

East Rockhill Township Board of Supervisors

January 24, 2023

Regular Business Meeting Minutes

DRAFT

The regular business meeting of the East Rockhill Township Board of Supervisors was held at 7:00p.m. on January 24, 2023, in the meeting room at the East Rockhill Township Municipal Office, 1622 North Ridge Road, Perkasie, PA 18944.

Present:	Dave 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
	Chief Dickinson	Pennridge Regional Police Department

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

Members of the public were present.

Announcements or Presentations:

- Next Board of Supervisors Meeting – Tuesday, February 28, 2023 7:00pm
- Next Conditional Use Hearing for 809 Three Mile Run Road – Monday, February 13, 2023 7:00pm
- Executive Session to take place following the meeting for potential real estate acquisition
- Consider motion to grant final subdivision approval to Select Properties for the McClennen Tract 198 dwelling units at 1731 Old Bethlehem Pike Bucks County Tax Map parcels 12-008-022, 12-008-022-001, 12-008-022-002 and 12-008-030 in the Suburban Zoning District

McClennen Tract

Mr. Brian Grant was present. Mr. Baluh reviewed his letter dated December 6, 2022 items 1-47. Of note, buyer's disclosure statement will include architectural feature with waiver of same and other site restrictions; roundabout easement documents have been finalized by Township Solicitor and will be acquired for roundabout construction at Three Mile Run Road and Park Avenue; applicant has satisfied all Township Traffic Planner comments; full road closure will be coordinated for roundabout construction, utilities and PRA public water project; fee-in-lieu of level play field, small parking area, energy conservation trees and paving of Hill Road have been accepted; and street light and trash district agreements will be executed by Developer.

Mr. Oetinger stated conditions of preliminary approval action remain and a final approval letter and Development Agreements will be legally binding.

- Lou DiTonno, 1 Boulder Drive, asked if roundabout and site work would take place at the same time, expressed concern for Stone Edge Road being used as a cut through, and questioned the maintenance period. Mr. Grant noted emergency services will be notified

and Township for website posting, amount of inconvenience will be lessened due to full road closure and confirmed all site work will be done at one time. Stone Edge Road was not anticipated to be used as a cut through, however it will be monitored and signs can be posted if it does occur, and all developments have a maintenance period of 18 months following acceptance of dedication.

- Jennifer Wright, 400 Three Mile Run Road, asked the developer how deep basement excavation would be; believes soil is contaminated; stated there is a cancer cluster in the Ridge Run development and requested her December 20, 2022 public comment be revised to add cancer concern and documentation with names and cancer diagnosis that was sent to the Township as requested by a Supervisor at the December meeting.
- Larry Wheatley, 5 Boulder Drive, asked if the development would have fire hydrants. Yes.
- Tina O'Rourke, 1819 Old Bethlehem Pike, asked if road closure would be coordinated with utilities and status of sewer extension. Township continues to explore sewer extension in coordination with DEP and West Rockhill Township. Full road closure is anticipated to occur May, 2023 with coordination of roundabout and utility installation.
- Andi Stephenson, 2228 Hill Road, lives adjacent to the development and asked how the buffer will be enhanced. Township Engineer oversees and will supplement plantings as necessary.
- Greg Stephenson, 2228 Hill Road, asked for status of Hill Road improvements. Remains intentions of Township to do improvements to the road utilizing funds from the developer.
- Tina O'Rourke, 1819 Old Bethlehem Pike, asked for an update to the December meeting requesting a contribution for the Police Department. Mr. Oetinger stated the Municipal Planning Code requires implementation of a fee prior to approval.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to grant final approval to the McClennen Tract subject to compliance with Wynn Associates December 6, 2022 correspondence and concurrence of all fees-in-lieu of as presented. With no additional discussion, all present voted in favor.

Public Comment #1:

There was none.

Approval of Minutes and Bills Payable:

Approval of Minutes from December 19, 2022 Conditional Use Hearing; Minutes from December 20, 2022, Regular Meeting; Minutes from January 3, 2023 Reorganization Meeting.

- Jennifer Wright, 400 Three Mile Run Road, requested her cancer comment be included in the December 20, 2022 draft minutes.
- Mr. Oetinger stated minutes are not required to be verbatim.

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to approve the meeting minutes from the Board of Supervisors' December 20, 2022 Regular Meeting amending Jennifer Wright's public comment; December 19, 2022 Conditional Use Hearing as presented; and January 3, 2023 Reorganization meeting as presented. With no additional discussion, all present voted in favor.



Payment of 2022 Unpaid Bills dated January 19, 2023, in the amount of \$50,525.15 and 2023 Unpaid Bills dated January 19, 2023, in the amount of \$407,022.22.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to approve payment of the 2022 Bills List dated January 19, 2023, for a total amount of \$50,525.15 and payment of the 2023 Bills List dated January 19, 2023, for a total amount of \$407,022.22 as presented. With no additional discussion, all present voted in favor.

Board and Commission Reports

Penridge Regional Police Department: Chief Dickinson

The Chief shared the December 2022 Penridge Regional Police activity report. The report is on file.

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

Planning Commission: Dave Nyman

The 2022 Annual Report, and January 12, 2023 agenda and draft minutes were provided to the Board. Mr. Nyman noted Joe Chellew was appointed Chairperson and Anne Fenley Vice Chairperson.

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

Penridge Wastewater Treatment Authority: Dave Nyman

The December, 2022 minutes and flow reports were provided to the Board. Mr. Nyman noted the Board reorganized with the same Officers and a State Municipal Authority Act sets Authority members terms to five- years and historically East Rockhill sets the term to one-year.

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

Township Manager's Report: Marianne Morano

Zoning Hearing Board Application at 1153 N. Fifth Street. Application of Giant at 1153 N. Fifth Street Tax Map Parcel 12-014-021-002 in the C-O Commercial Office zoning district. Applicant is seeking a variance to allow two new signs to be consistent with all store frontages. Matt Cart, Giant representative was present.

There was no objection to the signs from the public. Ms. Wright suggested more lighting.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to recommend approval of the application. With no additional discussion, all present voted in favor.

Final Approval of 2023 Projects. The 2023 projects were available on the website in the public packet.

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to grant final approval of 2023 projects as presented. With no additional discussion, all present voted in favor.

2022 Manger Overview. The 2022 Overview was available on the website in the public packet. **On motion** by Mr. Nietupski, seconded by Mr. Volovnik, to acknowledge receipt. With no additional discussion, all present voted in favor.

Public Works Maintenance Complex Update. Mrs. Morano reported staff has met with the architects to reduce the scale of the building and are currently reviewing the location of the building for a cost reduction.

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

Public Works Report:

Mr. Scholl updated the Board on Public Works activities as of January 19, 2023. The report is on file.

Consensus of the Board was for Mrs. Morano to contact CKS Engineers to provide a proposal to develop a Treatment Plant capital maintenance plan.

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.

Stone Edge Culvert. Calculations are underway and data will be presented to the Board, Spring, 2023.

Township Solicitor Report: Will Oetinger, Esq.

Mr. Oetinger requested an Executive Session.

Department and Emergency Services Reports

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

New or Other Business – Supervisors’ Items:

There was none.

Public Comment #2:

- Jennifer Wright, 400 Three Mile Run Road, asked if Perkasie Regional Authority owns wells in Ridge Run Development. Yes, but they are not in use.
- Larry Wheatley, 5 Boulder Drive, stated PRA has for sale signs on well properties; suggested Markey Park skate park be converted to speed hockey; questioned a rail car parked on overpass; questioned his neighbor’s diesel truck parked in a driveway runs for an extended time waking him up; questioned landscapers parking on the street;

questioned wires hanging down on Three Mile Run Road. PRA is selling two decommissioned well sites; Park and Recreation Board can consider skate park request; East Penn can be contacted for rail car; police are to be notified when a possible parking or vehicle running violation is occurring; wires have already been reported to Verizon.

- Lou DiTonno, 1 Boulder Drive, asked for the status of Stone Edge culvert. Plan will be presented to the Board and then submitted to DEP and adjoining property owner.

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 8:51p.m.

Respectfully submitted,

NOT APPROVED

Marianne Morano

Township Manager

East Rockhill Township
Unpaid 2023 Bills List

February 24, 2023

Summary of Fund Expenses

FUND NAME	DESCRIPTION	TOTAL
General	<i>General Purposes</i>	\$ 145,548.18
Fire	<i>Revenue from Real Estate 1.0 mil. Expenses related to Fire Volunteer Services.</i>	\$ 123.76
Open Space	<i>Revenue from Earned Income 0.25. Expenses for preservation and maintenance per HB1523.</i>	\$ 3,276.54
Sewer	<i>Revenue from sewer rates and connections. Expenses for sewer operations.</i>	\$ 10,095.34
Park & Recreation / Golf Driving Range	<i>Revenue from token sales, park reservations & contributions. Expenses for driving range and park maintenance.</i>	\$ 8,743.63
Street Light	<i>Revenue from annual street light assessment for properties in district. Expenses payable to PPL for street light rental and maintenance.</i>	\$ 1,712.65
Capital Improvement	<i>Revenue from Real Estate 1.25 mil. Expenses for capital projects as budgeted and approved by Board of Supervisors.</i>	\$ 11.30
Building Debt	<i>Revenue from Real Estate 1.26 mil. Expenses for Police Headquarter and Municipal Complex building debt.</i>	\$ 5,808.60
Capital Reserve	<i>Revenue from grants and contributions. Expenses per allocations as budgeted and approved by Board of Supervisors.</i>	\$ -
State Aid (Liquid Fuels)	<i>Revenue from State fuel tax. Expenses according to PennDOT guidelines for road and vehicle maintenance.</i>	\$ 6,746.88
Escrow	<i>Revenue for consultant review time. Expenses for projects under review with escrow requirements.</i>	\$ 6,123.45
Unpaid Bills Total		\$ 188,190.33

East Rockhill Township
Unpaid 2023 Bills List

February 24, 2023

Detail of Fund Expenses

<u>Payable To</u>	<u>Memo</u>	<u>Amount</u>
General Fund - 01		
AmeriGas	Propane Substation	1,052.21
AmeriGas	Propane	559.50
Andrew Wedman	Refund per MPC	321.20
Asphalt Care	Equipment	18,000.00
B&C Septic	Pump Tank Substation	210.00
BCATO	2023 Membership	300.00
BCATO	Annual Convention	135.00 *
Billows Electric	Parts	19.78
Britton Industries	Supplies	30.00
Clemens Uniform	Uniforms	244.12
Clemons Richter & Reiss	Pennington	73.00
Clemons Richter & Reiss	Wedman	296.00
Clemons Richter & Reiss	Giant	610.50
Clemons Richter & Reiss	RENEW Bible Church	333.00
County of Bucks	Moods Bridge Insurance Policy	691.00
Delaware Valley Health Insurance (DVHT)	Insurance Premium	12,451.55
Dunlap SLK	2022 Audit	5,000.00
Elite Outdoor Structures	Shed Relocation	250.00
Grim, Biehn & Thatcher	Township Solicitor General	1,395.00
Grim, Biehn & Thatcher	Township Solicitor Pennington	1,429.00
Grim, Biehn & Thatcher	Township Solicitor Litigation	33.00
Grim, Biehn & Thatcher	Township Solicitor Giant	48.00
Home Depot	Supplies	56.91
Hot Frog	Spring 2023 Printed Newsletter	1,105.49
IPFone	Phone Service	276.35 *
IT Business Solutions	Monthly Service	459.00
Joseph & Janet Maginn	RE Tax Court Order	78.86
Keystone Collections Group	EIT Commission	974.11 *
Keystone Collections Group	Costs Retained by Tax Officer (Act 192)	1,038.91 *
Keystone Collections Group	EIT Taxpayer Refunds	31.14 *
Keystone Collections Group	LST Commission	215.62 *
Kriebel Security	Quarterly Service	147.00
Lawson	Supplies	507.34
M&S Oil	Parts	56.16
Naceville Materials	Shed Relocation	539.00
Neat & Clean	Township Office	420.00
Nyco	Parts	149.01

East Rockhill Township
Unpaid 2023 Bills List

February 24, 2023

Detail of Fund Expenses

<u>Payable To</u>	<u>Memo</u>	<u>Amount</u>
Pennridge Regional Police	Police Service	86,255.33 *
PP&L Electric	Parking Lot Lights	499.25
PP&L Electric	Municipal Office	285.53
PP&L Electric	Garage/Shop	112.41
PP&L Electric	House	464.62
Perkasie Regional Authority	Municipal Office Water Bill	145.60 *
Pitney Bowes	Quarterly Lease	102.00 *
Principal Financial Group	Insurance Premium	539.78
Ready Refresh	Rent/Prepay	100.00
Reiss Hauling & Recycling, Inc.	Trash & Recycling Service	1,385.00
Richter	File Cabinets	1,549.24
Ricoh	Prepay Copier Rental	132.23
Safety Kleen	Supplies	348.98
Shadywood Communications	E Newsletter	215.00
Sprint	Cell Phone Service	132.75
St Lukes	2023 Consortium Fee	56.00
Verizon	FIOS Service	128.34
Waste Management	Trash Removal	649.68
Wynn Associates	Township Engineer Rockhill Quarry	81.90
Wynn Associates	Township Engineer General	280.80
Wynn Associates	Township Engineer Twp Maint Complex	2,546.98
<i>General Fund</i>		<u><u>\$ 145,548.18</u></u>

Fire Fund - 03

Joseph & Janet Maginn	RE Tax Court Order	9.04
PP&L Electric	Substation	114.72
<i>Fire Fund</i>		<u><u>\$ 123.76</u></u>

Open Space Fund - 05

Keystone Collections Group	EIT Commission	455.88 *
Keystone Collections Group	Taxpayer Refunds	15.58 *
Grim Biehn & Thatcher	Township Solicitor Land Preservation	400.00
GT&E (OS Maint)	Equipment Rental	2,080.00
Waste Management (OS Maint)	Trash Removal	325.08
<i>Open Space Fund</i>		<u><u>\$ 3,276.54</u></u>

East Rockhill Township
Unpaid 2023 Bills List

February 24, 2023

Detail of Fund Expenses

<u>Payable To</u>	<u>Memo</u>	<u>Amount</u>
Sewer Fund - 08		
Auto Plus	Supplies	17.78
Bullseye	Pumping Station Alarm Service	142.50
Comcast	Treatment Plant Phone Service	110.42
Commonwealth of PA	Wastehauler renewal	300.00
Delaware Valley Health Insurance (DVHT)	Insurance Premium	793.64
Grim Biehn & Thatcher	Township Solicitor Sewer Matters	59.25
Kevin Franks	Treatment Plant	1,850.00
MJ Reider Associates	Lab Analysis	559.90
PA One Call	Monthly Activity	33.58
PP&L Electric	Pump Station	960.71
PP&L Electric	Treatment Plant	2,245.63
Principal Financial Group	Insurance Premium	136.08
Riggins	Diesel Fuel	668.92
Sprint	Cell Phone Service	88.53
Univar Solutions	Aluminum Sulfate	1,948.40
Wynn Associates	Township Engineer Act 537	180.00
	<i>Sewer Fund</i>	<u><u>\$ 10,095.34</u></u>

Park & Recreation / Driving Range Fund -09

George Allen Portable Toilets Inc.	Markey Centennial Park	160.00
PP&L Electric	Markey Centennial Park Sign	28.23
PP&L Electric	Markey Centennial Park Buildings	70.40
Range Servant	Driving Range	8,485.00
	<i>Park & Rec / Driving Range Fund</i>	<u><u>\$ 8,743.63</u></u>

Street Light Fund - 13

PP&L Electric	Street Lights	1,712.65
	<i>Street Light Fund</i>	<u><u>\$ 1,712.65</u></u>

Capital Improvement Fund - 19

Joseph & Janet Maginn	RE Tax Court Order	11.30
	<i>Capital Improvement Fund</i>	<u><u>\$ 11.30</u></u>

East Rockhill Township
Unpaid 2023 Bills List

February 24, 2023

Detail of Fund Expenses

<u>Payable To</u>	<u>Memo</u>	<u>Amount</u>
Building Debt Fund - 22		
Joseph & Janet Maginn	RE Tax Court Order	11.38
Pennridge Regional Police Department	Principle and Interest Debt Payment	5,797.22 *
	<i>Building Debt Fund</i>	<u>\$ 5,808.60</u>

Capital Reserve Fund - 30

Capital Reserve Fund \$ -

State Aid (Liquid Fuel) Fund - 35

BR Scholl	Service	97.86
BR Scholl	Parts	1,517.21
Cotterino Supply	Equipment	808.39
Established Traffic Control	Signs	24.00
GT&E	Parts	68.04
H&K Materials	Supplies	721.50
J&J Arbor Care	Tree Work	960.00
Morton Salt	Supplies	1,506.30
Naceville Materials	Supplies	611.92
Nyco	Supplies	218.04
PP&L Electric	Signal 313 & 5th	29.40
PP&L Electric	Flasher 5th Street	25.79
PP&L Electric	Signal Campus & 5th	33.59
PP&L Electric	Signal 313 & 563	29.52
PP&L Electric	Flasher Schwenkmill Road	25.30
PP&L Electric	Signal 313 & Mountain View	44.43
PP&L Electric	Flasher Mountain View	25.59
	<i>State Aid Fund</i>	<u>\$ 6,746.88</u>

Escrow Fund - 90

Grim Biehn & Thatcher	Township Solicitor McClennan	931.00
Grim Biehn & Thatcher	Township Solicitor Boice	76.00
Grim Biehn & Thatcher	Township Solicitor Mager	96.00
Grim Biehn & Thatcher	Township Solicitor Pennridge SD	342.00
Grim Biehn & Thatcher	Township Solicitor RENEW Bible Church	190.00

East Rockhill Township
 Unpaid 2023 Bills List

February 24, 2023

Detail of Fund Expenses

<u>Payable To</u>	<u>Memo</u>	<u>Amount</u>
Grim Biehn & Thatcher	Township Solicitor Green Ridge West	64.00
Grim Biehn & Thatcher	Township Solicitor Dam	48.00
Wynn Associates	Township Engineer RENEW Bible Church	1,019.90
Wynn Associates	Township Engineer Penridge SD	37.80
Wynn Associates	Township Engineer McClennan	528.80
Wynn Associates	Township Engineer Green Ridge West	1,430.45
Wynn Associates	Township Engineer JMD Group	50.40
Wynn Associates	Township Engineer Dam	1,051.10
Wynn Associates	Township Engineer Boice	31.50
Wynn Associates	Township Engineer Soliday	226.50
<i>Escrow fund</i>		<u>\$ 6,123.45</u>

Total Unpaid Bills \$ 188,190.33

**denotes already paid*

NOT APPROVED

RESOLUTION NO. _____

DRAFT

A RESOLUTION OF THE EAST ROCKHILL TOWNSHIP BOARD OF SUPERVISORS APPROVING JOINING OTHER MUNICIPAL BODIES TO PROPOSE LEGISLATION AMENDING ACT 12 OF 2016; TO OPPOSE LEGISLATION AND OTHER ACTIONS THAT WOULD NEGATIVELY IMPACT WATER AND SEWER CUSTOMERS AND AGREEING TO PAY AN ANNUAL FEE OF \$250 TOWARD OFFSETTING COSTS OF THE CONSORTIUM

WHEEAS, the recent experience with Aqua attempting to acquire sewer assets of Bucks County Water and Sewer Authority (“BCWSA”) underscores the belief that privatization of municipal water and sewer assets ultimately results in negative impacts on local municipalities and their residents;

WHEREAS, Act 12 of 2016 (Act 12) permits private “for profit” utilities to purchase water and sewer assets for a far greater amount than was permitted before its adoption and must be amended to prevent such purchases in the future;

WHEREAS, other legislation is being supported by private “for profit” utilities proposes to impose burdens on public water authorities that are not imposed on private utilities, putting them at a competitive disadvantage.

WHEREAS, a consortium of municipal entities (“Consortium”) is needed and to further the interests of residents in opposing actions that would negatively impact the ability of municipalities and public authorities to function according to their mandates.

NOW THEREFORE, be it resolved and enacted by the East Rockhill Township Board of Supervisors as follows:

1. A consortium of municipalities, authorities and other interested municipal entities is hereby formed (“Consortium”)
2. East Rockhill Township hereby approves joining the Consortium which is formed for the following purposes:
 - a. To oppose the sale of municipal water and sewer assets to a private utility; and to take such action, including legal action, reasonably necessary to prevent such sales.
 - b. To oppose legislation that would impose requirements on public authorities that would benefit private utilities at the cost of residents served by public authorities.
 - c. To oppose future sales of water and sewer assets that would have a negative impact on residents and taxpayers

- d. To work with legislators to oppose legislation that would undermine municipal water and sewer providers and favor for-profit investor-owned utilities.
 - e. To represent municipal interests regarding BCWSA'S proposed collection systems upgrades that may result in an undue rate increase for its customers.
3. An annual fee for members is hereby established in the amount of \$250.00.
4. Expenditures exceeding the annual contribution must be approved in advance by a majority of members in attendance either in person or via a virtual meeting.
5. The Consortium is authorized to retain such experts, consultants and legal counsel as approved by a majority of the members of the Consortium to prepare such analyses, studies, court actions and other documents, deemed needed to further the purposes stated in paragraph 2 hereof.
6. East Rockhill Township by this Resolution agrees to contribute to costs incurred to retain and utilize the services described immediately above subject to approval as provided in paragraph 4 above.
7. Doylestown Borough shall act as the lead agency for the Consortium ("Lead Agency"), whose Township Manager, upon approval of a majority of the members of the Consortium, shall enter into contracts to retain such experts, consultants, legal counsel as are deemed needed to oppose the sale and to take such other actions that further the purpose and objectives stated above. If Doylestown Borough shall elect not to serve as Lead Agency, then such other municipality selected by the Executive Board of the Bucks County Association of Township Officials ("BCATO") shall be the Lead Agency with all of the authority stated herein.
8. Upon the approval of a majority of the members of the Consortium, legal counsel retained by the Consortium shall have the authority to institute such complaints, injunction actions or engage in other legal actions related to the sale of public authority assets to a private for profit utility and to take such action deemed needed to further the purposes stated in paragraph 2 hereof. No municipality shall be named a plaintiff in such actions unless a majority of the elected representatives of the municipality approve taking such action by majority vote taken at a public meeting.
9. If additional funds are required to fund the purposes, goals and objectives of the Consortium, Consortium members will be asked to contribute such additional funds requested which shall be applied to Consortium costs.as provided in paragraph 4 above.
10. This Consortium shall terminate on the January 1, 2026, unless terminated earlier or extended by majority vote of the members of the Consortium.
11. The Consortium shall meet at least semi-annually at a time and place set by the Manager of the Lead Agency.
12. At the first meeting of the Consortium, or as soon thereafter as reasonably possible, the Consortium shall adopt By-Laws that, among other things, provide for the election of officers of the Consortium.

13. This Consortium shall terminate on the January 1, 2026, unless terminated earlier or extended by majority vote of the members of the Consortium.

ENACTED and RESOLVED, this _____ day of _____, 2023.

EAST ROCKHILL TOWNSHIP
BOARD OF SUPERVISORS

David R. Nyman, Chair

NOT APPROVED

Attest:

Marianne Morano
Township Secretary

Gary W. Volovnik, Vice-Chair

James C. Nietupski, Member

DRAFT

RESOLUTION NO.

A RESOLUTION OF THE EAST ROCKHILL TOWNSHIP BOARD OF SUPERVISORS ESTABLISHING A POLICY FOR THE COLLECTION AND DISTRIBUTION OF AN EMERGENCY SERVICES FEE-IN-LIEU OF REQUESTED WAIVERS FROM THE TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

WHEREAS, East Rockhill Township is a Second Class Township organized and operating under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, applicants seeking subdivision or land development approval frequently request waivers from certain provisions of the Township's Subdivision and Land Development Ordinance; and

WHEREAS, additional dwelling units and additional commercial or industrial improvements or buildings lead to more potential calls for the emergency service providers serving East Rockhill Township; and

WHEREAS, the police, fire and ambulance entities provide emergency response within East Rockhill Township; and

WHEREAS, the East Rockhill Township Board of Supervisors determines it is in the best interests of the Township and its residents to establish a policy to assess an emergency services fee-in-lieu, in addition to any other fee-in-lieu, when waivers from the Subdivision and Land Development Ordinance are requested by an applicant.

NOW, THEREFORE, it is hereby *RESOLVED*, by the East Rockhill Township Board of Supervisors, as follows::

1. Whenever an application for subdivision or land development includes requests for waivers from the Township's Subdivision and Land Development Ordinance, it shall be the policy of the Township if the waivers are granted to condition same upon a payment of an emergency services fee-in-lieu-of the requested waivers calculated as follows:
 - (a) For all residential subdivisions or land development applications including but not limited to single family homes, condominiums, townhouses and apartments a fee equal to \$300.00 times the number of new dwelling units created payable to the Township prior to recording the Record Plan.
 - (b) For all commercial and industrial subdivisions and land development applications a fee equal to \$300.00 per 2,000 square feet of the proposed buildings and/or improvements payable to the Township prior to recording the Record Plan.

2. All emergency service fees in-lieu-of collected by the Township shall from time to time be distributed as needed to the primary emergency service providers in East Rockhill Township.
3. The Township Treasurer shall keep an account of all such funds received and distributed.

SO RESOLVED, at a duly convened meeting of the Board of Supervisors conducted on this _____ day of _____, 2023.

EAST ROCKHILL TOWNSHIP
BOARD OF SUPERVISORS

David R. Nyman, Chair

Attest:

Marianne Morano
Township Secretary

Gary W. Volovnik, Vice-Chair

NOT APPROVED

James C. Nietupski, Member

RESOLUTION NO.

DRAFT

A RESOLUTION OF THE EAST ROCKHILL TOWNSHIP BOARD OF SUPERVISORS, ESTABLISHING A POLICY FOR GRANTING OR DENYING ORDINANCE MODIFICATIONS UNDER THE EAST ROCKHILL TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AND AUTHORIZING THE DEPOSIT OF FEES IN LIEU OF IMPROVEMENTS INTO THE CAPITAL IMPROVEMENT FUND

WHEREAS, the East Rockhill Township Subdivision and Land Development Ordinance (“SLDO”) requires roadway improvements and other public improvements to be constructed in connection with subdivisions and/or land developments of real estate within East Rockhill Township; and

WHEREAS, SLDO public improvements include, but are not limited to, improvements along existing public roads, including widening, curbs, sidewalks, stormwater drainage improvements, street trees, and streetlights, and the construction of new roads within a subdivision or land development; and

WHEREAS, Sections 503(8) and 512.1 of the Municipalities Planning Code permit modifications to SLDO requirements provided that such modification will not be contrary to the public interest or when an alternative standard can provide equal or better results; and

WHEREAS, the Board of Supervisors has determined that it is the Township’s best interest to accept contributions and fees in lieu of construction where a developer or landowner is seeking modifications to the SLDO and have those fees set in advance of application.

NOW, THEREFORE, it is hereby *RESOLVED* by the East Rockhill Township Board of Supervisors, as follows:

1. All applicants should submit plans in full compliance with the zoning and subdivision regulations, including, but not limited to, all roadway improvements or other public improvements required by the East Rockhill Township Subdivision and Land Development Ordinance, unless the applicant intends to file a request for modification of some or all of the required improvements in accordance with the requirements of the Pennsylvania Municipalities Planning Code.
2. Applicant should not assume that any modification request would be approved, and approval of modifications in prior projects does not guarantee or establish a precedent of similar modifications in that each property is unique and Township roadways and traffic patterns evolve over time. Compliance with all ordinance requirements should be the beginning point of any plan application.
3. In the event that the applicant has requested a modification of any provision of the Subdivision and Land Development Ordinance, the applicant shall submit to township engineer shall determine an estimated cost of the required roadway or other public improvements and shall communicate that estimated cost to the applicant and/or owner. The ultimate determination as to the required roadway or other public improvements to be modified shall be within the jurisdiction of the Board of Supervisors.

4. Minor Residential Subdivisions (involving no more than 2 lots being created from the parent tract) may deposit a flat fee of \$5,000.00 per new building lot in-lieu of the required improvements.
5. Major Subdivisions (involving three or more lots being created from the parent tract) and Land Developments may, at the discretion of the Board of Supervisors, deposit a capital contribution of 50% of the estimated cost (as approved by the Board of Supervisors) of the improvements in-lieu-of the required improvements.
6. All agreed fees in lieu of construction of required improvements shall be communicated to the owner/applicant who shall have the option to pay the recommended fees or to install some or all of the required public improvements pursuant to the requirements of the East Rockhill Township Subdivision and Land Development Ordinance.
7. All contributions and fees in lieu of improvements shall be paid into the East Rockhill Township Capital Improvement Fund unless otherwise approved by the Board of Supervisors.
8. Nothing contained herein shall require the Supervisors to accept or approve a contribution in lieu of roadway improvements on or for any development, to grant any waiver or waivers, or to accept dedication of any roadway, improvements, or portion thereof. Discretion to grant a waiver of or fee-in-lieu of roadway improvements rests solely with the Board of Supervisors

SO RESOLVED, at a duly convened meeting of the Board of Supervisors conducted on this _____ day of _____, 2023.

EAST ROCKHILL TOWNSHIP
BOARD OF SUPERVISORS

David R. Nyman, Chair

Attest:

Marianne Morano
Township Secretary

Gary W. Volovnik, Vice-Chair

NOT APPROVED

James C. Nietupski, Member