

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING
MINUTES: APRIL 6, 2010**

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

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

Richard Kratz called the April 6, 2010 Board of Supervisors Meeting to order in the Perkiomen Township Administration Building at 7:00 p.m. Mr. Kratz informed the public that there were three Executive Sessions held in March. Two of the Executive Sessions were held on March 11th and March 23rd and were to discuss personnel matters and the third Executive Session was held on March 15th and was to discuss a real estate matter.

MINUTES: The minutes of the March 2, 2010 Board of Supervisors meeting were approved upon a motion made by Edward Savitsky and seconded by Gordon MacElhenney. There were no public comments on the motion. The motion was passed by a vote of 5-0.

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

CORRESPONDENCE:

- **LOWER FREDERICK AMBULANCE** – Report
- **TRAPPE AMBULANCE** - Report
- **PSATS** – Alert Bulletin
- **CPVRPC** – Copy of February Meeting Minutes. Also, Dean Becker reported that on April 26, 2010 in Lower Frederick there is to be a joint meeting of the Regional Planning Commissions that are located in Montgomery/Chester County. These Regional Planning Commissions are Upper Perkiomen Region, Indian Valley Region Central Perkiomen Valley Region, Pottstown Metropolitan Region, and Phoenixville Region. The purpose of this meeting will be to discuss a handbook that is being developed to help newly appointed Regional Planning Members understand the workings of a Regional Planning Commission.

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- **PENNPACKER MILLS** – Information regarding the upcoming three-day Civil War living history which is scheduled to be held June 4 – June 6, 2010.

SOLICITOR’S REPORT: Kenneth Picardi reported on the following:

1. Gambone (Conservancy Subdivision) - The issues still remain the same from the previous month.
2. T-Mobile – Calabretta – The third Zoning Hearing Board hearing was held on March 24. There were no significant developments. The next hearing is scheduled for April 28, at which time T-Mobile is expected to present the testimony of its RF expert, Dr. Foster. The Fox Heath HOA has hired an attorney to represent the interests of the HOA.
3. Betcher Road (Shared Maintenance Agreement) – Revisions have been received from Trappe Borough on the agreement and are being reviewed by Mr. Picardi and Ms. Daniel.
4. Buxmont Academy – Tax Exemption Appeal – No new developments.
5. Kriebel Subdivision – Last month, the Board agreed to reduce the Letter of Credit by \$21,121.65, subject to certain conditions. Mr. Picardi incorporated those conditions into a letter agreement to be signed by Violet Kriebel. Mrs. Kriebel was in attendance to sign the letter agreement. Basically the agreement states the Letter of Credit will be reduced from \$88,359.15 to \$67,237.50 conditioned upon: (1) that no building permit be issued for Lot #3 unless and until the applicant posts the amount of \$21,121.65 (which is the difference between the \$88,359.15 and the \$67,237.50); (2) Lot #3 shall be developed in compliance with the recorded subdivision plan; and (3) that this conditions are binding upon Mrs. Kriebel and her heirs, administrator, executors, successors, and assigns. Mrs. Kriebel has signed the letter agreement accepting the conditions. As the Board is aware, First Niagara is in the process of taking over Harleystown National Bank. The date for the final transfer is April 9th. The Letter of Credit is presently with Harleystown National Bank. A new Letter of Credit is to be issued by First Niagara for the revised amount. This Letter of Credit must be received by the Township by April 26th which is when the existing Letter of Credit will expire. If the new Letter of Credit is not received prior to April 26th, the Board will call the existing Letter of Credit.
6. EXECUTIVE SESSION: Mr. Picardi indicated that he would request an Executive Session with the Board for the purposes of discussing a real estate matter.

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ROAD MASTER'S REPORT: In John Moran Sr.'s absence, William Patterson submitted to the Board Mr. Moran's Road Master's Report dated April 1, 2010 for activities taking place during the month of March.

FIRE MARSHALL'S REPORT: In John Moran Sr.'s absence, William Patterson submitted to the Board Mr. Moran's Fire Marshall's Report dated April 1, 2010 for activities taking place during the month of March.

CODE ENFORCEMENT REPORT: John Moran Jr. submitted to the Board his Code Enforcement Report dated April 1, 2010 for activities taking place during the month of March. In addition to his report, Mr. Moran informed the Board that the variance request for James Sacks was approved by the Zoning Hearing Board.

PERKIOMEN TOWNSHIP PLANNING COMMISSION MEETING: Cecile Daniel reported that the Planning Commission held its meeting on March 16, 2010. At that meeting the Planning Commission discussed a proposal by Eric Swarr regarding a Doggy Daycare Facility.

MANAGER'S REPORT:

1. Workman's Compensation: Approximately fifteen years ago the Township created a panel of doctors that would require the Township Employees and Fire Company Members visit when there is an initial Workman's Compensation claim. Ms. Daniel has been working with the Township's Workers' Compensation carrier, and Care Plex to update that list. Both of these companies are okay with the proposed panel and recommended that the Board approve the revised doctor panel so that the panel can be incorporated into the information that the Workman's Compensation carrier has on file for the Township. Cecile Daniel recommended that the Board approve the revised doctor's panel. With the recommendation of Ms. Daniel, Dean Becker made a motion, seconded by William Patterson to approve the revised and update doctor's panel to be used when a claim is filed under the Township's Workman Compensation program. There were no public comments on the motion. The motion was passed by a vote of 5-0.

2. Open Space Grants: At the February Monthly the Board directed David Allenbach to write to Montgomery County and explain that the Board of Supervisors rejected the Declaration of Covenants, Conditions and Restrictions for the Huber Property, the Jones Property, and the Ken Crest Easement. Devan Stewart, the Open Space Program Administrator contacted Cecile Daniel. In her request, Mrs. Stewart

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asked if representatives of the County and the Township could meet and discuss what the issues are before the Board adopted the Resolutions that would rescind the original Resolution approved by the Board for these three Open Space Properties. The Board directed that Ms. Daniel contact Mrs. Stewart and indicate that the Board is agreeable to meet with the County to see if there is a way to work out the concerns of the Board.

3. Recycling: Ryan Ingham sent to Cecile Daniel information regarding a drop-off site for leaf and yard waste for the residents of Perkiomen Township. This site is located at the edge of Perkiomen Township on Dieber Road in Upper Salford Township. The Board needs to authorize Ms. Daniel to send out this letter requesting information and an agreement so that the Township can establish a Leaf and Yard Waste Program. Edward Savitsky made a motion, seconded by Dean Becker authorizing Ms. Daniel to send a letter to Barnside Farm Compost Facility and request information on the Leaf and Yard Waste Program this company manages. There were no public comments on the motion. The motion was passed by a vote of 5-0.

4. Act 32: Ms. Daniel informed that Board that there was a meeting of the TCC on March 24, 2010. At that meeting the budget for this committee was adopted. Based upon that budget, the amount that Perkiomen Township will owe is \$729.00. The next item to be completed by the TCC will be an RFP for the TCC Audit Services.

5. Public Hearing: The public hearing for the proposed Wind Energy System Ordinance has been scheduled for 7:00 p.m., Tuesday, May 25, 2010.

ENGINEERS REPORT: Daniel Coghlan was present representing Chuck Frantz on the following items:

- **2010 ROAD PROJECT:** As part of the 2010 Road Project, Mr. Coghlan discussed the reasons for the Board to consider the adoption of the Bituminous Price Adjustment Clause as a part of the 2010 Road Project. The discussion that the Board has was similar to the discussion that occurred in August 2008. Basically the Bituminous Price Adjustment that Penn Dot uses is located in Section 110 of their 408 Publication. In the document, Penn Dot defines a minimum “100 tons of asphalt cement” for the adjustment to apply. Due to the increase price in oil prices, the cost associated with the “asphalt cement” has increased as well. In the Township’s bid documents, there is a section labeled “Bituminous Price Adjustment”. This section of the documents contains an escalator/de-escalator clause for the Price Adjustment of

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Bituminous Materials. The clause is used not only when the price of oil causes the price of “asphalt cement” to go up, but also when the price goes down. Under Penn Dot’s 408 Publication, Section 110 there is a formula called the Asphalt Cement Index Price that Penn Dot uses when determining the increase, as well as the decrease, in the cost of the “asphalt cement”. Under the Township’s bid documents, the Township must first consider adoption of a Resolution approving the price adjustment for the purchase of bituminous materials for the Road Project (even if less than 100 tons of asphalt cement is used for the project). This Resolution will provide for the use of the Asphalt Cement Index Price when determining the cost of the asphalt used in the 2010 Road Project. Mr. Coghlan explained to the Board that without this Resolution, the contractors will either not bid on the work due to the financial impact on their companies if oil prices rise or bid high to compensate for the fluctuate in the oil prices. The Board discussed the proposed Resolution. Mr. MacElhenney felt that approval of this Resolution could place the contractors in control of the cost of this project. Mr. MacElhenney felt that the Township will be obligated to pay a higher price for the Road Project than is necessary. Mr. MacElhenney felt that instead of the Township controlling the cost, the contractors would. As a result, he was not in favor of this Resolution and felt that the price to be paid for the Road Project should be as set forth within the bids received from the contractors. The other members discussed Mr. MacElhenney’s view, but were concerned that the contractors may not agree to do the work for fear of being hurt financially. After discussing this proposed Resolution, Dean Becker made a motion, seconded by Edward Savitsky to approve Resolution 2010-6. There were no public comments on the motion. The motion was approved by a vote of 4 – 1 with Gordon MacElhenney voting no.

- **T-MOBILE:** Under the Township’s Agreement with T-Mobile, T-Mobile is allowed to bring utilities through the Township’s Property to the Telecommunications Tower located behind the Township Administration Building. FMHC is a subcontractor for T-Mobile that is installing fiber to the Telecommunication Tower. John Moran Sr. and SSM reviewed the proposed site with FMHC. Based upon their discussion, FMHC revised their plans and submitted revised plans for SSM to review. This review was completed and SSM recommended that the Board approve the plans prepared for the project listed as Site ID# 1MG1442A, 1 Trappe Road, Perkiomen, PA 19426 dated November 11, 2009, last revised March 24, 2010. With the recommendation of SSM, William Patterson made a motion, seconded by Edward Savitsky to approve the plans prepared for the project listed as Site ID# 1 MG1442A. There were no public comments on the motion. The motion was passed by a vote of 5-0.

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

NEW BUSINESS:

- **THOMAS HARTENBAUER:** John Moran Sr. has been working with Mr. Hartenbauer on connecting Mr. Hartenbauer's home to public sewer. Since Mr. Moran was not present at this meeting, Ms. Daniel explained to the Board that Mr. Hartenbauer is a resident of Lower Frederick Township. Presently, Mr. Hartenbauer's home is on an on-site sewer system. Mr. Hartenbauer would like to connect his home to public sewer. In order to connect into the Schwenksville Sewer System, Mr. Hartenbauer will need to install a force main along the shoulder and cartway of Bucher Road. Since this stretch of Bucher Road is in Perkiomen Township, Mr. Hartenbauer has requested permission to install this force main in Bucher Road. John Moran Sr. has reviewed the information and is satisfied with what the contactor for Mr. Hartenbauer is proposing to do. Also, an Escrow Agreement has been prepared by Mr. Moran and approved by Mr. Hartenbauer. All fees and escrows for this project have been paid by Mr. Hartenbauer. The Escrow Agreement is now before the Board for consideration. Ms. Daniel informed the Board that any work that was completed by the Township in Bucher Road was complete quite a while ago; therefore, Mr. Hartenbauer would not be opening a recently paved roadway. In addition, Ms. Daniel informed the Board that Mr. Moran did not see a problem with what was being proposed by Mr. Hartenbauer and recommended that the Board consider approval of the Escrow Agreement. Based upon that information, Gordon MacElhenney made a motion, seconded by William Patterson to approve Highway Occupancy Permit Escrow Agreement between Perkiomen Township and Thomas Hartenbauer and authorize the appropriate Township Officials to sign the Escrow Agreement. There were no public comments on the motion. The motion was passed by a vote of 5-0.

- **RESOLUTION 2010 – 7:** Each year the Township receives requests asking the Board's permission to have the Special Fire Police provide Traffic Control. In order to handle these requests in a more efficient manor, Resolution 2010-7 has been prepared and is before the Board for consideration. In the Resolution, all requests for the services of the Perkiomen Township Special Fire Police shall be submitted to Perkiomen Township through the local governing body and shall be submitted in writing. All requests for the services of the Perkiomen Township Special Fire Police shall be submitted to the Perkiomen Township Manager or the Perkiomen Township Fire Chief, at least forty-eight (48) hours prior to the activity or event, and Perkiomen

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Township shall respond to the request within twenty-four (24) hours as to the availability of the Perkiomen Township Special Fire Police. After review of the proposed Resolution, Edward Savitsky made a motion, seconded by Dean Becker to approve Resolution 2010-7 and authorize the Perkiomen Township Special Fire Police to participate in those activities recognized and designated under 35 P.S. §1201, et seq., and, under 73 P.S., 601(a)(1) of the Pennsylvania Worker's Compensation Act. There were no public comments on the motion. The motion was passed by a vote of 5-0.

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