

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING
MINUTES: SEPTEMBER 6, 2011**

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

OTHERS PRESENT: Cecile Daniel, Township Manager
David Allebach, (In place of Kenneth Picardi)
Township Solicitor
Chuck Frantz, Township Engineer
John Moran Jr., Code Enforcement/Zoning Officer:

Richard Kratz called the September 6, 2011 Board of Supervisors Meeting to order in the Perkiomen Township Administration Building at 7:00 p.m.

MINUTES: The minutes of the August 2, 2011 Board of Supervisors meeting were approved upon motion of Dean Becker and seconded by Edward Savitsky. There were no public comments on the motion. The motion was carried by a vote of 5-0.

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

CORRESPONDENCE:

1. **TRAPPE AMBULANCE & LOWER FREDERICK REGIONAL AMBULANCE CORPS:** Report
2. **PSATS:** News Bulletin from PSATS
3. **BETCHER ROAD:** Letter received from PennDot and E-mail from Trappe Borough regarding the installation of a multi-way stop sign at Betcher Road, Iron Bridge Drive, and Route 113. The Board requested that Cecile Daniel contact Trappe Borough regarding this request and indicate that a multi-way stop sign may not be the practical solution to the traffic situation at this intersection.

SOLICITOR'S REPORT: David Allebach discussed the following:

1. Kriebel Subdivision – Mr. Allebach reviewed the revised draft agreement between Violet Kriebel, Paul & Patricia Minford, and Perkiomen Township. The purpose of this amendment is to resolve the outstanding issues surrounding the four-lot subdivision that was approved for Violet Kriebel. The issues center on the installation of sidewalk, curbing, and outstanding invoices owed to Perkiomen Township for the inspections completed by Spotts, Stevens & McCoy. Previously, both Mrs. Kriebel and Mr. Minford

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questioned the requirement of a sidewalk along lot 3 and lot 4 as well as requesting an explanation of the engineering bills received from SSM. On the issue of the sidewalk, both Mrs. Kriebel and Mr. Minford had reservations about installing a sidewalk that would not be connected to any other sidewalk. If the idea of having a sidewalk was based upon the development of the property owned by Bryan Hunsberger, then installing the sidewalk now may not serve a purpose. The installation of the sidewalk would be more valuable when the development of the Hunsberger or Ott Property happens. Since it is unclear when development of the Hunsberger or Ott Property may take place, the Board discussed amending the Developer's Agreement such that Mrs. Kriebel would be relieved of the obligation of installing the sidewalk, but, the Township would retain the right to install the sidewalk across lot 3 and lot 4 at the Township's expense, should the decision be made some time in the future to do so. On the issue of the engineering invoices, SSM had drafted a letter for the Board to review. To date, the Board had not authorized the letter be sent to Mrs. Kriebel. As part of this settlement, the Board authorized that the letter be forwarded to Mrs. Kriebel and Mr. Minford. Last was the issue regarding the money that Mrs. Kriebel had placed in escrow for her subdivision. The proposed agreement sets forth the monies that would be retained by the Township, the monies that would be used to pay the engineering invoices, the monies that would be returned to Mrs. Kriebel, and the amount of interest the Township should pay back to Mrs. Kriebel on the money that has been held in escrow since May of 2011. The Board discussed moving forward on this agreement. Dean Becker made a motion seconded by Edward Savitsky to approve the Amendment to the Development (Improvement) Agreement between Perkiomen Township, Violet Kriebel, and Paul & Patricia Minford, to authorize that the response letter from SSM be sent to Violet Kriebel and Paul Minford, and to authorize the Chairman of the Board to sign the Agreement. There were no public comments on the motion. The motion was carried by a vote of 5-0.

ROAD MASTER'S REPORT: William Patterson, acting as temporary Road Master, submitted to the Board the Road Master's Report dated September 1, 2011 for activities taking place during the month of August. In addition to his report, Mr. Patterson informed the Board that the repairs were made on Johnson Road. Last, Mr. Patterson prepared a memo to the Board on the bids received from the contractors for the 2011-2012 Snow and Ice Bid Results. Based upon the bids received, Mr. Patterson recommended that Zone 1 be awarded to P.K. Moyer and Sons and that Zone 2 be awarded to Buck Enterprises. With the recommendation of Mr. Patterson, Edward Savitsky made a motion seconded by Gordon MacElhenney to award the 2011-2012 Snow and Ice Bid to P.K. Moyer for Zone 1 and Buck Enterprises for Zone 2. There were no public comments on the motion. The motion was carried by a vote of 5-0.

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

CODE ENFORCEMENT REPORT: John Moran Jr. submitted to the Board the Code Enforcement Report dated September 1, 2011 for activities taking place during the month of August. In addition to his report, Mr. Moran informed the Board that Timothy Ott submitted a Conditional Use Application for the installation of an agriculture building located on his property at 138 Bridge Street, Graterford. The Board needs to set a public hearing on this application. Dean Becker made a motion seconded by William Patterson to set the public hearing for Tuesday, October 4, 2011 at 7:00 p.m. There were no public comments on the motion. The motion was carried by a vote of 5-0.

PERKIOMEN TOWNSHIP PLANNING COMMISSION MEETING: Cecile Daniel reported that the Planning Commission meeting scheduled for August 16, 2011 was canceled.

MANAGER’S REPORT: Cecile Daniel informed the Board that the item is as follows:

1. Community Planning Assistance Contract: The Planning Assistance Contract that Perkiomen Township has with Montgomery County Planning Commission will expire at the end of 2011. Joseph Nixon has submitted to the Township the proposed increases in a new contract that will run from January, 2013 to December 2015. In reviewing the contract, it appears that the increase will be about 2.5% each year over the next three years. There are some zoning issues and possible develop of conceptual designs for new recreation areas that the Board can work on over this three year period. It was the recommendation of Ms. Daniel’s that the Board consider renewing the contract and authorize her to contact Mr. Nixon regarding this renewal. The Board agreed that the contract should be renewed and authorized. Edward Savitsky made a motion seconded by Dean Becker authorizing Ms. Daniel to contact Mr. Nixon regarding the Board’s agreement to renew the three year contract. There were no public comments on the motion. The motion was carried by a vote of 5-0.

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

1. Godshall Road Bridge Project: Flyway has completed the foundation work for the project and is on schedule to install the bridge on Wednesday, September 7th. A pre-installation meeting was held on August 26th to review the installation procedures and logistics for delivery and installation. It is anticipated that the bridge sections will be shipped on 4 trailers. The current long term weather forecasts show the possibility of thunderstorms in the area; therefore, the installation of the bridge may need to be re-scheduled.

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Additionally, the crane operator indicated that there are some limbs from a tree located on the Abbott property that will interfere with the crane arm during installation. The Abbotts were notified of this situation. Also during the inspection it was determined that there is a dead tree that is located on the Abbott Property near where these tree limbs will need to be cut. The Abbotts agreed to the cutting of these limbs in return for removing the dead tree located on their property near Godshall Road. Presently the dead tree is leaning over Godshall Road. The cost to complete this additional work is \$2,250.00. Due to the timing of the required work and upon discussion with the Township, Mr. Frantz notified Flyway to proceed accordingly under a contract change order (#1) in the amount of \$2,250.00 for limb and tree removal. Flyway indicated that the work was to be completed on Thursday, September 1st in advance of the installation date. Mr. Frantz has prepared a change order for the Board's consideration. Dean Becker made a motion seconded by William Patterson to approve Change Order #1 in the amount of \$2,250.00. There were no public comments on the motion. The motion was carried by a vote of 5-0.

2. 2011 Roads Project Update: Mr. Frantz informed the Board that a meeting was held with Charlie Connelly, municipal representative from PennDOT. Mr. Frantz provided Mr. Connelly with the required documents and conducted a field view of the items. During the field view, Mr. Connelly noted that Mayberry Road does not meet with current standards for liquid fuels eligibility. In order to be eligible for funding, all dead end roads (which Mayberry has become due to the closure) must be at least 250' in length measured from the last intersection and provided with a cul-de-sac having a minimum radius of at least 40'. Based upon Mr. Frantz's discussion with Valerie Temino (of PennDot), PennDOT is willing to give the Township until December 31, 2012 to make improvements to Mayberry that would address this deficiency. If Mayberry is not brought up to standard, PennDOT will remove Mayberry Road from the Township's liquid fuel roster.

Additionally, Mr. Frantz informed the Board that Kehoe Construction has been provided with a Notice to Proceed date of September 16, 2011 for the work covered under this contract. The date of substantial completion, per the contract agreement will be October 31, 2011 which is the standard paving deadline.

3. 391 Wartman Road – Escrow Release No.21: Mr. Frantz reviewed the request he received from Antonio Mazzamuto regarding Escrow Release No. 2 for the project that he is completed at his property located at 391 Wartman Road. Mr. Mazzamuto requested a release of \$45,539.50. Based upon Mr. Frantz's review of the information submitted to him, he is recommending that the Board release \$31,955.14. With the recommendation of Mr. Frantz, Dean Becker made a motion, seconded by Edward Savitsky to approve the Escrow Release No. 2 in the amount of \$31,955.14. There were no public comments on the motion. The motion was carried by a vote of 5-0.
4. Township Building Modifications: Based upon information that was given to the Board by Cecile Daniel, Mr. Frantz has completed draft specifications for the project in addition to a preliminary cost estimate for the work. Mr. Frantz gave the Board a copy of the draft specifications and an estimated construction amount. In reviewing the information in the bid

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documents and the estimated cost, the Board felt that they would like to reduce the scope of the work. Upon review of the estimated cost, the Board removed the removal of the existing sound system and installation of a new sound system. Also, the Board removed the installation of the new roof over the rear entrance. Upon review of the bid specifications, the Board wanted to review the scope of the work to determine whether the cost was worth the expense. The remaining items would be the removal and replacement of the sidewalk sections and main entrance slab and renovation of the conference room located in the Township Office. Dean Becker made a motion seconded by Edward Savitsky to bid the removal and replacement of the sidewalk sections and main entrance slab and renovation of the conference room location on the Township Office. There were no public comments on the motion. The motion was carried by a vote of 5-0. Prior to advertising the building improvements project, Ms. Daniel informed the Board that she will review all the items with Mr. Frantz.

5. Plank Road and Meyers/Ott Realignment Project: Mr. Frantz informed the Board that he received and submitted to PennDot the three written estimates to complete the repairs that he and John Moran Sr. had determined were needed on Wartman Road prior to the Township taking ownership of the road. Based on PennDOT's review of the estimates, the Department is offering the Township \$230,316.67, or the average of the three quotes. Mr. Frantz explained that the Board will need to indicate if they are willing to accept this dollar amount for the proposed work and notify PennDOT that they may move forward with completing the appropriate documents for execution by the Township. Once the paperwork has been processed and funds are released to Township, the Township will need to prepare bidding specifications for the proposed work in accordance with the municipal bidding process. The Board discussed the offer that was given to them from PennDot. The concern is that the amount of the offer reflects the potential expense of the work if the work was completed now. The problem is that, due to the time of year, the work will not be completed until 2012. Due to the timing, the cost to complete the work could be higher than the offer. The result for the Township would be absorbing the difference. The Board discussed the effects of waiting until next year to accept PennDot's offer. The biggest concern is the delay this would cause in the realignment project since the status and swap of Wartman Road is tied to the realignment project. After discussing the situation, Edward Savitsky made a motion seconded by William Patterson to accept PennDot's offer of \$230,316.67 to cover the repairs to Wartman Road and allow PennDOT to proceed with preparation of paperwork. There were no public comments on the motion. The motion was carried by a vote of 5-0. The Board also directed the Mr. Frantz contact Ms. Temino to see if there was a way to increase this amount since the work will not be completed until 2012.

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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OLD BUSINESS:

1. Dunkin Donuts: The Board held two public hearings on the Conditional Use Application filed by E.T. Foods, LLC (Dunkin Donuts) for a the use of a drive-through window. The Board closed the public hearing and the record on July 26, 2011. Before the Board for discussion was the decision of this Conditional Use Application. After consideration of the testimony given at the public hearings, Dean Becker made a motion seconded by Edward Savitsky to approve the Conditional Use Application of E.T. Foods (Dunkin Donuts) with the following conditions:
 1. A detail shall be provided for the proposed painted arrows. The arrow detail currently on the plans shall be removed.
 2. The existing pavement in the area of Liberty Alley that is proposed to be reconstructed shall be identified on the plan and a pavement replacement detail shall be added.
 3. A detail shall be provided for the proposed Drive-Thru signs. It shall include the proposed text, the sign size, and the lettering size.
 4. All appropriate revision dates shall be added to all plans.
 5. Sheet 1 of 2 of the Highway Occupancy Permit Plans shall contain a north arrow.
 6. Note 8 shall be removed from Sheet 1 of 2 of the Highway Occupancy Permit Plans.
 7. The Applicant shall submit to the Township all plans and other documentation submitted to PennDOT in order to obtain a Highway Occupancy Permit for site driveway modifications and for the ADA Ramps.
 8. The Applicant shall submit to the Township for review and approval the revised Traffic Signal Permit Plan and a Traffic Signal Construction Plan. The Applicant shall obtain from the Township approval of the final Traffic Signal Permit and Construction Plans before submitting the plans to PennDOT for approval.
 9. If PennDOT does require a sidewalk along Route 29, the Applicant shall be required to install said sidewalk as part of the Conditional Use Application/Development.
 10. All additional PennDOT comments shall be addressed; subsequent PennDOT review letters shall be provided to the Township, along with copies of all future submittals to PennDOT.
 11. A bound copy of the most recently reviewed Traffic Signal Report shall be submitted to the Township and to SSM. It shall be sealed by the professional engineer responsible for it.
 12. The Applicant shall submit a Traffic Signal Construction Plan identifying all proposed modifications and/or additions to the traffic signal, including conduit, wiring and junction boxes. The plan shall be subject to Township approval.
 13. The Applicant shall install a 6-foot high fence behind the building at the top of the slope immediately adjacent to the right-of-way line of Liberty Alley, extending from the southwestern corner of the site to a point on the plan identified as "Drive Through only Directional Sign", (in close proximity to the northern limit of the Luberto property) a distance of approximately 120 feet. The fence shall be of solid construction (wood or vinyl), so as to provide an adequate barrier to sound emanating from the drive-thru window area and the

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vehicles idling in the drive-thru lane waiting for service. Said fence shall be maintained in good condition by Applicant at all times. Because of this fencing condition, Applicant is relieved of the responsibility of planting the trees behind the building as shown on the plan. As for the trees shown on the plan on the southeastern corner of the site, those trees shall instead be planted around the dumpster enclosure located at the southwestern corner of the property. Applicant may also remove the existing bollards behind the building, but is not required to do so.

14. The Applicant shall be required to install all improvements shown on the plans at the Applicant's cost and shall post financial security, in an amount determined by the Township Engineer, for the following required improvements:
 - A. Curbing and pavement restoration at the Route 113 driveway modification
 - B. Microwave detection
 - C. Installation of MAN/WALK and FLASHING HAND/COUNT DOWN signals and pedestrian pushbuttons
 - D. Installation of signal support(s), conduit, wiring, and junction boxes required for the operation of Items B and C above
 - E. Installation of the ADA curb ramps
 - F. Installation of the updated crosswalk
 - G. Installation of the required pavement markings
 - H. Installation of regulatory traffic signs
 - I. Installation of the fence
 - J. Installation of required landscaping
 - K. Inspection of the required improvements by the Township
15. The construction of Items 14A through 14H above shall be done by a contractor preapproved by PennDOT for the type of work involved.
16. All materials and equipment used for Items 14A through 14H above shall be acquired from a PennDOT approved supplier/manufacturer.
17. The manufacturer and model for all traffic signal equipment shall be subject to Township approval.
18. If any new lighting is added to either side or to the rear of the building, it shall be installed so as not to throw glare onto any adjacent residential property.
19. A Use & Occupancy Permit shall be required for the drive-through window. However, the Use & Occupancy Permit for the drive-through window shall not be issued by the Township until the Applicant pays in full any outstanding balance due and owing to the Township Engineer for its professional services related to said Application (per Township Resolution 2005-11), and, until Applicant complies with all of the requests and conditions set forth above.

There were no public comments on the motion. The motion was carried by a vote of 5-0.

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NEW BUSINESS:

1. Public Hearing: The Board of Supervisors held a public hearing at 7:00 p.m. for the purpose of considering the purchase of 17.1277 acres of ground (otherwise known as the Highlands) owned by Heatherfield Realty Associates located off of Salem Road. The public hearing was turned over to David Allebach. Mr. Allebach reviewed with the public the proposed agreement. During the public hearing, Chuck Frantz presented exhibits showing the location of the property and its proximity to property already owned by Perkiomen Township and abuts this property. During the review of the purchase agreement, Mr. Allebach explained that the purchase agreement has been agreed to in principle. There are three items that need to be finalized. One of the items that the Board would like to extend is the due diligence timing on the agreement. The Board would like to extend the due diligence timing to forty-five days. By extension of this timing, the Board would have time to complete a Phase 1 Environmental Study on the property. Kenneth Grosse (Heatherfield Realty), the owner of the property, was present during the public hearing. During the public hearing, Mr. Grosse indicated a willingness to move forward with completing the sale of this property to Perkiomen Township. In reviewing the purchase agreement for Mr. Grosse, his attorney indicated that there are two issues that he would like to resolution with the Township. In an Executive Session prior to the September Meeting, Mr. Allebach reviewed with the Board the two issues. Mr. Allebach will be in contact with Mr. Grosse's attorney to resolve the two issues. Mr. Allebach informed the Board that he has prepared a resolution concerning the purchase of the 17.1277 acres in fee simple ownership. The drafted Resolution authorizes the Board to negotiate the acquisition of the property for the sun of \$500,000.00. The purpose of the Resolution was to address the issue of the Real Estate Transfer Tax. At the closing of the public hearing the Board considered three matters on the purchase of the 17.1277 acres from Heatherfield Realty. The first matter was the Purchase Agreement. Dean Becker made a motion, seconded by Gordon MacElhenney to approve the draft Purchase Agreement pending resolution of the three outstanding issues. There were no public comments on the motion. The motion was carried by a vote of 5-0. Second, the Board needed to decide if they were going to complete a Phase 1 Environmental Study. After discuss this issue, Gordon MacElhenney made a motion seconded by William Patterson to authorize Spotts, Stevens & McCoy to complete a Phase 1 Environmental Study for the 17.1277 acres of property. There were no public comments on the motion. The motion was carried by a vote of 5-0. Third, the Board needed to consider Resolution 2011-14 which was the acquisition of 17.1277 acres for open space and recreation purposes for the sum of \$500,000.00. After review of the proposed Resolution, Edward Savitsky made a motion seconded by Dean Becker to approve Resolution 2011-14. There were no public comments on the motion. The motion was carried by a vote of 5-0.

2. MCATO: The Township was in receipt of the notice for the Fall Convention of the Montgomery County Association of Township Officials. After discuss the date and time of the convention, it was determined that due to everyone's schedule no one would be able to be in attendance.

There being no further business, the meeting was adjourned upon a motion made by Dean Becker and Edward Savitsky.