

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING
MINUTES: FEBRUARY 7, 2012**

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

OTHERS PRESENT: Cecile Daniel, Township Manager
Kenneth Picardi, Township Solicitor
Daniel Coghlan, Township Engineer
John Moran Jr., Code Enforcement/Zoning Officer
Shawn Motsavage, Road Master

MINUTES: The minutes of the January 3, 2012 Board of Supervisors meeting were approved upon motion of Dean Becker and seconded by Richard Kratz. 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 January.

CORRESPONDENCE:

- **CPVRPC** – January meeting minutes.
- **TRAPPE AMBULANCE** – Report
- **LOWER FREDERICK REGIONAL AMBULANCE CORPS** - Report

EXECUTIVE SESSION: Gordon MacElhenney informed the public that the Board will hold an Executive Session after the meeting to discuss a personnel matter and a real estate matter.

SOLICITOR'S REPORT: Kenneth Picardi reported that the items he has been working on during the month of January are listed on the agenda for either discussion or action by the Board:

ROAD MASTER'S REPORT: Shawn Motsavage submitted to the Board his Road Master's Report dated February 1, 2012 for activities taking place during the month of January.

FIRE MARSHALL'S REPORT: John Moran Sr. submitted to the Board his Fire Marshall's Report dated February 1, 2012 for activities taking place during the month of January.

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CODE ENFORCEMENT REPORT: John Moran Jr. submitted to the Board his Code Enforcement Report dated February 1, 2012 for activities taking place during the month of January. In addition to his report, Mr. Moran reported that he is in receipt of the annual request of Keystone Novelties, LLC to hold a Tent Sale at 87 Gravel Pike from June 27 through July 5, 2012. The request is to sell items that are defined as novelties as allowed by Act 204 of 2004. The proprietor has submitted a Certificate of Insurance and a copy of a Lease Agreement with the property owners. As a result, Mr. Moran indicated Keystone Novelties has submitted to his office all the necessary information and requests authorization to send Keystone a letter granting their request of a Tent Sale. William Patterson made a motion seconded by Richard Kratz to approve the request made by Keystone Novelties, LLC to hold a Tent Sale at 87 Gravel Pike from June 27 through July 5, 2012. 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 held their January meeting on January 17, 2012. The Planning Commission began discussion on updating the Perkiomen Township's Zoning Ordinance.

MANAGER'S REPORT:

1. Wartman Road Turnback/Swap: The present schedule is to begin the acquisition of the right-of-way for the Ott Road, Meyers Road, and Seitz Road Project in 2012. In order for this process to begin, PennDot will need to have ownership of Ott Road, Meyers Road, and the section of Seitz Road needed to complete the SR 4044 Project. Valerie Temino, of PennDot, is holding the paperwork that the Board of Supervisors approved last year (Resolution 2011-9, and the layout of the roads that make up the SR 4044 Project). The other half of this project involves a swap. The swap involves the aforementioned roads to be turned over to PennDot for the swap of Wartman Road to the Township. Presently, the swap for Wartman Road is set as a turnback to the Township. Ms. Daniel presented to the Board Resolution 2012-6 and the backup detail for the cost of the repairs that Mr. Frantz and Mr. Moran felt should be completed to Wartman Road. Due to the delay in the Ott Road, Meyers Road, and Seitz Road Project, Ms. Daniel informed Ms. Temino that there will be a condition in Resolution 2012-6. The transfer of ownership of Wartman Road to Perkiomen Township was conditioned upon the transfer of ownership to PennDot of Ott Road, Meyers Road, and that portion of Seitz Road. Ms. Temino indicated that the paperwork she is holding cannot be sent to PennDot's central office until the Board approves Resolution 2012-6. The Board reviewed Resolution 2012-6 and Richard

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Kratz made a motion seconded by Dean Becker to approve Resolution 2012-6. There were no public comments on the motion. The motion was carried by a vote of 5-0.

2. Planning Commission: The Planning Commission has been a member short since the resignation of William DeMaio. Charles Everhart expressed interest in filling that position. Mr. Everhart was present at the meeting. This position will run until December, 2014. The Board discussed the vacancy and Dean Becker made a motion seconded by William Patterson to appoint Charles Everhart to fill the vacancy created with the resignation of William DeMaio. There were no public comments on the motion. The motion was carried by a vote of 5-0.
3. Building Repair: The ceiling in the conference room needs to be repaired. The Township is in receipt of a proposal received from Gorski Construction to repair the ceiling. The proposal received from Gorski was for \$6,311.00. The Board reviewed the proposal and Dean Becker made a motion seconded by William Patterson to accept the Gorski proposal for \$6,311.00. There were no public comments on the motion. The motion was carried by a vote of 5-0.

ENGINEERS REPORT: Daniel Coghlan was present to review the following items:

1. Seitz Road Bridge FerroGard and Aesthetic Upgrades: As requested by the Township, Flyway Excavating submitted a proposal to apply FerroGard (a corrosion inhibitor product) and to complete aesthetic upgrades to the Seitz Road Bridge. The proposed aesthetic improvements include construction of a new concrete drip edge / cap and a stone façade along the inside face of the existing parapet walls (including the side edges), similar to the new Godshall Road Bridge. The Board could decide to only award the FerroGard application to Flyway. If the Board decided to complete only the FerroGard, Flyway's quote for this work alone is \$5,525.00. No other quotes would be required for this proposed scope of work. If the Board decided to complete the FerroGard application plus the aesthetic upgrades, then the Board would need to obtain at least two (2) more quotes from other contractors to complete this work. Flyway's quote for the total scope of work totals \$18,089.00. The cost of this work, under current law, would require two (2) more quotes, but not sealed bids. The Board discussed whether to proceed with spending any money on the Seitz Road Bridge. During the discussion on this topic, both Mrs. Heacock and Mr. Kratz questioned spending this money for this work on the Seitz Road Bridge. After further discussion, William Patterson made a motion seconded by Dean Becker to consider the quote from Flyway Excavating for the FerroGard only. There were no public comments on the motion. The motion was denied by a vote of 4 (NO) – 1 (YES).
2. Liberty Alley Drainage Complaint: A meeting was held at the Township building on January 26, 2012 with the surrounding property owners to discuss the water problem which appears to originate on Liberty Alley. Mr. Coghlan reviewed for the Board the discussion that took place at that meeting. Mr. Coghlan presented to the Board, three (3) refined

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engineering options for the remediation of this water problem. Included with the three (3) proposals are the construction cost estimates for each option. The Board discussed the information as reviewed by Mr. Coghlan. In anticipation of the Lemieux family and their neighbors being at the March meeting to discuss this issue, the Board requested an accounting of the money spent on engineering fees by the Township to date. The Board also directed that Mr. Coghlan send to Mr. Lemieux the three (3) options that were presented and discussed at this meeting.

3. 2012 Perkiomen Township Road Project: Mr. Coghlan informed the Board that design and specifications have been started on this project. Part of this project involves the paving of the Township and Fire Company parking lots. The Board discussed the best approach in preparing the bid specifications for these two parking lots. It was decided that the parking lot paving work would be included as alternate bid items as part of the overall 2012 Road Projects. Furthermore, a separate project manual and bidding documents will be prepared for the parking lots, as a stand-alone project, in an effort to attract more potential bidders for this work. Mr. Coghlan also discussed the addition of the 2nd Street Pavement Improvements. As requested, SSM has evaluated the condition of 2nd Street from Concord Road to the Township line. The recommendation was to reconstruct the portion of 2nd Street that lies within the Perkiomen Township Municipal Boundaries. Due to the condition of 2nd Street, it was agreed that this work would be added to the scope of the 2012 Road Projects. Based upon this scope of work, Mr. Coghlan hopes to have preliminary bid specifications ready around the time of the March Board Meeting.

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

OLD BUSINESS:

1. Noise Ordinance: At the January Monthly Meeting, both Mr. Moran and Mr. Picardi reviewed a new Noise Ordinance addressing issues that have arisen since Ordinance No. 167: Noise Ordinance was first adopted. The Board authorized the advertisement of the new Noise Ordinance for consideration and adoption at the February Meeting. Ms. Daniel informed the Board, that Ordinance No. 211 was advertised and is now before the Board for consideration. After a brief discussion, Dean Becker made a motion seconded by Richard Kratz to adopt Ordinance No. 211, An Ordinance amending Township Ordinance No. 167, commonly known as the Township Noise Ordinance. 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. Heritage Building Group: Anthony Maras and John Maczonis were present before the Board on behalf of Heritage Building Group. Heritage Building Group built the development known as Heritage Woods. Heritage built all of the lots except Lot #1. Heritage has a party that is interested in building a home on Lot #1. When the development plan was approved, one of the conditions was setting the building footprint for the lots in this development. For Lot #1, the footprint was set at length 75' x width 51'. The home that Heritage would like to build for their buyer measures outside of this area. As a result, Heritage is requesting the Board's permission to build outside of the approved 75(l) x 51(w) area. The Board reviewed two options for the footprint of 75(l) x 51(w). Mr. Maras suggested that the area where the home would be outside of the footprint, in either option, was de-minimis. The Board review both option #1 and option #2. Of the two plans, option #2 extends outside of the approved 75(l) x 51(w) footprint slightly less than option #1. After reviewing the information submitted by Heritage Building Group, Dean Becker made a motion seconded by William Patterson to approve the home for Lot #1 of Heritage Woods to be built according to option #2, last revision date of January 16, 2012. There were no public comments on the motion. The motion was passed by a vote of 5-0.

2. Conservancy @ Perkiomen: Gambone Development has been working toward dedication of the public improvements for their development known as the Conservancy @ Perkiomen for over a year. Ms. Daniel informed the Board that, at the January Municipal Authority Meeting, the Municipal Authority took dedication of both the on-site and off-site sanitary sewer system. The acceptance of this dedication was approved with certain conditions. One of those conditions, which Gambone has agreed to do, is to pay the Municipal Authority \$25,000.00 toward the engineering expenses that the Municipal Authority paid in working through a sewer odor problem. Presently, Gambone has two (2) set-aside accounts one with the Township and one with the Municipal Authority. The set-aside account with the Municipal Authority covered the installation of the off-site sewer system. The remaining balance in this account is \$10,846.82. According to PNC Bank, they will release that money to the Municipal Authority since that agreement is in favor of the Municipal Authority. The remainder owed the Municipal Authority (\$14,153.18) would come from the set-aside account that the Township has with Gambone at PNC Bank. PNC Bank is aware of this. Since this set-aside account is with the Township and not the Municipal Authority, the Township would need to agree and approve the release of the money from the Township's set-aside account in favor of the Municipal Authority. Presently, the balance in the Township's set-aside account with PNC is \$83,538.97.

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As to the dedication of the public improvements with the Township, Gambone built 16 of the 19 homes and transferred the remaining 3 homes (lots 6, 7 & 8) to Cork County Homes. Under the original Developer's Agreement with Gambone, there are certain improvements that are tied to lots 6, 7, & 8. SSM has calculated the cost of those improvements to be \$35,020.10. The money to guarantee the \$35,020.10 will come from the remainder of the \$83,538.97. Any remaining money from the \$83,538.97 (once the \$14,153.18, the \$35,020.10, and any money owed the Township for legal and engineering bills are paid, and the documents are recorded) will be released to Gambone. According to SSM, there are no outstanding issues concerning the public improvements. The following motions were made: (1) Richard Kratz made a motion seconded by William Patterson to release \$14,153.18 from the set-aside account for Gambone and the Township at PNC to cover the balance owned by Gambone to the Perkiomen Township Municipal Authority. There were no public comments on the motion. The motion was passed by a vote of 5-0. (2) Dean Becker made a motion seconded by Janet Heacock to approve the Tri-Party Agreement between Perkiomen Township, Gambone Development Company, and Cork County Homes, LLC and authorizes PNC Bank to release \$35,020.10 to Perkiomen Township from the set-aside account that Gambone has with PNC Bank to cover the public improvements for lots 6, 7 & 8. There were no public comments on the motion. The motion was passed by a vote of 5-0. (3) Dean Becker made a motion seconded by Richard Kratz to approve Resolution 2012-7 acceptance of the dedication of the roads and public improvements in the Conservancy @ Perkiomen and approved and authorized the appropriate Township Official to sign the Maintenance Agreement. This approval is conditioned upon Gambone reimbursing Perkiomen Township for all engineering and legal expenses paid by Perkiomen Township for the dedication of the roads and public improvements in the Conservancy @ Perkiomen to the Township. There were no public comments on the motion. The motion was passed by a vote of 5-0.

3. 2012 Perkiomen Township Fire Company Events: Perkiomen Township Fire Company submitted their 2012 events for the Board's consideration. The Board needs to approve these events so that the fire personnel are covered under Workman's Compensation. The Board reviewed the proposed 2012 events and Richard Kratz made a motion seconded by Dean Becker to approve the 2012 Perkiomen Township Fire Company Events. There were no public comments on the motion. The motion was carried by a vote of 5-0.

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4. PSATS Convention/MCATO Convention: The annual PSATS Convention is scheduled to be held from May 6 through May 9, 2012 in Hershey, PA. The Board discussed who will attend the PSATS Convention. At this time, schedules permitting, Richard Kratz made a motion seconded by Dean Becker to authorize the attendance of Janet Heacock, William Patterson, and Gordon MacElhenney. There were no public comments on the motion. The motion was carried by a vote of 5-0. As to the MCATO Spring Convention, unfortunately no one will be able to attend.

COMMENTS FROM THE PUBLIC

A resident from School House Road expressed concern for the speeding on School House Road. The Board indicated that the Township recently purchased speed display equipment. The equipment will be set up on School House road to see what the speed levels are, and the Township will then contact the PA State Police, if warranted.

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