



PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING MINUTES: MARCH 6, 2018

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

ABSENT: Gordon MacElhenney, Member

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

Dean Becker called the March 6, 2018 meeting of the Perkiomen Township Board of Supervisors to order at 7:00 p.m. in the Perkiomen Township Administration Building.

MINUTES: The minutes of the February 6, 2018 Board of Supervisors meeting were approved upon motion of Janet Heacock and seconded by William Patterson. There were no public comments on the motion. The motion was carried by a vote of 4-0.

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

- Letter sent to Scott Clemmer – Perkiomen Valley School District regarding PVSD purchase of Perkiomen Township Backhoe.
- PSATS Bulletin – January-February 2018.
- Letter from PennDOT regarding award of contract to repair & resurface certain roads. For Perkiomen Township those roads would be Route 29 (Gravel Pike) and Route 113 (Bridge Road).

PUBLIC COMMENTS: There were no public comments.

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OLD/NEW BUSINESS:

1. Gorski Engineering, Inc/Resolution 2018-14: Jerry Gorski and John Riebow of Gorski Engineering were present to review with the Board of Supervisors a Final Land Development Plan filed for their project known as Gorski Route 29 Venture. Mr. Riebow gave a brief review of the final land development plan as there were only a few changes from the preliminary plan reviewed by the Board of Supervisors in January. After reviewing both the Final Land Development Plan and Resolution 2018-14, William Patterson made a motion, seconded by Vivian Schoeller, to approve Resolution 2018-14 which includes conditions for the final land development plan as follows:

COMPLIANCE WITH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

1. Bearings, distances and curve functions shall be shown for the legal right-of-way line of Gravel Pike, Section 264-22.A(4).
2. Street monument locations shall be shown along Iron Bridge Drive, Section 264-22.A(8).
3. An improvements agreement and guarantee shall be required, Section 264-34. The applicant shall submit a detailed cost estimate for review in this regard. The Agreement shall be subject to review and recommendation of approval by both the Township Engineer and Township Solicitor before being approved by the Township and the signing of the Land Development Plan. This Agreement shall be recorded in the Montgomery County Recorder of Deeds with the Final Land Development Plan.

COMPLIANCE WITH STORMWATER ORDINANCE

1. In order to prevent infiltration in areas with insufficient separation from limiting zones the following changes shall be made to the four proposed stormwater management facilities:
 - a. Basin 1 – no changes needed.
 - b. Basin 2 – over-excavate and place 24 inches of amended soils below the bottom of the facility.
 - c. CF-3 – over-excavate and place 24 inches of amended soils below the bottom of the facility.
 - d. CF-4 – Line the bottom with an impermeable liner.
2. The applicant shall provide the Township with evidence of E&S and NPDES permit approval from the Montgomery County Conservation District prior to the Township signing the Land Development Plan, Section 247-21.C.
3. Financial security shall be provided for the construction of all stormwater management facilities prior to the Township signing the Land Development Plan, Section 247-33.

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4. In accordance with Section 247-35 – Maintenance Agreement for Privately Owned Stormwater Facilities - a Stormwater Maintenance Agreement shall be executed between the Applicant and the Township. The Agreement shall be subject to review and recommendation of approval by both the Township Engineer and Township Solicitor before being approved by the Township and signing of the Land Development Plan. This Agreement shall be recorded in the Montgomery County Recorder of Deeds with the Final Land Development Plan.

SANITARY SEWER COMMENTS

1. A note shall be added to the plan stating that warning tape shall be installed in the trench with the low-pressure force mains. The warning tape shall be Installed a minimum of 2 feet below grade.
2. Cleanouts located on paved surfaces shall be capped so that storm water does not enter the sanitary sewer collection system. This shall be noted and detailed on the plan.
3. Profiles for the gravity lateral and low-pressure force mains shall be shown on the plan.
4. A sewer facilities planning module shall be provided for this development. The Applicant shall provide evidence of the following before the Township will sign the land development plan:
 - a. Approval by the PA Department of Environmental Protection of the sewer facilities planning module.
 - b. If the PA Department of Environmental Protection requires the execution of Operation and Maintenance Agreements between the property owner and Perkiomen Township Municipal Authority on the proposed grinder pumps, then the Operation and Maintenance Agreements shall be executed before the issuance of any building permits for each of the two buildings. The Agreements shall be subject to review and recommendation of approval by both the Authority Engineer and Authority Solicitor before being approved by the Perkiomen Township Municipal Authority. The Agreements shall be recorded in the Montgomery County Recorder of Deeds.
5. PTMA Standard Detail S-S-15 (copy attached) must be added to the plan, showing the connection of the laterals to the PTMA sanitary sewer main.

GENERAL COMMENTS

1. The retaining walls along the western property line and along Gravel Pike shall both contain safety fences, due to their height. A note to this effect and details for the fence shall be added to the plan.
2. The plan shall be labeled as a Final Plan.
3. The following Notes shall either be corrected or added to Sheet 2:
 9. **STORMWATER COLLECTION, CONVEYANCE, AND DETENTION FACILITIES SHOWN HEREON ARE A PERMANENT PART OF THE DEVELOPMENT, SHALL NOT BE REMOVED, ALTERED OR MODIFIED, AND SHALL BE MAINTAINED**

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BY THE PROPERTY OWNER, ITS SUCCESSORS AND ASSIGNS, TO THEIR ORIGINAL DESIGN CONDITION. SHOULD A PROPERTY OWNER FAIL TO ADEQUATELY MAINTAIN THE STORMWATER FACILITIES, PERKIOMEN TOWNSHIP HAS THE RIGHT, BUT NOT THE RESPONSIBILITY, TO ENTER THE PROPERTY TO INSPECT AND/OR PERFORM ANY NECESSARY MAINTENANCE ON THE STORMWATER FACILITIES, AND, TO ASSESS ALL ASSOCIATED COSTS TO THAT PROPERTY OWNER. IN THE EVENT AN OWNER FAILS TO TIMELY PAY ANY SUCH ASSESSMENT, THE TOWNSHIP MAY LIEN THE PROPERTY AND/OR PURSUE COLLECTION BY ANY MEANS AVAILABLE UNDER PENNSYLVANIA LAW.

18. MAINTENANCE OF THE RETAINING WALLS SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE LOT ON WHICH THEY ARE SITUATED, AND/OR THEIR SUCCESSORS AND ASSIGNS. THE TOWNSHIP SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO ACCESS AND INSPECT THE RETAINING WALLS AND TO REQUIRE THE LOT OWNER, THEIR SUCCESSORS AND ASSIGNS, TO PERFORM MAINTENANCE WHICH WILL ENSURE THE PROPER FUNCTIONING OF THE RETAINING WALLS. SHOULD THE PROPERTY OWNER FAIL TO ADEQUATELY MAINTAIN THE RETAINING WALLS, PERKIOMEN TOWNSHIP HAS THE RIGHT, BUT NOT THE RESPONSIBIITY, TO PERFORM ANY NECESSARY MAINTENANCE AND TO ASSESS ALL COSTS FOR SAME AGAINST THE PROPERTY OWNER. IF THE OWNER FAILS TO TIMELY PAY ANY SUCH ASSESSMENT, THE TOWNSHIP MAY LIEN THE PROPERTY AND/OR PURSUE COLLECTION BY ANY MEANS AVAILABLE UNDER PENNSYLVANIA LAW.

CONSTRUCTION PERMITS, AS WELL AS SEALED PLANS, ARE REQUIRED FOR ALL WALLS IN EXCESS OF 4 FEET.

22. THE PROPERTY OWNER HEREBY CONVEYS TO THE TOWNSHIP, IN PERPETUITY, A BLANKET EASEMENT OVER THE ENTIRE PROPERTY FOR ACCESS TO, AND PROTECTION OF, THE STORMWATER MANAGEMENT FACILITIES AND THE RETAINING WALLS CONSISTENT WITH PARAGRAPHS 9 AND 18, ABOVE.
4. Blanket Easements for access for the protection of the stormwater management facilities and the retaining walls shall be included in the Plan notes and the recorded Agreement.

Richard Kratz asked about the Township sign that is located on this parcel. Is Gorski going to allow the Township to keep this sign on the property? John Riebow responded to this question and indicated that the Township's sign will remain on the Gorski Property. There were no other public comments on the motion. The motion was carried by a vote of 4-0.

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2. 539 Gravel Pike: Eric Strohl of DTS Partners and Eric Swarr were before the Board of Supervisors to discuss their plans for the re-development of 539 Gravel Pike. Mr. Strohl indicated he had this property under agreement of sale and is under a ninety-day due diligence period. The present owner is Robert Caprio. Mr. Caprio had proposed a similar apartment development in 2009. Mr. Strohl is proposing to construct an upscale apartment building with 36 units. There would be (4) one-bedroom apartments and (8) two-bedroom apartments on each floor. Mr. Strohl is proposing a three-story building. These apartments would be on roughly the same footprint as the building proposed by Mr. Caprio in 2009. The floor plan would be changed to allow twelve apartments per floor. The concept being proposed by Mr. Strohl does not meet the requirements of the VCR-2 Zoning District. To move forward, an application to the Zoning Hearing Board would need to be filed requesting certain variances. Based upon Mr. Strohl's presentation, the application to the ZHB would be similar to the application Mr. Caprio filed in 2009. In 2009, the Board reviewed Mr. Caprio's ZHB application and recommended consideration by the ZHB of certain stipulations as a condition of approval. The variances granted to Mr. Caprio have expired, which is why Mr. Strohl will need to file a new application with the ZHB. Mr. Strohl indicated he is working with the stipulations that were set in 2009 for Mr. Caprio. One of the items set forth in this stipulation was the number of parking spaces. The original stipulation required 2.5 parking spaces per apartment. Mr. Strohl indicated that he was not sure if the property would provide enough area for thirty-six apartments with 2.5 parking spaces per apartment. Ms. Daniel indicated that this plan was reviewed at the February Planning Commission Meeting and parking was discussed. The Planning Commission felt that 2.5 parking places should be provided for this development. According to Mr. Strohl, the Zoning Ordinance Parking Requirements for apartments is only 2 parking spaces per unit. Under Mr. Strohl's present plan, he proposes 72 parking space. A stipulation of 2.5 parking spaces per apartment would require 90 parking spaces. Currently, Mr. Strohl is working on an application to be filed with the ZHB. Mr. Strohl hopes to file this application soon but is unsure of the timing. Since the application to the ZHB could be filed prior to the April meeting, the Board discussed the stipulations that were established in 2009. At a minimum, the 2009 stipulations should be the ones to work with. Since the Board had no application to review, the Board was reluctant to make a formal recommendation to the ZHB. As a result, the Board directed Solicitor Picardi to contact the Solicitor for the ZHB and request that the public hearing on Mr. Strohl's application be schedule after the Board's April meeting. By setting the public hearing after the April meeting, the Board should have an opportunity to review and discuss Mr. Strohl's application and make a formal recommendation to the ZHB. It was also recommended that Mr. Strohl attend the April Board meeting to discuss the application he plans to submit to the ZHB.

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SOLICITOR’S REPORT: Solicitor Picardi reported that he had two items to discuss with the Board in addition to his written report. The two items were as follows:

- Crown Castle: Solicitor Picardi updated the Board on the conversation he had with Bill Buckingham following the discussion that took place at the February Board meeting. On the first issue of extending the existing lease, Mr. Buckingham indicated that Crown Castle is asking for at least a twenty-year extension with a final term dated of June 10, 2056. Mr. Buckingham explained, from a financial view, having a longer-term lease improves their ability to attract other carriers to their telecommunication tower. A longer lease provides a more stable position for Crown Castle to attract larger carriers like Verizon. On the second issue of the Right of First Refusal, Mr. Buckingham explained that the Right of First Refusal allows Crown Castle to protect their interest and their investment in this telecommunication tower. Mr. Buckingham indicated that the Right of First Refusal allows Crown Castle to accomplish their goal of securing, protecting, and improving their leases at each of their tower sites. On the third issue of consideration to leasing to Crown Castle more ground, there was no comment. With this additional information, Solicitor Picardi asked if the Board was willing to reconsider and discuss Crown Castle’s request to extend the lease for an additional twenty years and the issue of the Right of First Refusal. If so, Solicitor Picardi recommended reaching out to Attorney Daniel Cohen’s office as was done last year relative to those issues. The Board discussed the response by Bill Buckingham and directed Solicitor Picardi to contact Mr. Cohen’s office to get a price on how much it would cost for that law firm to negotiate these two issues. Solicitor Picardi will do this and return to the April meeting with this information.

- Next, Solicitor Picardi presented to the Board information he put together on the topic of drones, together with a draft Ordinance. Solicitor Picardi requested that the Board review this information for discussion at the April meeting.

PUBLIC SAFETY REPORTS:

- **POLICE REPORT:** The Board is in receipt of the PA State Police Report for February 2018.
- **TRAPPE AMBULANCE** – The Board is in receipt of the report for February 2018.
- **PLYMOUTH COMMUNITY AMBULANCE ASSOCIATION** – The Board is in receipt of the reports for January 2018 and February 2018.

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- **PERKIOMEN TOWNSHIP FIRE COMPANY:** The Board is in receipt of the report for February 2018.
- **FIRE MARSHAL'S REPORT:** The Board is in receipt of the report for February 2018.

ROAD MASTER'S REPORT: Shawn Motsavage submitted to the Board his Road Master's Report dated March 2, 2018, for activities occurring during the month of February.

CODE ENFORCEMENT REPORT: John Moran, Jr. submitted to the Board his Code Enforcement report dated March 1, 2018, for activities that occurred during the month of February.

PERKIOMEN TOWNSHIP PLANNING COMMISSION MEETING: Cecile Daniel reported that the Planning Commission held its meeting on February 20, 2018. At that meeting, the Planning Commission discussed the Final Land Development Plan for Gorski Route 29 Ventures, a sketch plan for a proposed subdivision located on Limerick Road, and the proposal to re-develop the property at 539 Gravel Pike.

PARK AND RECREATION REPORT: There was no meeting in February.

LOWER PERKIOMEN VALLEY REGIONAL SEWER AUTHORITY: Richard Kratz informed the Board that the LPVRS is working on completing the design of the middle interceptor for construction. During this process, the LPVRS is tracking the soft costs of this project so they can account for the total cost of this project.

ENGINEERS REPORT: Kevin Conrad reported on the following:

1. 2018 Perkiomen Township Road Projects: Mr. Conrad informed the Board that SSM issued the Notice of Award for both the 2018 Paving Projects and the 2018 Microsurfacing Projects. SSM is in receipt of the construction agreements for the 2018 Paving Projects and the 2018 Microsurfacing Projects. These agreements have been reviewed and SSM is recommending that the Board approve the agreements and authorize their signatures. Vivian Schoeller made a motion seconded by William Patterson to approve the construction agreements and authorize the appropriate Township officials to sign the agreements for the following: 2018 Paving Projects – Innovative Construction Services, Inc. of Folcroft PA and 2018 Microsurfacing Projects – Asphalt Paving System, Inc. of Hammonton, NJ. There were no public comments on the motion. The motion was passed by a vote of 4-0.

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MANAGER’S REPORT:

1. Turfing Along School House Road: Shawn Motsavage brought to Cecile Daniel’s attention “turfing” incidents that took place along an area of School House Road. The incidents were reported to the PA State Police. Mr. Motsavage informed Ms. Daniel that this damage was done more than once, and he felt it was being done deliberately. Mr. Motsavage is in the process of getting a quote to fix the damage. Since this area is along the PECO Corridor, the Township maybe somewhat restricted with what can be done to stop this problem. Ms. Daniel and Mr. Motsavage are investigating such options as planting trees or bushes, or installing fencing or some type of guiderail along this area. William Patterson agreed that guide rail may be something to consider to be installed along School House Road where the turfing took place.

FINANCIAL REPORT/RECEIPTS AND EXPENDITURES: The treasurer presented to the Board, the February Financial Report and reviewed the receipts and expenditures for the month of February. Janet Heacock then made a motion seconded by Vivian Schoeller to approve the February Financial Report and to authorize the payment of the February bills. There were no public comments on the motion. The motion carried by a vote of 4-0.

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