



## PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING MINUTES: FEBRUARY 4, 2014

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**BOARD MEMBERS PRESENT:** Dean Becker, Chairman  
William Patterson, Vice-Chairman  
Richard Kratz, 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

Dean Becker called the February 4, 2014 Board of Supervisors Meeting to order in the Perkiomen Township Administration Building at 7:00 p.m.

**MINUTES:** The minutes of the January 6, 2014 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.

**POLICE REPORT:** The Board reviewed the written State Police Report for January.

### **CORRESPONDENCE:**

- **TRAPPE AMBULANCE & LOWER FREDERICK REGIONAL AMBULANCE CORPS** - Reports.
- **PSATS BULLETIN** - Report
- **CPVRPC** - January Meeting Minutes

**SOLICITOR'S REPORT:** Kenneth Picardi requested an Executive Session to discuss a pending litigation matter. Several other items that Mr. Picardi has been working on will be discussed later on the agenda.

**ROAD MASTER'S REPORT:** Shawn Motsavage submitted to the Board his Road Master's Report dated February 1, 2014 for activities taking place during the month of January. In addition to his report, both Mr. Motsavage and Ms. Daniel updated the Board



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as to the impact this winter has had on the Township. The cold weather has not only affected the condition of the roads, but the cost to the Township in keeping the roads clear. Due to unforeseen circumstances, Mr. Motsavage is experiencing difficulty obtaining road salt. Calls have been made to the vendor that supplies this area from the State Contract. Also, Mr. Motsavage has had to purchase salt from vendors that are not on the State Contract. Mr. Motsavage informed the Board he is not sure how long he will be able to continue to do this as road salt becomes scarce. The lack of road salt is only part of the problem. Ms. Daniel explained that the cost to purchase this road salt is more than what was budgeted. Since it was getting more difficult to purchase the road salt, the price per ton is increasing to the point that the Township will go over the bidding requirements. Since it was Ms. Daniel's opinion that the purchase of road salt was a safety issue and an emergency situation, there was no choice in purchasing quantities of road salt, even though doing so will place the total amount of salt purchased over the bidding requirements. Ms. Daniel reviewed this situation with Solicitor Picardi. At this meeting, Solicitor Picardi advised that neither the Second Class Township Code, nor the Emergency Management Services Code, provide any help to the Township in this situation. However, he added that there is case law which holds that municipal officials may bypass bidding requirements when immediate action is necessary to correct a dangerous situation, and there is not sufficient time to advertise for bids. Solicitor Picardi said that an emergency is defined as a sudden or unexpected occurrence calling for immediate action, and must actually or likely meet the following three criteria:

1. Affect seriously the safety, health, or welfare of a substantial number of citizens or preclude the operation or use of essential public facilities;
2. Be of such magnitude or severity as to render essential State supplementation of County and local efforts or resources exerted or used in alleviating the danger, damage, suffering, or hardship faced; and
3. Have been caused by forces beyond the control of man. . . or by factors not foreseen and not known to exist when appropriation bills were enacted.

Given that the safety, health, and welfare of the Township residents depend heavily upon having clear and passable roadways, purchasing salt from any other available source would be justified, provided it is certain or nearly certain that the Township cannot obtain road salt from its regular source.



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Under the circumstances, Solicitor Picardi expressed his legal opinion that it is better for the Township to buy the road salt without compliance with the public bidding requirements than it is to leave all of the roadways in the Township in an unsafe condition when multiple inclement weather events are predicted within the next several days. Based upon this discussion, Mr. Motsavage and Ms. Daniel will contact multiple vendors to try to purchase additional road salt for the Township.

**FIRE MARSHALL'S REPORT:** John Moran Sr. submitted to the Board his Fire Marshall's Report dated February 1, 2014 for activities taking place during the month of January.

**CODE ENFORCEMENT REPORT:** John Moran Jr. submitted to the Board his Code Enforcement Report dated February 1, 2014 for activities taking place during the month of January.

In addition to his report, Mr. Moran discussed the following with the Board:

- **Fire Code:** At the January Meeting, the Board reviewed the changes that were made to the draft Fire Code Ordinance. Solicitor Picardi indicated at the January Meeting, these changes were discussed with him before being presented to the Board. At the January meeting, the Board authorized advertisement of the proposed Fire Code Ordinance for consideration at the February Meeting. Both Mr. Moran and Solicitor Picardi recommended the Board's consideration to approve Ordinance No. 217 - Perkiomen Township Fire Code. William Patterson made a motion seconded by Richard Kratz to adopt Ordinance No. 217 - an Ordinance repealing Township Ordinance Nos. 31 and 55, and, adopting, authorizing, and allowing for the administration and enforcement of the International Fire Code, as amended by this Ordinance, as the Township's Fire Code. There were no public comments on the motion. The motion was carried by a vote of 4-0.
- **Fee Schedule -** Mr. Moran explained that he has been reviewing all of the Township's different standing Resolutions that establish the fees charged by Perkiomen Township for different items. In addition, Mr. Moran reviewed other Municipal Fee Schedule Resolutions to compare those fees against the fees charged by the Township. As a result of that review, Mr. Moran prepared a comprehensive proposed Fee Schedule which he reviewed with the Board.



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Solicitor Picardi reviewed the schedule and had some minor changes to the proposed Fee Schedule. After due consideration in reviewing the proposed fees into a comprehensive Fee Schedule which will require repeal of all the existing and standing Fee Schedule Resolutions, Richard Katz made a motion seconded by Janet Heacock to adopt Resolution 2014-7 establishing a comprehensive 2014 Fee Schedule and repeal of the existing and standing Fee Schedule Resolutions. There were no public comments on the motion. The motion was carried by a vote of 4-0.

- **Fourth of July Fireworks Sale:** Mr. Moran informed the Board that he has received the request of Keystone Novelties LLC to allow the tent sale at 87 Gravel Pike. This request is for June 27, 2014 through July 5, 2014. A Certificate of Insurance and a copy of the Lease Agreement between Keystone Novelties and the property owner of 87 Gravel Pike has been received. The items to be sold at this tent sale are those permitted by Act 204 of 2004. This information was reviewed by Mr. Moran and found to be complete. Mr. Moran is requesting approval by the Board to allow Keystone Novelties to hold a tent sale at 87 Gravel Pike on June 27 through July 5, 2014. This request has been made annually by Keystone Novelties and with all information found to be complete, William Patterson made a motion seconded by Richard Kratz to grant permission to Keystone Novelties LLC to hold a tent sale at 87 Gravel Pike from June 27 through July 5, 2014 as allowed by Act 204 of 2004. There were no public comments on the motion. The motion was carried by a vote of 4-0.
- **UCC Appeals Board:** Mr. Moran discussed with the Board the agreement that Perkiomen Township entered into February 9, 2005 that created a joint Board of Appeals under the UCC. To date, no appeals have been filed for this Joint Board of Appeals. Regardless, Mr. Moran was recently informed that Perkiomen Township does not presently have a representative appointed to this Board. Mr. Moran gave the Board names of individuals who may be willing to be considered for this Board of Appeals. Before contacting these individuals, Mr. Moran wanted to gain authorization from the Board first. The Board reviewed the list of names and gave authorization to Mr. Moran to discuss with these individuals what would be involved with being a member of this Joint Board of Appeals and to ascertain whether that individual would have the qualifications as set forth in the agreement.



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**PERKIOMEN TOWNSHIP PLANNING COMMISSION MEETING:** Cecile Daniel reported that the Planning Commission held no meeting in January.

**LOWER PERKIOMEN VALLEY REGIONAL SEWER AUTHORITY:** Richard Kratz informed the Board that the Regional Sewer Authority is exploring the possibility of treating sewage for companies that collect sewage from private systems. This has been a way to generate additional income for other treatment plants such as Pottstown and Valley Forge Sewer Authorities. Also, Mr. Kratz informed the Board that Mark Dickinson of Hill International was at their January Meeting. Mr. Hill is the contractor that is overseeing the construction of the Graterford Prison and is acting as a liaison between the contractor and the Commonwealth. The purpose of Mr. Hill's attendance at the LPVRSa meeting was to discuss the money owed to the Regional Sewer Authority from the Commonwealth for the purchase of sewer capacity for the new Graterford Prison. Mr. Kratz informed his fellow Board members that the LPVRSa Board asked Mr. Hill when the Commonwealth would purchase this capacity. Mr. Hill informed the LPVRSa Board, that under state statute, the funds for the purchase of sewer capacity for Graterford Prison cannot be released until the building(s) are constructed and occupied. According to Mr. Hill, the present schedule for this is November, 2015.

### **MANAGER'S REPORT:**

1. Perkiomen Valley School District: As authorized at the January Meeting, the approved Salt Storage Licensing Agreement was forwarded to the Perkiomen Valley School District for the School District's consideration. The Licensing Agreement was returned with one minor revision. The revised agreement is before the Board for consideration. The Board reviewed the minor change that the School District made to the Licensing Agreement. William Patterson made a motion seconded by Richard Kratz to approve the revised Salt Storage Licensing agreement between Perkiomen Township and Perkiomen Valley School District and authorized that the final agreement be forwarded to the Perkiomen Valley School District for their consideration. There were no public comments on the motion. The motion was carried by a vote of 4-0.
2. Perkiomen Township Tax Collector: At the January Meeting, the Board authorized advertisement of a proposed Ordinance which would allow the Perkiomen Tax Collector to charge for Tax Certifications, Duplicate Tax Bills, and costs associated with checks returned for insufficient funds. Ordinance No. 218 was prepared by



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Solicitor Picardi and advertised for consideration by the Board at this meeting. The fees to be charged were set forth within the Township's Fee Schedule as approved by Resolution of the Board. The fees to be charged are as follows: \$25.00 for tax certifications and \$5.00 for each tax duplicate, and \$35.00 for each check returned for insufficient funds. Richard Kratz made a motion seconded by Janet Heacock, having discussed the charging of these fees, to adopt Ordinance No. 218 - An Ordinance of Perkiomen Township repealing Ordinance No. 176 and authorizing compensation for the duly elected tax collector for the providing of tax certifications, duplicate tax bills, and for the assessment of fees for checks that are returned for insufficient funds. There were no public comments on the motion. The motion was carried by a vote of 4-0.

3. Lodal Creek Nature Park: SSM completed the survey and wetland delineation for the proposed Lodal Creek Nature Park. The next step is to take the concept plan developed by the Montgomery County Planning Commission and merge it with the survey. Before proceeding, Ms. Daniel is requesting authorization from the Board to have SSM prepare a Confirmation of Services. The Board then authorized SSM to prepare a Confirmation of Services for the Lodal Creek Nature Park.

**ENGINEERS REPORT:** Kevin Conrad reviewed the following items:

1. 2014 Road Project Issues:

- 2014 Road Projects: The design work for the 2014 Road Project is almost complete. Based upon the preliminary design, the cost projections indicate that the Fox Heath Roads may cost less than originally anticipated. However, due to the scope of work necessary to complete the storm sewer in Buchert Road, the cost association with the installation of the storm sewer could increase this aspect of the project by \$110,000. When recalculating the cost for the 2014 Road Project, the Board needs to consider increasing the funding by \$100,000 to complete the project. In addition, Mr. Conrad explained that there are easements that will be necessary to complete the storm sewer in Buchert Road. The coordination of the easements still needs to be made with the affected property owners. Also, there is a drainage issue that needs to be discussed with one of existing property owners as this could affect the project. In addition, coordination needs to be made with Lower Frederick Township as to their scope of work to be completed on their section of Centennial Street/Buchert Road. The first step is the Board's consideration to increasing the 2014 Road Project by \$100,000 to





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account for potential costs to installation of the storm sewer in Buchert Road. The Board discussed with Mr. Conrad the easements and the storm sewer to be installed in Buchert Road. Janet Heacock made a motion seconded by Richard Kratz to amend the 2014 Perkiomen Township Budget to transfer from the unrestricted net assets the amount of \$100,000 to be used for the construction of storm sewer in Buchert Road. There were no public comments on the motion. The motion was carried by a vote of 4-0.

- As part of the 2014 Road Project, the Board considered the approval of including a price adjustment clause to be included in the bid documents. The fluctuations in the cost of bituminous materials may lead contractors to submit higher bids in order to protect themselves against adverse market conditions. The bituminous clause is a method of dealing with the increases and decreases in prices. PennDOT established an Escalator/De-Escalator Clause which allows for a method in adjusting the upward and downward price of bituminous material during the construction project. This clause has been added to previous road projects, and the Resolution authorizing its inclusion into the 2014 Road Project bids is before the Board for consideration. William Patterson made a motion seconded by Richard Kratz to approve Resolution 2014-6 which is the approval of the price adjustment clause for the purchase of bituminous materials for the 2014 Road Project. There were no public comments on the motion. The motion was carried by a vote of 4-0.
  - Mr. Conrad explained that due to the coordination of the easements and the work to be added from Lower Frederick Township, the schedule for the 2014 Road Project has been revised. The Board had no problem with the revised schedule.
2. Conservancy - Cork County Builders: The Township received a request from Cork County Builders to release escrow funds for improvements completed on Lot 6 of the Conservancy at Perkiomen. These improvements include the driveway apron/sidewalk construction and street tree planting. The release has been reviewed by SSM, and the recommendation is to approve Escrow Release No. 3 in the amount of \$1,105.00. With the recommendation of Mr. Conrad, William Patterson made a motion seconded by Janet Heacock to approve Cork County Homes' request to release escrow funds and authorizes the Escrow Release No. 3 in the amount of \$1,105.00. There were no public comments on the motion. The motion was carried by a vote of 4-0.



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3. Thermal Cracking: Mr. Conrad informed the Board that several instances of transverse thermal cracking was identified along Longwood Road. It was SSM's opinion that the winter's extreme cold temperatures have caused these cracks to form. SSM has made the contractor aware of the issue on Longwood Road to try and deal with it now. If the cracks are sealed as soon as possible the thermal cracking should not present significant problems. SSM will continue to monitor the situation. There may also be other areas in the Township that are experiencing the same problem.

**RECEIPTS AND EXPENDITURES:** The treasurer reviewed the receipts and expenditures for the month of January. After review of same, Richard Kratz made a motion seconded by William Patterson to authorize payment of the January bills. There were no public comments on the motion. The motion was passed by a vote of 4-0.

### **NEW BUSINESS:**

1. 2014 Perkiomen Township Fire Company Events: As they do every year, the Perkiomen Township Fire Company has submitted for the Board's approval the tentative 2014 calendar of events for the Perkiomen Township Fire Company. The Board needs to approve these events for workman's compensation coverage purposes. The Board reviewed the list and Richard Kratz made a motion seconded by Janet Heacock to approve the 2014 calendar events for the Perkiomen Township Fire Company. There were no public comments on the motion. The motion was carried by a vote of 4-0.
2. MCATO Spring Convention and the PSATS Convention: The Spring Convention of the Montgomery County Association of Township Official is scheduled for Friday, February 28, 2014. The annual PSATS Convention is scheduled to be held from April 13 through April 16, 2014 in Hershey, PA. Due to everyone's schedule, no one will be able to attend the MCATO Spring Convention. At this time, it is unclear if anyone will be able to attend the PSATS Convention due to schedules. It was decided that the final decision to indicate attendance at the PSATS will be at the March Monthly Meeting.

There being no further business, the meeting was adjourned upon a motion made by Richard Kratz and seconded by William Patterson. The Board then went into Executive Session with Solicitor Picardi to discuss a litigation matter.