

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING
MINUTES: JANUARY 3, 2006**

BOARD MEMBERS PRESENT: William Patterson, Chairman
Richard Kratz, Member
Gordon MacElhenney, Member
Edward Savitsky, Member
Dean Becker, Member

OTHERS PRESENT: Cecile Daniel, Township Manager
Kenneth Picardi, Township Solicitor
Pamela Stevens, Township Engineer
W. Richard Dillon, Code Enforcement Officer
John Moran, Road Master

William Patterson called the January 3, 2005 Reorganization Meeting and Board of Supervisors Meeting to order in the Perkiomen Township Administration Building at 7:00 p.m. The first item of business was the Reorganization Meeting.

REORGANIZATION MEETING: The reorganization meeting was turned over to Richard Kratz who acted as temporary chairman. Mr. Kratz called for nominations of chairman. Edward Savitsky made a motion to nominate William Patterson as chairman. There were no other nominations; therefore Edward Savitsky made a motion to close the nominations seconded by Dean Becker. There was no public comment on the motion. The motion was unanimously approved by vote of 5-0. The secretary was directed to show that William Patterson was elected chairman by a unanimous vote. The Reorganization Meeting was turned over to William Patterson. William Patterson took the nomination for vice-chairman. Dean Becker made a motion to nominate Edward Savitsky as vice-chairman. There were no other nominations; therefore Dean Becker made a motion to close the nominations seconded by Richard Kratz. There were no public comments on the motion. The motion was unanimously approved by a vote of 5-0. The secretary was directed to show that Edward Savitsky was elected vice-chairman by a unanimous vote.

Holiday Schedule: The Board reviewed the 2006 scheduled for the paid employee holidays. The schedule will stand as approved since there were no changes.

Richard Kratz made a motion seconded by Edward Savitsky to approve the following 2006 appointments that were unanimously approved:

Township Road Liaison:	William Patterson
Township Treasurer:	Cecile M. Daniel
Township Secretary:	Cecile M. Daniel

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Township Solicitor: Yergey, Daylor, Allebach, Scheffey, & Picardi
Township Engineer: Spotts, Stevens & McCoy
Township Fire Marshall: John Moran Sr.
Zoning Hearing Board
Solicitor: Nancy Hopkins Wentz
Chairman of Vacancy Board: Nancy Gaugler

There were no public comments on the motion. The motion was unanimously approved by a vote of 5-0.

Dean Becker made a motion, seconded by Edward Savitsky to approve the following Committee Appointments:

Committee Appointments:

Municipal Authority – January 1, 2006
Through December 31, 2010: Edward Savitsky

Planning Commission – January 1, 2006
Through December 31, 2009: James Bickel & Pamela Gural-Bear

Central Perkiomen Valley Regional
Planning Commission: James Bickel

Zoning Hearing Board – January 1, 2006
Through December 31, 2009: John Moyer

There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

Richard Kratz made a motion seconded by Edward Savitsky to close the reorganization meeting. There were no public comments. The vote was carried by a unanimous vote of 5-0.

William Patterson called the regular meeting of the Perkiomen Township Supervisors to order.

MINUTES: The minutes of the December 6, 2005 meeting were approved as presented.

POLICE REPORT: The Board reviewed the PA State Police Report for November.

CORRESPONDENCE:

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- The Lower Frederick Regional Ambulance Report
- CPVRPC- Minutes of their meeting
- PADEP – Letter regard MS4
- Letter from Trappe Borough regarding Police Study

SOLICITOR’S REPORT: Kenneth Picardi reported on the work he has completed regarding the purchase of the DeMeno and Stephanie Lane Property. Regarding DeMeno, the Board needs to consider approval of a Resolution that would direct and authorize the Board to following the steps necessary and legally to acquire the property in fee simple title. Regarding Stephanie Lane, he reviewed the same Resolution and an extension on the settlement date for this property to January 31, 2006. Mr. Picardi explained that the proposed Resolution will also serve to reduce the seller’s transfer taxes. Resolution 2006-8 would be for Stephanie Lane Property and Resolution 2006-9 would be for the Robert DeMeno Trust Property. The Board reviewed the resolutions and the Addendum to the Agreement of Sale regarding an extension on the settlement date to January 31, 2006. Dean Becker made a motion, seconded by Gordon MacElhenney to approve Resolution 2006-8, Resolution 2006-9 and the Addendum. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

ROAD MASTER’S REPORT: John Moran submitted his report for December to the board.

FIRE MARSHALL’S REPORT: John Moran submitted his December as well as his yearly report to the board.

CODE ENFORCEMENT REPORT: W. Richard Dillon submitted his December report to the board.

PLANNING COMMISSION REPORT: The Planning Commission held their meeting on December 20, 2005. At that meeting there were two items discussed first was the proposed Schroyer subdivision located in Township Line Road. This is a proposed 3 lot subdivision located partly in Limerick Township and partly in Perkiomen Township. Second was a proposed Zoning Amendment that the Planning Commission has been working on. The Board needs to schedule a public hearing in the Amendment. Edward Savitsky made a motion, seconded by Dean Becker to schedule the public hearing for Tuesday, January 24, 2006 @ 7:00 p.m. in the Perkiomen Township Administration Building. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

ENGINEERS REPORT: Pamela Stevens was present to review the following items:

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Betcher Road Payment Release No. 3 - Ms. Stevens reviewed the request she received from Dan Malloy regarding Release No. 3 for the Betcher Road Project. Based upon her review of the information submitted, she recommended that the Board approve a release in the amount of \$92,639.39. With the recommendation of Ms. Stevens, Richard Kratz made a motion, seconded by Dean Becker to approve Release No. 3 in the amount of \$92,639.39. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

Mask Trust – Escrow Release No. 2 – Ms. Stevens reviewed the request she received from Mask Trust for their development project located on Gravel Pike. Based upon her review of the information submitted, she recommended that the Board approve a release in the amount of \$50,146.38. With the recommendation of Ms. Stevens, Dean Becker made a motion seconded by Richard Kratz to approve the Escrow Release No. 2 to Mask Trust in the amount of \$50,146.38. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

Kelly Homes – Escrow Release No. 1 – Ms. Stevens reviewed the request she received from Kelly Homes for their development project located on Gravel Pike. Based upon her review of the information submitted, she recommended that the Board approve a release in the amount of \$16,650.00. With the recommendation of Ms. Stevens, Dean Becker made a motion, seconded by Edward Savitsky to approve the Escrow Release No. 1 to Kelly Homes in the amount of \$16,650.00. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

Storkey – Release of Contingency – Ms. Stevens reviewed the request she received from Rossi Construction for their development project located on Bridge Street. Based upon her review of the information submitted, she recommended that the Board approve a release in the amount of \$13,563.41. With the recommendation of Ms. Stevens, Dean Becker made a motion, seconded by Edward Savitsky to approve 50% of the contingency to Rossi Construction in the amount of \$13,563.41. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

Bonds/Letter of Credit – Cranberry Phase 7 & 8 and Mayfield Estates – Letter of Credit: Pamela Stevens explained that the Maintenance Bonds for Cranberry Phase 7 & 8 were soon to expire. Regarding Cranberry Phase 7, Dewey Homes had granted a 6-month extension that will expire in February. To date, Ms. Stevens indicated that the items on her punch list have not been fixed. Regarding Cranberry Phase 8, Ms. Stevens indicated that she forwarded a punch list to Iacobucci Homes during the fall. Their Maintenance Bonds expire in March and she does not think they will have enough time to fix the items on her punch list. She recommends that the Board authorize the Township Solicitor to place the developer on notice that if the Maintenance Bonds are not extended, then the Township will call them. She recommended that a 6 month extension be requested. Based upon the recommendation of Ms. Stevens, Dean Becker made a

motion, seconded by Edward Savitsky to authorize Township Solicitor to notify both Dewey Homes and Iacobucci Homes that if their Maintenance Bonds are not extended beyond the

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expiration date for another 6-month period, he is authorize to contact the Bonding Company and proceed with calling the bonds. There were no public comments on the motion. The motion was approve by a unanimous vote of 5-0. Next was the discussion regarding the Letter of Credit for Mayfield Estates. The Letter is due to expire on January 25, 2006. The Board had previously informed the developer that they were holding \$70,000.00 pending resolution of the grading problem and associated swale in the Central Greene Area. To date, Ms. Stevens indicated that no one had contacted her regarding resolution of these issues. If the Board does not authorize action regarding the Letter, it will expire. Richard Kratz made a motion seconded by Dean Becker to authorize the Township Solicitor to contact the attorney for the developer to inform him that the Township will call the Letter if the developer does not extend it. In the meantime, Ms. Stevens is to try and contact the developer and/or homeowner's association to see whether the problems were resolved to her satisfaction. If the issues were resolved to her satisfaction prior to the expiration of the Letter, then the Township Solicitor will not be required to call it. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

Cranberry Issues (Sidewalk, Crosswalk & Speed Humps) – The issue of the speed humps was tabled until another meeting. Ms. Stevens indicated that she is still looking into the state standards for speed humps. Next was the issue of the sidewalk along Cranberry Road from Burgess Road to Westover Road. The homeowners association had indicated that they are willing to install the sidewalks at their expense along this area. They are requesting that the Board consider installing sidewalk along the culvert on Cranberry Boulevard. Ms. Stevens indicated that she inspected that area where the homeowners association would be installing this sidewalk. She determined that it would be located in the township's right of way; therefore, the Board needs to grant them permission. After discussion of the request, Dean Becker made a motion, seconded by Edward Savitsky to approve the request of the homeowners association to install a sidewalk along Cranberry Boulevard from Burgess Road to Westover Road pending their understanding that they will pay all costs associated with this installation, they would provide proof of insurance to the Township, and pay for the relocation of any utilities including poles. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0. The second location of sidewalk was over the culvert and along Cranberry Boulevard. Ms. Stevens indicated that the existing fence could be moved and the sidewalk could be narrowed. The length would be approximately 450 sq.ft. and she estimated the cost to be about \$9,500.00. Based upon the information presented to the Board from Ms. Stevens, Richard Kratz made a motion, seconded by Dean Becker to amend the budget and authorize the sidewalks be extended along the culvert on Cranberry Boulevard at the Township's expense. The budget is amended to cover the estimated cost of \$9,500.00. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0. The last item Ms. Stevens investigated was the request for crosswalks on Cranberry Boulevard. The homeowners association had requested the

Township consider two locations. Ms. Stevens indicated that she had no concerns about the crosswalk location of Cranberry Boulevard and Westover Road. She indicated that installation

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of this could be added when the Township does its line painting. With the recommendation of Ms. Stevens, Richard Kratz made a motion, seconded by Dean Becker to approve the installation of the crosswalk at Cranberry Blvd and Westover Road. The second crosswalk location was at Cranberry Boulevard and Brandywine Road. Ms. Stevens indicated that she is concerned about the safety of the placement of crosswalk. She indicated that she would like more information before making any recommendation to the Board.

RECEIPTS AND EXPENDITURES: The treasurer read the receipts and expenditures for the month of December. After review of same, Dean Becker made a motion seconded by Edward Savitsky to authorize payment of the December bills. There were no public comments on the motion. The motion was carried unanimously by a vote of 5-0.

OLD BUSINESS:

KRIEBEL – The Board held a public hearing on the request of Violet Kriebel to rezone her property from CR - Commercial Retail to R-1 – Residential. Ordinance No. 187 is before the Board for consideration. If approved, this Ordinance will change Mrs. Kriebel’s zoning. The Board discussed their feelings regarding her request. Gordon MacElhenney is uncomfortable with this request. Mr. MacElhenney reviewed the transcript regarding the issue of Harrison Ave. He felt that if the Township approve Mrs. Kriebel’s request, someone may consider this contract zoning. As a result, he could not support the rezoning request because he does not want to be involved in anything that may involve the issue of contract zoning. The Township Solicitor gave his opinion that there were sufficient legal reasons to justify the requested rezoning, and that a “contract zoning” challenge would not be successful. Richard Kratz also informed the other members of the Board that he too was not in favor of the request. His opinion was based upon the principle that he does not feel that zoning should be change to build houses in the township. Upon the conclusion of the Board’s discussion, Edward Savitsky made a motion, seconded by Dean Becker to approve Ordinance No. 187. The secretary was directed to let the record show that the vote was 3-Yes (Edward Savitsky, William Patterson, and Dean Becker) to 2-No (Richard Kratz and Gordon MacElhenney) in favor of Ordinance No. 187.

NEW BUSINESS:

- **RESOLUTIONS:** Resolution 2006-1: Depositories 2006, Resolution 2006-2: Special Crossing Guard, Resolution 2006-3: Engineering Fees and Resolution 2006-4: Audit 2005 and the proposal from Dreslin and Company are resolutions passed the first meeting of the new year by the board of supervisors. The Board reviewed all four resolutions and Dean Becker made a motion, seconded by Richard Kratz to adopt Resolution 2006-1, Resolution

2006-2, Resolution 2006-3, and Resolution 2006-4. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0

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- **RESOLUTION 2006-5:** This was a new Resolution that will be placed on the January Board’s agenda every year. This Resolution will authorize and recognize the official Fire Company for Perkiomen Township for that year. For 2006, Gordon MacElhenney made a motion, seconded by Edward Savitsky to approve Resolution 2006-5 which is a resolution authorizing Perkiomen Township Fire Company as the official volunteer Fire Company for Perkiomen Township. There were no public comments of the motion. The motion was passed by a unanimous vote of 5-0.
- **RESOLUTION 2006-6:** Schroyer Subdivision – Steven Schroyer is proposing a 3 lot subdivision off of Township Line Road. One lot is the existing home at 50 Township Line Road. There will be 2 new additional lots. Since this property crosses municipal boundaries, one lot will be located in Limerick Township and the other will be located in Perkiomen Township. Mr. Schroyer presented the proposed plan to the Board. The Board also reviewed Resolution 2006-6 as follows:

ZONING

1. Proposed Lot 3 contains an existing cesspool. General Note 24 states “Removal of the existing cesspool and associated facilities shall be done in accordance with the Montgomery County Health Department Regulations.” The note shall be revised to state the “Abandonment of the cesspool and associated facilities shall be done in accordance with the Montgomery County Health Department Regulations, and shall be backfilled with 2A stone to eliminate any encroachments into the steep slope district. The cesspool shall be abandoned in place.” Before issuance of a building permit for Lot 3, the applicant shall submit certification to the Township that the cesspool has been emptied, abandoned in place, and backfilled as required.
2. The construction material debris pile is not a part of the Steep Slope Conservation District. The steep slope shading and labeling shall be removed and the construction material removed from Lot 3 before issuance of a building permit for this lot.
3. In order to remain outside of the 10-foot Steep Slope Conservation District required buffer, the applicant shall move the driveway on Lot 3 south from its present location and shall reconfigure the house/garage.

COMPLIANCE WITH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

1. All of the certificates shall be completed prior to the recording of the plan, Section 11.43(a)(13) S.O. The plans needs to show the seal of the registered professional who prepared the plan as required under Section 11.42(a) and 11.43(a)(2). The plan will need to be endorsed properly.

2. On Lot 2 the bearings and distances of the drainage easements shall be added to the plan per Sections 11.42(a)(13)(i) and 11.43(a)(9). The designation “Drainage Easement’ shall be used to

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identify the area, in lieu of the term “Storm Sewer Easement” currently used on the plans for both Lots 2 and 3.

3. Township Line Road (SR 4014) is owned by Pennsylvania. This will required that an application for a PA State Highway Occupancy Permit be obtained for each of the proposed driveways. Approval of these Highway Occupancy Permits shall be submitted to the Township prior to the issuance of building permits.

GENERAL COMMENTS

1. The applicant shall submit to Perkiomen Township the decision of Limerick Township. This decision shall include any conditions and waivers that may be made a part of Limerick Township’s decision
2. The applicant shall add street trees for Lots 2 and 3. The number of street trees shall be one tree for each Lot 2 and Lot 3 and similar to the trees required by Limerick Township.

STORMWATER MANAGEMENT

1. The Stormwater Management Report submitted with the revised plans dated November 30, 2005 shall be sealed by the applicant’s engineer, a Table of Contents and a significantly increased narrative portion, including the addition of Introduction and Summary sections shall be added. The Stormwater Management Report submitted still does not provide sufficient information (percolation test results, design calculations) to determine whether the two proposed infiltration beds of Lots 1 and 3 have been adequately sized. The information shall be included in the report and a revised report submitted to the Township and Township Engineer for review and comment.
2. The section of the Stormwater Management Report entitled Bed Maintenance shall be expanded and shall differentiate between the responsibilities of the contractor installing the drainage system and the property owner, who will be responsible for ongoing maintenance following the final completion and approval of the onsite drainage improvements. It is also recommended that additional provisions be made to prevent sediment and debris from entering the infiltration beds, beyond the proposed two- foot square yard grate at the bed inlet. The applicant shall be required to submit sufficient escrow money before issuance of a building permit for Lot 3, to cover the cost of the Township Engineer to ensure that the infiltration beds are installed according to the approved plans.

WATER AND SANITARY SEWER

1. Although a well site is shown on the Plans, the applicant has indicated that water service to the lots will be provided from a public water supply. A letter from the Water Company stating they will be the water provider shall be submitted to Perkiomen Township. Aqua Pennsylvania is the public water company in this area of Perkiomen Township. Unless they waiver their rights, the applicant shall contact Aqua for providing public water for the lots in Perkiomen Township. Also, unless Aqua waives their water rights, Note #19 must include Aqua Pennsylvania. Should Aqua waiver

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their rights to provide public water to the lots in Perkiomen Township, a copy of said waiver shall be submitted to the Township.

2. The plans indicate sanitary sewage disposal shall be handled by private, individual on-lot systems. A copy of the approval of a Planning Module by the PA Department of Environmental Resources shall be submitted to Perkiomen Township. Also, a copy of the approval of the on-site sewer systems for Lot 2 and 3 by the Montgomery County Health Department shall be submitted to Perkiomen Township before issuance of a building permit for Lot 3.

WAIVERS: The following waivers are hereby approved:

1. Note # 17 makes an offer of dedication of the ultimate right-of-way along Township Line Road. This note shall be revised to read as follows: "The area within the ultimate right-of-way is hereby offered for dedication to the agency having jurisdiction." In exchange the applicant is requesting a waiver from providing a paved width cartway of 36 feet for Township Line Road which is a state highway. The existing street width through the proposed subdivision varies from approximately 21' to 24'. Considering that this development proposes to add only two new dwellings, the Planning Commission recommended that the Board approve the waiver subject to the applicant agreeing to the offer of dedication. Section 11.52 (c).
2. The property line common to lots 1 and 2 does not follow the municipal boundary line between Limerick Township and Perkiomen Township. Section 11.54(a)(b) states that "where feasible, lot lines should follow municipal boundaries rather than cross them." The applicant explained that a lot width variance was obtained from Limerick Township. As a result, the applicant is requesting a waiver from this section so that they do not have to return to Limerick Township for a new waiver request. The existing house on Lot 2 is not affect and remains in total in Perkiomen Township. With this information, the Planning Commission recommended that the Board grant the waiver.

After reviewing the proposed plan and Resolution, Richard Kratz made a motion, seconded by Gordon MacElhenney to approve Resolution 2006-6. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

- **RESOLUTION 2006-7:** Planning Module – As required by the PADEP, the proposed development of Steven Schroyer requires a complete planning module. This module has been reviewed and approved by all outside agencies. It is now before the board for consideration where it will move to PADEP upon approval by the board. Richard Kratz made a motion, seconded by Gordon MacElhenney to approve Resolution 2006-7 Planning Module: Schroyer. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

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- **HERITAGE WOODS:** Eric Fry was present to discuss with the Board the issue regarding the Use and Occupancy Permit for Lot 6. Mr. Fry indicated that his client, Heritage Building Group, understood that everything needed to be completed before the Township will issue of U&O for Lot 6. He went on to explain that some of the items cannot be completed at this time due to the time of the year. His client is willing to put up a cash escrow to cover the costs of the outstanding items that still need to be completed. This cash escrow would cover the retaining wall, seeding, the as-built, and replacement of the trees and the time for the Township Engineer to inspect and make sure that everything is completed. The total amount posted would be 110%. The agreement would also state a date as to when the work would be completed. It was explained to the Board that the retaining wall footers were inspected while the remaining work on the retaining wall was spot inspected. The ground was graded and the developer laid out straw to cover the lot. The ground needs to be seeded and trees planted in the riparian corridor. Richard Kratz asked if the perspective property owners were present. He asked their attorney if his client was paying out of pocket expenses. He was informed that they are paying to rent where they are presently living, that they are paying to rent a storage area to store their furniture, and paying legal fees. Richard Kratz felt that Heritage should make the property owners whole by giving compensation in full to the new property owner, in addition to putting up a cash escrow to cover the cost, before the Use & Occupancy would be issued. After discussing the situation, Edward Savitsky made a motion, seconded by Richard Kratz to authorize the Code Enforcement Officer to issue the Use & Occupancy Permit pending the following: the Township shall only issue this Use & Occupancy if, by January 20, 2006 Heritage Builders shall come to an agreement to compensate the perspective owner to cover the expenses that the property owner has incurred due to Heritage's inability to obtain a Use & Occupancy, plus post a cash escrow to cover the cost of installation of the trees, retaining wall, seeding & as-built, expenses of the Township Engineer, and set a deadline when the work shall be completed. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

- **TOWNSHIP LINE ROAD:** The Township is in receipt of certain dollars from Limerick Township regarding temporary traffic lights along Township Line Road. The first step in this process is to complete Condition Diagrams of the intersections of Township Line Road and Wartman Road and Township Line Road/Cemetery Road and Seitz Road. Edward Savitsky made a motion, seconded by Richard Kratz to authorize the Township Engineer to prepare the necessary Condition Diagrams for the two intersections. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

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- **PSATS CONVENTION:** The annual PSATS Convention is scheduled for April 23-26 in Hershey, PA. The Board needs to select delegates to the PSATS Convention. Gordon MacElhenney made a motion, seconded by Dean Becker to authorize the attendance of William Patterson, Edward Savitsky, Richard Kratz, and Cecile Daniel and authorize Richard Kratz to be the voting delegate. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

- **IRS –** The IRS has reduced the reimbursement for mileage when Township employees and officials use their personal vehicle for Township business. Richard Kratz made a motion seconded by Dean Becker to authorize that reimbursement of the mileage rate be consistent with the IRS Rate of 44.5 cents and to have the Township Solicitor prepare documents regarding this so that this issue does not have to keep coming before the Board for this approval each year. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

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