

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING:
OCTOBER 7, 2008**

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

OTHERS PRESENT: Cecile Daniel, Township Manager
Kenneth Picardi, Township Solicitor
Chuck Frantz, Township Engineer
John Moran Jr., Code Enforcement Officer
John Moran Sr., Road Master

Edward Savitsky called the October 7, 2008 Board of Supervisors Meeting to order in the Perkiomen Township Administration Building at 7:00 p.m.

The Perkiomen Township Board of Supervisors determined that due to the important nature of the issue of Eminent Domain for Park Acquisition, the issue would be deliberated, discussed, and decided prior to moving into the regular business of the Township. With that in mind, Mr. Savitsky presented a proposed resolution regarding the use in Eminent Domain for Park Acquisition. Mr. Savitsky read into the record the following Resolution.

RESOLUTION NO. 2008-20

**PROHIBITING THE USE OF EMINENT DOMAIN TO
ACQUIRE REAL ESTATE FOR PARK, RECREATION, OR
OPEN SPACE PURPOSES.**

WHEREAS, Board of Supervisors of Perkiomen Township (“Township”) has undertaken a program for the acquisition of property for park, recreation, or open space purposes; and

NOW, THEREFORE, BE IT RESOLVED, that the Township of Perkiomen will not acquire interest in real property for park, recreation, or open space purposes by the use of Eminent Domain.

ADOPTED, this 7th day of October, A.D. 2008.

After reading the proposed Resolution, Mr. Savitsky ask for a motion and second to approve the Resolution. With the request of Mr. Savitsky, Dean Becker made a motion, seconded by Richard Kratz to adopt Resolution 2008-20. Upon second on the motion, Mr. Savitsky requested if there were any public comments on the motion. With there being no public comments, Mr. Savitsky polled the Board for the vote. Richard Kratz - Yes; Dean Becker – Yes; Gordon MacElhenney –

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Yes; William Patterson – Yes; and Edward Savitsky – Yes. With the vote being 5 – Yes, 0 – No, Resolution 2008-20 passed with a unanimous vote.

The meeting returned to the regular schedule.

EXECUTIVE SESSION: Edward Savitsky informed the public that the Board of Supervisors held Executive Sessions on September 15th, September 23rd, and September 26th for the purpose of discussing Real Estate and Litigation Matters.

MINUTES: The minutes of the September 2, 2008 Board of Supervisors Meeting were approved upon a motion made by Richard Kratz and seconded by William Patterson. There were no public comments on the motion. The motion was carried by a vote of 5-0.

POLICE REPORT: The Board reviewed the PA State Police Report for September. Lt. David Buckley of the PA State Police was in attendance for this meeting.

CORRESPONDENCE:

- CPVRPC- Minutes of their meeting for September.
- PSATS Alert Bulletin
- PADOT – Notice of Intent to Enter regarding property owned by Perkiomen Township on Gravel Pike, near Graterford Road over Perkiomen Creek Bridge Replacement.
- Lower Frederick Regional Ambulance – September Report
- PADEP – Letter informing Perkiomen Township of one year extension on NPDES Permit

SOLICITOR’S REPORT: Kenneth Picardi updated the Board on the following activities:

- (1) Storkey Subdivision- Rossi Construction and Development (Rossi) completed a subdivision along Bridge Street on property known as the Storkey Subdivision. Rossi was to dedicate the right-of-way along that portion of Bridge Street where they constructed the development. Rossi has completed the development and the Township Engineer has indicated that all the required public improvements have been completed. As required, Mr. Picardi has prepared a Resolution accepting dedication of this right-of-way. This Resolution is known as Resolution 2008-21 and it signifies the Perkiomen Township Board of Supervisors’ acceptance of the Deed of Dedication for The Bridge Street Ultimate Right-of-Way in the Storkey, a/k/a Woodbridge Estates Subdivision as part of the Township’s public road system. Mr. Picardi recommended that the Board approve this Resolution. With the recommendation of Mr. Picardi, Richard Kratz made a motion, seconded by Gordon MacElhenney to adopt Resolution 2008-21. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

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- (2) Land Acquisition Huber Tract: Settlement of the purchase of this property is scheduled for October 10, 2008. One issue for settlement is the payment of the Real Estate Transfer Tax. In order to be released from the payment of that Tax, the Board needs to approve a Resolution authorizing the (friendly) condemnation of the property. This Resolution authorizes the filing of a Declaration of Taking; whereby all parties agree to the condemnation for the purposes of bypassing the payment of the Real Estate Transfer Tax. The Sellers are in favor of this approach. Accordingly, Mr. Picardi recommended that the Board approve this Resolution. With the recommendation of Mr. Picardi, Dean Becker made a motion, seconded by William Patterson to adopt Resolution 2008-19. There were no public comments on the motion. The motion was approved by a vote of 5-0.

ROAD MASTER'S REPORT: John Moran Sr. submitted his September Report to the Board.

FIRE MARSHALL'S REPORT: John Moran Sr. submitted his September Report to the Board.

CODE ENFORCEMENT REPORT: John Moran Jr. submitted his September report to the Board. Also, Mr. Moran informed the Board that he was in receipt of two continuances for two Zoning Hearing Board Applications. The first continuance was for the Zoning Hearing Board Application filed in the Fontaine matter. The second continuance was for the Zoning Hearing Board filed in the Picone matter. It was Mr. Moran's information that legal counsel for both applicants may wish to appear before the Board of Supervisors prior to their appearance before the Zoning Hearing Board. At this time neither public hearing has been rescheduled. Once he is notified, Mr. Moran informed the Board that he will relay the information to the Board.

PLANNING COMMISSION REPORT: The September Planning Commission was canceled.

PARK & RECREATION/MUNICIPAL AUTHORITY REPORT: Cecile Daniel updated the Board on the Municipal Authority Meeting held on September 9, 2008.

ENGINEERS REPORT: Mr. Frantz discussed the following item with the Board:

- **2008 ROAD PROJECT:** Mr. Frantz informed the Board that four contractors submitted bids for the 2008 Guide Rail Project. These bids were opened and read aloud on October 3, 2008. Mr. Frantz reviewed the four bids and determined that the lowest bid was received by J. Fletcher Creamer & Sons, Inc. of Hackensack, New Jersey. In his review of the documents received from J. Fletcher Creamer & Sons, (Fletcher) Mr. Frantz found that the company did not submit the bid in triplicate as required in the Project Manual. Mr. Picardi discussed this with Mr. Frantz and informed the Board that the submission of one copy of the bid, instead of the requested three copies, was a technical defect and did not materially affect the bid amount nor give Fletcher an unfair advantage over the other

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bidders. Mr. Frantz felt that in all other respects the bid received from J. Fletcher was complete. As a result, it was the opinion of both Mr. Frantz and Mr. Picardi that the 2008 Guide Rail Project be awarded to Fletcher in the amount of \$34,849.00 and that the board waive the technical defect of receiving only one copy of the bid documents. With the recommendation of both Mr. Frantz and Mr. Picardi, Dean Becker made a motion, seconded by Gordon MacElhenney to award the 2008 Guide Rail Project to J. Fletcher Creamer & Sons in the amount of \$34,849.00 and that the technical deficiency of receiving the one copy of the bid versus the required three copies be waived. There no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

In addition to the 2008 Guide Rail Project, Mr. Frantz informed the Board that in working on Miller Road it was determined that the open ditch located along Miller Road was acting as an open inlet with a sump condition. In order to correct this portion of the road project, the inlet storm box being proposed would have to be a cast in-place storm box with additional box depth. This work will require a change order. The modifications to the cast in-place storm box are a trade off to trying to make an adjustment to an existing storm box. Presently, Mr. Frantz estimates that the amount of this change order is estimated to be somewhere between \$1,600.00 to \$2,000.00. It is Mr. Frantz's intention to bring this change order to the November Monthly Meeting.

- **2009 ROAD PROJECT:** Mr. Frantz informed the Board that he and William Patterson met with a perspective vendor, Con Tech, to look at the site where the proposed culvert work in Seitz Road is to be completed. Mr. Frantz informed the Board that he is trying to set up a second meeting with a different vendor, Modern Concrete, to try and determine what type of construction would be best for this culvert. The final design is important to submission of the permit documents to the PA Department of Environmental Protection. The total cost for the culvert could be between \$200,000.00 to \$250,000.00. It is anticipated that this section of Seitz Road would have to be closed for about six weeks. Due to the nature of this project, the work would probably have to be completed during the summer months. As we move forward a final schedule will have to be discussed. There was a brief discussion regarding the bridge on Godshall Road. At this time the only item completed is the GP 11 Permit on Godshall Road, which we have. Depending upon the final scope of these two projects, both the bridge on Godshall Road and the culvert on Seitz Road may need to be constructed during separate time periods. The culvert on Seitz Road is the critical project of the two projects.

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

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NEW BUSINESS:

- **FIRE POLICE: FIRE POLICE:** Perkiomen Township received two requests for the services of the Perkiomen Township Fire Police Services. One request was received from Collegeville Borough for the Borough's Halloween Parade scheduled for October 29, 2008 and the second request was received from Animal Welfare Project for an annual fund raising event know as "Bark in the Park". This event is scheduled for October 12, 2008. The Board reviewed both requests and William Patterson made a motion, seconded by Richard Kratz, to approve the request of Collegeville Borough and the request of Animal Welfare Project. There were no public comments on the motion. The motion was passed by a unanimous vote of 5-0.

- **160 RAHNS ROAD:** Mr. Picardi informed the Board that the owner of 160 Rahns Road is in the process of converting this property from a Residential Use to a Commercial Use. Mr. Moran explained that this property is zoned I-Industrial and the conversion is a permitted use. The owner's attorney wrote a letter to Mr. Picardi explaining the reason why his client is requesting a temporary Use & Occupancy. According to Mr. Moran the owner intends to house his office in the existing structure. Eventually, the owner proposes to construct a new structure for his HVAC Business. The construction of this separate structure will require a land development plan. Presently, the critical issue is moving the office to the existing structure. According to Mr. Moran, under the UCC Accessibility Rules, the owner needs to construct a handicap ramp. The owner is aware of this and is in the process of doing this. Unfortunately he must move out of his existing office immediately and there is no other location to move this office temporarily. It is for that reason the attorney is requesting this temporary Use & Occupancy Permit. Mr. Moran did not believe that issuance of this temporary Use & Occupancy Permit would be a problem because the owner acknowledge the handicap ramp needs to be constructed. Dean Becker made a motion, seconded by William Patterson to authorize the issuance of a temporary Use & Occupancy Permit to Fred D. Moore, Jr. Roughin-Air LLC at 160 Rahns Road. This temporary Use & Occupancy Permit shall be issued for a term of ninety days from this date. During those ninety days, Mr. Moore shall install the necessary handicap ramp as required by the UCC Accessibility Rule. Should Mr. Moore not complete the work within these ninety days, the temporary Use & Occupancy shall be revoked and Mr. Moore shall be in violation of the Township's Use & Occupancy Ordinance. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

COMMENTS FROM THE PUBLIC

Karen Devine of Lodal Street asked what the intentions of the Board was regarding the Jones Property that was purchased recently. The Board informed Mrs. Devine that they have made no

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decision on this property or any other property. The first step will be to send out a Park & Recreation Survey and based upon the results of the survey decided how the Board will proceed with property owned by the Township and the development of any of these properties.

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