

East Rockhill Township Board of Supervisors

May 25, 2021

Regular Business Meeting Minutes

DRAFT

The regular business meeting of the East Rockhill Township Board of Supervisors was held at 7:00p.m. on May 25, 2021 in the meeting room at the East Rockhill Township Municipal Office, 1622 North Ridge Road, Perkasio, PA 18944.

Present:	David Nyman	Supervisor Chairperson
	Gary Volovnik	Supervisor Vice-Chairperson
	Jim Nietupski	Supervisor Member
	Marianne Morano	Township Manager
	Will Oetinger, 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. Nyman with the Pledge of Allegiance.

Members of the public and press were present.

Announcements:

The Board of Supervisors held their monthly meeting with special meeting protocol. The meeting public packet was available on the Township website. In-person attendees are physically distanced and required to wear masks at all times. Pre-registration on a first-come first-serve basis with limited attendance was available. Anyone wishing to provide public comment could do so on agenda and non-agenda items. All public comment will be read at the Board's meeting.

The protocol was modified to not require masks for people in attendance who have received the COVID vaccine.

An Executive Session will follow the regular meeting for real estate and personnel.

Public Comment #1:

There was none.

Approval of Minutes and Bills Payable:

Approval of Minutes from April 27, 2021 Regular Meeting.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to adopt the meeting minutes from the Board of Supervisors' April 27, 2021 Regular Meeting as presented. With no additional discussion, all present voted in favor.

Payment Unpaid Bills dated May 21, 2021 in the amount of \$207,884.93.

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to approve payment of the Bills List dated May 21, 2021 in the amount of \$207,884.93 as presented. With no additional discussion, all present voted in favor.

DRAFT

Township Manager's Report: Marianne Morano

Pines of Pennridge Fence Deed Restriction. Property owner Marie Seternus and prior owner Paul Seternus, 712 Campus Drive were present to request deed restriction relief to install a six feet high solid vinyl privacy fence in the rear yard where split rail 2 or 3 rails with wire mesh backing and privacy fencing 6 feet to 8 feet high panels within 16 feet of rear foundation walls is only permitted. The request was made to minimize impact of an adjoining property owner. It was reiterated that parcels with the same deed restriction could still oppose the fence by filing a complaint and enforcing the deed restriction which could result in the fence being removed. General discussion was opposition to setting a precedent by allowing a privacy fence in the rear yard. Two adjoining property owners contacted Township staff opposing the fence in the storm water easement and requested it be installed similar to adjoining properties 6 feet from the rear property line. In response to the property owner believing a neighbor had poisoned their dog, Chief Dickinson, Jr. stated the Police need to be contacted so a record can be made and recommended installing security cameras.

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to grant Township relief from the fence deed restriction at 712 Campus Drive parcel 12-029-157 contingent on the fence being 4 ½ feet high specrail aluminum fence as approved for previous relief requests, compliance with the Zoning Ordinance, requestor securing any and all other approvals and proceeding at their own risk. With no additional discussion, all present voted in favor.

Zoning Permit Fee Waiver Request

On motion by Mr. Nyman, seconded by Mr. Volovnik, approving a requested zoning fee waiver for the Pennridge School District's Class of 2021 prom celebration firework display in the amount of \$500.00. With no additional discussion, the motion passed 2-1 with Mr. Nietupski voting in opposition to fee waiver.

Three Mile Run Road Pumping Station Replacement. Mrs. Morano stated requests for proposals for the Three Mile Run Pump Station replacement financing in the amount of \$500,000.00 with 20-year term or 25-year term options are anticipated to be received on or before June 1, 2021.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to authorize the Township Solicitor to prepare and advertise an Ordinance to secure a note for Three Mile Run Road Pump Station Replacement. With no additional discussion, all present voted in favor.

Access to Perkasio Regional Water Facility at Willard H. Markey Centennial Park. Mrs. Morano noted a Bulk Water Supply Agreement between Perkasio Regional Authority and BR Scholl Sales and Service, Inc. is on file. Mr. Nyman questioned Township review of this private transaction.

PFAS Contamination Remediation Update. Mrs. Morano advised the Board Perkasio Regional Authority has sent notification to Pennsylvania Department of Environmental Protection (DEP) to request a meeting to discuss potential public water access to properties with high levels of contamination at a reduced cost due to a pending land development. Mr. Baluh noted DEP was contacted prior to the subdivision being approved so public water consideration would not be delayed longer than necessary.

Street Tree Removal Request. As requested at the April 27, 2021 Supervisor meeting estimates were obtained from contractors to replace one sidewalk square which is \$1,500.00. It was noted the requestor



at 708 Campus Drive did not respond to Township correspondence and the property has recently sold. Mrs. Morano will prepare a Resolution to memorialize requiring an escrow of \$1,500.00 to guarantee all sidewalks are repaired after a street tree is removed.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, 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 as of May 20, 2021. Of note, the street sweeper will be returning to roads that were oil & chipped for loose stone collection. The report is on file.

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

Township Engineer Report: Steve Baluh, P.E.

Release of Escrow Vouchers.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to approve the Penridge Airport Business Park Voucher Number 8 dated May 20, 2021 payable to Wynn Associates in the amount of \$492.67 for construction observation and escrow administration as presented. With no additional discussion, all present voted in favor.

Subdivision Plan Review Status. Review dated May 6, 2021 is in the Board's packets.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to accept the Township Engineer's report. With no additional discussion, all present voted in favor.

Township Solicitor Report: Wil Oetinger, Esq.

Re-Sale Use and Occupancy. Mr. Oetinger noted at the Planning Commission meeting reviewing the McClennen Tract it was suggested subsequent buyers be required to sign off on deed restriction. Consensus of the Board was to draft an Ordinance for the McClennen Tract requiring re-sale notification.

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

Board and Commission Reports

Penridge Regional Police Department: Chief Dickinson, Jr.

Chief Dickinson Jr. thanked the Board and Commission for a heartfelt welcome at the Police Commission April 26, 2021 meeting. The Chief shared the April, 2021 Penridge Regional Police activity report. The report is on file.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to accept the Penridge Regional Police Department report. With no additional discussion, all present voted in favor.

Planning Commission Report: Anne Fenley

Mrs. Fenley shared highlights of the May 13, 2021 meeting. The agenda and draft minutes were provided to the Board. Mrs. Fenley recommended no personal items in open space be added to the re-sale draft Ordinance.

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to accept the Planning Commission report. With no additional discussion, all present voted in favor.

Pennridge Wastewater Treatment Authority: David Nyman

Mr. Nyman shared the May 24, 2021 meeting report. The April, 2021 minutes and flow reports were provided to the Board.

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

Department and Emergency Services Reports

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to acknowledge receipt of the Department and Emergency Services reports. With no additional discussion, all present voted in favor.

New or Other Business – Supervisors' Items

- Mr. Nietupski noted the flashing on the front of the Municipal Office is buckling. Mr. Baluh will contact the General Contractor.
- Mr. Volovnik stated his opposition to street trees between the sidewalk and curb which have caused problems for homeowners. Mr. Baluh has placed a recommendation in the McClennen Tract review letter for consideration of a different location. If necessary, a waiver can be granted. The requirement could be removed from the Subdivision and Land Development Ordinance as part of the zoning ordinance review.
- Mr. Nietupski stated there were too many steps from the parking area to the new polling location at Bucks County Community College. Mr. Volovnik believed the first floor would be made available after it was no longer needed for COVID vaccinations. Mrs. Morano will contact Bucks County Board of Elections with the concern.

Public Comment #2:

- Mrs. Fenley, 1500 Branch Road, believed the November election would be held on a third floor.
- Blake Eisenhart, 2031 West Rock Road, is on the Bucks County Community College Board of Trustees and accessing the polling location will be top priority for the incoming President.

Adjournment:

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to adjourn the regular meeting into Executive Session. With no additional discussion, the meeting was adjourned at 8:07p.m.

Respectfully submitted,

Marianne Morano
Township Manager

Unpaid 2021 Bills List

June 18, 2021

<u>Payable To</u>	<u>Memo</u>	<u>Amount</u>
General Fund - 01		
BIU	Code Services 04/2021	1,575.00
BC Tour of Honor	Donation	250.00
Shadywood Communications	Enews 06/2021	215.00
Chase Credit Card	Municipal Office landscaping	336.84
Clemens Uniform	Uniforms	176.85
Clemons Richter & Reiss	WEGBB 5/2021	739.20 *
Clemons Richter & Reiss	Parissi 5/2021	605.51 *
Comcast	Phone & Internet	367.10
Davis Feed	Grass Seed	66.90
Delaware Valley Health Insurance (DVHT)	Insurance Premium	10,050.16
Dunlap SLK	Debt Certificate	100.00
Emerald Garden	Lawn Maintenance	1,272.04
Feeney's Nursery	Municipal Complex Plants	2,620.12
Grim, Biehn & Thatcher	Township Solicitor Covid 19	160.00
Grim, Biehn & Thatcher	Township Solicitor General Matters	1,040.00
Grim, Biehn & Thatcher	Township Solicitor Litigation	363.00
IT Business Solutions	Monthly IT & Part	484.00
Jones Topsoil	Municipal Complex Lawn	114.00
Keystone Collections Group	EIT Commission	2,209.90 *
Keystone Collections Group	Costs Retained by Tax Officer (Act 192)	313.29 *
Keystone Collections Group	EIT Taxpayer Refunds	1,442.58 *
Keystone Collections Group	LST Commission	126.87 *
Lawson Products	Shop Supplies	102.47
Manko Gold Katcher Fox	Township Environmental Solicitor Rockhill Quarry	621.25
Marianne Morano	Mileage Reimb. Jan-Jun 2021	600.00
M&W Precast	ERT Renovation Downspouts	569.19
Neat & Clean	Township Office	280.00
Pennridge Regional Police	Police Services	82,559.00
Pitney Bowes	Postage on Reserve	600.00
PP&L Electric	Parking Lot Lights	129.53
PP&L Electric	Municipal Office	105.37
PP&L Electric	Garage/Shop	91.19
Principal Financial Group	Insurance Premium	347.55
PSATS	2021 PAAZO Spring Forum	125.00
Quakertown National Bank	2013 Note Interest	2,134.70 *
Ready Refresh	Rent/Prepay	60.00
Reiss Hauling & Recycling, Inc.	Trash & Recycling Service	1,930.00

Unpaid 2021 Bills List

June 18, 2021

<u>Payable To</u>	<u>Memo</u>	<u>Amount</u>
Ricoh	Prepay Copier Rental	128.07
Ricoh-Images	Black & White/Color Copies	36.17
Riggins	Unleaded Fuel	397.24
Riggins	Diesel Fuel	253.97
Staples Credit Plan	Supplies	80.22
Sprint	Cell Phone Service 4/2021	133.41 *
Wynn Associates	Township Engineer General Matters	604.38
Wynn Associates	Township Engineer ERT Bldg Addition	379.75
Wynn Associates	Township Engineer Twp Maintenance Complex	254.38
Wynn Associates	Township Engineer PFC Groundwater Study	94.68
Wynn Associates	Township Engineer Zoning Permit Reviews	364.89
		<i>General Fund</i> \$ 117,610.77

Fire Fund - 03

PP&L Electric	Substation	100.82
Amerigas	Propane	311.20
		<i>Fire Fund</i> \$ 412.02

Open Space Fund - 05

Keystone Collections Group	EIT Commission	1,050.50 *
Keystone Collections Group	Taxpayer Refunds	721.23 *
Grim, Biehn & Thatcher	Township Solicitor 1404 W Schwenkmill Rd	574.25
		<i>Open Space Fund</i> \$ 2,345.98

Sewer Fund - 08

Anchor Pump & Eng Equipment	Treatment Plant Repair	328.25
Bullseye	Pumping Station Alarm Service	138.29
Delaware Valley Health Insurance (DVHT)	Insurance Premium	694.71
Emerald Garden	Lawn Maintenance	351.96
Grim, Biehn & Thatcher	Township Solicitor Pump Station Three Mile Run	688.00
Grim, Biehn & Thatcher	Township Solicitor Sewer Matters	65.25
MJ Reider Associates	Lab Analysis	550.00
PA One Call	Monthly Activity	36.86
PP&L Electric	Pump Station	426.80
PP&L Electric	Treatment Plant	1,918.26
Principal Financial Group	Premium	294.54
Riggins	Unleaded	432.94
Riggins	Diesel	469.54
Sprint	Cell Phone Service 4/2021	88.94 *
Univar	Supplies	2,530.60

Unpaid 2021 Bills List
June 18, 2021

<u>Payable To</u>	<u>Memo</u>	<u>Amount</u>
		<i>Sewer Fund</i> \$ <u>8,686.69</u>
Park & Recreation / Driving Range Fund -09		
George Allen Portable Toilets Inc.	Markey Centennial Park	160.00
Auto Plus	Parts	66.43
Chase Credit Card	supplies	69.42
Davis Feed	Mulch	33.90
Dog Waste Depot	dog waste bags for parks	392.00
Emerald Garden	Lawn Maintenance	645.00
Lapps Landscape	Mulch	468.00
Littles	Supplies	54.84
Miller Tire & Auto	Supplies	33.92
PP&L Electric	Markey Centennial Park Sign	32.11
PP&L Electric	Markey Centennial Park Buildings	46.55
		<i>Park & Rec / Driving Range Fund</i> \$ <u>2,002.17</u>
Street Light Fund - 13		
PP&L Electric	Street Lights	1,582.71
		<i>Street Light Fund</i> \$ <u>1,582.71</u>
Capital Improvement Fund - 19		
MJF Electrical Contracting, Inc.	Application #10 final payment no retainage	8,737.00
		<i>Capital Improvement Fund</i> \$ <u>8,737.00</u>
Building Debt Fund - 22		
Pennridge Regional Police Department	Principle and Interest Debt Payment	5,797.22
		<i>Building Debt Fund</i> \$ <u>5,797.22</u>
State Aid (Liquid Fuel) Fund - 35		
H&K	Repair Materials	268.12
Miller Bros	Signal Maintenance	1,213.60
PK Moyer	Street Sweeper	737.50
PP&L Electric	Signal 313 & 5th	34.67
PP&L Electric	Flasher 5th Street	30.57
PP&L Electric	Signal Campus & 5th	40.20
PP&L Electric	Signal 313 & 563	35.04
PP&L Electric	Flasher Schwenkmill Road	30.86
PP&L Electric	Signal 313 & Mountain View	44.27
PP&L Electric	Flasher Mountain View	30.38
		<i>State Aid Fund</i> \$ <u>2,465.21</u>

Unpaid 2021 Bills List
June 18, 2021

<u>Payable To</u>	<u>Memo</u>	<u>Amount</u>
Escrow Fund - 90		
Grim Biehn & Thatcher	Township Solicitor Fox Hill Subdivision	152.00
Grim Biehn & Thatcher	Township Solicitor Hyseni Lot Line Chg	57.00
Grim Biehn & Thatcher	Township Solicitor PSD Sports Fields	361.00
Grim Biehn & Thatcher	Township Solicitor Select Property/McClennan	817.00
Wynn Associates	Township Engineer PSD Tennis Courts/Parking	1,438.01
Wynn Associates	Township Engineer McClennan Tract	2,883.39
Wynn Associates	Township Engineer Mehmanus Holdings LLC	176.54
Wynn Associates	Township Engineer JDM Group LLC - Children Home	36.75
Wynn Associates	Township Engineer Hyseni Lot Line Adjustment	170.61
Wynn Associates	Township Engineer PSD Tennis Ct/Parking Constr.	188.79
Wynn Associates	Township Engineer Fox Hill	530.20
Michael DiBello	Return Escrow	58.30
	<i>Escrow fund</i>	<u>\$ 6,869.59</u>

NOT APPROVED

Bills \$ 156,509.36

**denotes already paid*

EAST ROCKHILL TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA

RESOLUTION NO. 2021-09

TAX COLLECTION COMMITTEE DELEGATE APPOINTMENT

Background. Act 32 § 505(b) requires the governing bodies of school districts, townships, boroughs, and cities to appoint one voting delegate and one or more alternate delegates to be their Tax Collection Committee (TCC) representatives. The purpose of this resolution is to appoint the required delegates. The appointed individuals have consented to appointment.

RESOLVED, by the governing body of East Rockhill Township, that the following individuals are appointed as TCC delegates for East Rockhill Township:

1. Primary Voting Delegate: Marianne Morano
2. First Alternate Voting Delegate: Bonnie Schorr
3. Second Alternate Voting Delegate: Kathleen Percetti
4. If the primary voting delegate cannot be present for a TCC meeting, the first alternate voting delegate shall be the representative at the TCC meeting. If both the primary voting delegate and the first alternate voting delegate cannot be present for a TCC meeting, the second alternate voting delegate shall be the representative at the TCC meeting.
5. These appointments are effective immediately and shall continue until successors are appointed. Delegates shall be appointed each year in November or December or as soon thereafter as possible. All delegates shall serve at the pleasure of this governing body and may be removed at any time.

Certification of Adoption. The undersigned certifies that the above Resolution was adopted at a public meeting on this date.

EAST ROCKHILL TOWNSHIP
NOT APPROVED

DATE: _____

David R. Nyman, Chairperson

Gary W. Volovnik, Vice Chairperson

ATTEST:

James C. Nietupski, Member

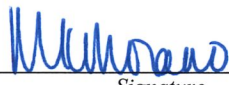
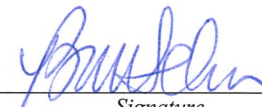
Marianne K. Morano

MUNICIPAL RESOLUTION NO. 2021-10

WHEREAS the Pennsylvania Department of Transportation and East Rockhill Township
Municipality Name
have agreed to use the **dotGrants** on-line reporting system to file the required Liquid Fuels forms annually; including but not limited to the MS-965, MS-329 and MS-999 forms.

NOW THEREFORE BE IT RESOLVED

1. that the Legislative Body of this Municipality enters into and agrees to the requirements and obligations of this on-line reporting program;
2. that the Legislative Body hereby designates the following persons and any Officers holding the following titles/positions

<u>Manager</u> <i>Title</i>	<u>Marianne Morano</u> <i>Typed Name</i>	<u></u> <i>Signature</i>
<u>Accountant</u> <i>Title</i>	<u>Bonnie Schorr</u> <i>Typed Name</i>	<u></u> <i>Signature</i>

to execute and provide all information necessary for the completion of said application, and to execute all documents necessary to effect such an agreement, including but not limited to, an Electronic Access Licensing Agreement (EALA) on behalf of the Municipality.

Passed this 22nd day of June, 2021.

LEGISLATIVE BODY

(Typed Name)

David R. Nyman

Gary W. Volovnik

James C. Nietupski

(Signature)

NOT APPROVED

I certify that the foregoing is a true and correct copy of the Resolution as finally adopted at a meeting of the Legislative Body held on the 22nd day of June, 2021.

IN WITNESS WHEREOF, I hereunto set my hand on this 22nd day of June, 2021.

(SEAL)

(Signature of Municipal Secretary/Clerk)

**EAST ROCKHILL TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2021-11

**A RESOLUTION AUTHORIZING THE DESTRUCTION OF
SPECIFIC TOWNSHIP RECORDS**

WHEREAS, by virtue of Resolution 2009-09, adopted March 17, 2009, East Rockhill Township declared its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved on December 16, 2008, and,

WHEREAS, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by Resolution of the governing body of the municipality;

NOW, THEREFORE, BE IT RESOLVED, that East Rockhill Township, Bucks County, Pennsylvania, in accordance with the above cited Municipal Records Manual, hereby authorizes the disposition of the following public records as listed on attached Appendix "A".

ADOPTED by the Board of Supervisors of the Township of East Rockhill, County of Bucks, the Commonwealth of Pennsylvania, this 22nd day of June, A.D. 2021.

EAST ROCKHILL TOWNSHIP
NOT APPROVED

David R. Nyman, Chairperson

Gary W. Volovnik, Vice-Chairperson

ATTEST:

Marianne K. Morano, Manager

James C. Nietupski, Member

RECORDS DESTRUCTION REPORT EAST ROCKHILL TOWNSHIP

This report captures the description and quantity of physical records being disposed of at East Rockhill Township. Physical records means those records that are visible such as paper, microfilm, microfiche, CS's, DVD's, etc. This form should not be used for electronic records with Disposal Code 6 (delete). This form shall be part of a resolution which shall be passed at a meeting of the Board of Supervisors prior to destruction of the records recorded below.

RECORDS COMPILATION: 6/18/2021

Name: Bonnie Schorr Position: Accountant

RECORDS INFORMATION:

Record Retention Schedule Item No.	Years of Retention	Record Series Title	Inclusive Dates
FN-2	7 yrs	Liquid Fuels AP & Statements	2013
AL-1	No Value	PW Hourly Breakdown Report	2013
FN-23	7 yrs	Sewer Receipts (stubs)	2013
FN-3	7 yrs	Receipts Books	2012-2013
PZ-7	7 yrs	Plumbing Licenses	2013
--	--	Tenant IDs	2013
FN-9	7 yrs	Bank Statements	2013
FN-2	7 yrs	Vendors – Accounts Payable	2013
FN-23	7 yrs	Sewer Billing	2013
FN-5 / FN-7	7 yrs / 3 yrs	Budget Worksheets / Audit Work papers	2007-2012
AL-17	6 yrs	Insurance Policies & Quotes	2010-2014
PL-15	4 yrs	Unemployment Compens records – past employees	2011-2012
PS-4	5 yrs (USDOT)	CDL Drug testing results	2009-2011
FN-2	7 yrs	Yardwaste vendor invoices	2009-2011
AL-1	No Value	Park & Rec General Correspondence	2009-2013
FN-7	3 yrs	BC Magisterial Dist Audit Report	2009-2010
WM-7	2-5 yrs	ERT Wasteload Report	2011
AL-1	No Value	Fire Department Reports	2014-2017
PZ-15	5yrs	Census Report	1990
PS-8	5 yrs	Personnel Files – past employees	1983-86,1997-99
--	--	Word Works web design docs	2008-2009
--	--	Bucks Co Hazard Mitigation guide	2005

Records Destroyed on: _____ <div style="text-align: center; font-size: small;">Date</div>	Witnessed by: _____
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*EAST ROCKHILL TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA*

RESOLUTION NO. 2021-12

**A RESOLUTION OF THE EAST ROCKHILL TOWNSHIP BOARD OF SUPERVISORS
ESTABLISHING A POLICY FOR THE REMOVAL OF STREET TREES AND SIDEWALK
REPAIR**

WHEREAS, the East Rockhill Township Board of Supervisors recognizes street trees may cause unintended lifting of sidewalks;

WHEREAS, the East Rockhill Township Board of Supervisors recognizes sidewalks are the responsibility of Property Owners and street trees are the responsibility of East Rockhill Township;

NOW, THEREFORE, it is hereby **RESOLVED** by the East Rockhill Township Board of Supervisors to establish a policy for the removal of street trees and sidewalk repair:

1. Sidewalk to be lifted a minimum of two inches (2") as a result of tree roots.
2. Tree removal request submitted in writing from Property Owner with photos.
3. Township Staff will verify sidewalk has lifted the minimum two inches (2") prior to Board of Supervisor consideration at a regularly convened meeting.
4. Board of Supervisor authorizes the removal of the street tree.
5. Prior to tree removal, Property Owner to post \$1,500.00 in escrow to guarantee the sidewalk is repaired or replaced within six (6) months of the tree removal.
6. Township Staff will remove the tree. The street tree will not be replaced.
7. After repair or replacement of the damaged sidewalk, Property Owner shall submit Return of Escrow Funds form for Township Staff to verify the sidewalk has been repaired and process the return of escrow funds according to the current fee schedule.
8. Should the sidewalk not be repaired or replaced within 6 months of street tree removal the Township will repair the sidewalk and escrow funds will not be returned. Any charges in excess of the escrow will be invoiced to the Property Owner.

ADOPTED by the Board of Supervisors of the Township of East Rockhill, County of Bucks, the Commonwealth of Pennsylvania, this 22nd day of June, 2021.

NOT APPROVED

David R. Nyman, Chairperson

Gary W. Volovnik, Vice-Chairperson

James C. Nietupski, Member

ATTEST:

Marianne K. Morano, Manager

TOWNSHIP OF EAST ROCKHILL
Bucks County, Pennsylvania

ORDINANCE NO. _____

AUTHORIZING THE INCURRENCE BY THE TOWNSHIP OF EAST ROCKHILL, BUCKS COUNTY, PENNSYLVANIA, OF NONELECTORAL DEBT BY THE ISSUANCE OF A GENERAL OBLIGATION NOTE, SERIES OF 2021 IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$500,000.00 FOR THE PURPOSE OF PROVIDING FUNDS, (I) TO PAY THE COSTS OF DESIGN AND CONSTRUCTION OF A NEW SEWAGE PUMPING STATION ON THREE MILE RUN ROAD AT SCHOOLHOUSE ROAD AND (II) TO PAY THE COSTS OF ISSUING THE NOTE; AUTHORIZING THE PREPARATION OF A DEBT STATEMENT, BORROWING BASE CERTIFICATE AND OTHER DOCUMENTATION; COVENANTING TO CREATE A SINKING FUND AND TO BUDGET, APPROPRIATE AND PAY ANNUAL DEBT SERVICE ON THE NOTE FOR EACH FISCAL YEAR; PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE TOWNSHIP FOR THE PROMPT AND FULL PAYMENT OF THE NOTE; SETTING FORTH THE SUBSTANTIAL FORM OF THE NOTE; SETTING FORTH THE STATED PRINCIPAL MATURITY AND INTEREST PAYMENT DATES, PLACE OF PAYMENT, SINKING FUND PROVISIONS AND OTHER DETAILS OF THE NOTE; PROVIDING FOR THE EXECUTION, DELIVERY AND AUTHENTICATION OF THE NOTE AND THE DISPOSITION OF THE PROCEEDS THEREOF; AWARDED SUCH NOTE AT PRIVATE SALE BY NEGOTIATION AND STATING THAT SUCH SALE IS IN THE BEST FINANCIAL INTEREST OF THE TOWNSHIP; APPOINTING A PAYING AGENT AND SINKING FUND DEPOSITORY; AUTHORIZING AND DIRECTING THE PROPER OFFICERS OF THE TOWNSHIP TO CERTIFY AND TO FILE WITH THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT CERTIFIED COPIES OF THE NECESSARY PROCEEDINGS; MAKING CERTAIN COVENANTS AS TO FEDERAL TAX LAW PROVISIONS; DESIGNATING THE NOTE AS A “QUALIFIED TAX-EXEMPT OBLIGATION”; AND AUTHORIZING AND DIRECTING THE PROPER OFFICERS OF THE TOWNSHIP TO DO ALL THINGS NECESSARY TO CARRY OUT THE ORDINANCE.

WHEREAS, pursuant to the Local Government Unit Debt Act, 53 Pa. Cons. Stat. §8001 *et seq.* (“**Act**”), the Township of East Rockhill, Bucks County, Pennsylvania (“**Township**”) may incur indebtedness for the purpose of designing and constructing a new sewage pumping station on Three Mile Run Road at Schoolhouse Road within the **Township** which will allow for the conveyance of sewage against grade; and

WHEREAS, the **Township** previously determined to undertake a capital improvement project to design and complete the construction of the new sewage pumping station on Three

Mile Run Road at Schoolhouse Road, the details of which are set forth in the CKS Engineers plan dated September 11, 2019, last revised January 11, 2021, consisting of seven sheets, entitled “East Rockhill Township Sewage Pumping Station Replacement” (the “**Pumping Station Project**”); and

WHEREAS, the Pumping Station Project has become necessary due to the declining functionality and increasing maintenance costs associated with the existing sewage pumping station; and

WHEREAS, the Board of Supervisors of the **Township** of East Rockhill (“**Board**”) has determined that it is in the best interest of the **Township** to design and construct a new sewage pumping station on Three Mile Run Road at Schoolhouse Road; and

WHEREAS, the **Township** has proceeded with the design of the **Pumping Station Project**, advertised bids for the construction, awarding the bid to the lowest responsible bidder, Almeida & Hudak Contractors, LLC; and

WHEREAS, Almeida & Hudak Contractors, LLC the proposal submitted to East Rockhill Township by Almeida & Hudak Contractors proposed a cost of \$835,000.00 for general construction of the Pumping Station Project; and

WHEREAS, based on the need to complete the **Pumping Station Project**, the **Township** has determined to issue its General Obligation Note, Series of 2021 to QNB Bank (“**QNB**”) in the maximum aggregate principal amount of \$500,000.00 (hereinafter the “**2021 Note**”) to finance the **Pumping Station Project** and associated costs and expenses of issuing the **2021 Note**, said **2021 Note** being substantially in the form set forth in the attached **Exhibit “A”**, under and subject to the **Act**; and

WHEREAS, the Board desires to approve the issuance of the **2021 Note**, the completion of the **Pumping Station Project** and the form of the **2021 Note** for the reasons and subject to the conditions set forth herein; and

WHEREAS, the proposed incurrence of debt by the **Township**, together with its nonelectoral indebtedness and lease rental indebtedness presently outstanding, will not cause the limitations of the **Act** incurring power, pursuant to constitutional and statutory authority, to be exceeded; and

WHEREAS, the **Township**, at all times, intends to and shall comply with the requirements of the **Act**.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the **Township** of East Rockhill and IT IS HEREBY ORDAINED AND ENACTED as follows:

1. **Authorization of the Pumping Station Project and Incurrence of Indebtedness; Purposes of the Pumping Station Project; Useful Life.** The **Township** hereby approves the **Pumping Station Project** to convey sewage against grade as more fully described in the recitals hereto, and shall incur indebtedness in the form of the **2021 Note** to be issued to **QNB**, pursuant to the **Act** and in the aggregate principal amount of \$500,000.00 for the purpose of providing funds for

and toward the costs of the **Pumping Station Project** and the financing of expenses associated therewith.

It is hereby determined that the useful life of the **Pumping Station Project** is in excess of thirty (30) years and the maturity date of the **2021 Note** will therefore not exceed the useful life of the **Pumping Station Project**.

2. **Authorization of Issuance of the 2021 Note.** The **Township** shall issue, pursuant to the **Act** and this Ordinance, its **2021 Note** to **QNB** in an aggregate principal of \$500,000.00, in order to provide funds for and toward the costs of the **Pumping Station Project** and paying the costs of issuing the **2021 Note** as authorized and provided in Section 1 hereof. The **2021 Note** shall bear a tax-exempt fixed rate of interest of 1.5% over the initial ten (10) years of the twenty (20) year term of the **2021 Note**, after which time the rate of interest shall adjust monthly to a tax-exempt rate equal to 65% of the Wall Street Journal published prime rate, subject to a maximum rate of 4.00%, with a Debt Service Schedule as set forth in **Exhibit "B"**. The substantial form of the **2021 Note** and Debt Service Schedule are attached hereto and marked as **Exhibits "A"** and **"B"** respectively.

The maturity date of the **2021 Note** shall be November 1, 2040. Upon delivery of the **2021 Note**, the balance of the proceeds of said **2021 Note** remaining after payment of the costs of issuance, if any, shall be held by **QNB** and advanced to **Township**, upon request, for application towards the **Pumping Station Project**, provided that all such advances must be drawn no later than twelve (12) months from the date of issuance of the **2021 Note**.

3. **Type of Indebtedness.** The indebtedness evidenced by the attached **2021 Note** is nonelectoral debt.

4. **Execution of Debt Statement, 2021 Note and Other Documents.** The Chairman or Vice Chairman of the **Board** and the Secretary or Treasurer of the **Township** and their successors are hereby authorized and directed to file the Debt Statement required by Section 8110 of the **Act**, a Borrowing Base Certificate, to execute and deliver the **2021 Note** in the name and on behalf of the **Township** and to take all other action required by the **Act** or this Ordinance in order to effect the issuance of the **2021 Note**. Said officers or any of them are further authorized to apply to the Department of Community and Economic Development for approval of the debt herein authorized and to file with such application a transcript of the proceedings including a certified copy of this Ordinance, the Debt Statement, a Borrowing Base Certificate signed by the appropriate officials of the **Township** or by the accountants of the **Township** responsible for auditing its financial affairs, and to take any and all such further action and to execute and deliver such other documents as may be necessary or proper to comply with all requirements of the **Act** or to carry out the intent and purpose of this Ordinance.

5. **Type of Note.** The **2021 Note** when issued will be a general obligation note.

6. **Covenant to Pay Debt Service - Pledge of Taxing Power.** The **2021 Note** is hereby declared to be a general obligation of the **Township** and the **Township** hereby covenants with the registered owners of the **2021 Note**: (a) that the **Township** will include in its budget for each fiscal year for the life of the **2021 Note**, the amount of the debt service on the **2021 Note**

which will be payable in each such fiscal year so long as the **2021 Note** shall remain outstanding; (b) that the **Township** shall appropriate from its general revenues such amounts to the payment of such debt service; and (c) that the **Township** shall duly and punctually pay or cause to be paid from the sinking fund hereinafter created the principal of the **2021 Note** and the interest thereon on the dates and at the place and in the manner stated in the **2021 Note** according to the true intent and meaning thereof. For such budgeting, appropriation and payment the Township hereby pledges its full faith, credit and taxing power. This covenant shall be specifically enforceable. The maximum amounts to be budgeted, appropriated and paid pursuant to the foregoing covenants shall not exceed those set forth in the Debt Service Schedule attached hereto and marked as **Exhibit "B"** and made a part hereof which is hereby incorporated in the foregoing covenant with the same effect as if the same were specified in the text of such covenant.

7. **Form of Note.** The **2021 Note** shall be substantially in the form set forth in **Exhibit "A"** attached hereto, with appropriate omissions, insertions and variations.

8. **Creation of and Deposits in Sinking Fund.** The **Township** covenants that there shall be and there is hereby established and that it shall hereafter maintain a sinking fund designated "Sinking Fund – General Obligation Note, Series of 2021" to be held by the Paying Agent (or such substitute or successor Paying Agent which shall hereafter be appointed in accordance with the provisions of the **Act**) in the name of the **Township**, but subject to withdrawal only by the Paying Agent.

The **Township** covenants and agrees to deposit in the Sinking Fund no later than each scheduled date for payment of principal and/or interest on the **2021 Note** on such dates, which shall not exceed the maximum amounts set forth in **Exhibit "B"** hereto.

Pending application to the purpose for which the Sinking Fund is established, the Chairman or Vice Chairman of the **Board** or the Treasurer of the **Township** is hereby authorized and directed to cause the monies therein to be invested or deposited and insured or secured as permitted and required by Section 8224 of the **Act**. All income received on such deposits or investments of monies in the Sinking Fund during each applicable period shall be added to the Sinking Fund and shall be credited against the deposit next required to be made in the Sinking Fund.

The Paying Agent is hereby authorized and directed, without further action by the **Township**, to pay from the Sinking Fund the principal of and interest on the **2021 Note** as the same become due and payable in accordance with the terms thereof and the **Township** hereby covenants that such monies, to the extent required, will be applied to such purpose.

All monies deposited in the Sinking Fund for the payment of the **2021 Note** which have not been claimed by the registered owners thereof after two years from the date when payment is due, except where such monies are held for the payment of outstanding checks, drafts or other instruments of the Paying Agent, shall be returned to the **Township**. Nothing contained herein shall relieve the **Township** of its liability to the registered owners of the un-presented **2021 Note**.

9. **No Taxes Assumed.** The **Township** shall not assume the payment of any tax or taxes in consideration of the purchase of the **2021 Note**.

10. Tax Exemption. The **Township** covenants for the benefit of the owners of the **2021 Note**: (i) that no use of the proceeds of the **2021 Note** will be made, and no other action will be taken, which would cause the **2021 Note** to be an “arbitrage bond” within the meaning of Section 148(a) of the Internal Revenue Code of 1986, as amended (the “**Code**”); (ii) that all action with respect to the **2021 Note** required to be taken to avoid characterization of the **2021 Note** as an “arbitrage bond” under Section 148 of the **Code** shall be taken; (iii) that the **Township** will take all reasonable steps to ensure that interest on the **2021 Note** is not included in gross income of the owner of the **2021 Note** for purposes of federal income taxation; and (iv) that the **Township** will take no action to cause the **2021 Note** to become a “private activity bond” as that term is used in Section 141(a) of the **Code**. The Chairman and Secretary are authorized and directed to take all appropriate action to maintain the exclusion from gross income of interest on the **2021 Note** for federal income tax purposes including the payment of any arbitrage rebate to the United States, if required, and the establishment of special accounts in connection therewith.

11. Section 265 Designation. For purposes of Section 265(b)(3) of the **Code**, the **Township** and all entities that issue on behalf of the **Township**, do not unreasonably anticipate issuing more than \$10,000,000.00 of tax-exempt obligations in the calendar year of 2021 (including the **2021 Note**). The **Township** hereby designates the **2021 Note** as a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3)(B) of the **Code**.

12. Contract with Paying Agent. The proper officers of the **Township** are authorized to contract with **QNB** in connection with the performance of its duties as the Paying Agent and Sinking Fund Depository on usual and customary terms, including an agreement to observe and comply with the provisions of this Ordinance and of the **Act**.

13. Private Sale. In compliance with Sections 8107 and 8161 of the **Act**, the members of the **Board** have determined that a private sale by negotiation rather than public sale is in the best interest of the **Township**. Therefore, the **2021 Note** in the amount of \$500,000.00, herein authorized to be issued and sold, is hereby awarded and sold to **QNB** pursuant to the **QNB** proposal letter dated June 1, 2021 and the amendments thereto, if any, to purchase said **2021 Note** at par value, said proposal being attached hereto and marked as **Exhibit “C”** and the Township’s acceptance of said proposal attached hereto and marked as **Exhibit “D”**; provided that said **2021 Note** is dated the date of delivery thereof to **QNB** and is substantially in the form set forth herein and further provided the proceedings and this Ordinance have been approved by the Department of Community and Economic Development.

14. Execution and Authentication of 2021 Note. As provided herein, the **2021 Note** shall be executed by the Chairman or the Vice Chairman of the **Board** and the municipal seal thereof attested to by the Secretary or Treasurer of the **Township** and each such execution shall be by manual signature. If any officer whose signature appears on the **2021 Note** shall cease to hold such office before the actual delivery date of the **2021 Note**, such signature shall nevertheless be valid and sufficient for all purposes as if such person had remained in such office until the actual delivery date of the **2021 Note**.

15. Officers Authorized to Act. For the purpose of expediting the closing and the issuance and delivery of the **2021 Note**, or in the event that the Chairman of the **Board** or the

Secretary of the **Township** shall be absent or otherwise unavailable for the purpose of executing documents, or for the purpose of taking any other action which they or any of them may be authorized to take pursuant to this Ordinance, the Vice Chairman of the **Board** or the Assistant Secretary or Assistant Treasurer of the **Township**, respectively, are hereby authorized and directed to execute documents, or otherwise to act on behalf of the **Township** in their stead.

16. Binding Effect of Covenants and Agreements. All covenants, obligations and agreements of the **Township** set forth in this Ordinance and in the documents authorized hereby shall be deemed to be the covenants, obligations and agreements of the **Township** to the full extent authorized or permitted by law, and all such covenants, obligations and agreements shall be binding upon the **Township** and its successors from time to time and upon any board or body to which any powers or duties affecting the same shall be transferred by or in accordance with law. Except as otherwise provided in this Ordinance, all rights, powers and privileges conferred and duties and liabilities imposed upon the **Township** or the members thereof by the provisions of this Ordinance or the documents authorized hereby shall be exercised or performed, by such members, officers or other representatives of the **Township** as may be required or permitted by law to exercise or perform the same. No covenant, obligation or agreement herein contained or contained in any documents authorized hereby shall be deemed to be a covenant, obligation or agreement of any supervisor, officer, agent or employee of the **Township** in his or her individual capacity and neither the Supervisors of the **Township** nor any officer executing the other documents authorized by this Ordinance shall be liable personally thereunder or be subject to any personal liability or accountability by reason of the execution and delivery thereof.

17. Note Counsel. The **Township** hereby appoints Grim, Biehn & Thatcher to act as Note Counsel to the **Township** with respect to the transactions contemplated by this Ordinance.

18. Further Action. The proper officers of the **Township** are hereby authorized and directed to take all such action, execute, deliver, file and/or record all such documents, publish all notices and otherwise comply with the provisions of this Ordinance and the **Act** in the name and on behalf of the **Township**.

19. Severability. In case any one or more of the provisions contained in this Ordinance or in any Note shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Ordinance or of said **2021 Note**, and this Ordinance or said **2021 Note** shall be construed and enforced as if such invalid, illegal or unenforceable provisions had never been contained therein.

20. Repealer. All Ordinances and/or parts of Ordinances heretofore enacted to the extent that the same are inconsistent herewith are hereby repealed.

21. Effective Date. This Ordinance shall take effect on the earliest date permitted by the **Act**.

General Obligation Note, Series of 2021
Ordinance Signature Page

ENACTED AND ORDAINED this 22nd day of June, 2021.

NOT APPROVED

David R. Nyman, Chairperson

Gary W. Volovnik, Vice-Chairperson

James C. Nietupski