



PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING MINUTES: MAY 7, 2019

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

MINUTES: The minutes of the April 2, 2019 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 5-0.

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

- ❖ Montgomery County: Information on new voting instructions.
- ❖ Forum: Spotted Lanternfly: Thursday, May 23rd Perkiomen Valley High School pamphlet.

PUBLIC COMMENTS: There were no public comments.

OLD/NEW BUSINESS:

- ❖ Montgomery County Farmland Preservation: Danielle Dobisch was at the meeting to discuss with the Board the County's Farmland Preservation Program. Upon acceptance by the property owner of an offer by the County, a Conservation Easement is recorded which creates a permanent deed restriction on the property to prevent future development. If the property is sold, the new owner must continue to farm the property. The property remains under private ownership and the property owner continues to pay real estate taxes. The land must be used for agriculture or equine activity. As part of this program, an inspection of the property is required every 1 to 2 years to ensure that the property owner is following the program guidelines. If during the inspection it is determined that the property owner is not

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following the program's guidelines, the County will act to ensure compliance. Suzanne Banyacsky applied to the County for participation in its Farmland Preservation Program. Upon review of Mrs. Banyacsky's application, notification was sent informing her that the County accepted the application. According to Ms. Dobisch, the application was accepted because the property is being used to grow corn. The cultivation of corn qualifies the property to be considered for the County's Farmland Preservation Program. For the Banyacsky Property, the process is just beginning, so the County will wait until next year to make sure that the agricultural use continues. The property owner must continue to grow something to participate in this program. Should the County make an offer to Mrs. Banyacsky to purchase her development rights, she will need to accept the offer and all the restrictions that go with the offer. If the offer is accepted, the County will return to Perkiomen Township and request a contribution of fifteen percent (15%) toward the purchase of the Conservation Easement. The request for the contribution is to defray the County's conservation easement acquisition costs so as to give the County the ability to purchase more easements under this program. Ms. Dobisch informed the Board that the Banyacsky application is in the early stages of the process, which could take two years.

- ❖ Central Perkiomen Rotary Club: The Central Perkiomen Rotary Club made a request to the Board of Supervisors for permission to allow fireworks on that portion of the Rotary Field Complex located in the Township and at the same time requested a waiver of the Fire Permit fee for said fireworks. The display of the fireworks is scheduled as part of the annual carnival of the Rotary. The date of the display is June 7, 2019 with a rain date of June 8, 2019. This is an annual request of the Rotary Club. As part of this request, the Rotary submitted to the Township the required Certificate of Insurance. Solicitor Picardi indicated the Certificate needs to be corrected. The Township's name on the Certificate is incorrect and needs to be corrected. After review of the two requests, William Patterson made a motion seconded by Vivian Schoeller to approve the requests subject to receipt of the Certificated of Insurance showing the Township's name being spelled correctly. There were no public comments on the motion. The motion was carried by a vote of 5-0.

SOLICITOR'S REPORT: Solicitor Picardi was present at the meeting and submitted the Solicitor's report to the Board of Supervisors.

PUBLIC SAFETY REPORTS:

- **POLICE REPORT:** The Board is in receipt of the PA State Police Report for April 2019.

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- **TRAPPE AMBULANCE** – The Board is in receipt of the reports for January, February, and March 2019.
- **PLYMOUTH COMMUNITY AMBULANCE ASSOCIATION** – The Board is in receipt of the reports for March and April 2019.
- **PERKIOMEN TOWNSHIP FIRE COMPANY:** The Board was not in receipt of a report from the Fire Company.
- **FIRE MARSHAL’S REPORT:** The Board is in receipt of the report for April 2019.

ROAD MASTER’S REPORT: Shawn Motsavage submitted to the Board his Road Master’s Report dated May 3, 2019, for activities occurring during the month of April.

CODE ENFORCEMENT REPORT: John Moran, Jr. submitted to the Board his Code Enforcement report dated May 1, 2019, for activities that occurred during the month of April. In addition to his report:

- ❖ Mr. Moran informed the Board that he received two application to the Zoning Hearing Board. Application No. 19-1 was from William and Mary Jo DeRosato for the business property located at 160 Rahns Road. The applicants are seeking a variance from the Permitted Uses in the IN District to allow for a residential apartment within the business office located on the site. This apartment would be for a partner of a second business (a garage door company) being proposed on the site. The Board reviewed the application, took no position, and did not direct the Township Solicitor to attend the public hearing. Application No. 19-2 was from Clinton Frey for property owned at 964 Gravel Pike. The applicant is seeking variances from Chapter 310, Sections 310-44.E, 310-97.D.1.a and 310-36.D.5 to allow for a proposed shed on this property. The Board reviewed the application, took no position, and did not direct the Township Solicitor to attend the public hearing.
- ❖ Rahns Construction Company: Mr. Moran informed the Board that he received more noise complaints for late night noise coming from Rahns Construction Company. Upon receipt of the complaints, Mr. Moran contacted Solicitor Picardi and requested that he reach out to the attorney for HYK Construction. Solicitor Picardi did this, and Dan Condiles contacted Mr. Moran. Mr. Condiles informed Mr. Moran that HYK will be doing work on the Turnpike. Trucks will be dispatched one night a week for the next two weeks.
- ❖ 283 Bridge Street: Mr. Moran informed the Board that Heather Baum and Patrick Egan have requested a hearing before District Justice Augustine on the matter of the Civil Complaint filed by the Township for livestock found outside of the enclosures at this location. The public hearing has been set for May 15th at 1:45.

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PERKIOMEN TOWNSHIP PLANNING COMMISSION MEETING: Cecile Daniel reported that the Planning Commission held its meeting on April 16, 2019. At that meeting, the Planning Commission discussed the preliminary plans for 54 Wartman Road.

PARK AND RECREATION REPORT: Cecile Daniel informed the Board that the quote approved at the April meeting for the new playground equipment for Perkiomen Greene was signed and sent to Playpower LT Farmington Inc. As for the Lodal Creek Park, the tables and benches were ordered.

LOWER PERKIOMEN VALLEY REGIONAL SEWER AUTHORITY: Cecile Daniel informed the Board that the LPVRSA award the bid for the middle interceptor for \$39,481,777.00.

ENGINEERS REPORT: Kevin Conrad reported on the following:

1. 2018 Perkiomen Township Road Projects: Mr. Conrad presented to the Board Payment Application No. 3 (Final Payment) for the 2018 Paving Project. SSM reviewed the application and found it to be accurate and the work covered by the application to be installed according to the project specification. SSM recommended the Board consider approval of Payment Application No. 3 as set forth in their recommendation letter of April 30, 2019. With the recommendation of SSM, Janet Heacock made a motion seconded by William Patterson to approve Payment Application No. 3 to Innovative Construction Services, Inc. in the amount of \$12,030.13. There were no public comments on the motion. The motion was carried by a vote of 5-0.
2. 2019 Road Projects: Mr. Conrad presented to the Board Change Order No. 1 in the amount of \$29,569.20. This change order covers: a replacement riser section inlet in French Road, a base repair depth on Kathryn Lane, change to the treatment along the south edge of Maple Avenue, and base repair on Miller Road prior to PennDOT overlaying the road. Mr. Conrad explained that the Change Order represents a net increase in the Contract Price, but the actual work completed to date could still bring the overall project cost in under the bid price. Vivian Schoeller made a motion seconded by William Patterson to approve Change Order No. 1. There were no public comments on the motion. The motion was carried by a vote of 5-0.

Ms. Daniel explained that Miller Road was scheduled to be repaved in 2020. With PennDOT's contractor doing this work for the Township in 2019, the Board could consider moving the road work in Seitz Road from 2021 to 2020. To push Seitz Road back up to 2020, the overall cost of the road work in 2020 would be estimated to rise

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to \$561,495. The Board could consider the following (1) Keeping the work in Seitz Road in 2020. This would put the overall cost to complete the work in 2020 close to what was spent in 2019; (2) Split the proposed work to be completed in Seitz Road between 2020 and 2021. This would reduce the overall cost for the road project below \$561,495; or (3) Keep the road work listed to be completed in Seitz Road in 2021. Under the present proposed Maintenance Plan, the road work in 2021 including Seitz Road is estimated to be \$395,566.

3. 2019 Road Projects: Mr. Conrad presented to the Board Payment Application No. 1 for the 2019 Paving Project. SSM reviewed the application and found it to be accurate and the work covered by the application to be installed according to the project specification. SSM recommended the Board consider approval of Payment Application No. 1 as set forth in their recommendation letter of April 30, 2019. With the recommendation of SSM, William Patterson made a motion seconded by Janet Heacock to approve Payment Application No. 1 to Innovative Construction Services, Inc. in the amount of \$132,395.22. There were no public comments on the motion. The motion was carried by a vote of 5-0.
4. Gorski Route 29 Ventures: Mr. Conrad reported that Gorski Engineering has requested an Escrow Release for their Route 29 Ventures Project. This request is for a reduction in Gorski's Letter of Credit. After reviewing the request, SSM is recommending the release of \$35,015.00 leaving a balance in the Letter of Credit of \$307,630.00. Vivian Schoeller made a motion seconded by Janet Heacock to reduce the Letter of Credit for Gorski Route 29 Ventures to \$307,630.00 as recommended in SSM's letter of April 10, 2019. There were no public comments. The motion was carried by a vote of 5-0.

MANAGER'S REPORT:

1. Lodal Creek Park: At the April Meeting, the Board discussed the issue installing some type of barrier along Bridge Street where the Township recently installed the new playground. At that meeting, the Board authorized SSM to review the situation to determine if the MUTCD Regulations apply in this situation. Mr. Stabolepszy investigated the issue. Based upon the existing conditions, the segment along this stretch of Bridge Street does not meet the formal PennDOT criteria for guide rail installation. That said, Mr. Stabolepszy conducted a visual inspection and opined that the Board should consider the installation of a vehicular barrier to prevent a vehicle from going down the slope into the playground area. The Board indicated its preference would be to install something that is aesthetically pleasing. Mr. Stabolepszy felt that there are options that could be presented for the Board's consideration. The Board discussed the information submitted. As to paying for this

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work, the Board questioned whether this could be paid for from the Open Space Account. Solicitor Picardi agreed to research this question. Timothy Ott questioned whether boulders could be installed along this area instead of guide rail. The Board authorized the following: (1) have SSM prepare a proposed guide rail layout and research the cost for various options. One of those options to consider was using boulders as an alternative and (2) have Solicitor Picardi investigate whether the Board could pay for this work using Open Space funds.

5. Perkiomen Valley School District: Ms. Daniel informed the Board that two issues came up while discussing with the PVSD the idea of transferring funds that the Township has been holding for the expansion of the Perkiomen Valley High School. This expansion project goes back to 2004-2006. During that project, the Township entered into two separate agreements with the School District. One agreement covered the public improvements for the expansion project, and the second agreement covered potential traffic improvements. Upon the recent review of both agreements, it was determined that the Township never closed the file on the Development Agreement or released the remaining funds in that escrow. The second issue is the issuance of a final Use & Occupancy Permit in 2006. The Township issued a Conditional U&O, but not a final one. In reviewing the file information, it was determined that everything that was outstanding on this project was completed back in 2006. In order to close out the file, the Board needs to approve the final release and close the Development Agreement and authorize the issuance of the final U&O. To ensure that the release of this final U&O covers only the work completed between 2004 – 2006, Mr. Moran added language on the U&O that indicates this Certificate only covers the work completed under Building Permit P04-067 and shall not cover any work that has been done after the date of the final inspection listed as March 17, 2006. After discussing this issue, Vivian Schoeller made a motion seconded by William Patterson to approve the closing of the Development Agreement between Perkiomen Township and Perkiomen Valley School District, the release of the final escrow in the amount of \$146,338.05 and authorized the issuance of the final Certificate of Occupancy. There were no public comments. The motion was carried by a vote of 5-0. As to the second agreement which involved the coverage of the traffic improvements, a draft amendment was forwarded to the Board of Supervisors and to the School District for review.

6. Brake Retarder Signs: Ms. Daniel informed the Board that she received an inquiry on the installation of Brake Retarder Signs along Ott Road. It was unclear how prohibiting the use of these brakes would affect the Township's or fire company's vehicles. Ms. Daniel indicated a request to prohibit use of these brakes must first be submitted to PennDOT for approval. If approved, the Board would be required to adopt an Ordinance listing the restriction of using these types of brakes on Ott Road.

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It is unclear if the Board can exempt the Township or Emergency Vehicles from this restriction. At the present time, Ms. Daniel indicated she received this inquiry from two property owners. The Board discussed the matter and decided to table the issue and to revisit this matter in July.

TREASURER'S REPORT: The treasurer presented the April Financial Report showing the receipts and expenditures and the bill list for April. Janet Heacock made a motion seconded by Vivian Schoeller to approve the bill list for the month of April in the amount of \$204,714.68, and, approve the April Treasurer's Report to be placed on file for audit. There were no public comments. The motion carried by a vote of 5-0.

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

Respectfully Submitted,

Cecile M. Daniel

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Township Manager