

**East Rockhill Township Board of Supervisors**

**August 28, 2018**

**Regular Business Meeting Minutes**

The regular business meeting of the East Rockhill Township Board of Supervisors was held at 7:00pm on August 28, 2018 in the Township meeting room at the East Rockhill Township Municipal Building, 1622 North Ridge Road, Perkasio, 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 6:59pm by Mr. Volovnik with the Pledge of Allegiance.

**Public Comment #1**

- Jeannine Gravel, 2198 N. Rockhill Road, shared a legal notice for a DEP-Pierson public hearing with proposed 1,000 ton per hour operation and concerned over the amount of site activity and truck traffic that would generate; requested an update on Rule 69 Conference, raised noise and hours of operation concerns. The Rule 69 Conference was held but due to ongoing litigation the Township cannot comment.
- Jim Pascale, 1921 Three Mile Run Road, moved to Township three years ago from New Jersey, stated he would like to see Board take immediate action and revisit to stop what he believes to be illegal operations going on at quarry site; DEP is not communicating sufficiently; DEP is a problem and the Governor's Office should be contacted; Ordinances regulating a quarry are archaic.
- Kim Godshall, 2201 N. Rockhill Road, believes a 1,000 ton hour crushing operation would have particulate matter above maximum allowed and noted in the winter the suppression system was frozen and dust was not addressed until a complaint was registered with DEP.
- John Edwards, 1934 N. Rockhill Road, had concerns over dust and believed Regional Police Officers were driving 45mph on Rockhill Road.
- Paul Fuhrmesiter Jr., 2020 N. Rockhill Road, provided a signed online petition opposing 'rights over tyrant.'
- Marsha Hall, 2210 N. Rockhill Road, requested pedestrian cross walks at every mailbox as she is concerned that with the increased truck traffic she would not be able to cross the road safely.
- Luann Halston, 1921 Three Mile Run Road, expressed traffic concerns and would like to see a master plan of what will occur on quarry property.
- Curt Weist, 779 E. Rockhill Road, questioned DEP involvement and status of permits and stated he is a 21 year resident who used to take walks on State game lands and the quarry property.

**Announcements:**

Mr. Volovnik announced Upcoming Meetings.

An executive session will follow the meeting to discuss ongoing litigation.

**Approval of Minutes and Bills Payable:**

**Approval of Minutes from July 24, 2018 Regular Meeting**

**On motion** by Mr. Nietupski, seconded by Mr. Nyman, to adopt the meeting minutes from the Board of Supervisors' July 24, 2018 Regular Meeting as presented. With no additional discussion, all present voted in favor.

**Payment of Unpaid Bills dated August 24, 2018 in the amount of \$186,148.33**

**On motion** by Mr. Nyman, seconded by Mr. Nietupski, to approve payment of Bills List dated August 24, 2018 in the amount of \$186,148.33 as presented. With no additional discussion, all present voted in favor.

**Planning Commission Report:**

**Agenda and Draft Minutes August 2, 2018:** Ms. Anne Fenley reported the Planning Commission reviewed the Mehmanus Holdings Land Development and recommended for preliminary/final approval and consideration of granting waiver requests, contingent on compliance with the C. Robert Wynn Associates review letter dated July 18, 2018. The Comprehensive plan review will commence September 6 and action on Denial of the Peace Lutheran Plan was recommended.

**Mehmanus Holdings Land Development Preliminary Final:** Scott McMackin, P.E. of Cowan Associates, Dr. Mehaffey, and Dr. Heller were present to review the proposed 2,000 square feet addition to the existing Veterinary Office and expansion of the rear parking area at 1419 Ridge Road.

**On motion** by Mr. Nietupski, seconded by Mr. Nyman, to grant preliminary/final land development approval and to grant waiver from Section 22-305.2 regarding preliminary plan submission procedure; Section 22-403.4 showing existing features within 100 feet of tract boundaries; Section 22-406 requiring submission of a traffic study; and Sections 22-505.16, 22-506, 22-512 and 22-513 regarding drainage and roadway improvements, cartway widening, overlay paving curb and sidewalk for a fee in-lieu of, contingent on compliance with the C. Robert Wynn Associates review letter dated July 18, 2018. With no additional discussion, all present voted in favor.

**Peace Lutheran Land Development Withdrawal:** Mr. Gary Schaffer on behalf of Peace Lutheran Church sent correspondence dated August 24, 2018 withdrawing the Land Development Plan latest revision date November 26, 2008 on behalf of Peace Lutheran Church.

**On motion** by Mr. Nyman, seconded by Mr. Nietupski, to accept the withdrawal of the Peace Lutheran Land Development plan per correspondence dated August 24, 2018. With no additional discussion, all present voted in favor.

**Pennridge Wastewater Treatment Authority Report: John Cressman**

The July 23, 2018 draft minutes and June 2018 flows are on file. The 2019 budget review has begun.

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

**Pennridge Regional Police Commission Report: Sgt. Maloney**

Sgt. Maloney shared the July, 2018 Pennridge Regional Police activity report. The report is on file.

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

**Township Manager's Report: Marianne Morano**

**Municipal Office Complex:** Mr. Christopher Sipes, Keystone Architects was present to review the proposed Municipal Office addition and renovation and a proposed public works complex renovation.

**On motion** by Mr. Nyman, seconded by Mr. Nietupski, to approve Keystone Architects proposal to prepare construction drawings for bid documentation for the municipal office renovation and addition as presented. With no additional discussion, all present voted in favor.

**On motion** by Mr. Nietupski, seconded by Mr. Nyman, to approve Keystone Architects proposal to prepare preliminary designs for the Public Works facility as proposed. With no additional discussion, all present voted in favor.

**Park & Recreation Board:** The August 14, 2018 draft meeting notes were provided to the Board. Of note, three proposed fishing pier concepts at the Iron Bridge Park were reviewed. Consensus of the Park and Recreation Board was to recommend Option A.

- George Zuck, 2017 N. Rockhill Road, noted trout congregate in certain areas and raised concerns about high waters. Fish & Boat Commission will review was suggested.

**On motion** by Mr. Nietupski, seconded by Mr. Nyman, to approve Boucher and James services to seek and apply for grants for Iron Bridge Park fishing pier concept A. With no additional discussion, all present voted in favor.

**DEP Public Comment Ridge Run PFC:** A DEP public hearing was advertised and held on July 11, 2018 with public comment being accepted by DEP until August 31, 2018 for remediation action to properties with affected wells as a result of the DEP Ridge Run PFC investigation. After the public comment period has closed, DEP will review all comments and render a decision for the installation of carbon filters or public water extension and connection. Public water connection to all properties is not feasible at this time, however, Perkasio Regional Authority is able to provide public water connection to the majority of wells contingent on DEP requirements to abandon and fill all private wells and a mandatory water connection ordinance for properties within 100 feet of the water main. There is no proposed cost to homeowners with a private well.

**On motion** by Mr. Nyman, seconded by Mr. Nietupski, to authorize Mrs. Morano send a public comment letter to DEP supporting the public water connection option. With no additional discussion, all present voted in favor.

**East Rockhill Township 2017 Draft Financial Report:** Received and distributed to the Supervisors for review.

**On motion** by Mr. Volovnik, seconded by Mr. Nietupski, to acknowledge receipt and finalize the 2017 draft financial report prepared by the appointed Auditors. With no additional discussion, all present voted in favor.

**2019 Preliminary Draft Budget:**

**On motion** by Mr. Nyman, seconded by Mr. Nietupski, to authorize advertising 2019 preliminary budget work session meetings at 6:15pm on September 25, 2018 and October 23, 2018. With no additional discussion, all present voted in favor.

**On motion** by Mr. Nietupski, seconded by Mr. Nyman, 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 July, 2018. The Public Works 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 August 2, 2018 is in the Board's packets. No action is necessary.

**Wood's Edge Subdivision Authorization Voucher 2:**

**On motion** by Mr. Nietupski, seconded by Mr. Nyman, to approve Authorization Voucher Number 2 for the Wood's Edge Subdivision in the amount of \$25,551.00 for driveway, stormwater and E&S work to Lynn Builders. With no additional discussion, all present voted in favor.

**MS4 Pollution Reduction Plan:** A DEP review letter has been received for the Stormwater Permit submission requiring additional mapping details with a 120-day deadline.

**On motion** by Mr. Nietupski, seconded by Mr. Nyman, to approve MS4 Plan and Pollution Reduction Plan (PRP) detail for submission to DEP. With no additional discussion, all present voted in favor.

**Foreman Farm Land Development:** It was noted record plans were ready for signature and development escrow monies have been received.

**Peace Lutheran Church Escrow:**

On motion by Mr. Nyman, seconded by Mr. Nietupski, to authorize the release of land development escrow funds to Peace Lutheran Church upon receipt of a Return of Escrow Funds request. With no additional discussion, all present voted in favor.

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

**Solicitor Report: Patrick Armstrong, Esq.**

**Stormwater Operation and Maintenance Agreement for Brown, 841 Rockhill Road:**

On motion by Mr. Nyman, seconded by Mr. Nietupski, to authorize the Chairperson to execute the Stormwater Operation and Maintenance Agreement for a single family dwelling at 841 Rockhill Road as presented. With no additional discussion, all present voted in favor.

**Development Agreements for Foreman, 1200 Butler Lane:**

On motion by Mr. Nietupski, seconded by Mr. Nyman, to authorize the Chairperson to execute the Stormwater Operation and Maintenance Agreement; Development Agreement; Memorandum of Development Agreement and Unilateral Declaration of Covenants for the Foreman Land Development Plan as presented. With no additional discussion, all present voted in favor.

**Stormwater Operation and Maintenance Agreement for Cotton, 134 Bridgeview Drive:**

On motion by Mr. Nyman, seconded by Mr. Nietupski, to authorize the Chairperson to execute the Stormwater Operation and Maintenance Agreement for a single family dwelling at 134 Bridgeview Drive as presented. With no additional discussion, all present voted in favor.

**DEP - R.E. Pierson Public Meeting Notice regarding Rock Hill Quarry DEP Permit Application:**

On motion by Mr. Nietupski, seconded by Mr. Nyman, to authorize Manko, Gold, Katcher, Fox to prepare for and attend the September 20, 2018 public hearing. With no additional discussion, all present voted in favor.

- Jim Pascale, 1921 Three Mile Run Road, questioned if R.E. Pierson was paying for all legal and engineering fees associated with the quarry litigation. Pennsylvania Law does not allow escrow for Zoning Hearings. Mr. Pascale disagreed and wanted the applicant to pay all Township consultant fees including legal fees incurred by the Township litigation against Mr. Pierson.

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 approve 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**

There was none.

### **Public Comment #2:**

- Jeannine Gravel, 2198 N. Rockhill Road, asked if DEP hours of operation would superseded Township hours of operation.
- Mrs. Stephenson, 2228 Hill Road, thanked the Board for their support for public water connection.
- Joanne Kater, 1710 West Rock Road, asked how can she find out information about the quarry if the Board cannot discuss the matter due to litigation. Zoning Hearings are ongoing, DEP is holding a public hearing, with information posted on the Township website
- Blaze Youngers, 1301 N. Ridge Road, noted the Township has a noise Ordinance.
- Cindy Williams, 1476 West Rock Road, would like to see the quarry operator provide escrow for environmental, stormwater, well quality and hours of operation for the advertised settlement conference.
- Dan Soliday, 1300 West Rock Road, was pleased with stormwater improvements on West Rock Road; believes trees cleared for utility installation is in the resource protection zoning district and should have required a Conservation District permit; and shared a list of concerns for the DEP public hearing which he will submit as public comment to DEP.
- John Edwards, 1934 N. Rockhill Road, suggested a traffic signal be installed at the entrance of the quarry.
- Ryan Gottshall, 2201 N. Rockhill Road, stated primary crushers are to run during daylight hours but believes they will run 24 hours a day; believes parcels in DEP extraction area are zoned resource protection; requested more advance notice of meeting schedule and agenda and requested a detailed traffic study of North Rockhill Road. Township is reviewing all applications and details and are aware of all concerns raised at the meeting. Meetings are advertised in January and posted to the Township website calendar. Agendas are posted as soon as they are finalized.
- Jim Pascale, 1921 Three Mile Run Road, PPL has not installed poles as noted at last meeting and therefore Mrs. Morano lied and the helicopter landing on quarry private property was illegal and not addressed. Mrs. Morano disagreed noting the PPL work has not been scheduled at this time. She contacted three entities regarding helicopter regulations and the quarry operator's helicopter landing was not a violation, however the quarry operator has agreed to land at the Penridge Airport in the future.

**Adjournment**

On motion by Mr. Nyman, seconded by Mr. Nietupski, to adjourn into Executive Session. With no additional discussion, the meeting was adjourned at 9:27p.m.

Respectfully submitted,

Marianne Morano  
Township Manager