



PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING MINUTES: JUNE 2, 2020

BOARD MEMBERS PRESENT: William Patterson, Chairman
Vivian Schoeller, Vice-Chairman
Dean Becker, Member
Albert Campion, Member
Adam Doyle, Member

OTHERS PRESENT: Cecile Daniel, Township Manager
Kenneth Picardi, Township Solicitor
Kent Morey, SSM – Township Engineer

THE JUNE 2, 2020 MEETING OF THE PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS WAS HELD VIA ZOOM. PRIOR NOTICE WAS POSTED ON THE TOWNSHIP WEBSITE AND ADVERTISED IN THE LOCAL NEWSPAPER.

Chairman William Patterson called the meeting to order at 7:00 pm.

CONSENT AGENDA: Dean Becker made a motion seconded by Vivian Schoeller to approve the consent agenda items as follows: a) Minutes: May 5, 2020 and b) Reports from: PA State Police, Ambulance, the Fire Company and Fire Marshall; c) Financial Matters: Authorize Payment of Bills for May in the amount of \$181,524.85 and the Treasurer's Report to be placed on file for audit. There were no public comments on the motion. The motion was carried by a vote of 5-0.

OLD/NEW BUSINESS:

- Perkiomen Valley Library: Aileen Johnson, Branch Library Manager, and Meredith Glodek, President, of the Perkiomen Valley Library were present to update and discuss with the Board the Level of Services the library provides to residents of Perkiomen Township. Mrs. Glodek explained that the construction project to the library is almost complete. The tentative re-open date is June 15th. Ms. Johnson informed the Board that beginning sometime around June 22nd, they are looking to start curbside pickup for books. No one will be allowed in the building because of COVID-19.
- Perkiomen Valley School District: Hugh Cadzow, Engineer; Loren Szczesny, Solicitor; and James Weaver, Business Administrator, were present to review and discuss the proposed renovations to the Perkiomen Valley School Districts Athletic Fields. Mr. Szczesny informed the Board that the School Board agreed with the

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terms of the agreement. There are four items that are outstanding: (1) Receipt of the approval from the Montgomery County Conservation District; (2) the Letter of Credit to fund the improvements; (3) an Engineering Cost Breakdown to be attached as an exhibit to the Agreement; and (4) Copy of the Record Plan recording receipt. The School District is requesting consideration by the Board to approve the Stormwater Facilities Maintenance Agreement conditioned upon receipt of these items. Solicitor Picardi informed the Board that this proposed plan deals with stormwater issues only; therefore, no land development plan is required. The Board needs to authorize the Chairman to sign the agreement pending receipt of the four outstanding items. Albert Campion made a motion seconded by Vivian Schoeller authorizing William Patterson to sign the Stormwater Facilities Maintenance and Project Improvements Agreement, with Grant of Blanket Easement conditioned upon receipt of the four outstanding items as discussed. There were no public comments on the motion. The motion was carried by a vote of 5-0.

- Montgomery County Incident Support Team (IST): William Patterson explained that the IST was created for the purpose of responding to major incidents in Montgomery County. The members of the team are based on their personal expertise. Presently, the team is made up of Police, Fire, EMC, a Township Manager, and other County personnel. Stanley Turtle from the Perkiomen Township Fire Company is part of this team. One of the requirements is the Township needs to provide Workman's Compensation coverage for Mr. Turtle. Notification of this can be completed by a letter from the Municipality or by a resolution. Solicitor Picardi preferred it be completed by resolution. Resolution 2020-14 authorizes certain ancillary activities of the Perkiomen Township Volunteer Fire Company and its members. This resolution also establishes the Chairman of the Board of Supervisors to sign the MCIST Authorization Form. This form lists Stanley Turtle as a member of the IST. At the conclusion of the discussion, Dean Becker made a motion seconded by Adam Doyle to approve Resolution 2020-14. There were no public comments on the motion. The motion was carried by a vote of 5-0.

- Emergency Declaration: The Emergency Declaration approved by the Board of Supervisors expired on May 31, 2020. The Board needs to consider reaffirming a new Emergency Declaration. Since it is unclear how long we will be dealing with the current COVID-19 situation, Mr. Patterson recommended affirming a new Declaration of Emergency stating that this Declaration will continue until further notice. Dean Becker made a motion seconded by Vivian Schoeller affirming the Declaration of Disaster Emergency be in place until further notice. There were no public comments on the motion. The motion was carried by a vote of 5-0.

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SOLICITOR'S REPORT: Solicitor Picardi submitted his written report to the Board of Supervisors. In addition to his report, Solicitor Picardi informed the Board as to the following:

- Zoning Hearing Board Application: Solicitor Picardi informed the Board that there was a Zoning Hearing Board Application submitted to the Township. John Moran Jr. told the Board that Corey & Laura Talon of 10 Dieber Road applied for variances to allow six chickens and a chicken coop and run area. The chickens would be hens and no roosters. The Zoning Ordinance for this use requires a minimum of two acres which the Talons do not have. In addition, the chicken coop would be fifty-feet from the property lines and the Zoning Ordinance requires a hundred-feet. Mr. Moran indicated that no hearing date has been set for this ZHB Application to consider these variances. Vivian Schoeller informed the other Board members that Montgomery County Planning Commission (MCPC) has been recommending to the Central Perkiomen Valley Regional Planning Commission that the member municipalities might want to consider revising their respective Zoning Ordinances to encourage residents to keep chickens. This idea would require changes to the Township's Zoning Ordinance. Mr. Moran acknowledge that this issue is on his list when reviewing the Township's Zoning Ordinance. Solicitor Picardi was authorized to write to Fred Wentz, Solicitor for the Township's ZHB, and tell him that the Board is taking a neutral position on this application. In addition, he will add that MCPC is supporting changes to agricultural uses which includes the keeping of chickens. Ms. Schoeller found this approach acceptable.

- 937 Hamilton Road/Ken Boakye: Solicitor Picardi reviewed the background on the incident that took place at 937 Hamilton Road. Loretta Fitzgerald of 935 Hamilton Road had attended the March Board meeting where she provided information regarding this matter. Ms. Fitzgerald claimed that her neighbor was conducting activities which would fall under the definition of a boardinghouse which are not permitted in the R-5 District. After the March meeting, Ms. Fitzgerald filed a Citizen's Complaint Form claiming her neighbor is conducting a boardinghouse at 937 Hamilton Road. The Township created a subcommittee to discuss and investigate Ms. Fitzgerald's claim. This subcommittee was made up of Kenneth Picardi, John Moran, Cecile Daniel and two Township Supervisors. This investigation involved a review of three definitions which relate to this situation: Family, Dwelling Unit, and Boardinghouse. The conclusion was that an individual in a residential home who rents one room to an unrelated person does not fall within the definition of Boarding-house, and, that such use meets the definition of Family. As a result, what Mr. Boakye is doing is allowed in the R-5 District. Ms. Fitzgerald was present at this meeting and stated that she is not happy with this opinion. She indicated she will continue to challenge Mr. Boakye's use based upon her conversation with him. Mr. Boakye is renting rooms and charging rent regardless of

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not having any leases. In Ms. Fitzgerald's opinion, Mr. Boakye is renting out rooms for profit with a shared bathroom and kitchen. Also, since Mr. Boakye is not having the renter sign a lease, they can come and go as they please. This would mean the renters could be considered transient. Solicitor Picardi felt that the use of the term transient in the definition of Family is not applicable to this case since the definition of Family is broken down into related and unrelated individuals. John Moran will forward his determination on this matter to Ms. Fitzgerald and Solicitor Picardi will send a letter to Mr. Boakye that he is not violating the Zoning Ordinance. In his letter, Solicitor Picardi will add that there are other code questions that need to be addressed. Moving forward, a review of the Zoning Ordinance possibly will require a closer analysis of the terms set forth in the definition section. There were no other points at issue for the Board, so Solicitor Picardi and John Moran will proceed with sending their respective letters.

ENGINEER'S REPORT: Kent Morey was present to discuss the Township's MS4 Program (Municipal Separate Storm Sewer System). As part of this program, the permit issued to the Township required six Control Measurers. These have been around since the program began in 2003. The Pollution Reduction Plan (PRP) was added in this permit cycle. Where you have streams that are impaired you need to remove 10% of the nutrients and sediments. For Perkiomen Township, there are four streams involved in the plan. Under the program, the Township can look at these streams as one stream, thereby, basing the 10% reduction amount on the total amount of all four streams. In 2017, SSM did an analysis and determined that if we retrofitted four of the five detention basins in the Perkiomen Greene Development, we would achieve this goal. Retrofitting of detention basins is only one of the BMPs that can be done. Stream restoration is another. PADEP reviewed the original PRP Plan and disagreed that the retrofitting of the four/five basins would achieve the 10% reduction in the sedimentation load. PADEP has determined that the Township's street system is a part of the Township's Storm Sewer System. The result was more sediment needs to be removed, making the 10% higher. In December 2018, there was an issue with the Perkiomen Township Sewer System. One of the PTMA's sewer lines became exposed in the Landis Creek. This resulted in an evaluation of the Township's PRP and a move toward doing streambank restoration as the primary part of the PRP. Mr. Morey indicated the retrofitting of the detention basins in the Perkiomen Greene Development could be used later. Also, this restoration project would provide added protection to the exposed sewer line. Mr. Morey reached out to Land Studies to assist with this change in the Township's PRP. The original target area was 300 LF. Land Studies recommended looking both upstream and downstream of this area to determine if additional area should be added. Based upon this recommendation, Land Studies estimated that approximately 13,464 pounds of sediment could be removed in the target area of the 300 LF. The target area plus downstream was a total length of 460 LF. There could be approximately 20,645 pounds of sediment removed. If the total

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reach of 950 LF feet is done, then 42,636 pounds of sediment can be removed. This 42,636 is closer to what SSM calculated needed to be removed under the Township's permit over the next five years. The cost to complete the retrofit of the detention basins in the Perkiomen Greene Development was between \$300,000 - \$350,000. The cost to do the total streambank restoration project would be approximately \$310,000. If needed in the future to remove more sediment, the Township could look to the five detention basins in the Perkiomen Greene Development. Before moving forward with the streambank restoration, Mr. Morey would like authorization from the Board. Moving forward would involving contacting both the West Birchwood HOA and Fox Heath HOA as the Landis Creek goes through their properties. Dean Becker asked about the payout for this project, because if it is over time, the cost could be higher that what is being projected. Mr. Morey indicated that the payout would happen over the next three years. The Board is not happy with this "unfunded mandate" from EPA and PADEP but understand they have no choice; therefore, they authorized Mr. Morey to move forward. The next step will involve contacting West Birchwood HOA and Fox Heath HOA.

MANAGER'S REPORT:

- Antonio Mazzamuto: Mr. Mazzamuto is proposing to construct a new home at 393 Wartman Road. This new home will be constructed on Lot 4 of Mr. Mazzamuto's subdivision. As part of that plan, improvements must be constructed for this lot. The Board had before it the Developer's Agreement covering the improvements for Lot 4 as required by the approved plan. Vivian Schoeller made a motion seconded by Dean Becker to approve the Development (Improvements) Agreement between Perkiomen Township and Antonio Mazzamuto and authorize the chairman to sign said agreement. There were no public comments on the motion. The motion was carried by a vote of 5-0.
- Future Meetings: Ms. Daniel discussed with the Board how they would like to conduct their future meetings now that Montgomery County was moving toward "yellow". There was a discussion about holding the meetings in the pavilion. It was discussed that the July meeting might be held at 7 P.M. in the pavilion.
- Financial Picture: Ms. Daniel updated the Board on the financial health of the Township based upon current information. Presently, the Township's financial health is looking on course. Moving forward, this could change depending upon the future economic picture.

PUBLIC COMMENTS: Both Dean Becker and Cecile Daniel indicated there were no comments received from the public.

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SUPERVISORS COMMENTS: Dean Becker updated the Board as to the meeting held by the Lower Perkiomen Valley Regional Sewer Authority. There is an eagle's nest that is located at the contractor's entrance to the site. This necessitated the movement of this entrance and delayed the contractor. The impact of this is an increase in the project costs of 1.5 million dollars and 150-day delay in the project completion.

There being no further business, the June public meeting was adjourned upon motion by Vivian Schoeller and seconded by Albert Campion.

Respectfully Submitted,

Cecile M. Daniel

Cecile M. Daniel
Township Manager