mil tax increase. Mr. Volovnik recommended that only a 2 mil tax increase would be sufficient.

- Ken Holtje, 2737 Three Mile Run Road, asked if a millage increase was being considered to cover cost of litigation. Yes.
- Bridgett Drelling, 8 Rocky Mountain Circle, asked if there could be fines to Pierson offset expenses. That is unknown but not likely.
- Joanne Kater, 1710 West Rock Road, asked if insurance would cover the expense. Insurance only pays for the insurance attorney that is representing the Township in part of the claim in Federal Court.
- Curt Barthel, 2743 Three Mile Run Road, recalled the Township enforced noise with a neighbor riding an ATV. The Township has a specific ATV Ordinance and a noise specialist would need to be engaged resulting in additional expenses.
- Josh Scheider, 754 E. Rockhill Road, suggested that the tax increase could be blamed on R.E. Pierson reactivating the quarry.
- Mary DeRezo, 326 Three Mile Run Road, asked if the case was lost could the Township get reimbursed attorney costs. No.
- Sandy Lehrman, 1470 West Rock Road, shared concerns about the naturally occurring asbestos.
- Ryan Gottshall, 2201 N. Rockhill Road, incorrectly stated earned income tax is received by the Township at 1%. Mr. Nyman clarified that the Township receives 0.5% earned income tax and 0.25% per approved voter referendum for open space purchases which continue to be ongoing. It is Mr. Gottshall opinion the Township expended \$800,000 to design a golf course.

No further public comment was received.

On motion by Mr. Nietupski, seconded by Mr. Nyman, to approve advertising of the Preliminary 2019 Draft Budget with a 2 mil general fund real estate increase as presented. With no additional discussion, all present voted in favor.

Mr. Nyman and Mr. Nietupski thanked Mrs. Morano for her efforts with the Budget and appreciated the clear and detailed budget and supporting documentation.

Mrs. Morano noted the West Rockhill Township Draft Comprehensive Plan has been received.

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 October, 2018. Of note, line striping will be completed if the vendor advises it can be done and still adhere to the roads. The Public Works report is on file.

On motion by Mr. Volovnik, 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 November 5, 2018 is in the Board's packets. No action is necessary. Mr. Baluh advised a new submission was received for Pennridge Airport Business Park Lots 2 & 3 Land Development.

5607 Clymer Road, Johnston Planning Module.

On motion by Mr. Nyman, seconded by Mr. Nietupski, to adopt **Resolution 2018-13** for 5607 Clymer Road, owned by Kimberly Johnston, Planning Module and authorize the Township Manager to execute the Sewage System Maintenance Agreement for a Small Flow Treatment Facility Agreement as prepared by the Township Solicitor. With no additional discussion, all present voted in favor.

2003 Old Bethlehem Pike, BARC Planning Module.

On motion by Mr. Nietupski, seconded by Mr. Nyman, to adopt **Resolution 2018-14** for 2003 Old Bethlehem Pike, owned by BARC, Planning Module and authorize the Township Manager to execute the Sewage System Maintenance Agreement for a Small Flow Treatment Facility Agreement as prepared by the Township Solicitor when received. With no additional discussion, all present voted in favor.

2408 Hill Road, Grochowski Jr Planning Module.

On motion by Mr. Nyman, seconded by Mr. Nietupski, to adopt **Resolution 2018-15** for 2408 Hill Road, owned by Leon A. Grochowski, Jr., Planning Module and authorize the Township Manager to execute the Sewage System Maintenance Agreement for a Small Flow Treatment Facility Agreement as prepared by the Township Solicitor. With no additional discussion, all present voted in favor.

MS4 Permit.

DEP has provided notice that the submitted Planning Area Map can move forward to public participation. DEP has granted an extension deadline to January 25, 2019.

On motion by Mr. Nietupski, seconded by Mr. Nyman, to authorize advertising the MS4 Permit for the 30-day public comment period with written notice to private property owners with basins. With no additional discussion, all present voted in favor.

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: Patrick Armstrong, Esq.

Preliminary Earthmoving Agreement for Mehmanus Holdings 1419 Ridge Road:

On motion by Mr. Nyman, seconded by Mr. Nietupski, to authorize the Chairperson to execute the Preliminary Earthmoving Agreement for the Mehmanus Holdings Land Development Plan contingent on financial security being established as presented. With no additional discussion, all present voted in favor.

Mr. Armstrong requested an Executive Session to discuss litigation in regards to R.E. Pierson.

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. 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

There was none.

Public Comment #2:

- Mary Schulberger, 2386 Hill Road, stated concerns that she believes Hill Road, from the bridge to Stone Edge Road, is too narrow and noted there were two accidents recently involving young drivers.
- Ryan Gottshall, 2201 N. Rockhill Road, would like to hold DEP accountable for dirty water as a result of the clay soil leaving the quarry site and noted Penridge Airport Schoolhouse Road exit has had mud on the road.

Adjournment

On motion by Mr. Nyman, seconded by Mr. Nietupski, to adjourn into Executive Session. With no additional discussion, the meeting was adjourned at 8:25p.m.

Respectfully submitted,

Marianne Morano
Township Manager