



PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING MINUTES: FEBRUARY 2, 2016

BOARD MEMBERS PRESENT: William Patterson, Chairman
Richard Kratz, Vice-Chairman
Dean Becker, Member
Janet Heacock, Member
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

William Patterson called the regular meeting of the Perkiomen Township Board of Supervisors to order. Mr. Patterson informed the public that the Board held an Executive Session prior to this meeting for the purpose of discussing a real estate matter and litigation matters.

MINUTES: The minutes of the January 4, 2016 Board of Supervisors meeting were approved upon motion of Janet Heacock and seconded by Richard Kratz. There were no public comments on the motion. The motion was carried by a vote of 5-0.

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

CORRESPONDENCE:

- **TRAPPE AMBULANCE** – December, 2015 & 2015 Annual Report.
- **PLYMOUTH COMMUNITY AMBULANCE ASSOCIATION** – January, 2016 Report
- **PSATS BULLETIN** – December Report



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SOLICITOR'S REPORT: In addition to the other items he has been working on, Kenneth Picardi reported on the following:

- No Parking Ordinance: As authorized at the January meeting, Ordinance No. 226 – No Parking Ordinance was duly advertised for consideration by the Board at this meeting. The streets and no parking limitations that are a part of this Ordinance are as follows: Adams Lane – West side - Entire length except for outside edge of cul-de-sac; Brandywine Road - South/West side - Entire length of road on the side without sidewalk; Commons Lane – West side - Entire length except for outside edge of cul-de-sac; Countryside Court – West side - Entire length; Forge Road - South/East side - Entire length of road on the side without sidewalk; Hamilton Road – South side - Entire length except for outside edge of eyebrow; Longwood Road – East side - Entire length of road on the side with sidewalk; Wartman Road - Eastbound side - Entire length except from 360 feet west of Cranberry Blvd. (the current Kiddie Academy driveway) to Cranberry Blvd.; Wartman Road Westbound side - Entire length except from Lincoln Road to Buyers Road. This Ordinance also provides for an assessment for parking violations. This will permit the Code Enforcement Officer to issue a minor parking infraction fee instead of issuing a more costly parking violation citation. Upon due deliberation of the proposed Ordinance, Dean Becker made a motion seconded by Richard Kratz to adopt Ordinance No. 226. There were no public comments on the motion. The motion was carried by a vote of 5-0.
- Tax Credit/Earned Income Tax Issues: Solicitor Picardi explained in the Executive Session that he had a conversation with the Solicitor of the Montgomery County Tax Collection Committee (TCC) regarding an appeal filed by a Township resident on the issue of tax credits for income earned when working outside of Pennsylvania. This appeal prompted a review of township's Earned Income Tax (EIT) Ordinance and an interpretation of Act 32. This review resulted in a proposed revision to the Township's EIT Ordinance. Solicitor Picardi recommended that the Board approve the recommendation of the TCC to settle the appeal filed by the Township resident; thereby giving credit for income earned while working outside of Pennsylvania, and, to authorize advertisement of the revised EIT Ordinance to clarify the tax rates authorized by Act 32. First, Dean Becker made a motion seconded by Janet Heacock that any Township resident that worked outside of Pennsylvania and did not receive credit against taxes collected for the Earned Income Tax, should receive said credit. The Board then authorized Solicitor Picardi to inform the Solicitor of the TCC that



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the Board agrees with the recommendation of the TCC to settle the appeal by granting credit for any Earned Income Tax payments on income earned outside of Pennsylvania. There were no public comments on the motion. The motion was carried by a vote of 5-0. Second, Richard Kratz made a motion seconded by Dean Becker authorizing the advertisement of proposed Ordinance No. 227 in order to repeal and replace the Earned Income Tax Ordinance at the March meeting. There were no public comments on the motion. The motion was carried by a vote of 5-0.

- O'Brien Lawsuit: Solicitor Picardi explained in the Executive Session that he had a conversation with the attorney for the Township's insurance carrier regarding settlement of the claim in the O'Brien case. Solicitor Picardi explained the circumstances under which O'Brien filed a claim against Perkiomen Township. The parties have agreed to a settlement in principle, but the Township's insurance carrier believes that this settlement should be approved by the Board before moving forward. Dean Becker made a motion seconded by Richard Kratz approving the settlement in the O'Brien case and authorized Solicitor Picardi to inform the Township's insurance company to proceed with a settlement of the case whereby all settlement funds come from the insurance company and not the Township. There were no public comments on the motion. The motion was carried by a vote of 5-0.
- 74 Gravel Pike: Solicitor Picardi discussed with the Board in Executive Session the future of 74 Gravel Pike. Solicitor Picardi obtained a quote of \$400.00 from Karl Glocker to do an appraisal of this property. Solicitor Picardi requested approval from the Board to have this appraisal completed as a next step in consideration of selling 74 Gravel Pike. Richard Kratz made a motion seconded by Dean Becker to authorize Karl Glocker to complete an appraisal of 74 Gravel Pike for \$400.00. There were no public comments on the motion. The motion was carried by a vote of 5-0.

ROAD MASTER'S REPORT: Shawn Motsavage submitted to the Board his Road Master's Report dated February 1, 2016 for activities taking place during the month of January.

FIRE MARSHALL'S REPORT: John Moran Sr. submitted to the Board his Fire Marshall's Report dated February 1, 2016 for activities taking place during the month of January.



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CODE ENFORCEMENT REPORT: John Moran Jr. submitted to the Board his Code Enforcement Report dated February 1, 2016 for activities taking place during the month of January.

Mr. Moran updated the Board on the status of those property owners he has sent letters to regarding the Township's Property Maintenance Code.

PERKIOMEN TOWNSHIP FIRE COMPANY: At the January meeting, John Moran Jr., as the Perkiomen Township Fire Chief, presented a request to the Board to adopt an Ordinance that would allow the Perkiomen Township Fire Company the ability to recover some of their costs for certain Fire Company supplies used during fire, accident, and other response situations. This Ordinance would provide the Fire Company with the authorization to bill insurance companies in order to recover these expenses. At the January meeting, the Board requested information as to how much the Fire Company was spending on the items used during these response situations. In addition, as directed at the January meeting, Solicitor Picardi prepared a draft of the proposed Ordinance to authorize the Fire Company to recover these costs. The Board reviewed the information submitted by Mr. Moran and Solicitor Picardi. After discussion and review of the proposed Ordinance, Dean Becker made a motion seconded by Janet Heacock authorizing the advertisement of Ordinance No. 228. This proposed Ordinance will authorize the Fire Company to charge insurance companies for the cost and expenses incurred by the Fire Company during emergency responses. This proposed Ordinance is to be considered at the March meeting. There were no public comments on the motion. The motion was carried by a vote of 5-0.

PERKIOMEN TOWNSHIP PLANNING COMMISSION MEETING: Cecile Daniel reported that the Planning Commission held its meeting on January 19, 2016. At that meeting the Planning Commission reviewed the comments received from the Montgomery County Planning Commission on Township's draft Floodplain Ordinance. Also discussed were changes to be considered in the Township's Telecommunication Ordinance.

LOWER PERKIOMEN VALLEY REGIONAL SEWER AUTHORITY: Richard Kratz informed the Board that there were no significant issues discussed at the January meeting of the LPVRS.



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ENGINEERS REPORT: Kevin Conrad reported on the following:

1. 2016 Road Projects: Mr. Conrad informed the Board that the bid specifications for the 2016 Road Project have been completed and the project is waiting for authorization to advertise the project. With the request of Mr. Conrad, Richard Kratz made a motion seconded by Dean Becker to authorize advertisement of the 2016 Road Project with the plan to award the project at the March meeting. There were no public comments on the motion. The motion was carried by a vote of 5-0.
2. Haldeman Road: With the decision at the January meeting to take back Haldeman Road from the state, the Board received the Confirmation of Services from SSM Group to prepare bidding documents for the Haldeman Road Rehabilitation Project. The cost to complete the engineering, field survey, and specification phase of this project was not included in the 2016 Perkiomen Township Budget. In order to authorize this work, the Board needed to amend the budget and consider authorizing the Confirmation of Services. This amendment to the budget would be to increase the General Fund engineering expenditure account and reduce the Unreserved Fund Balance of the General Fund by \$40,000.00. Ms. Daniel informed the Board that this should be done by resolution. Richard Kratz made a motion seconded by Janet Heacock to approve Resolution 2016-11 amending the General Fund Account for engineering fees by increasing this account by \$40,000.00 and decreasing the Unreserved Fund Account of the General Fund by the same amount. There were no public comments. The motion was carried by a vote of 3: Yes (Richard Kratz, Janet Heacock, and Gordon MacElhenney) and 2: No (Dean Becker and William Patterson).

MANAGER'S REPORT:

1. Banyacsky: At the January meeting, Ms. Daniel informed the Board that she received an application from Suzanne Banyacsky of 800 North Limerick Road requesting permission from the Board to allow her property to be added to the Agricultural Security District in Upper Providence Township. At the January meeting, the Board directed that Solicitor Picardi review the requirements of the Agricultural Security Act. Mr. Picardi reported that, after looking into the process and together with the Board's previous approval of a similar request in 1996, his opinion is to handle the application of Mrs. Banyacsky in the same manor. This required approving the



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request of Mrs. Banyacsky by resolution and advertising that decision of the Board. After discussion of the request, Dean Becker made a motion seconded by Richard Kratz to approve Resolution 2016-12 which will facilitate the Agricultural Security Area (ASA) request of Suzanne Banyacsky by forwarding her application to Upper Providence Township which will consider and decide whether to add the Banyacsky property to the ASA in Upper Providence Township. There were no public comments on the motion. The motion was carried by a vote of 5-0. This decision of the Board will be advertised and the approved resolution will be forwarded to Upper Providence Township.

2. SR4044 Project, Section MG1: As discussed at the January meeting, Solicitor Picardi contacted PennDOT regarding the language in the Sidewalk Maintenance Agreement which will cover parts of the SR4044 Project. With regard to Solicitor Picardi's first comment, PennDOT was in agreement to revised the language in Section 3; thereby, softening the requirements of the year-round maintenance of the sidewalk in this project. With regard to Mr. Picardi's second comment, PennDOT agreed to add language which specifically retains the Governmental Immunity Rights and defenses of Perkiomen Township. Ms. Daniel informed the Board that she was in receipt of the revised agreements which included the revisions as pointed out by Solicitor Picardi. Janet Heacock made a motion seconded by Richard Kratz approving the Sidewalk Maintenance Agreement between Perkiomen Township and the Commonwealth of Pennsylvania (PennDOT) and approval of Resolution 2016-13 – authorizing the Chairman of the Board of Supervisors to sign said agreement. There were no public comments on the motion. The motion was carried by a vote of 5-0.
3. Rain Garden: Ms. Daniel updated the Board on the Rain Garden Project. At the January meeting, the Board approved the Application for Licensing for the portion of the rain garden that will be located on property owned by PECO. The request was submitted to PECO and in return, PECO submitted a License Agreement for review by the Township. Upon receipt of the agreement, Ms. Daniel submitted same to Solicitor Picardi, Krista Scheirer, and the Township's insurance company for review and comments. All comments were received and the agreement revised and submitted back to PECO for reconsideration. PECO sent back their comments to the revised agreement which were reviewed by Ms. Daniel and Solicitor Picardi. The revised License Agreement is now before the Board for consideration. After review and discussion of the revised agreement, Dean Becker made a motion seconded by



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Ricard Kratz to approve the License Agreement between Perkiomen Township and PECO Energy Company for the portion of the rain garden project that will be located on property owned by PECO Energy and authoring the appropriate Township officials to sign the revised agreement. There were no public comments on the motion. The motion was carried by a vote of 5-0.

4. **Floodplain Ordinance:** Ms. Daniel explained that she was in receipt of the review letter of the Montgomery County Planning Commission dated January 5, 2016. This letter was the review of the Township's draft Floodplain Ordinance that was submitted to the MCPC at the end of December, 2015. Ms. Daniel was informed that this draft Floodplain Ordinance was submitted to the PA Department of Community and Economic Development. In keeping with the March 2, 2016 deadline imposed by FEMA, the Board will need to adopt the new Floodplain Ordinance during the month of February. Since the Planning Commission worked at length on this Ordinance, Ms. Daniel recommended that the Board consider adoption of this Ordinance at the Planning Commission's February meeting. This meeting is scheduled for Tuesday, February 16, 2016. With the recommendation of Ms. Daniel, Janet Heacock made a motion seconded by Richard Kratz to set the date for consideration of the adoption of Ordinance No. 229 – Floodplain Management Ordinance for Tuesday, February 16, 2016. There were no public comments on the motion. The motion was carried by a vote of 5-0.
5. **Blanket Bond:** Ms. Daniel informed the Board, in addition to the Treasurer's Bond, the township's insurance carrier is recommending that the Board consider adding a Blanket Bond. Ms. Daniel stated she is investigating this and will return to the Board at a later date with information for the Board's consideration.

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 Dean Becker to authorize payment of the January bills. There were no public comments on the motion. The motion was passed by a vote of 5-0.



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NEW BUSINESS:

1. MCATO: Ms. Daniel indicated that she was in receipt of the information for the Spring Convention of the Montgomery County Association of Township Officials. Due to everyone's schedule, no one will be able to attend this Spring Convention.
2. PSATS Convention: The annual PSATS Convention is scheduled to be held from April 17 through April 20, 2016 in Hershey, PA. At this time, it is unclear if anyone will be able to attend the PSATS Convention due to schedules. It was decided that the Board members will let Ms. Daniel know whether or not they can attend this convention once they know their schedules; therefore, she will keep this on the agenda until the deadline for the PSATS Convention.
3. Perkiomen Township Fire Company: The Fire Company submitted to the Board their proposed 2016 Calendar of Events. There was one correction to the event labeled "Annual Al Laskey Memorial Car Show". This date should be August 28th not August 21st. Dean Becker made a motion seconded by Richard Kratz to approve the 2016 Calendar of Event for the Perkiomen Township Fire Company with the correction of the date of August 28th for the Annual Al Laskey Memorial Car Show. There were no public comments on the motion. The motion was passed by a vote of 5-0.

SUPERVISORS COMMENTS

Richard Kratz mentioned at the January meeting, he has been working with others in looking into the history of Perkiomen Township. This investigation involved a trip to the PA Museum & Historical Commission in Harrisburg. As a result, Mr. Kratz is request consideration by the Board to have his expenses reimbursed. This reimbursement would cover lunch, tolls, and fuel and is in the amount of \$89.45. Dean Becker made a motion seconded by Janet Heacock to reimburse Mr. Kratz for this expenses in the amount of \$89.45. There were no public comments on the motion. The motion was passed by a vote of 5-0.



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William Patterson informed the Board and the public that Perkiomen Township Declared a State of Emergency during the Snow Storm of January 22, 2016. As requested by Montgomery County Emergency Preparedness, the Township is submitting expenses to cover a 48-hour period beginning Saturday, January 23rd at 12:00 a.m. to Monday, January 25th at 12:00 a.m.

There being no further business, the meeting was adjourned upon motion made by Dean Becker and seconded by Janet Heacock.