

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING
MINUTES: MARCH 6, 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 February 7, 2012 Board of Supervisors meeting were approved upon motion of Richard Kratz and seconded by Dean Becker. 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 February.

CORRESPONDENCE:

- **CPVRPC** –February meeting minutes.
- **TRAPPE AMBULANCE** – Report
- **LOWER FREDERICK REGIONAL AMBULANCE CORPS** – Report
- **PSATS** – News Bulletin

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 February 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 March 1, 2012 for activities taking place during the month of February.

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FIRE MARSHALL'S REPORT: Since John Moran Sr. was not present, William Patterson submitted to the Board the Fire Marshall's Report dated March 1, 2012 for activities taking place during the month of February.

CODE ENFORCEMENT REPORT: John Moran Jr. submitted to the Board his Code Enforcement Report dated March 1, 2012 for activities taking place during the month of February.

PERKIOMEN TOWNSHIP PLANNING COMMISSION MEETING: Cecile Daniel reported that the Planning Commission held their February meeting on February 21, 2012. The Planning Commission discussed the proposal submitted by Gorki Associates for a proposed land development in the Iron Bridge Corporate Center. This land development will be for a company known as Comstar. The Planning Commission continued their review and discussion on updating the Perkiomen Township's Zoning Ordinance.

MANAGER'S REPORT:

1. Swede Swarr Subdivision/Kelly Homes: National Penn Bank sold the remaining lots of the Swede Swarr Subdivision/Kelly Homes to Daniel Schempp. Mr. Schempp wants to build on the remaining 2 lots and discuss the possibility of transferring Parcel A (which is undevelopable) to Montgomery County. At this time, there is interest on the part of Montgomery County to discuss this transfer since Montgomery County owns the abutting properties on either side of Parcel A. Moving forward the Township/Municipal Authority needs to be reimbursed from the Letter of Credit that National Penn Bank is holding for this development. Once the bank has reimbursed the Township/Municipal Authority for money owed, the Township needs to release the bank and move forward with an agreement between Perkiomen Township and Daniel Schempp to cover the remaining improvements. William Patterson made a motion seconded by Richard Kratz to resolve the issue of the Letter of Credit with National Penn Bank and negotiate an agreement with Daniel Schempp to cover the remaining improvements. There were no public comments on the motion. The motion was carried by a vote of 5-0.

2. Act 537 Plan/Lower Perkiomen Valley Regional Sewer Authority (LPVRS): A request was sent to the Township from the LPVRS asking the Township to submit a letter informing PADEP that Perkiomen Township is in agreement with the LPVRS's position that no additional Act 537 Planning is necessary for the Middle Interceptor Project and that the PADEP should issue the permits so that the project can move forward. The middle section of the interceptor is located in Lower Providence Township. Some of the Lower Providence residents have objected to the

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Condemnation of Easements of their property for the installation of the middle interceptor. During the review of the LPVRSAs documents, Lower Providence questioned the location of the middle interceptor. Lower Providence claims that the proposed location of the middle interceptor is inconsistent with the Act 537 Plan approved by the PADEP in 2004. Aside from this claim, Lower Providence requested LPVRSAs investigation moving the middle interceptor. LPVRSAs did this and determined that a pumping station would be necessary in order to move the middle interceptor to a different location. The anticipated cost to construct this pumping station would add about \$7,500,000.00 to the construction cost not to mention the added cost of operation and maintenance of the pumping station. During the investigation, the LPVRSAs continued to move forward on designing and obtaining the easements for the construction of the middle interceptor in Lower Providence Township. Due to the issue raised by Lower Providence on the Act 537, PADEP will not issue the permit to construct the middle interceptor. LPVRSAs has stated that it has submitted documents to the PADEP supporting its position that no additional planning is necessary. LPVRSAs is requesting a letter in support of that position. In reviewing the request, Ms. Daniel spoke to David Allebach, solicitor to the Perkiomen Township Municipal Authority, since this project could affect the sewer rate payers in Perkiomen Township. Based upon Ms. Daniel's discussion with Mr. Allebach and Barbara Cepko, the LPVRSAs Manager, Ms. Daniel rewrote the draft letter from LPVRSAs. Richard Kratz made a motion seconded by Janet Heacock authorizing the letter be forwarded to the PADEP. There were no public comments on the motion. The motion was carried by a vote of 5-0. After this discussion, Mr. Kratz made reference to a lawsuit that was filed by Lower Providence against the LPVRSAs in 2007. Presently, Lower Providence has made a suggestion to move toward arbitration on this lawsuit. As Perkiomen Township's representative to the LPVRSAs, Mr. Kratz asked his fellow Board members how they feel about arbitration. Based upon the information that the Board was given, the fellow Board members were not sure if arbitration was the best answer in this situation. The Board members believed that Mr. Kratz and maybe Mr. Picardi may be in a better position to consider whether arbitration, in this situation, was the best way to resolve this lawsuit.

3. Building Repair/Sound System: During the discussion last year regarding maintenance to the Township Building, one of the repair items discussed was the sound system. While reviewing the proposed scope of work, the Board discussed the aspects of what this repair work would entail. Mr. Becker and John Moran Jr. reviewed the scope of work to see what replacement items were included in replacing the sound system. Based upon that review, the Township received a quote to replace the sound system from Stage Works for \$9,895.00. In reviewing the quote with his fellow Board members, Mr. Becker explained his reasons why having a working sound system was a good idea for not only in the present, but moving

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forward in the future. Based upon the few times the existing sound system was used in the past, Mr. Kratz questioned the spending of funds to replace the existing sound system. After reviewing the quote and discussing the pros and cons, Dean Becker made a motion seconded by William Patterson to approve the quote of Stage Works for \$9,895.00. There were no public comments on the motion. The motion was carried by a vote of 4 – Yes to 1 – No (Richard Kratz).

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

1. Liberty Alley Drainage Complaint: Christopher Lemieux was present to continue the discussion with the Board on the drainage issue on his property. Mr. Coghlan informed the Board that, as directed, he sent to Mr. Lemieux the three (3) options reviewed at the February meeting. Mr. Coghlan gave a recap of the three (3) options discussed at that meeting. In reviewing the information, Mr. Lemieux felt that option B.2 was the most effective option, at a marginally higher cost than the other two options. Mr. Coghlan and the Board generally agreed with Mr. Lemieux, with regards to Option B.2 being the best engineering solution. In his opinion, Mr. Lemieux felt that the financial responsibility should be split 75/25 percent with the Township picking up the 75 percent and Mr. Lemieux and his neighbor picked up the remaining 25 percent. Mr. Lemieux's opinion was based upon: (1) A comment made by the Leshers. The Leshers reside at the top of the slope behind the Lemieux's home. According to Mr. Lemieux, the Leshers suggested that the runoff was coming from Liberty Alley. (2) It was Mr. Lemieux's opinion that the legal ownership of Liberty Alley is a grey area. Mr. Lemieux indicated his opinion was based upon a review of the deeds of the homes that are located along Liberty Alley. In reviewing the three (3) options, Mr. Lemieux questioned whether rock removal would be an issue during construction. Mr. Lemieux did not believe rock removal would represent a significant issue, but Mr. Coghlan explained that it is very possible for rock to be encountered during construction. In addition, Mr. Lemieux claimed that he has already spent money due to the losses incurred from the last three (3) flooding events. The Board listened to the comments of Mr. Lemieux, but made no commitments to do anything. The Board indicated that they will think about where the Township will go from here.
2. 2012 Perkiomen Township Road Project: Mr. Coghlan informed the Board that he is moving forward with completing the bid specifications for the 2012 Perkiomen Township Road Project. There are three (3) items that Mr. Coghlan needs direction from the Board:
 - The first item is consideration by the Board to passing a Resolution to adopt PennDOT Bituminous Price adjustment provisions, as the Township has

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continuously done for its annual road maintenance projects. Resolution 2012-8 was before the Board for consideration. Dean Becker made a motion seconded by Richard Kratz to approve Resolution 2012-8: Approving Price Adjustment Clause for Purchase of Bituminous Materials for Township Projects. There were no public comments on the motion. The motion was carried by a vote of 5-0.

- The second item was two (2) options prepared for access improvements and handicap parking at the Township Building. Option 1 proposes that the two (2) required handicap spaces be located in the parking area closest to the main building entrance. The van access aisle would be placed at what is currently the second parking space from the building, with a handicap parking spot on either side of the access aisle. In order to construct an ADA compliant accessible route, the existing sidewalk area at the parking lot level would be reconstructed to provide two (2) 5-foot level landing/turning areas and three (3) associated ramps. This option utilizes an existing landing area and the main entrance ramp for the remainder of the accessible route. Option 1 also includes removing the handicap legend and sign at the existing handicap parking space and utilizing the space for a general loading/delivery area. Option 2 proposes to keep the existing handicap parking space and add the other space in the parking area closest to the main building. The van access aisle and ramp configuration would be the same as discussed in Option 1. If Option 2 is chosen, the existing curb ramp must be reconstructed to comply with the ADA Standards and the access aisle must be clearly marked. Mr. Coghlan explained that the cost would be slightly higher for Option 2 vs. Option 1, because of the need to reconstruct the existing curb ramp in Option 2. Mr. Coghlan recommended that the Board consider going with Option 1. The Board discussed the pros and cons of either option and with the recommendation of Mr. Coghlan, William Patterson made a motion seconded by Dean Becker to proceed with Option 1. There were no public comments on the motion. The motion was carried by a vote of 5-0.

- The third item was how to require the Contractor(s) to dispose of pavement millings from the projects. The Township has occasionally required that Contractors provide pavement millings to the Township at pre-determined locations. On an order of magnitude, this job will generate approximately 1200 Tons (or 60 truck loads) of millings. Mr. Coghlan indicated that some larger Contractors with connections to asphalt plants value millings and may bid slightly lower on the projects if they could retain the millings for use in their recycled asphalt blends. However, small Contractors may not have such connections and may not value millings. Mr. Coghlan explained that if the Township has a need for millings, then now would be an opportune time to obtain them. The Board discussed how to handle the pavement millings and decided that the Township

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can use the millings. The Board authorized Mr. Coghlan to require the Contractor(s) to coordinate with the Township for the locations to leave millings.

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

NEW BUSINESS:

1. Dunkin Donuts: Cecile Daniel presented to the Board the draft Developer's Agreement and the draft Financial Agreement for the installation of the drive-through window at the Dunkin Donuts located at 125 Gravel Pike. Both agreements are ready for the Board's consideration. The Board reviewed both agreements and Richard Kratz made a motion seconded by Dean Becker to approve the Developer's Agreement and the Financial Agreement for the drive-through window at the Dunkin Donuts located at 125 Gravel Pike. There were no public comments on the motion. The motion was passed by a vote of 5-0.

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