

East Rockhill Township Board of Supervisors

December 20, 2018

Regular Business Meeting Minutes

The regular business meeting of the East Rockhill Township Board of Supervisors was held at 7:00pm on December 20, 2018 in the Township meeting room at the East Rockhill Township Municipal Building, 1622 North Ridge Road, Perkasie, PA 18944.

Present:	Gary Volovnik	Chairperson
	David Nyman	Vice-Chairperson
	Jim Nietupski	Member
	Marianne Morano	Township Manager
	Patrick Armstrong, Esq.	Township Solicitor
	C. Robert Wynn, P.E.	Township Engineer
	Jeff Scholl	Public Works Director

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

Public Comment #1

- Todd Hippauff, 29R Rockhill Road, inquired if Township received DEP letter dated November 28, 2018 which is currently under review; Mr. Hippauff had a meeting with Representative Staats and stated that Mr. Staats believes DEP is taking asbestos lightly and anticipates quarry reopening; Mr. Hippauff believes Representative Staats is Attorney Gundlach 'buddy' and would like a 21st century quarry and operate with 21st century guidelines; inquired if Township notified Pennridge School District of asbestos, no Township does not have all details and would not want to give unverified information. The Township has engaged an environmental firm who has contacted DEP. Mr. Hippauff indicated Attorney Gundlach firm is a main donor to Heritage Conservancy and the Conservancy has not done anything; Mr. Hippauff asked Solicitor Armstrong if he had recent contact with Larry Grim who is at the same firm and an advisor to Heritage Conservancy and requested he have Mr. Grim push the Conservancy; Mr. Grim has retired and the Solicitor has not had recent contact; Mr. Hippauff stated that there is a drone video on social media of the November 1, 2018 blast where there was a sizable dust towards West Rock Road, Deibler Elementary and Mr. Volovnik house.
- Ryan Gottshall, 2201 N. Rockhill Road, stated that he does not believe what DEP says; that there is a cover up with DEP; that he heard banging and clanking after asbestos was found; that one resident heard a blast after asbestos was found; that stone was taken off site; that dirt was on Rockhill Road and after street sweeper left there was still mud; that Hanson Aggregates knows asbestos is there and the information was on their website; that testing for asbestos is like a dart game and hitting a bullseye with a dart and that DEP is trying to get their game in line; that he believes quarry should be shut down; that Mr. Volovnik should worry about his grandkids; that the Quarry should be shut down because of air quality. Mr. Gottshall was advised if he observes something questionable, he

should contact the proper authorities. Mr. Gottshall believes that the Quarry is allowed to do what they want so there is no chance to shut them down.

- Jan Maier, 2107 N. Rockhill Road, stated that someone should be stationed at Quarry at all times to observe what is taking place.
- Tim Kirk, 128 Three Mile Run Road, asked if the Township cares that no one wants the quarry; Yes, the Township is in Federal Court; Mr. Kirk purchased the house a year ago.
- Karen Drum, 2105 N. Rockhill Road, inquired if Quarry received a zoning permit, the 2018 permit was denied and the quarry appeal is before the Zoning Hearing Board.
- Jim Pascale, 1921 Three Mile Run Road, stated that applicant came in town and 'bowled everyone over'; that he would like a Resolution passed to have State Legislators have a buy in to DEP permits so Township is not bypassed; that he is embarrassed as a resident; that he believes court should be scheduled quickly and it is taking too long and is a trick to incur expenses; that the applicant lies to officials in particular to the State and a different approach needs to occur to shut him down; that he does not like how Zoning Hearings are conducted; that he is appalled the quarry is not on every agenda. The Township is scheduled to be before the Federal Judge on January 28, 2019.
- Jeannine Gravel, 2198 N. Rockhill Road, stated that she deals with DEP on a daily basis and believes they favor the Quarry operator; that she is disappointed with the negative impact to natural resources and no longer sees Wood Thrush; and would like to know if there is no stopping quarry so she can sell her house.
- Karen Drum, 2105 N. Rockhill Road, asked if Quarry could be shut down. The property is zoned for a Quarry use and its operations are through the PA DEP.
- Kirill Gidospov, 2048 N. Rockhill Road, stated that he understands DEP oversees mining operations but could Township change the zoning and say no extraction. When Quarry is allowed to reopen, he will not allow friends to visit over concerns for their health; and would like everything the Township can do to stop.
- Cindy Williams, 1476 West Rock Road, believes regardless of actions there is nothing that can be done.
- Mary Schulberger, 2386 Hill Road, would like an emergency injunction filed to stop buildings and additional Zoning Hearings scheduled.
- Arthur Hallet, 2210 N. Rockhill Road, inquired if 500 ton removal was a requirement of Zoning Permit approval. No that is a DEP requirement.
- Michael Maier, 2107 N. Rockhill Road, stated that he had filed a personal injunction and the court had scheduled within a week.
- Dan Soliday, 1300 West Rock Road, stated that the 1,000 ton per hour crusher was issued December 5, 2018 and would like Township to challenge the permit, with 6 tons of dust allowed to leave and not know what is in it, so he encouraged Board to act; suggested the open space earned income tax requirement be abated to offset the millage rate increase because the only important open space is around the quarry and whole hillside needs to be protected.

- Tony Pileggi, 29 Ridge Run Road, inquired if contaminations recently found in North Penn wells could be related to asbestos. No, it is an entirely different contaminant.
- Jim Pascale, 1921 Three Mile Run Road, suggested that Pat at future meetings give an overview of the Township legal argument at court, and that Pierson has given lies; that there have been lies and miss-statements from Attorney Gundlach with miss-truths; should 500 ton per year not be removed believes Quarry owner would need to do reclamation which is why stone was removed; that he believes the Township Comp Plan indicates Hanson would hand over property to Township; that he does not believe this site is appropriate for the extraction zone and continues to request a multi-municipal comprehensive plan with no extraction in East Rockhill; that he did not like newsletter article regarding Quarry and believed it should have been 'word smithed'; that he attended all but one Zoning Hearing and does not like how Hearings are conducted; and that he attended a Planning Commission meeting and the discussion was heated.

Announcements:

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

Approval of Minutes and Bills Payable:

Approval of Minutes from November 27, 2018 Regular Meeting.

On motion by Mr. Nietupski, seconded by Mr. Nyman, to adopt the meeting minutes from the Board of Supervisors' November 27, 2018 Regular Meeting as presented. With no additional discussion, all present voted in favor.

Payment of 2018 Unpaid Bills dated December 14, 2018 in the amount of \$97,966.48 and 2019 Unpaid Bills dated December 14, 2018 in the amount of \$2,584.86.

On motion by Mr. Nyman, seconded by Mr. Nietupski, to approve payment of 2018 Bills List dated December 14, 2018 in the amount of \$197,966.48. With no additional discussion, all present voted in favor.

On motion by Mr. Nietupski, seconded by Mr. Nyman, to approve payment of 2019 Bills List dated December 14, 2018 in the amount of \$2,584.86. With no additional discussion, all present voted in favor.

Planning Commission Report: Anne Fenley

December 7, 2018 Work Session: Mrs. Fenley reported the Planning Commission reviewed the Pennridge Airport Business Park Lots 2 and 3 Township Engineer draft review letter.

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

Pennridge Wastewater Treatment Authority Report:

The November 19, 2018 minutes and December 10, 2018 draft minutes and October and November 2018 flows are on file.

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

Pennridge Community Center Report: David Nyman

The November - December 2018 Pennridge Community Center Newsletter is available for the public.

Pennridge Regional Police Commission Report: Chief Blake

Chief Blake shared the November, 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

Auditor Engagement Letter. An appointed auditor engagement letter from Dunlap and Associates to perform the 2018 audit was presented.

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to authorize the Township Manager to execute the Dunlap and Associates engagement letter. With no additional discussion, all present voted in favor.

Resignation of Joint Uniform Construction Code of Appeal Christopher Sipes.

On motion by Mr. Nyman, seconded by Mr. Nietupski, to accept Christopher Sipes resignation with regret from the Joint Uniform Construction Code of Appeal and recognize his value as a member of the UCC Board and his knowledge of the Code. With no additional discussion, all present voted in favor.

Resolution 2018-16 Street Light Assessment.

On motion by Mr. Nietupski, seconded by Mr. Nyman, to adopt Resolution 2018-16, setting the Street Light Assessment at \$41.00 per designated property for 2019. With no additional discussion, all present voted in favor.

Resolution 2018-17 Fixing the East Rockhill Township Fees for 2019.

On motion by Mr. Nyman,, seconded by Mr. Nietupski,, to adopt Resolution 2017-22 setting the fees for 2019 as presented. With no additional discussion, all present voted in favor.

Resolution 2018-18 adopting a Final 2019 Budget.

No public comment was received.

On motion by Mr. Nyman, seconded by Mr. Nietupski, to adopt Resolution 2018-18 adopting the Final 2019 Budget in the amount of \$3,896,221 in revenue and \$3,896,221 in expenses for all funds. With no additional discussion, all present voted in favor.

Resolution 2018-19 Fixing the Real Estate Tax Rate for 2019.

Consensus was to look at open space earned income revenue with the 2020 preliminary budget review.

On motion by Mr. Nyman, seconded by Mr. Nietupski, to adopt Resolution 2018-19 fixing the Real Estate Tax Rate for 2019 at 8.725 mills for general purposes; 1.0 mill for Fire Protection; 1.26 mills for Police Building Debt Service; 1.25 mills for Capital Improvement. With no additional discussion, all present voted in favor.

Resolution 2018-20 Public Comment Rules and Policy.

Mrs. Morano read the proposed public comment rules and policy. It was noted that residents have approached Board members after meetings that did not feel comfortable making public comment during the meeting due to Quarry opposition comments and the Board would like all residents to feel comfortable to be heard from and given an opportunity.

On motion by Mr. Nietupski, seconded by Mr. Nyman, to adopt Resolution 2018-20 establishing a policy for public comment during public meetings. With no additional discussion, all present voted in favor.

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

Public Works Report: Jeff Scholl

Mr. Scholl updated the Board on Public Works activities for November, 2018. Of note, 2018 leaf collection has been completed with 75 yards of leaves collected which totals 1,050 yards, street pipes are checked before heavy rain events.

- Mary Schulberger, 2386 Hill Road, again noted there was only one snow plow pass at the one recent snow event on Hill Road when she was on the road.
- Ryan Gottshall, 2201 N. Rockhill Road, noted the snow event took everyone by surprise because it was an unusual early snowfall.
- Karen Drum, 2105 N. Rockhill Road, asked if there were any plans to pave North Rockhill Road. It is not in the 2019 budget.
- Ryan Gottshall, 2201 N. Rockhill Road, does not want to have North Rockhill Road paved.

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: C. Robert Wynn, P.E.

Subdivision Plan Review Status: Review dated December 6, 2018 is in the Board's packets. No action is necessary.

Withdrawal of Land Development Plan for Auto Care Collision.

On motion by Mr. Nyman, seconded by Mr. Nietupski, to accept the withdrawal of the Auto Care Collision plan dated December 15, 2003 latest revision date February 20, 2006 and the return of escrow funds. With no additional discussion, all present voted in favor.

Withdrawal of Land Development Plan for Draper DBS.

On motion by Mr. Nyman, seconded by Mr. Nietupski, to accept the withdrawal of the Draper DBS plan dated January 10, 2007 latest revision date May 27, 2008 and the return of escrow funds. With no additional discussion, all present voted in favor.

Wood's Edge Subdivision Authorization Voucher 4.

On motion by Mr. Nietupski, seconded by Mr. Nyman, to approve Authorization Voucher Number 4 for the Wood's Edge Subdivision in the amount of \$262.44 for construction observation/escrow administration for October 1 to November 30, 2018 payable to C. Robert Wynn Associates Inc. With no additional discussion, all present voted in favor.

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

Solicitor Report: Patrick Armstrong, Esq.

Joint Board of Appeals Ordinance.

A public notice has been posted and advertised for the public hearing to amend the Joint Uniform Construction Code Appeal Board to 3 members at hearings. The public hearing was open to the public. With no public comment the hearing was closed.

On motion by Mr. Nietupski, seconded by Mr. Nyman, to adopt **Ordinance 290** authorizing the entry into an intergovernmental cooperation agreement with respect to the amendment and restatement of the requirements for the Joint Board of Appeals to hear appeals, requests for variances or extensions of time under the provisions of the Uniform Construction Code and authorizing other necessary action with East Rockhill Township, West Rockhill Township, Dublin Borough and Silverdale Borough.

On motion by Mr. Nietupski, seconded by Mr. Nyman, to authorize the Chairperson execution of the Intergovernmental Agreement. With no additional discussion, all present voted in favor.

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

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

Department and Emergency Services Reports

On motion by Mr. 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.

Mrs. Morano noted Perkasio Fire Department would be bringing Santa to East Rockhill Township on December 22 and special requests can be made to the Fire Department. If a route is available it will be posted to the Township website.

New or Other Business - Supervisors' Items

- Mr. Nietupski thanked the Public Safety Committee for their efforts negotiating a 5-year contract with the Pennridge Regional Police Officers and requested an Executive Session to discuss real estate.

Public Comment #2:

- Jeannine Gravel, 2198 N. Rockhill Road, asked if the Federal Court case would be open to the public. Yes, to the best of our knowledge.
- Dan Soliday, 1300 West Rock Road, stated that in light of asbestos found at the site, he would like federal lawsuit to address the finding.
- Ryan Gottshall, 2201 N. Rockhill Road, stated that a website noted asbestos was found in the 1970's; that he believes Hanson has documents on file with the location and suggested Township request the document; that DEP is installing air box mounts which he has been requesting since February; asked is the size of the extraction zone regulated? Mrs. Morano will contact Bucks County Planning Commission with the Extraction Zone inquiry. Mr. Gottshall stated that he believes 500 ton of stone was never removed and that DEP rubber stamped its approval; and asked is the Township keeping a tally of activities for fines. Any penalties would be decided by a Judge.
- George, 2901 North Ridge Road, lived in Jackson New Jersey with contaminants from Glidden paint and advised the need to temper anger with common sense and stated that if we need stone for the road let them have it.

Adjournment

On motion by Mr. Nietupski, seconded by Mr. Nyman, to adjourn into Executive Session. With no additional discussion, the meeting was adjourned at 8:45p.m.

Respectfully submitted,

Marianne Morano
Township Manager