



PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING MINUTES: SEPTEMBER 3, 2013

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

Chairman Gordon MacElhenney called the September 3, 2013 Board of Supervisors Meeting to order in the Perkiomen Township Administration Building at 7:00 p.m.

MINUTES: The minutes of the August 6, 2013 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 the month of August. Neither comments nor discussion followed.

CORRESPONDENCE:

- **CPVRPC** – Meeting minutes for the August 19, 2013 meeting.
- **TRAPPE AMBULANCE & LOWER FREDERICK REGIONAL AMBULANCE CORPS** – Reports received.
- **PA AMERICAN WATER NOTIFICATION:** Notification regarding PA American Water's PADEP Water Allocation Permit Renewal to services water in PA American Norristown District and Royersford Interconnection.



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- **PA DEPARTMENT OF TRANSPORTATION:** Notification regarding Graterford Road Bridge over the Perkiomen Creek. This notification was with regard to the weight restriction limitation being placed on the Graterford Road Bridge by PennDot.

SOLICITOR'S REPORT: Mr. Picardi informed the Board that several of the issues he has been working on will be discussed later on the agenda. Mr. Picardi informed the public that the Board held two Executive Sessions since the last public meeting. The first was held for the purpose of reviewing and discussing a personnel matter on August 22, 2013. The second was held immediately prior to the September 3, 2013 Board meeting to discuss a real estate matter.

ROAD MASTER'S REPORT: Shawn Motsavage submitted to the Board his written Report dated September 1, 2013 for activities taking place during the month of August. In addition to his report, Mr. Motsavage informed the Board that bids for the Snow and Ice Removal 2013-2014 Season were open and read aloud. The bid documents separate the Township roads into two zones. The bidders can either bid on one of the zones or they can bid on both. The bids were reviewed by both Mr. Motsavage and Mr. Picardi. Based upon that review, Mr. Motsavage is recommending that Zone 1 be awarded to P.K. Moyer and Sons and that Zone 2 be awarded to Buck Enterprises. The Board reviewed the recommendation of Mr. Motsavage and William Patterson made a motion seconded by Dean Becker to award Zone 1 to P.K. Moyer and Sons and Zone 2 to Buck Enterprises. There were no public comments on the motion. The motion was carried by a vote of 5-0.

FIRE MARSHALL'S REPORT: John Moran Sr. submitted to the Board the Fire Marshall's Report dated September 1, 2013 for activities taking place during the month of August.

CODE ENFORCEMENT REPORT: John Moran Jr. submitted to the Board his written Report dated September 1, 2013 for activities taking place during the month of August. In addition to his report, Mr. Moran discussed with the Board two other items:



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First, an issue has come to his attention regarding target shooting in the Township. Both, Mr. Moran and Mr. Picardi explored the Pennsylvania Regulations covering the use of firearms. Mr. Picardi informed the Board that, for the most part, the regulation of firearms by municipalities in Pennsylvania has been preempted by state law. Mr. Moran indicated that Title 34 of the PA Game Law, Section 2507 (Restrictions on Shooting) subsection b.4 regulates target shooting only while big game is in season. For this area of Pennsylvania, big game season runs from mid-September through the end of January. According to Mr. Picardi, the Game Commission enforces the Game and Wildlife Code in Pennsylvania. Under this code, the municipality cannot regulate hunting activities. Mr. Picardi cautioned the Board that any ordinance restricting the discharge of firearms within a municipality must specifically exclude hunting activities. During hunting season, the rules set forth under Title 34, Section 2507 of the Game Commission Rules apply. Comments were made regarding noise from the shooting of firearms. Regarding the use of the Noise Ordinance both Mr. Moran and Mr. Picardi indicated that Title 35, Section 4501 establishes General Immunity for Noise. Under this section owners of rifle, pistol, silhouette, skeet, trap, blackpowder or other ranges in Pennsylvania shall be exempt and immune from matters relating to noise or noise pollution if the activity took place prior to the adoption of the Noise Ordinance. Depending upon the situation, therefore, a property owner could be exempt from the Township's Noise Ordinance. Mr. Moran and Mr. Picardi indicated to the Board they would like to explore this issue further and return with a possible plan for the Board's consideration. At this time, the Board authorized both Mr. Moran and Mr. Picardi to look into this matter. No decision was made by the Board as to how they may handle this issue.

Second, Mr. Moran explained that the Perkiomen Township Fire Company installed an emergency generator for the fire house. The fire company would like to install a fence around this emergency generator. Mr. Moran is requesting consideration by the Board to waive the \$40.00 permit fee for this fence. Richard Kratz made a motion seconded by Dean Becker to waive the \$40.00 permit fee for the Perkiomen Township Fire Company for installation of a fence around the emergency generator. 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 August meeting on August 13, 2013 where the Planning Commission discussed the sketch being proposed by the Umsteads.



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LOWER PERKIOMEN VALLEY REGIONAL SEWER AUTHORITY: Richard Kratz informed the Board members that the LPVRSAs has changed engineering firms.

MANAGER'S REPORT:

1. Township Building Alterations: Ms. Daniel reported that the alterations to the Township Administration Building are moving forward. There were two changes to the General Contract. One change was to install new carpet over the parquet floor in the conference room and the second change was the removal of construction of a doorway for the relocated area of the Emergency Management Office. The result of the addition of the new carpet and deduction of the doorway construction was an increase in the General Contract of \$1,346.68. The information for the change order submitted by the Center Point Contracting, Inc. (General Contractor) was reviewed and the recommendation was to approve Change Order No. 1 to the General Contract. Dean Becker made a motion seconded by William Patterson to approve Change Order No. 1 of the General Contract to increase the contact in the amount of \$1,346.68. The total for the General Contract would be \$64,346.68. There were no public comments on the motion. The motion was carried by a vote of 5-0.
2. Community Medical and Dental Center: Ms. Daniel informed the Board, per the direction made at the August meeting, the acknowledgment was signed and forwarded to Rowan Keenan, legal counsel for Community Medical and Dental Center ("CMDC").
3. LPVRSAs: Ms. Daniel informed the Board, per the direction made at the August meeting, the letter of support for LPVRSAs's application to the PA Department of Community and Economic Development for a grant and loan under the PennWorks Program was sent to the PA Department of Community and Economic Development.
4. Maintenance for Betcher Road Bridge: Trappe Borough is completing preventive maintenance on the bridge (culvert) that crosses the School House Run near the intersection of Trappe Road and Betcher Road. This bridge was replaced as part of a development that was constructed in Trappe Borough. Maintenance of this bridge has been the responsibility of Trappe Borough. At the time the bridge was replaced, Perkiomen Township obtained a construction and maintenance easement from the property owner that resides at the intersection of Trappe Road and Betcher Road.



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The maintenance work that Trappe Borough is proposing to complete on and around the bridge was approved by Trappe Borough Council at their August Meeting. Since a portion of this bridge lies within the boundaries of Perkiomen Township, Trappe Borough wanted to keep us informed. Per the direction of Ms. Daniel, contact was made through Mr. Motsavage as to the proposed work. Based upon the information he received, Mr. Motsavage was satisfied with the project. The only comment that Ms. Daniel gave to Trappe Borough was to notify the property owner in Perkiomen Township so that they were aware of this project. As the responsibility to maintain this bridge was Trappe Borough's, the Board had no comments and appreciated Trappe Borough keeping the Township informed of this project.

ENGINEERS REPORT: Daniel Coghlan reviewed the following items:

1. 2013 Road Projects: Mr. Coghlan informed the Board that the contractor for the 2013 Road Project has submitted two payment applications. Payment Application No. 2 is in the amount of \$72,009.32 and covers work that was completed on Countryside Court and Longwood Road. Payment Application No. 3 is in the amount of \$58,704.00 and covers the wearing course line item for Bridge Street. Payment Application No. 3 involves the issue of ride quality that has arisen due to the repaving of Bridge Street. The amount set forth in Payment Application No. 3 excludes the 10% retainage. The Board reviewed Payment Application No. 2. Mr. Coghlan recommended that the Board approve this application. Anthony Stevenson of the Village of Cranberry HOA indicated that there was an issue with the driveways at 306 and 308 Countryside Court. Both Mr. Coghlan and Mr. Motsavage will take a look at these two driveways. Richard Kratz made a motion seconded by William Patterson to approve Payment Application No. 2 of D. Malloy Paving in the amount of \$72,009.32 pending receipt of the certified payroll documents. There were no other public comments. The motion was carried by a vote of 5-0. As to the recommendation for Payment Application No. 3, Mr. Coghlan informed the Board that the Ride Quality Evaluation has not been completed by the contractor. Mr. Coghlan asked whether the Board had any further thought on the issue of a reduction in the amount owed to the contractor in this matter. Since no resolution has been made as to the Ride Quality Evaluation, it was Mr. Coghlan's recommendation that the Board place the matter of this payment on hold until the Ride Quality Evaluation has been decided. With that recommendation, Dean Becker made a motion seconded by Richard Kratz to deny Payment Application No. 3 because of the Ride Quality Issue of Bridge Street. The Ride Quality Issue will be placed on the October Meeting Agenda. There were no



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public comments on the motion. The motion was carried by a vote of 5-0. Application No. 4 was received too late for this meeting so Mr. Coghlan informed the Board he would review the payment application for the October Meeting. During Supervisor's Comments, Richard Kratz indicated that it was his opinion that the ride quality of Wartman Road was no worse or better than the ride quality of Bridge Street. As a result, if there was no ride quality concern for Wartman Road, there should be no ride quality issue for Bridge Street.

2. Wartman Road Rehabilitation Project: Mr. Coghlan informed the Board that Allan Myers has completed most of the work for this project. A punch list was issued to Allan Myers to complete. During the installation of the wearing course for this project, Allan Myers notified Mr. Coghlan that they exceeded the wearing course tonnage set forth in the bid by approximately 20%. Mr. Coghlan and representatives of Allan Myers are discussing this issue.
3. Bridge Street Storm Sewer Project: Mr. Coghlan informed the Board that he is moving forward with this project. The project will be bid as scheduled and will be on the agenda for consideration by the Board at the October Meeting.
4. Kriebel Subdivision Lot #2: Mr. Coghlan informed the Board that the developer of Lot #2 of the Kriebel Subdivision has completed this project and has submitted a request for Escrow Release No. 6 in the amount of \$5,940.79. Mr. Coghlan reviewed the request and recommended the Board release Escrow Release No. 6. With that recommendation, William Patterson made a motion seconded by Dean Becker to approve Escrow Release No. 6 to the developer for Lot #2 of the Kriebel Subdivision in the amount of \$5,940.79. There were no public comments on the motion. The motion was carried by a vote of 5-0.

RECEIPTS AND EXPENDITURES: The treasurer read the receipts and expenditures for the month of August. After review of same, Dean Becker made a motion seconded by Richard Kratz to authorize payment of the August bills. 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. Ataxia Bike Ride Fundraiser: Kyle Bryant of the Freidreich Research Alliance submitted the annual request for permission to use certain Township roads for the annual Ride Ataxia. The list provided from Mr. Bryant indicates use of School House Road, Kagey Road, and Wartman Road. The Certificate of Insurance with the proper endorsement has been forwarded to the Township and is acceptable. William Patterson made a motion seconded by Richard Kratz to grant permission to use certain Township roads for their annual Ride Ataxia. There were no public comments on the motion. The motion was carried by a vote of 5-0.
2. Montgomery County Association of Township Officials Meeting: The Fall Convention of MCATO is scheduled for Friday, September 27, 2013. Dean Becker indicated he would be interested in attending this meeting. William Patterson made a motion seconded by Richard Kratz authorizing Dean Becker's attendance at the Fall MCATO Convention scheduled for September 27, 2013. There were no public comments on the motion. The motion was passed by a vote of 5-0.

COMMENTS FROM THE PUBLIC

Rick Fidler was present to introduce himself as Legislative Assistant to Representative Mark Painter. Mr. Fidler indicated that, under the re-districting, Representative Painter will now be representing the residents of Perkiomen Township. Mr. Fidler indicated that he would be present at the Board meetings as a liaison between Perkiomen Township and Representative Painter's office.

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