

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING MINUTES:
AUGUST 5, 2008**

BOARD MEMBERS PRESENT: Edward Savitsky, Chairman
Richard Kratz, Vice-Chairman
William Patterson, Member
Gordon MacElhenney, Member
Dean Becker, Member

OTHERS PRESENT: Cecile Daniel, Township Manager
Kenneth Picardi, Township Solicitor
Chuck Frantz, Township Engineer
John Moran Jr., Code Enforcement Officer
John Moran Sr., Road Master (Absent)

Edward Savitsky called the August 5, 2008 Board of Supervisors Meeting to order in the Perkiomen Township Administration Building at 7:00 p.m.

MINUTES: The minutes of the July 1, 2008 Board of Supervisors Meeting and the minutes of the July 22, 2008 Special Meeting of the Board of Supervisors were approved upon a motion made by Dean Becker and seconded by William Patterson. There were no public comments on the motion. The motion was carried by a vote of 5-0.

POLICE REPORT: The Board reviewed the PA State Police Report for July.

CORRESPONDENCE:

- CPVRPC- Minutes of their meeting for July.
- Prevailing Wage Letters.
- PSATS Alert Bulletin
- Lower Frederick Ambulance – July Report.

SOLICITOR’S REPORT: Kenneth Picardi reported on the following activities:

- (1) HYK contacted the Township regarding the possible relocation of its office to the North side of Route 113. Mr. Picardi requested that the Board meet in Executive Session immediately following the Board meeting to discuss the legal issues involved in this request.
- (2) Land Acquisition (Lodle Street): Being handled by David Allebach, Mr. Picardi’s partner.
- (3) Labor and Industry – Mr. Picardi referred to the written response received from Labor & Industry. Based on that response, the Board decided that the Township’s 2008 Township’s Road Project should be put out to bid.
- (4) Gambone/Fontaine – John Moran received an application to the Zoning Hearing Board. This application is for a Variance from certain provisions of the Steep Slope Ordinance. There is an

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issue regarding the location of the driveway for the existing home owned by the Fontaines. At this time, it is unclear as to the impact that this encroachment will have on the steep slopes. The question for discussion is whether or not the Board wants to oppose the application at the upcoming Zoning Hearing. At this time, the Board directed the Township Engineer to review the information submitted in the Fontaines' Zoning Hearing Board Application. The Township Engineer was directed to determine what impact the Fontaine driveway may have created by encroaching into the steep slopes. At the same time, the Board authorized the Township Solicitor to attend this public hearing on behalf of the Board. The decision to oppose the Zoning Hearing Board application will be made by the Board at its next meeting (September) based on the input from the Township Engineer and the Township Solicitor.

ROAD MASTER'S REPORT: In Mr. Moran's absence, William Patterson submitted the July Report to the Board.

FIRE MARSHALL'S REPORT: In Mr. Moran's absence, William Patterson submitted the July Report to the Board. In addition, Mr. Patterson informed the public that the burn ban will be lifted as of August 6, 2008.

CODE ENFORCEMENT REPORT: John Moran Jr. submitted his July report to the Board. In addition, Mr. Moran informed the Board that the public hearing for the Fontaine Zoning hearing has not been set. Mr. Moran indicated he will let the Board know when the public hearing is scheduled.

PLANNING COMMISSION REPORT: The Planning Commission held their meeting on July 15, 2008. There was only one item discussed at this meeting. That item was the minor subdivision plan being presented by Perkiomen Township for property the Township has agreed to purchase from the Jones Family

PARK & RECREATION/MUNICIPAL AUTHORITY REPORT: Cecile Daniel updated the Board on the Municipal Authority Meeting held on July 8, 2008.

ENGINEERS REPORT: Mr. Frantz discussed the following item with the Board:

- **2008 ROAD PROJECT:** Mr. Frantz explained that on July 31, 2008, the Township received two bids for the 2008 Road Project. The project was bid as follows: a Based Bid, Alternate #1, Alternate #2, and Alternate #3. The Base Bid would include the overlay for Miller Road, work on a certain section of storm sewer, and guiderail, Alternate #1 would be Acoma Lane, Alternate #2 would be School House Road and a section of storm sewer, and Alternate #3 would be the installation of guiderail in certain areas of the Township. During the discussion with the contractors, there was concern with provided an Escalator/De-Escalator Clause in the contract. Mr. Frantz explained the

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Bituminous Price Adjustment that Penn Dot uses in Section 110 of their 408 Publication. In the document, Penn Dot uses the term “100 tons of asphalt cement.” Mr. Frantz explained that “asphalt cement” is the liquid component of the blacktop. Due to the increase price in oil prices, the cost associated with the “asphalt cement” has increased as well. In the Township’s bid documents, there is a section labeled “Bituminous Price Adjustment”. This section of the documents contains an escalator/de-escalator clause for the Price Adjustment of Bituminous Materials. The clause is used not only when the price of oil causes the price of “asphalt cement” to go up, but also when the price goes down. Under Penn Dot’s 408 Publication, Section 110 there is a formula called the Asphalt Cement Index Price that Penn Dot uses when determining the increase, as well as the decrease, in the cost of the “asphalt cement”. Under the Township’s bid documents, the Township must first consider adoption of a Resolution approving the price adjustment for the purchase of bituminous materials for the Road Project. This Resolution will provide for the use of the Asphalt Cement Index Price when determining the cost of the asphalt used in the 2008 Road Project. Mr. Frantz explained to the Board that without this Resolution, the contractors will not do the work due to the financial impact on their companies. The Board discussed the proposed Resolution. Mr. MacElhenney felt that approval of this Resolution could place the contractors in control of the cost of this project. With the price of oil dropping, Mr. MacElhenney felt that the Township will be obligated to pay a higher price for the Road Project than is necessary. Mr. MacElhenney felt that instead of the Township controlling the cost, the contractors would. As a result, he was not in favor of this Resolution and felt that the price to be paid for the Road Project should be as set forth within the bids received from the contractors. The other members discussed Mr. MacElhenney’s view, but were concerned that the contractors may not agree to do the work for fear of being hurt financially. Mr. Frantz informed the Board that he would go back and try and obtain what ever information he could find showing the changes that have taken place in the Asphalt Cement Index Price. After discussing this proposed Resolution, Richard Kratz made a motion, seconded by Dean Becker to approve Resolution 2008-12. There were no public comments on the motion. The motion was approved by a vote of 4 – 1 with Gordon MacElhenney voting no. The next issue is consideration to the two bids that were received. The two bidders were Bracalente Construction, Inc. and Floyd G. Hersh, Inc. For the Base Bid (Miller Road), Bracalente Constriction, Inc. was the lowest bidder at \$93,166.50. For Alternate #1 (Acoma Lane), recently, the Township was informed that a small contractor has decided to move forward with a development that is proposed. Construction of this development will require the opening of Acoma Lane so that public sewer can be brought to the site. As a result, Mr. Frantz recommended that the Board not award Alternative #1. Alternative #2 (School House Road) involves an area from the curve of School House Road along the PECO Property to Trappe Road. This section of School House Road needs to be repaired; therefore, Mr. Frantz recommended that the Board proceed with completing Alternative #2. Bracalente Construction, Inc. was the lowest bidder at

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\$88,481.50. Alternative #3 was guiderail installation in areas around the Township. After looking at the cost, the contractors are using subcontractors to do this work and then passing the cost, plus administrative cost, on to the Township. Due to the price submitted by the contractor, Mr. Frantz recommended that the Board not award this Alternative and instead bid this section out separately as a single bid. With the recommendation of Mr. Frantz, Dean Becker made a motion, seconded by Richard Kratz to award the Base Bid (Miller Road) to Bracalente Construction, Inc. of Northampton, PA for the bid of \$93,166.50; to defer Alternate #1 (Acoma Lane) to a later date; to award Alternative #2 (School House Road) to Bracalente Construction, Inc. of Northampton, PA in the amount of \$88,481.50; and for Alternative #3, the Board authorized that this Alternative not be awarded as part of this contract and that this work be rebid as a separate contract for just Guiderail Work Only. There were no public comments on the motion. The motion was approved by a vote of 4 -1 with Gordon MacElhenney voting no.

RECEIPTS AND EXPENDITURES: The treasurer read the receipts and expenditures for the month of July. After review of same, Dean Becker made a motion seconded by William Patterson to authorize payment of the July bills. There were no public comments on the motion. The motion was carried unanimously by a vote of 5-0. In addition to the Treasurer's Report, Cecile Daniel presented a Resolution that amends the 2008 Budget. Budget Amendment #1 amends the 2008 Budget to allow for the payment from the unrestricted net assets of a new truck that was ordered in 2007. The funds for the purchase of this truck was placed in the 2007 Budget and the order to purchase said truck was placed in 2007, but actual delivery was moved to 2008. As a result, during the 2007 audit, the auditors reserved for encumbrance the purchase of this truck. Regardless, for budget purposes, the expense to purchase the truck was not included; therefore, the auditors recommended that the General Fund and Liquid Fuels Accounts for the purchase of the truck be amended. Second, monies were included in the 2008 Budget for the purchase of a backhoe. The actual amount to purchase the backhoe was more than the amount set forth within the budget. As a result, the auditors recommended that the difference between the purchase price and the budget amount come from the unrestricted net assets. This difference will require an amendment to the General Fund Account for the purchase of the backhoe. The last three items deal with the purchase of open space. The 2008 Budget needs to be amended to allow for the purchase of property for open space. During the audit, the auditors recommended that the open space reserve balances be amended to allow the purchase of three properties/easements. Based upon the recommendation of the auditors, Cecile Daniel prepared Resolution 2008-13 which is Budget Amendment #1. After review of the information, Dean Becker made a motion, seconded by Richard Kratz to approve Resolution 2008-13, which will amend the 2008 Budget as discussed. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

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NEW BUSINESS:

- **RESOLUTION 2008-11:** Perkiomen Township has an agreement to purchase property from Roger and Kathryn Jones. Purchase of this property requires a subdivision of the property. The Township prepared the subdivision which was reviewed by the Township's Planning Commission at its July meeting. At that meeting, the Planning Commission had no comments or conditions and recommended that Board approve the proposed subdivision plan. With this recommendation, William Patterson made a motion, seconded by Gordon MacElhenney to approve Resolution 2008-11. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.
- **RESOLUTION 2008-14:** Perkiomen Township is in the process of filing an application with the Montgomery County Open Space Board for funding to purchase the property being acquired from Roger and Kathryn Jones. As part of the application process, the Board of Supervisors needs to authorize submission of the County funding application by adoption of a Resolution. Resolution 2008-14 is that Resolution. Richard Kratz made a motion, seconded by Dean Becker to approve Resolution 2008-14. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.
- **RESOLUTION 2008-15:** Perkiomen Township is in the process of filing an application with the Montgomery County Open Space Board for funding to purchase an easement over property owned by Ken-Crest. As part of the application process, the Board of Supervisors needs to authorize submission of the application by adoption of a Resolution. Resolution 2008-15 is that Resolution. William Patterson made a motion, seconded by Dean Becker to approve Resolution 2008-15. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.
- **RESOLUTION 2008-16:** Perkiomen Township is in the process of filing an application with the Montgomery County Open Space Board for funding to purchase property owned by the Huber Family (Trust). As part of the application process, the Board of Supervisors needs to authorize submission of the application by adoption of a Resolution. Resolution 2008-16 is that Resolution. Dean Becker made a motion, seconded by Richard Kratz to approve Resolution 2008-16. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0. As part of that application, a Phase I Environmental Site Assessment needs to be completed. SSM submitted a Confirmation of Service establishing an estimated fee to complete this study of \$4,100.00. Richard Kratz made a motion, seconded by Gordon MacElhenney to authorize the Phase I study. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.
- **RESOLUTION 2008-17:** Resolution 2008-17 is a Resolution authorizing the Board of Supervisors to execute certain documents necessary to acquire property and easements for open space purposes. The properties and the easement involved are as follows: Approximately 1.141 acres of land owned by David R. Jones and Kathryn M. Jones

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situate on Lodle Street in Perkiomen Township; Approximately 2.34 acres of land situate at 546 Township Line Road in Perkiomen Township, owned by Sandra K. Labs and Susan W. Curtis, (commonly referred to as the “Huber Property”); and a 33-foot wide easement consisting of 9063.48 square feet across certain property owned by Ken-Crest Services. The purchase price for the Jones Property is \$130,000.00; the purchase price for the Huber Property is \$239,250.00; and the purchase price for the Ken-Crest easement is \$24,198.00. Dean Becker made a motion, seconded by Richard Kratz to adopt Resolution 2008-17 that in consideration of the sums set forth above, plus reasonable, necessary and customary settlement costs, and related expenses, the Township, and its employees, officers and representatives, are hereby authorized and directed to take all steps necessary and proper, and to execute all documents, and to comply with all requirements of the law, in order to acquire legal title to the Jones and Huber properties, and to acquire the subject easement across the Ken-Crest Property. Any acquisition authorized hereunder may be accomplished by the acceptance of a Deed in Lieu of Condemnation. In addition, the Township is specifically authorized and directed to file in the Recorder of Deeds Office for the Court of Common Pleas of Montgomery County, Pennsylvania, deeds and/or easements for the subject properties. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

- **FIRE POLICE:** Perkiomen Township received two requests for the services of the Perkiomen Township Fire Police Services. One request was received from Upper Salford Township for the Philadelphia Folk Festival for August 14, 2008 and the second request was received from Home and School Organization for Perkiomen Valley Middle School East for assistants for five events planned by the Home and School Organization during the 2008-09 School Year. The Board reviewed both requests and Richard Kratz made a motion, seconded by William Patterson, to approve the request of Upper Salford Township and the Home and School Organization. There were no public comments on the motion. The motion was passed by a unanimous vote of 5-0.

EXECUTIVE SESSION: Cecile Daniel requested an Executive Session for the purpose of discussing Personnel Matters.

There being no further business, the meeting was adjourned upon a motion made by William Patterson and seconded by Dean Becker.