



PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING MINUTES: JULY 3, 2018

BOARD MEMBERS PRESENT: William Patterson, Vice-Chairman
Vivian Schoeller, Member
Janet Heacock, Member

ABSENT: Dean Becker, Chairman
Gordon MacElhenney, Member

OTHERS PRESENT: Cecile Daniel, Township Manager
Kenneth Picardi, Township Solicitor
Mark Stabolepszy in place of Kevin Conrad,
Township Engineer
John Moran Jr., Code Enforcement/Zoning Officer
(Absent)
Shawn Motsavage, Road Master

William Patterson called the July 3, 2018 meeting of the Perkiomen Township Board of Supervisors to order at 7:00 p.m. in the Perkiomen Township Administration Building. Before proceeding with the items on the agenda, Mr. Patterson turned the meeting over to Kenneth Picardi to conduct the public hearing set for 817 Limerick Road.

817 LIMERICK ROAD: Solicitor Picardi informed the Board that a Conditional Use Application was filed by Atlas Broad Band Solutions, Inc. for a proposed subdivision located at 817 Limerick Road. This Conditional Use Application pertains to the steep slopes that are located on this property. During a recent meeting with staff, there was a review as to whether these steep slopes could be exempt from the Steep Slope Ordinance under Section 310-188(C)(2), which provides that the Board of Supervisors may exempt man-made steep slopes if the steep slopes are not environmentally sensitive and are between 15% and 25%. Joseph McGrory, attorney for the Applicant, and Susan Rice, engineer, were present with their client, Anthony Rossi. Attorney McGrory explained that his client, Anthony Rossi, proposes to subdivide the property into four lots. One of the lots will contain the existing home and the remaining lots are or will be developed into three new building lots. Attorney McGrory stated that his client is requesting an exemption under this section from the Steep Slope Ordinance so that the property can be regraded back to the original contour. Attorney McGrory informed the Board that the steep slopes were created years ago when the property owner constructed a brick barn on the property. To construct this barn, the property owner flattened the area; thereby,

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creating man-made steep slopes to the front and rear of the barn. Attorney McGrory introduced two plans. The first plan was the Existing Features Plan showing the location of the existing brick barn and the man-made steep slopes that were created when this barn was constructed. The second plan was the Grading Plan showing the grading of the property back to the original grades once the steep slopes are regraded. Attorney McGrory informed the Board that the steep slopes are man-made and that the natural steep slopes, located at the rear of the property, will not be touched. Attorney McGrory pointed out that both the Township Engineer and Township Code Enforcement Officer found the steep slopes in question to be man-made and not environmental sensitive. In addition, the Township's Planning Commission discussed this application at their June meeting and recommended that the Board approve the request to exempt these steep slopes from the requirements of the Steep Slope Ordinance. Solicitor Picardi pointed out that, if the exemption is approved, then the public hearing for the Conditional Use Application will no longer be needed. The Board reviewed the plans presented and the exemption being requested by Anthony Rossi for the area of man-made steep slopes shown north and south of the former block barn. After some discussion, Vivian Schoeller made a motion seconded by Janet Heacock to grant the exemption request of Anthony Rossi (Atlas Broad Band Solutions, Inc.) for the man-made steep slopes under Section 310-188(C)(2) of the Steep Slope Ordinance based upon information shown on STA Engineering Drawing Files 5671EF, sheet 1 of 1, dated May 21, 2018 and sheet 5671FG, sheet 1 of 1, dated June 18, 2018 from the requirements of the Steep Slope Ordinance. There were no public comments on the motion. The motion was carried by a vote of 3-0. With this decision of the Board of Supervisors, Attorney McGrory will submit a letter formally withdrawing the Conditional Use Application for Atlas Broadband Solutions, Inc. for 817 Limerick Road.

Solicitor Picardi then turned the meeting back to Mr. Patterson, who then informed the public that the Board held an Executive Session on June 21, 2018 for informational purposes with regard to the intersection of Route 29 and Route 113.

MINUTES: The minutes of the June 5, 2018 Board of Supervisors meeting were approved upon motion of Vivian Schoeller and seconded by Janet Heacock. There were no public comments on the motion. The motion was carried by a vote of 3-0.

CORRESPONDENCE: Cecile Daniel informed the Board that she had received the following correspondence:

- PSATS Bulletin – June 2018
- Richard Kratz – Thank you note

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PUBLIC COMMENTS:

- ❖ **2018 Road Project:** Residents from the Cranberry Development were at the meeting to comment on the work completed by the contractor for the microsurfacing job that was completed recently by the contractor. Adam Doyle of 229 Forge Road, Kathleen Washlick of 727 Queen Road, and Douglas Briggs of 728 Queen Road felt that the work completed by the contractor on the microsurfacing was poor. The residents also commented about the traffic calming elements that were installed by another contractor. Mark Stabolepszy explained that the microsurfacing process is not like having the road resurfaced with macadam. Microsurfacing is a process being used to extend the life of the street while spending less money. The use of microsurfacing, as part of the road maintenance program, has been used to stretch the dollars being spent in addition to dollars being spent on the macadam work being completed. The Board could decide they no longer wish to do microsurfacing, but the results would be doing less road work and spending more money as overlaying the roads would be more expensive. As to the traffic calming elements, the other contractor still needs to come back and paint the speed humps and the lines on the streets. There were comments that the speed humps should have been installed higher. Mr. Stabolepszy indicated that the plan for the traffic calming was to come back in October and redo the traffic counts that were taken at the beginning of the project. The speed information that is obtained from the new traffic counts will be compared against the old speed data to see whether the installation of the traffic calming measures have resulted in the desired speed reductions on Cranberry Boulevard.

- ❖ **817 Limerick Road:** A question was asked by a resident who lives on Limerick Road regarding the plan being proposed for 817 Limerick Road. Unfortunately, the resident was not able to make the meeting at 7:00 p.m. It was explained that the applicant plans to subdivide the property into four lots with one lot being the existing home and three new building lots. The resident was also informed that the scheduled hearing did not take place since the Applicant was granted an exemption from the steep slope provisions of the Zoning Ordinance.

OLD/NEW BUSINESS: There was no old/new business.

SOLICITOR'S REPORT: Solicitor Picardi reported that he had one item to discuss with the Board in addition to his written report. The one item was as follows:

- ❖ 539 Gravel Pike: Solicitor Picardi told the Board that John Moran, Jr. informed him that the lender took back the property from Robert Caprio. Mr. Moran informed Solicitor Picardi that this new owner needs to be made aware of the property maintenance code violations for this property. Under the Property Maintenance

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Code, an owner that has been issued a Notice of Violation cannot transfer the property until the code violations have been addressed or until the owner has furnished the new buyers with a copy of said Notice. Solicitor Picardi sent a letter to the attorney representing the lender about the Notice of Violation. Richard Frankel of the lending firm contacted Solicitor Picardi and informed him they were not aware of the code violations. Mr. Frankel explained that the company is looking to sell the property to someone who would demolish and then rebuild the site. As a result, Mr. Frankel is requesting time to market and sell the property. During that time, Mr. Frankel is requesting the Township take no action on the Notice of Violation. The Board discussed this request. The Board agreed to temporarily suspend any further action of the Notice of Violation until the October Monthly Meeting. As a condition of this understanding, Mr. Frankel must provide monthly status reports on his progress to sell 539 Gravel Pike. Solicitor Picardi will relay this to Mr. Frankel.

PUBLIC SAFETY REPORTS:

- **POLICE REPORT:** The Board is in receipt of the PA State Police Report for June 2018.
- **TRAPPE AMBULANCE** – The Board did not receive a report this month.
- **PLYMOUTH COMMUNITY AMBULANCE ASSOCIATION** – The Board did not receive a report this month.
- **PERKIOMEN TOWNSHIP FIRE COMPANY:** The Board is in receipt of the report for June 2018.
- **FIRE MARSHAL’S REPORT:** The Board is in receipt of the report for June 2018.

ROAD MASTER’S REPORT: Shawn Motsavage submitted to the Board his Road Master’s Report dated July 1, 2018, for activities occurring during the month of June.

In addition to his report, Mr. Motsavage informed the Board that the auction of the 2008 International on Muncibid was closed at 10:22 on July 2, 2018. The highest bidder was Elder Township for \$56,100.00. It was the recommendation of Mr. Motsavage to sell the truck to Elder Township “As Is”. With the recommendation of Mr. Motsavage, Vivian Schoeller seconded by Janet Heacock to sell the 2008 International Truck to Elder Township “As Is” in the amount of \$56,100.00. There were no public comments on the motion. The motion was carried by a vote of 3-0.

CODE ENFORCEMENT REPORT: John Moran, Jr. was absent at this meeting, but submitted his written Code Enforcement Report to the Board dated July 1, 2018, for activities that occurred during the month of June.

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In addition to his report, Cecile Daniel informed the Board that Mr. Moran contacted Matthew Walter of Barry Isett & Associates and informed him that the Board approved the proposal of Barry Isett & Associates subject to the inclusion of a sixty-day termination clause. Upon receipt of this information, Mr. Walter submitted to the Township a Profession Services Agreement covering Barry Isett & Associates as a third-party agency for UCC and Code Enforcement Services. The Agreement was review and included the termination language and clarification of Barry Isett & Associates as the Township's Agent. The changes were reviewed by Mr. Walter and found to be acceptable. Mr. Walter has executed the agreement that is before the Board for consideration. Also, at the June Meeting, the Board amended Resolution 2018-8. Based upon the reading of Resolution 2018-8, Ms. Daniel recommended that a new Resolution should be adopted replacing Code Inspections with Barry Isett & Associates. Ms. Daniel pointed out that there is language in Resolution 2018-08 that provides for the Board making changes by adoption of subsequent resolutions or other action of Perkiomen Township. It was Ms. Daniel recommendation to adopt a new resolution removing Code Inspections, Inc. and replace that company with Barry Isett & Associates, Inc. Ms. Daniel informed the Board that both the Professional Services Agreement and Resolution 2018-15 is before the Board for consideration and recommended both be approved. The Board considered Ms. Daniel's recommendation and Janet Heacock made a motion seconded by Vivian Schoeller approving the Profession Services Agreement between Barry Isett & Associates, Inc. and Perkiomen Township. Furthermore, Resolution 2018-15 is hereby adopted appointing John Moran Jr. as the Perkiomen Township Building Code Official and Barry Isett & Associates, Inc. as the third-party agency for Perkiomen Township. There were no public comments on the motion. The motion was carried by a vote of 3-0.

PERKIOMEN TOWNSHIP PLANNING COMMISSION MEETING: Cecile Daniel reported that the Planning Commission held its meeting on June 19, 2018. At that meeting, the Planning Commission discussed the request of the Applicant for 817 Limerick Road on the exemption to the Steep Slope Ordinance.

PARK AND RECREATION REPORT: William Patterson informed the public that Saturday, August 4th is the rain date for the Township's Community Day. Cecile Daniel then updated the Board on the Lodal Creek Nature Park improvements. Ms. Daniel report that, in June, she sent out six requests for quotes: three for asphalt and three for concrete. These quotes were for the installation of the pathway between the basketball courts and the new playground. Ms. Daniel reported that she only received one response. After discussing this with Mark Stabolepszy, he was able to obtain two more quotes from concrete contractors. Of the three quotes that were received for the pathway being constructed in concrete, Bertolet Construction Corporation was the lowest at

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\$19,500.00. The two higher quotes would have required the installation of the pathway be a bid project as they were both over the bidding threshold. Ms. Daniel indicated that the Board could wait until 2019 to do this work, but there are consequences to that delay. Furthermore, Ms. Daniel informed the Board that she has been in contact with General Recreation regarding the installation of the playground. The company is on schedule to install this playground in October. Once this playground is installed, there will be two fixed points that affect the installation of the pathway. The fixed point of the playground and the fixed point of the basketball courts. If the playground goes in first, every attempt would be made to make sure that the point of the playground is such that the distance between the two fixed points does not affect the installation of the pathway (i.e. the slope of the pathway). The problem is, there are no guarantees that the final slope can stay under the ADA requirement of 5%. Even with the current layout, the slope is at 4.5%. The other issue is access. Due to the location of the existing parking lot and basketball courts, access to the pathway and playground is from the driveway location closest to Seitz Road. If the playground goes in first, access for construction of the pathway may be difficult. The construction equipment would have to go around the playground to get to the pathway while staying away from the Lodal Creek. Due to the issues surrounding pushing off the installation of the pathway to 2019, Ms. Daniel recommended that the Board consider awarding the project to Bertolet Construction Corporation in the amount of \$19,500.00. The Board discussed the pros and cons to constructing the pathway in 2018 versus doing the work in 2019. After consideration of the difficulties, Vivian Schoeller made a motion seconded by Janet Heacock to award the installation of the Lodal Creek Park Pedestrian Path to Bertolet Construction Corporation in the amount of \$19,500.00. There were no public comments on the motion. The motion was carried by a vote of 3-0.

LOWER PERKIOMEN VALLEY REGIONAL SEWER AUTHORITY: Cecile Daniel informed the Board that there were no new items to report.

ENGINEERS REPORT: Mark Stabolepszy reported on the following:

1. 2018 Perkiomen Township Road Projects: Mr. Stabolepszy presented to the Board Payment Application No. 1 for the 2018 Microsurfacing Project. The payment application was reviewed by Mr. Stabolepszy who found it to be accurate and the work covered by the application to be installed according to the project specification. It was the recommendation of Mr. Stabolepszy to consider approval of Payment Application No. 1 subject to the receipt of the certified payroll information and material certifications. The Board discussed the use of microsurfacing as a means to controlling costs in maintaining the roads in the Township. Mr. Stabolepszy explained the cost to maintain a road using solely macadam can cost 2 ½ times more than using microsurfacing. If the Board no longer wishes to include microsurfacing

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as part of the road maintenance plan, then the plan will have to be revised to list all roads being maintained using macadam. Ms. Daniel suggested that the road inspection the Board conducts each year be done earlier to evaluate how best to proceed with the Township's road maintenance plan. As part of this inspection, the Board can look at the roads completed in 2018 as well those roads being proposed over the next few years. This evaluation would include whether the Board wishes to continue doing microsurfacing. The Board agreed to proceed with holding a road inspection now. On the issue of the payment application, with the recommendation of Mr. Stabolepszy, Janet Heacock made a motion seconded by Vivian Schoeller to approve Payment Application No. 1 to Asphalt Paving Systems, Inc. in the amount of \$121,084.91 subject to receipt of the certified payroll information and material certifications. There were no public comments on the motion. The motion was carried by a vote of 3-0.

2. 391 Wartman Road Subdivision: Mr. Stabolepszy presented to the Board Escrow Release No. 5, (Final) for the Lot 2 improvements and the overall subdivision. The remaining work for the subdivision has been completed to SSM's satisfaction. Mr. Stabolepszy recommended the Board release to Anthony Mazzamuto the amount of \$8,451.90 minus the amount of the final invoice of SSM. In consideration of the recommendation of Mr. Stabolepszy, Vivian Schoeller made a motion seconded by Janet Heacock to authorize the release of Escrow No. 5 (Final) in the amount of \$8,451.90 minus the amount of the final invoice of SSM to Anthony Mazzamuto and close out of this escrow. There were no public comments on the motion. The motion carried by a vote of 3-0.
3. Steep Slopes: Both Mr. Stabolepszy and Ms. Daniel suggested that the Steep Slope Overlay Section of the Zoning Ordinance should be reviewed. Interpretation issues surrounding steep slopes as part of subdivision plans has come up in the past. Mr. Stabolepszy and Ms. Daniel felt that the Ordinance should be reviewed to remove or revise those areas that lead to interpretation issues. Since the issues relative to steep slopes are technical, Ms. Daniel felt that SSM and John Moran Jr. should review the Ordinance and return with recommendations to revise this Ordinance. The Board has no issue with the recommendation of Ms. Daniel. Mr. Stabolepszy and Mr. Moran were authorized to proceed with this review.

MANAGER'S REPORT:

1. Perkiomen Township Municipal Authority: Ms. Daniel report that on March 20, 1969 the Commonwealth of Pennsylvania issued to the Perkiomen Township Municipal Authority a Certificate of Incorporation. This Certificate authorized the Authority to transact businesses for a term of fifty years. The fifty years will expire in March 20, 2019. The Municipal Authority took the first step in the process of extending the

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original term by another fifty years with their adoption of Resolution 2018-2. Under the PA Municipal Authority's Act, the Township must either adopt or reject the idea of extending the role of the Municipal Authority. This action can be completed by adoption of a Resolution or an Ordinance. The Board deliberated this matter and had no issue with considering extending the term of the Municipal Authority for another fifty years. The Board directed Solicitor Picardi to prepare a Resolution for their consideration at the August Monthly Meeting.

2. Stormwater Facilities Maintenance & Improvements Agreement (SFM&IM): As part of the review of the Stormwater Management Ordinance and Development Plans, the SFM&IM Agreements for Gorski's Venture Project (Lot #1) in the Iron Bridge Corporate Center and the construction of a home at 3 Glenview Lane was before the Board for review and consideration.
 - ❖ Gorski Venture Project (Lot #1): This proposed land development plan, located in the Iron Bridge Corporate Center, Perkiomen Township, has been split in to two phases. The first phase includes the proposed office building located off Iron Bridge Drive. This plan includes the parking lot for this building and improvements. The amount of the required improvements is \$538,340.00. Gorski Engineering proposes to fund these improvements by way of a Letter of Credit. Once the improvements have been completed, the agreement sets forth maintenance of the facilities and improvements in this phase. Janet Heacock made a motion seconded by Vivian Schoeller to approve the Stormwater Facilities Maintenance and Project Improvements Agreement between Perkiomen Township and Gorski Engineering, Inc. There were no public comments on the motion. The motion carried by a vote of 3-0.
 - ❖ RML Construction, Inc.: RML Construction proposes to construct a new home at 3 Glenview Lane in Perkiomen Township. The amount of required improvements is \$13,200.00. RML Construction proposes to fund these improvements with a cash escrow. Once the improvements have been completed, the agreement sets forth maintenance of the facilities and improvements for 3 Glenview Lane. Vivian Schoeller made a motion seconded by Janet Heacock to approve the Stormwater Facilities Maintenance and Project Improvements Agreement between Perkiomen Township and RML Construction, Inc. There were no public comments on the motion. The motion carried by a vote of 3-0.
3. SR 4044 Road Project: Jon Goehler of H&K requested a meeting to discuss a temporarily closure of the intersection of Meyers/Miller Road for a weekend. Cecile Daniel, John Moran Jr., and Shawn Motsavage were present to listen to what was being proposed. Mr. Goehler was directed to submit his request to the Board. That request is now before the Board. Mr. Goehler explained that the work would consist

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of excavation, subbase installation, and paving to lower the existing intersection by approximately two feet. H&K is looking to tentatively do this work the weekend of July 20th, but no firm date has been set. According to Mr. Goehler, the work would begin on a Friday at 7:00 pm. and be completed within twenty-four to thirty-six-hours. By granting this request, H&K feels there will be less of an interruption to traffic as the work could be completed under a continuous closure. Under the present schedule, the work would be completed during the weekdays while maintaining traffic through the intersection. Mr. Goehler estimates it will take about a week to complete the work at this intersection; thereby disrupting traffic for longer periods of time. Mr. Goehler indicated there may be issues trying to transition traffic and maintain two lanes during the non-working hours. The Board discussed the request of Mr. Goehler. Since this work will be completed at night, there was the issue of noise. John Moran is aware of this request, so he can notify the emergency response people. Given that the work would be completed over a twenty-four to thirty-six-hour period versus a week; thereby, reducing the interruptions to traffic and safety concerns of transitioning traffic and maintaining two lanes during non-working hours, the Board considered Mr. Goehler's request. Vivian Schoeller made a motion seconded by Janet Heacock to allow H&K to temporarily close the intersection of Miller Road and Meyers Road to complete the work as described by Mr. Goehler as part of the SR 4044 Project from a Friday beginning at 7:00 pm for a twenty-four to thirty-six-hour period. The dates of this work, once determined, shall be supplied to the Township so that the residents in Mayfield Estates, Ott Road, Eagle View Estates, Raleigh Road and Horseshoe Road can be notified. There were no public comments on the motion. The motion carried by a vote of 3-0.

FINANCIAL REPORT/RECEIPTS AND EXPENDITURES: The treasurer presented to the Board, the June Financial Report and reviewed the receipts and expenditures for the month of June. Janet Heacock then made a motion seconded by Vivian Schoeller to approve the June Financial Report and to authorize the payment of the June bills. There were no public comments on the motion. The motion carried by a vote of 3-0.

SUPERVISORS COMMENTS:

Vivian Schoeller thanked the residents from the Cranberry Development for attending the meeting.

There being no further business, the July public meeting was adjourned upon a motion made by Vivian Schoeller and seconded by Janet Heacock.