

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING
MINUTES: JANUARY 3, 2011**

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

ABSENT: Dean Becker, Member

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

Richard Kratz called the January 3, 2011 Reorganization Meeting and Board of Supervisors Meeting to order in the Perkiomen Township Administration Building at 7:00 p.m. The first item of business was the Reorganization Meeting.

REORGANIZATION MEETING:

The reorganization meeting was conducted by William Patterson who acted as temporary chairman. Mr. Patterson called for nominations for the position of Chairman. Edward Savitsky nominated Richard Kratz as Chairman. Gordon MacElhenney seconded the nomination. There were no other nominations. Gordon MacElhenney moved to close the nominations. On motion of Mr. Savitsky, seconded by Mr. MacElhenney, Richard Kratz was elected as Chairman by a vote of 4-0. The Secretary was directed to let the Minutes show that Richard Kratz was elected Chairman for 2011 by a unanimous vote.

Mr. Patterson then turned the reorganization meeting over to Mr. Kratz as Chairman. Mr. Kratz asked for nominations for Vice-Chairman. William Patterson nominated Gordon MacElhenney as Vice-Chairman. Richard Kratz seconded the motion. There were no other nominations. Richard Kratz moved to close the nominations. On motion of Mr. Patterson, seconded by Mr. Kratz, Gordon MacElhenney was elected as Vice-Chairman by a vote of 4 – 0. The Secretary was directed to let the Minutes show that Gordon MacElhenney was elected Vice-Chairman for 2011 by a unanimous vote.

Holiday Schedule: The Board reviewed the proposed 2011 Holiday Schedule for the paid full time employees. William Patterson made a motion, seconded by Gordon MacElhenney to approve the proposed holiday schedule for 2011. There were no public comments on the motion. The motion was carried by a vote of 4-0.

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Edward Savitsky made a motion seconded by Gordon MacElhenney to approve the following 2011 appointments:

Township Road Liaison:	William Patterson
Township Treasurer:	Cecile M. Daniel
Township Secretary:	Cecile M. Daniel
Township Solicitor:	Yergey, Daylor, Allebach, Scheffey, & Picardi
Township Engineer:	SSM Groups, Inc.
Township Fire Marshall:	John Moran Sr.
Zoning Hearing Board Solicitor:	Nancy Hopkins Wentz
Chairman of Vacancy Board:	Nancy Gaugler

There were no public comments on the motion. The motion was approved by a vote of 4-0.

Next, Cecile Daniel recommended that the Treasurer's Bond remain the same in 2011 as was set in 2010 (Three Million Dollars). Edward Savitsky made a motion seconded by William Patterson to set the Treasurer's Bond at 3,000,000.00 for the year 2011. There were no public comments on the motion. The motion was carried by a vote of 4-0.

Gordon MacElhenney made a motion seconded by William Patterson to approve the following Committee Appointment:

Zoning Hearing Board - January 1, 2011 – December 31, 2013: James Bickel
Municipal Authority – January 1, 2011 – December 31, 2015: Edward Savitsky
Park & Recreation – January 1, 2011 – December 31, 2015: Pamela Gural-Bear

There were no public comments on the motion. The motion was carried by a vote of 4-0.

Edward Savitsky made a motion seconded by William Patterson to close the reorganization meeting. There were no public comments on the motion. The motion was carried by a vote of 4-0.

Richard Kratz then called the regular meeting of the Perkiomen Township Supervisors to order at 7:10 p.m.

MINUTES: The minutes of the December 7, 2010 Board of Supervisors meeting were approved upon motion of Edward Savitsky and seconded by William Patterson. There were no public comments on the motion. The motion was carried by a vote of 4-0.

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POLICE REPORT: The Board reviewed the written State Police Report for December.

CORRESPONDENCE:

- **CPVRPC** – There was no meeting in December.
- **PSATS** – PSATS Bulletin
- **TRAPPE AMBULANCE & LOWER FREDERICK REGIONAL AMBULANCE CORPS** - Report

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

1. HYK – After the December Board meeting, there were two additional changes requested by HYK’s attorney. These two changes will be discussed with the Township Manager. The goal is to submit the final agreement to the Board for approval in February.
2. Fox Heath (Private Roads) – Following the December meeting Mr. Picardi prepared a Resolution outlining and documenting why the Township is entering into this Agreement. The proposed Resolution is set forth in Resolution 2011-6, which reads as follows:

**A RESOLUTION AUTHORIZING PERKIOMEN TOWNSHIP
TO ENTER INTO A ROAD MAINTENANCE AGREEMENT
WITH THE FOX HEATH HOMEOWNERS ASSOCIATION**

WHEREAS, Fox Heath is a 418-unit subdivision approved by Perkiomen Township in 1992, with two public roads and 17 private roads.

WHEREAS, Fox Heath Boulevard and Exmore Drive are public roads, having been dedicated to the Township. The remaining 17 roads, totaling 3.1 miles in length, are privately owned and maintained by the Fox Heath Homeowners Association.

WHEREAS, Fox Heath is the only subdivision in Perkiomen Township with a Homeowners Association that is responsible for the maintenance of its own roads.

WHEREAS, the property owners and taxpayers in the Fox Heath subdivision do not receive the same municipal benefits as do the property owners and taxpayers in the other approved subdivisions within Perkiomen Township.

WHEREAS, the private roads in the Fox Heath subdivision cannot be made public by dedicating them to the Township since the width of each of the roads (including the right-of-way) is only 26 feet, and the Second Class Township Code requires all Township roads to be a minimum of 33 feet wide.

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WHEREAS, the Township desires to provide the same level of municipal services to the property owners and taxpayers in the Fox Heath subdivision as it does to the property owners and taxpayers in the other approved subdivisions within Perkiomen Township. Accordingly, the Township is willing to assume responsibility for maintaining the private roads in the Fox Heath subdivision, subject to the terms and conditions more fully set forth in a certain Road Maintenance Agreement referred to below.

WHEREAS, Section 1506 of the Second Class Township Code permits the Township to take any action it deems necessary for the proper management, care, and control of the Township and its finances, the maintenance of good government, and the health and welfare of the Township and its citizens.

WHEREAS, Section 2301 of the Second Class Township Code authorizes the Township to repair and maintain roads for the ease and safety of the traveling public.

WHEREAS, the Township enjoys an easement for the ingress and egress in, upon, over, across, and through the subject private roads by virtue of Paragraph 2.05(C) of the Declarations of Covenants and Restrictions of Fox Heath.

WHEREAS, in determining whether the assumption of responsibility for maintaining the roads in the Fox Heath subdivision is advisable, the Township has considered various factors including, but not limited to, the following:

- All of the subject private roads were constructed in accordance with Township and PennDOT specifications;
- The Fox Heath Homeowners Association will annually pay to the Township an amount equal to what the Township would receive from the PennDOT Liquid Fuels Fund if the roads were owned by the Township, and, the Township's responsibility to maintain said roads terminates upon non-payment;
- Two of the main roads in the Fox Heath subdivision are presently owned and maintained by Perkiomen Township;
- All of the Fox Heath subdivision is in the R-5 (High Density Residential) Zoning District, and, as such, the subject private roads provide access to the Township road system for a large number of property owners and taxpayers.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Assuming responsibility for the maintenance of the private roads within the Fox Heath subdivision is an appropriate Township action based on the foregoing facts and criteria, and, based on the specific terms and conditions set forth in the aforesaid Road Maintenance Agreement.

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2. The Chairman of the Board of Supervisors of Perkiomen Township is hereby authorized to execute the Road Maintenance Agreement between Fox Heath Homeowners Association and Perkiomen Township, a copy of which is attached hereto, made part hereof, and marked as Exhibit "A".

The Board reviewed the Resolution as prepared by Mr. Picardi. Edward Savitksy made a motion seconded by Gordon MacElhenney to approve Resolution 2011-6. There were no public comments on the motion. The motion was carried by a vote of 4-0.

3. T-Mobile – Calabretta – The written decision of the Zoning Hearing Board was issued on December 9, 2010. Accordingly, Calabretta and/or T-Mobile have until January 10, 2011 to file an appeal. To date, the Township has not received notice of the filing of an appeal.
4. Betcher Road (Shared Maintenance Agreement) – Mr. Picardi, William Patterson, Cecile Daniel, met with the Manager and Solicitor for Trappe Borough on December 21, 2010. It was a productive meeting, and we agreed to move forward with a written Intergovernmental Agreement to bring before the Board for review.

ROAD MASTER’S REPORT: John Moran Sr. submitted to the Board his Road Master’s Report dated January 1, 2011 for activities taking place during the month of December.

FIRE MARSHALL’S REPORT: John Moran Sr. submitted to the Board his Fire Marshall’s Report dated January 1, 2011 for activities taking place during the month of December.

CODE ENFORCEMENT REPORT: John Moran Jr. submitted to the Board his Code Enforcement Report dated January 1, 2011 for activities taking place during the month of December.

PERKIOMEN TOWNSHIP PLANNING COMMISSION MEETING: Cecile Daniel reported that the Planning Commission meeting scheduled for December 21, 2010 was canceled.

MANAGER’S REPORT:

1. MS4 – MUNICIPAL SEPARATE STORM SEWER SYSTEM: Set forth in the PA Bulletin dated Saturday, December 11, 2010, the NPDES Permit extension granted on August 14, 2010 to December 9, 2011 has been extended. A 6-month extension has been granted from the December 9, 2011 date. The new expiration date is now set for midnight, June 11, 2012.

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2. Dunkin Donuts: A meeting with the proprietor of the Dunkin Donuts, his consultants, and Chuck Frantz was held to discuss the Conditional Use Application that Dunkin Donuts intends to file for a proposed drive-through at the intersection of Route 113 and Route 29. During this meeting the traffic engineer reviewed his traffic signal report along with a revised conditional diagram for the traffic signal at Route 113 & Route 29. At this time, Dunkin Donuts has not submitted a revised Conditional Use Application. The proprietor of the Dunkin Donuts and his traffic engineer need to work out some issues regarding the Conditional Diagram for the Traffic Signal located at Route 113 & Route 29.
3. Plank Road Realignment/Graterford Road Bridge: The present schedule for this project is broken into two parts. The first part is scheduled to be put out to bid in the Spring of 2014. The second part is scheduled to be put out to bid in Spring of 2015.
4. Pennsylvania State Association of Boroughs: PSAB has created a new program called Cable-Telecom Alliance of Municipalities. As part of the participation in the program, the Township needs to enter into an agreement with PSAB. The purpose of this program is to assist municipalities that require legal assistance in negotiating Franchise Agreements with Cable Providers. The cost to participate is \$200.00 and under the agreement there is a sixty day termination clause in case the Township decides to terminate this agreement. Since the Township is now in discussions with Comcast for a new Cable Agreement, having additional legal assistance in the negotiations could be helpful. Both Mr. Picardi and Ms. Daniel reviewed the agreement and recommended that the Board consider participation in this program. William Patterson made a motion seconded by Edward Savitsky to authorize the appropriate Township Officials to sign the agreement with The Pennsylvania State Boroughs Associations and participate in the Cable-Telecom Alliance Program. There were no public comments on the motion. The motion was carried by a vote of 4-0.

ENGINEERS REPORT: Chuck Frantz was present to review the following items:

1. Godshall Road Bridge Replacement Project: Based on the input provided by the Board at last month's meeting, Mr. Frantz informed that Board that he is now finalizing the site plans and coordinating with ConTech on specifications for the bridge structure. Mr. Frantz has received the General Permit acknowledgement from the Pennsylvania Department of Environmental Protection and is currently working with the Montgomery County Conservation District to resolve a few outstanding comments on the proposed Erosion and Sediment Pollution Control Plan. During the month of January, Mr. Frantz anticipate finalizing the design drawings and preparing draft specifications for the project. Based upon this schedule, Mr. Frantz feels that the project is on track to meet the project goals as outlined in August of 2010. The following are the critical dates for the project:
 - January 2011 – Receive GP-11 Acknowledgement from DEP / Final Site Design to ConTech
 - February 2011 – Draft Specifications and Plans to Township for review. Approval from the Board to Advertise Specifications. Pass Resolution for Bituminous Price Escalation Clause
 - March 2011 – Pre Bid meeting and Bid Opening

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- April 5, 2011 –Contract Award
- June 2011 – Notice to Proceed and Pre-construction Meeting
- August 2011 – Substantial Completion
- September 2011 – Final Completion

To keep the project on schedule, Mr. Frantz requested authorization from the Board to advertise the specifications for this project in the event that the plans and specifications can be finalized prior to the March meeting of the Board. With the request of Mr. Frantz, Edward Savitsky made a motion seconded by William Patterson authorizing the advertisement of the specifications for the Godshall Road Bridge Replacement. There were no public comments on the motion. The motion was carried by a vote of 4-0.

Next, as the Board has done in the past, Mr. Frantz is requesting the Board consider passing a Resolution approving the price adjustment clause for the purchase of bituminous material for the Godshall Road Bridge Project. Since this is only a phase of the proposed road work for 2011, a second resolution would be presented to the Board at a future meeting for inclusion of the same bituminous adjustment clause for the remainder of the 2011 Road Project. Mr. Frantz reviewed the intent of the Resolution. With the request of Mr. Frantz, Edward Savitsky made a motion seconded by William Patterson to approve Resolution 2011-7 - Approving Price Adjustment Clause for Purchase of Bituminous Materials for Township Road Projects. There were no public comments on the motion. The motion was carried by a vote of 3(Yes) -1 (No) (Gordon MacElhenney).

Last, Mr. Frantz has previously discussed with the Board letters that he prepared to be sent to the property owners where easements will be needed to complete this project. Before Mr. Frantz sends out these letters, he requested whether or not the Board had any final comments. The Board had no further comments on the letters; therefore; the letters will be mailed out to the property owners where easements are needed for this project.

2. School House Run Stabilization: Mr. Frantz informed the Board that he and John Moran responded to a complaint regarding stream bank erosion along the Schoolhouse Run just north of Trappe Road. Crystal Gilchrist and Emma Melvin of the Perkiomen Watershed Conservancy were also present when the inspection was conducted along this portion of the School House Run. The property owners, Mr. & Mrs. Carfagno were concerned about the stream bank erosion that was taking place behind their home on Adams Lane. Based upon Mr. Frantz's inspection, the area where the stream bank is eroding is located in the Township's open space. The purpose of the meeting was to observe the extent of the erosion and evaluate possible corrective actions. Mr. Frantz reviewed three options that Board could consider when dealing with this situation. The first option was a "Do Nothing" approach. The second option would be a localized approach to repairing the damaged portions of the stream bank. The Board could consider repairing those areas of the stream bank where the erosion is taking place. Mr. Frantz presented pictures showing a drop-off area that has been created by the erosion along the stream bank. The work would involve cutting the bank back so that this drop-off area is sloped to a 3:1 slope. In addition, riprap would be applied to stop the area from further eroding. Mr. Frantz advised the Board that localized fixes can move the erosion problem further downstream which may result in the need

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for additional localized fixes in the future. In order to do this work in the stream the PA Department of Environmental Protection would need to be contacted to see what permits would be required. The third option would be a large scale watershed improvement. This option could require stormwater management retrofits within development areas, creation of wetland storage areas within the floodplain of the stream corridor, and structural retrofitting/reinforcement of the streambed and banks. This option would also require obtaining permits from the PA Department of Environmental Protection. Mr. Frantz informed that Board that this option would be costly and may not be practical. Mr. Frantz reviewed each of these options with the Board. In addition, two of the residents along Adams Lane were present to discuss the situation with the Board. At this time, the Board is willing to move beyond the “Do Nothing” option and is willing to consider option number two. Before a final decision is made as to what the Board is willing to do, the Board directed Mr. Frantz to contact the Montgomery County Conservation District to ask what permits would be necessary to complete a localized approach. In addition, the Board would like to have some idea as to the cost to address this localized approach. As to the third option, the Board did not feel that this option was economically feasible. Mr. Frantz will look into the requested information and return to the Board with his findings.

RECEIPTS AND EXPENDITURES: The treasurer read the receipts and expenditures for the month of December. After review of same, Gordon MacElhenney made a motion seconded by William Patterson to authorize payment of the December bills. There were no public comments on the motion. The motion was passed by a vote of 4-0.

NEW BUSINESS:

1. Resolution 2011-1: Depositories 2011 shall be the Union National Bank and Trust Company, with the main office in Souderton, Pennsylvania, First Niagara Bank, with the main office in Buffalo, New York, and the Pennsylvania Local Government Investment Trust (PLIGIT), with the main office in Valley Forge, Pennsylvania, and United States Treasury. Edward Savitsky made a motion seconded by William Patterson to approve Resolution 2011-1. There were no public comments on the motion. The motion was carried by a vote of 4-0.
2. Resolution 2011-2: Special Crossing Guard - appoint Executive Protective Services, LLC as the special crossing guard for the year 2011. Edward Savitsky made a motion seconded by Gordon MacElhenney to approve Resolution 2011-2. There were no public comments on the motion. The motion was carried by a vote of 4-0.
3. Resolution 2011-3: Engineering Fees – to incorporate the 2011 rate schedule for SSM Group, Inc., Township Engineer, for both the township and anyone using their services while working within the Township. William Patterson made a motion seconded by Edward Savitsky to approve Resolution 2011-3. There were no public comments on the motion. The motion was carried by a vote of 4-0.

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4. Resolution 2011-4: Audit 2010 under Section 917(b)(2) of the Second Class Township Code to appoint Dreslin and Company of Norristown, PA to complete the required Perkiomen Township 2010 Annual Audit. Edward Savitsky made a motion, seconded by Gordon MacElhenney to approve Resolution 2011-4. There were no public comments on the motion. The motion was carried by a vote of 4-0.

5. Resolution 2011-5: Perkiomen Township Fire Company authorizing and recognizing the Perkiomen Township Fire Company and to officially accord it the status of Volunteer Fire Company for Perkiomen Township. Edward Savitsky made a motion seconded by Gordon MacElhenney to approve Resolution 2011-5. There were no public comments on the motion. The motion was carried by a vote of 4-0.

6. PSATS Convention: The annual PSATS Convention is scheduled to be held from April 17 through April 20, 2011 in Hershey, PA. Gordon MacElhenney made a motion seconded by William Patterson to authorize the following people to attend: Edward Savitsky, William Patterson, Richard Kratz, Dean Becker, Gordon MacElhenney, and Cecile Daniel to attend PSATS Annual Convention. There were no public comments on the motion. The motion was carried by a vote of 4-0. William Patterson made a motion, seconded by Richard Kratz to designate Edward Savitsky as Perkiomen Township's voting delegate. There were no public comments on the motion. The motion was carried by a vote of 4-0.

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