

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING
MINUTES: SEPTEMBER 7, 2010**

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

Richard Kratz called the September 7, 2010 Board of Supervisors Meeting to order in the Perkiomen Township Administration Building at 7:00 p.m.

MINUTES: The minutes of the August 3, 2010 Board of Supervisors meeting 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 passed by a vote of 5-0.

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

CORRESPONDENCE:

- **PSATS** – Alert Bulletin
- **CPVRPC** – June Meeting Minutes
- **TRAPPE AMBULANCE** – Copy of Trappe Ambulance Report
- **LOWER FREDERICK REGIONAL AMBULANCE CORP** – Copy of LFRAC Report

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

1. HYK – Mr. Picardi requested that two members of the Board attend a meeting with John Haines of HYK, and his attorney (Paul Ober) to review and hopefully resolve the remaining issues.
2. Shopping Center/LI District - Although there are no new developments with the Shopping Center, the new LI (Light Industrial) Zoning District Ordinance and Zoning Map revision are in the works. A public hearing on the LI Ordinances is scheduled for September 28th.

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3. Gambone (Conservancy Subdivision): The Tri-Party Agreement (among the Township, Gambone, and Cork Construction) was recently revised and circulated among the parties. At this time, Mr. Picardi informed the Board that he is awaiting comments from the other two parties.
4. T-Mobile – Calabretta – Two hearings were held during the month of August, and the next two hearings are scheduled for September 22 and September 29, respectively.
5. Airport Hazard Ordinance – PennDOT has renewed its push for all municipalities in proximity to an airport to have an Airport Hazard Ordinance. Since the southeastern portion of Perkiomen Township is close enough to the Perkiomen Valley Airport in Skippack Township, we are required to have such an Ordinance. In short, such Ordinances are intended to restrict the height of structures that could interfere with airport take-offs and landings. The Township will need to work on the creation of an Airport Hazard Ordinance.
6. Comcast – The Township’s Franchise Agreement with Comcast will expire at the end of 2011. A representative of Comcast contacted the Township to begin negotiating various terms for a long-term renewal Agreement. The Township is awaiting a revised draft Agreement from Comcast.

ROAD MASTER’S REPORT: John Moran Sr. submitted to the Board his Road Master’s Report dated September 1, 2010 for activities taking place during the month of August.

FIRE MARSHALL’S REPORT: John Moran Sr. submitted to the Board his Fire Marshall’s Report dated September 1, 2010 for activities taking place during the month of August.

CODE ENFORCEMENT REPORT: John Moran Jr. submitted to the Board his Code Enforcement Report dated September 1, 2010 for activities taking place during the month of August. In addition to his report, Mr. Moran informed the Board that the Gordon’s, who own property on Gravel Pike, have filed for a variance with the Zoning Hearing Board. Next, Mr. Moran informed the Board that Richard Wood of the Montgomery County Parks Department is before the Board to discuss a pavilion that Montgomery County would like to construct at Pennypacker Mills. Mr. Wood explained that the County employees were going to construct the pavilion. Due to the increase in the number of people coming to Pennypacker Mills coupled with the desire to increase the number of visitors; Montgomery County would like to construct a pavilion to be used by these visitors. Based upon the size of the pavilion, Mr. Moran estimated that the Building Permit would cost Montgomery County \$624.00 and the Use & Occupancy Permit would be an additional \$100.00. Mr. Wood is requesting the Board consider waiving the building/use and occupancy fees. The Board discussed Mr. Wood’s request. The tax base is the same, since the taxes that are paid by the residents of Perkiomen Township are paid to the Township as well as Montgomery County. In trying to keep the cost down, the employees of Montgomery County would be constructing the

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pavilion. Since it would be the tax payers paying for this pavilion, the Board felt that in cooperation with Montgomery County, they would consider, Mr. Wood's request. Edward Savitsky made a motion seconded by Gordon MacElhenney to waive the building/use and occupancy fees for the construction of a pavilion at Pennypacker Mills. There were no public comments on the motion. The motion was passed by a vote of 5-0.

PERKIOMEN TOWNSHIP PLANNING COMMISSION MEETING: Cecile Daniel reported that the Planning Commission held their monthly meeting on August 17, 2010. At that meeting, Representatives of Sun Power Builders/SunPower Solar presented plans for the construction of solar panels on property located at 182 Trappe Road.

MANAGER'S REPORT:

1. Recycling Ordinance – Ms. Daniel reported that copies of the Recycling Ordinance and letters of correspondence to the trash haulers were sent to Mary Alice Reese of the PADEP. Based upon a telephone conversation between Ms. Daniel and Mrs. Reese, the Township has addressed most of the issues, but there are still some minor issues remaining. One of those items is the updating of the Township's web site. Ms. Daniel is in the process of completing those items. There is one item the Board needs to address before the information to the web site can be completed. That item concerns Barnside Farm as a drop-off site for leaf and yard waste for Township residents. Both Mrs. Larkin and PADEP have informed me that the Larkins have all the required PADEP Permits for their site. Regardless, there is an issue that had arisen regarding odor and flies and PADEP is addressing those issues with the Larkins. Under the present program, the Township needs to designate a drop-off site. As a result, Ms. Daniel did not see where the Board had any choice but to consider designating Barnside Farm as the Township's drop-off site. Presently, PADEP's deadline for compliance is the end of September and the intention is to be in compliance by that deadline. Should the PADEP revoke the permits issued to the Larkins, then the Township may again be considered non-compliant by PADEP. At this time, other than working with the Larkins on addressing the odor and flies issues, the PADEP has not indicated their future position on the Larkin's permits. The Board discussed the situation and Edward Savitsky made a motion seconded by Dean Becker to designate Barnside Farm as Perkiomen Township's drop-off site for Leaf and Yard Waste. There were no public comments on the motion. The motion was passed by a vote of 5-0.

2. MS4 – Municipal Separate Storm Sewer System - As discussed at the August meeting, the Board passed the Resolution to join the Southeastern PA Stormwater Coalition. On Saturday, August 14, 2010, the 9-month extension to the NPDES Permits was published. The 9-month period will be effective March 20, 2011 to

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December 9, 2011. Kent Morey had e-mailed documents related to the cost sharing of the Coalition. The Board reviewed the Cost Sharing and Cooperation Agreement to cover the expenses of the Professional Team to work with the PA Department of Environmental Resources on the proposed new MS4 Permit Regulations and the new Model Storm Water Management Ordinance. Although Mr. Picardi took issue with some provisions in the Agreement, he noted that it would not be practical to request changes. The initial investment is only \$1,000.00. Any additional fees would be billed based upon a formula set forth within the agreement. This formula is Township population divided by the total population of all participating members. There is a provision that allows the Township to drop out. The effect of doing this would be the forfeiture of monies to the Coalition should the Township still have money sitting in the Coalition Funds to pay for the fees to the Professional Team. At this time the Board felt that the aim of the Coalition is a benefit to Perkiomen Township. Mr. Picardi acknowledged that the benefits of joining the Coalition outweigh not joining, especially since the Township can get out at any time. Dean Becker made a motion seconded by Edward Savitsky authorizing the appropriate Township Officials to sign the Cost Sharing and Cooperation Agreement. There were no public comments on the motion. The motion was passed by a vote of 5-0.

3. State Police Fee Legislation - PSATS forwarded information regarding proposed legislation regarding State Police Fee Legislation has been reintroduced as part of the Special Session on Transportation. This proposed legislation was set forth as an attachment to the Special Session on Transportation in House Bill 15. HB is very similar to House Bill 1500. According to PSATS HB 15 “would also charge municipalities in the Commonwealth that rely solely or partly on the State Police for local patrol services. (SS) HB 15 would place a fee on municipalities for full-time State Police patrols of \$52, \$104, and \$156 per person for the first three years, respectively and thereafter. A part-time patrol service fee of \$17 per person for the first year, \$34 per person for the second year, and \$52 per person for the third and subsequent years is also provided in the bill. Failure to pay this tax would result in the forfeiture of State Police coverage and the loss of all Commonwealth funding. The bill would also provide a phase-out of State Police funding through the state’s Motor License Fund to be completed by 2021.” (SS) HB 15 is currently before the House Transportation Committee. At this time, there is no other information regarding HB 15, but Ms. Daniel will keep the Board informed of its status.

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ENGINEERS REPORT: Chuck Frantz reported on the following items:

1. 2010 Road Project:

(A) Mr. Frantz informed the Board that Reading Site Contractors (RSC) has substantially completed the project, and he is currently coordinating with RSC to address outstanding punchlist items as outlined in Attachment No. 1 of the Certificate of Substantial Completion issued to the RSC. As the Township is aware, the limits of paving (approximately 800 LF) for Seitz Road were modified upon the Township receiving notice from Violet Kriebel of her intention to complete public improvements within Seitz Road associated with her approved subdivision plan. After discussion with Township staff and the Board, Mr. Frantz was directed to contact Ms. Kriebel and request updates regarding the status of the improvements so that the Board can stay informed as to the possibility of RSC completing the pavement overlay of Seitz Road prior to the end of the paving season (November 1). Mr. Frantz informed the Board that it is the intention of Paul Kriebel, Mrs. Kriebel's son, to complete the improvements within the public right-of-way this fall so that the Township can complete the overlay of Seitz Road. Mr. Kriebel informed Mr. Frantz that they have contacted a few contractors to obtain quotes but have not been successful in receiving information back to this point. Mr. Frantz informed the Board that he has put the Kriebels in contact with RSC to see if they will submit a quote to the Kriebels. The original contract time for the 2010 Road Project was 60 days; therefore, the contract ended on August 31, 2010. Since the issue with the Kriebels has not been resolved, Mr. Frantz and Ms. Daniel discussed with the Board extending the road contract until the Board meeting in October. Mr. Frantz is hoping that by the October meeting, the Kriebels will have given Mr. Frantz a timetable as to when the public improvements would be installed. Mr. Frantz informed the Board that if the road project is completed this fall, RSC will need to remobilize their equipment to complete this work. The completion of the work, including mobilization, will result in a change order. Mr. Frantz explained that it is possible the Kriebels will not be able to complete this work in time to complete the road project within the 2010 paving season. Should this be the case, then the paving of approximately 800 LF of road work would have to be completed in the Spring of 2011. This will again require a change order. It is also possible that the installation of the public improvements may not be completed for a few years. In anticipation of having answers from the Kriebels by the October Board meeting, Mr. Frantz prepared a Change Order (No. 1) for extension of the contract by 35 days to October 5, 2010. At the October meeting, the Board can re-visit the issue of completing the pavement of overlay the 800 LF of Seitz Road and the issue of the change order. If at that time, it does not appear that the paving of Seitz Road can be completed prior to November 1st; the Board can discuss other options such as completing the work in the Spring of 2011 or some

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other time in the future. In consideration of doing the work some other time in the future, the Board directed Mr. Picardi to review the contract with RSC to see if this would be a problem.

(B) Mr. Frantz reviewed for the Board a field change that was made to the work associated with base drain installation along Meyers / Ott Road. The reason for the change was due to the presence of a gas line within the grass shoulder where the base drain was originally intended to be installed. Thus, in lieu of installing the base drain within the grass shoulder area, the base drain was installed within the cartway resulting in a high unit cost for the base drain installation in this area. This field change will result in an increase of approximately \$5,900.00 to the project cost. In order to allow for additional time for the issue of the installation of the public improvements for the Kriebel Subdivision, Edward Savitsky made a motion, seconded by William Patterson to approve Change Order No. 1 to extend the contract by 35 days to October 5, 2010. There were no public comments on the motion. The motion was passed by a vote of 5-0.

2. Kagey Road Stormwater Improvements Project: Mr. Frantz informed the Board that the Notice of Award and the associated contract documents were sent to D. Malloy Paving on August 4, 2010. The completed documents were received by Mr. Frantz on August 19, 2010; however the endorsement sheet for the certificate of insurance was not included in the documents. Mr. Frantz explained that he is still waiting for the endorsement sheet. Mr. Frantz hopes to have the completed contract documents soon and schedule a pre-construction meeting in early September.
3. Godshall Road Bridge Replacement: Mr. Frantz informed the Board at the August meeting, that he met with Ryan Nice on site to complete the on-site discussions with each of the three project area residents (Mr. Frantz met previously with Susan Mruskovic and the Abbots). Mr. Frantz indicated that the Abbots would like to meet again to discuss the situation regarding their trees that would be affected by the replacement of the Godshall Road Bridge. A meeting has been set for later in the week. In keeping with the schedule, Mr. Frantz will be finalizing design plans for submission to ConTech. This will allow ConTech to begin structural design of the culvert. Submission of the GP-11 registration to PaDEP will follow shortly thereafter to begin the permitting process for the project. The project is currently on schedule for completion in late summer of 2011.

RECEIPTS AND EXPENDITURES: The treasurer read the receipts and expenditures for the month of August. After review of same, Dean Becker made a motion seconded by Gordon MacElhenney to authorize payment of the August bills. There were no public comments on the motion. The motion was passed by a vote of 5-0.

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NEW BUSINESS:

1. 391 Wartman Road: Antonio Mazzamuto of 391 Wartman Road has an approved 4 lot subdivision located off of Wartman Road between Acoma Lane and Cranberry Boulevard. There are improvements that are necessary for this development such as a sidewalk along Wartman Road, landscaping, and sanitary sewer. One of these 4 lots will be Mr. Mazzamuto's existing home. As part of the Developer's Agreement, Mr. Mazzamuto will be installing the sidewalk along Wartman Road, the driveways along Wartman Road, and the sanitary sewer. It is Mr. Mazzamuto's intention to sell off the remaining three lots. Prior to the purchaser obtaining a building permit for that lot, each new owner will be required to post escrow to cover the cost of the improvements that are required by the approved plan for that specific lot. The escrow will cover such items as landscaping, bio-retention facilities and individual grinder pumps. The Board has before it the Developer's Agreement, the Financial Security Agreement, and the Stormwater Facilities Maintenance and Monitoring Agreement. Based upon the engineer's estimate, the total amount of financial security provided for in the cash escrow account is Sixty-seven Thousand Nine Hundred Thirty-one and 02/100 Dollars (\$67,931.02). The agreements have been reviewed by both the Township Staff and Mr. Mazzamuto and are ready for the Board's consideration. After reviewing the agreements, Dean Becker made a motion seconded by William Patterson to authorize the appropriate Township Officials to sign the Developer's Agreement, the Financial Security Agreement, and the Stormwater Facilities Maintenance Agreement. There were no public comments on the motion. The motion was passed by a vote of 5-0.
2. MCATO: The Fall Convention of the Montgomery County Association of Township Officials is set for September 24, 2010. The Board needs to authorize those individuals who would be attending this convention. Dean Becker made a motion seconded by Edward Savitsky authorizing the attendance of Edward Savitsky, William Patterson, and Gordon MacElhenney. There were no public comments on the motion. The motion was passed by a vote of 5-0.
3. Resignation: The Board was in receipt of the resignation of William DeMaio from both the Perkiomen Township Planning Commission and the Central Perkiomen Valley Regional Planning Commission. Due to a new job opportunity, Mr. DeMaio will be unable to continue in his present positions. The Board understands the situation and it is with regret, that Edward Savitsky made a motion seconded by Gordon MacElhenney to accept the resignations of William DeMaio. There were no public comments on the motion. The motion was passed by a vote of 5-0. A letter will be sent to the Central Perkiomen Valley Regional Planning Commission informing them of Mr. DeMaio's resignation. A letter will also be sent to Mr. DeMaio expressing the Board's appreciation for his work while a member of the Planning Commission and the CPVRPC.

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