



PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING MINUTES: FEBRUARY 5, 2019

BOARD MEMBERS PRESENT: Dean Becker, Chairman
William Patterson, Vice-Chairman
Vivian Schoeller, Member
Janet Heacock, Member

ABSENT: 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

Dean Becker called the February 5, 2019 meeting of the Perkiomen Township Board of Supervisors to order at 7:00 p.m. in the Perkiomen Township Administration Building. Mr. Becker informed the public that the Board held an Executive Session immediately prior to this public meeting to discuss: (1) a real estate matter; (2) a long-running stormwater discharge problem which could involve litigation; and, (3) an informational gathering session relative to a traffic light at an intersection in the Township.

PUBLIC HEARING:

Mr. Becker then turned the meeting over to Solicitor Picardi for the purpose of conducting a public hearing on a Conditional Use Application filed by HAEG, LLC for property located at 54 Wartman Road in Perkiomen Township. HAEG, LLC was represented by attorney Bernadette Kearney and engineer, Tony Diggan. Mr. Diggan explained that this proposed development involves the demolition of the existing home and construction of two new homes. In order to develop the property, there will be areas of steep slopes of 15% to 25% that will be disturbed. Mr. Diggan presented to the Board the Conditional Use Plan dated November 30, 2018, last revised January 28, 2019. Mr. Diggan explained that the regrading of the property will comply with the 3:1 slope ratio. Mr. Diggan indicated those areas on Lots 1 and 2 that will need to be disturbed. Lot 1 is the site of the existing home. The plan is to install a new driveway rather than using the existing one. In order to construct a new driveway, a small portion of the steep slopes located along Wartman Road will have to be disturbed. For Lot 2, the steep slope areas

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to be disturbed include some of the grading around the proposed house, that portion of the driveway that will abut the proposed home, a portion of the sewer lateral that will service the new home on Lot 2, a portion of the proposed stormwater seepage bed, and the clearing and development being proposed in the 10-foot buffer area. The Board has copies of the Township Engineer's letter of January 10, 2019 and the Report of the Perkiomen Township Planning Commission. Both the letter and report recommended approval of the Conditional Use Application subject to certain conditions. Prior to the public hearing, the applicant's engineer submitted revised plans to address these conditions. Mr. Diggan discussed the Conditional Use Standards and Criteria as it applies to his client's application and how the proposed plan addresses these requirements. Anthony Lepore of 48 Wartman Road was present and asked questions about the proposed project as it relates to the storm drain going under the proposed driveway and whether rain gardens will be required. Mr. Diggan answered the questions of Mr. Lepore. The Board reviewed the proposed project and the matters raised by Mr. Lepore. Upon considering the recommendation of both the Township Engineer, the Township Planning Commission, and the comments of Mr. Lepore, Vivian Schoeller made a motion, seconded by Janet Heacock, to grant the Applicant's request for Conditional Use approval as shown on Conditional Use Plan dated November 30, 2018, last revised January 28, 2019 by Kimley Horn for HAEG, LLC, so that the property can be developed as proposed by the Applicant, despite the existence of steep slope areas. Specifically, the Board authorized the limited disturbance of steep slopes between 15% and 25% so as to allow the following:

- development within the 10-foot steep slope setback area;
- encroachment of the proposed driveway and proposed house into the steep slopes based upon the proposed features which meet the criteria set forth in that section of the Steep Slope Ordinance for those steep slopes proposed to be disturbed;
- clearing of vegetation and grading be permitted based upon the proposed features which meet the criteria set forth in that section of the Steep Slope Ordinance for those steep slopes proposed to be disturbed; and
- encroachment of the proposed stormwater seepage bed based upon the proposed features which meet the criteria set forth in that section of the Steep Slope Ordinance for those steep slopes proposed to be disturbed.

All of the foregoing are consistent with the recommendation of the Township Engineer and Township Planning Commission. There were no public comments on the motion. The motion was approved by a vote of 4-0.

The public hearing was closed, and Dean Becker then called to order the Regular Monthly meeting of the Perkiomen Township Board of Supervisors.

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MINUTES: The minutes of the January 7, 2019 Board of Supervisors meeting were approved upon motion of Janet Heacock and seconded by William Patterson. There were no public comments on the motion. The motion was carried by a vote of 4-0.

CORRESPONDENCE: Cecile Daniel informed the Board that she had received the following correspondence:

- ❖ Invitation for an Open House that is being held by Representative Joseph Ciresi.
- ❖ PSATS News Bulletin: January 2019.
- ❖ Letters received from Skippack Residents concerning the temporary traffic signal at Gravel Pike and Graterford Road.

PUBLIC COMMENTS:

- ❖ Michael Hays from Representative Ciresi's office was at the meeting to introduce himself and to extend an invitation to the Representative's upcoming Open House.
- ❖ Rodney Dietrich of 24 Wartman Road was present to inform that Board that his neighbor, Apryl Martin of 27 Wartman Road sent him a letter informing him that he cannot access his driveway to/or from Wartman Road. Mr. Dietrich was asking whether the Township had any policy to prevent a neighbor from prohibiting another neighbor from being able to access their driveway when their driveway is off of a public street. Solicitor Picardi informed Mr. Dietrich that this is a private matter between two private property owners. Ms. Daniel advised Mr. Dietrich that the Township has no rules governing Mr. Dietrich's inquiry.

OLD/NEW BUSINESS:

- ❖ PSATS Convention: At the January Meeting, the Board authorized William Patterson to attend the annual PSATS Convention to be held from April 14 through April 17, 2019 in Hershey, PA. In addition to authorizing Mr. Patterson's attendance, the Board also needs to appoint a voting delegate. Vivian Schoeller made a motion seconded by Janet Heacock to appoint William Patterson as Perkiomen Township's voting delegate to the PSATS Convention. There were no public comments on the motion. The motion was passed by a vote of 4-0.
- ❖ Montgomery County Association of Township Officials: The Board is in receipt of the notification of MCATO's Spring Convention that is scheduled to be held on Friday, March 1, 2019. Vivian Schoeller indicated that she would be interested in attending this convention, but her attendance would be contingent on her schedule. Since notification needs to be sent in by February 22nd, William Patterson made a

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motion seconded by Vivian Schoeller authorizing Ms. Schoeller's attendance at the Spring MCATO Convention if her schedule permits. There were no public comments on the motion. The motion was passed by a vote of 4-0.

SOLICITOR'S REPORT: Solicitor Picardi submitted his report to the Board of

- ❖ Supervisors. As part of that report, Solicitor Picardi informed the Board that he received a proposal from Phillip Fraga, Esq., of the Cohen Law Group. Solicitor Picardi was authorized to contact the Cohen Group for a proposal after receipt of a letter from Verizon regarding franchise renewal. The proposal from Mr. Fraga sets forth a one-time flat fee for legal services related to a cable compliance review and negotiations with Verizon for a new Franchise Agreement. This flat fee was in the amount of \$11,900. The Board reviewed this proposal. Dean Becker asked about the cost benefit by hiring Cohen. Solicitor Picardi indicated that negotiation of Cable Franchise Agreement/Services is not his area of expertise. There may be benefits that Perkiomen Township has available under a cable franchise renewal that he is not familiar with. Since this is the Cohen Law Group's area of expertise, they would be in a better position to understand and negotiate those benefits. Ms. Daniel indicated that, based upon the amount of revenue the Township receives from the Verizon Franchise Fees, it would take about a month and a half to recoup the cost of this proposal. It the recommendation of Solicitor Picardi to accept the proposal from the Cohen Law Group. Upon further discussion of the proposal, Janet Heacock made a motion seconded by Vivian Schoeller to accept the proposal from the Cohen Law Group to do a cable compliance review and franchise renewal negotiations with Verizon for the flat fee amount of \$11,900. There were no public comments on the motion. The motion was passed by a vote of 4-0.

PUBLIC SAFETY REPORTS:

- **POLICE REPORT:** The Board is in receipt of the PA State Police Report for January 2019.
- **TRAPPE AMBULANCE** – The Board is in receipt of the report for December 2018 and 2018 Year End Report.
- **PLYMOUTH COMMUNITY AMBULANCE ASSOCIATION** – The Board is in receipt of the reports for January 2019.
- **PERKIOMEN TOWNSHIP FIRE COMPANY:** The Board is in receipt of the report for January 2019.
- **FIRE MARSHAL'S REPORT:** The Board is in receipt of the report for January 2019.

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ROAD MASTER’S REPORT: Shawn Motsavage submitted to the Board his Road Master’s Report dated February 1, 2019, for activities occurring during the month of January. In addition to his report, Mr. Motsavage informed the Board that he would like authorization to purchase the new truck that was earmarked in the 2019 Budget. Based upon information that he has obtained from the vendors on the Co-Stars Contract, the anticipated expense for this new truck will be approximately \$171,000. Since this truck will need to be ordered, he requested approval to move forward. William Patterson made a motion seconded by Janet Heacock authorizing the purchase of a new truck as set forth in the 2019 Budget. There were no public comments on the motion. The motion was passed by a vote of 4-0.

CODE ENFORCEMENT REPORT: John Moran, Jr. submitted to the Board his Code Enforcement report dated February 1, 2019, for activities that occurred during the month of January.

PERKIOMEN TOWNSHIP PLANNING COMMISSION MEETING: Cecile Daniel reported that the Planning Commission held its meeting on January 15, 2019. At that meeting, the Planning Commission reviewed the Conditional Use Application for 54 Wartman Road. In addition, the Planning Commission finalized the revision to the Steep Slope Ordinance which has been forwarded to the Board. Next, the Planning Commission is looking to review some minor changes to the Telecommunication Ordinance and review the Sign Ordinance. The Planning Commission is looking to have a joint meeting with the Board in March to review all these proposed changes.

PARK AND RECREATION REPORT: Cecile Daniel informed the Board that the contractor submitted a request for payment for the playground at Lodal Creek Park. After review of the paperwork from the contractor, the Certified Payroll information needs to be revised. Currently, Ms. Daniel is waiting for the corrected information and a letter from SSM recommending payment of the invoice. This will be listed on the March Meeting Agenda. Vivian Schoeller informed the Board members that a meeting with the Montgomery County Planning Commission has been set to discuss activities for the Highland Property.

LOWER PERKIOMEN VALLEY REGIONAL SEWER AUTHORITY: Cecile Daniel informed the Board that there was no new information discussed at the LPVRSa meeting.

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ENGINEERS REPORT: Kevin Conrad reported on the following:

1. 2019 Perkiomen Township Road Projects: Mr. Conrad reported on the bids received for the 2019 Paving Projects and the 2019 Microsurfacing Projects. As part of this discussion, Mr. Conrad informed the Board that he received a telephone call regarding connection of 207 Godshall Road into the public sewer system. In order to connect to public sewer, the property owner would have to open Godshall Road. Since Godshall Road is part of the 2019 Road Project, Mr. Conrad wanted to let the Board know about this possible connection. Currently, it is unclear if this connection might be completed prior to the paving of Godshall Road. Depending upon timing, there may be insufficient time to complete this connection before the work on Godshall Road is completed.

In review of the bids received for the 2019 Paving Projects, there were six bids received on January 30th. The lowest bidder was Innovative Construction Services, Inc. in the amount of \$525,297.80. There was only one bid received for the 2019 Microsurfacing Projects. The bidder for this project was Asphalt Paving Systems, Inc. in the amount of \$58,690.00. The total amount of both bids was \$583,987.80. This total amount is approximately \$54,000 over the budget amount. If possible, it was the opinion of SSM to award the entire bid versus moving some of the work to the following year. SSM does not see prices for this work being lowered next year. It was the recommendation of Mr. Conrad to award the 2019 Paving Projects to Innovative Construction Services, Inc. in the amount of \$525,297.80 and the 2019 Microsurfacing Projects to Asphalt Paving Systems, Inc. in the amount of \$58,690.00. The Board discussed the elimination of certain roads and moving them to the following year. Ms. Daniel recommended moving forward with awarding the two contracts as bid since the engineering work for the bidding of these two projects has already been completed and SSM does not see the cost to do this work any cheaper next year. Ms. Daniel suggested that the Board may wish to reevaluate the Township's Road Maintenance Plan if prices for this type of work are on the increase. With the recommendation of Mr. Conrad and Ms. Daniel, Vivian Schoeller made a motion seconded by William Patterson to award the 2019 Paving Projects to Innovative Construction Services, Inc of Folcroft, PA in the amount of \$525,297.80. There were no public comments on the motion. The motion was passed by a vote of 4-0. Next, Vivian Schoeller made a motion seconded by William Patterson to award the 2019 Microsurfacing Projects to Asphalt Paving Systems, Inc. of Hammonton, NJ in the amount of \$58,690.00. There were no public comments on the motion. The motion was passed by a vote of 4-0.

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MANAGER'S REPORT:

1. 260 Betcher Road: The property owner of 260 Betcher Road would like to connect the home into the public sewer owned by Colledgeville Trappe Municipal Authority. In order to make this connection, the property owner will need to obtain a Highway Occupancy Permit and enter into an agreement with Perkiomen Township. Based upon the work to be completed, the Township Engineer submitted a letter indicating how much money would be required to be escrowed for this work. In addition, since Betcher Road was recently paved, there will be a penalty as required under the Highway Occupancy Ordinance. As set forth within that Ordinance, the Township Engineer calculated the penalty. Before the Board is the Highway Occupancy Permit Escrow Agreement. Based upon the work to be completed in Betcher Road, the property owner must obtain a Highway Occupancy Permit and post escrow in the amount of \$2,400. The agreement also requires that the property owner pay a penalty charge because the surface of Betcher Road is less than five (5) years old. The penalty amount is three percent (3%) of the restoration cost for each month left in the five (5) year period. The penalty amount computes to \$48 per month for every month between the construction start date and August 21, 2022. The penalty must be paid prior to the Highway Occupancy Permit being issued. The Board reviewed the proposed Escrow Agreement. Vivian Schoeller made a motion seconded by William Patterson to approve the Highway Occupancy Permit Escrow Agreement between James Heck of 260 Betcher Road and Perkiomen Township. There were no public comments on the motion. The motion was passed by a vote of 4-0.

2. Small Tax Refunds: Small tax refunds need to be made to a property owner when Montgomery County reduces the assessed value of a property. The amount of the refund depends upon when the property owner paid their taxes (discount, face, or penalty). These refunds come from the General Fund and the Fire Tax. These refunds can run from cents to a few dollars. Upon receipt of the amount to be refunded, the Township has been remitting back to the property owner from the General Fund and/or the Fire Tax the refund owed. In some cases, the check amount of the remittance is so small, the property owner does not cash the check. In other cases, the property owner has moved out of the Township and cannot be located. The Township must keep track of these checks for three years. If the check is not cashed within the three-year period, it must be sent to the PA Unclaimed Property Department. This process is becoming time-consuming and expensive. Ms. Daniel asked the Board to consider the adoption of a policy such that if the amount to be refunded is \$5.00 or less for the General Fund and/or \$5.00 or less for the Fire Tax, then there would be no refund unless the property owner specifically requests a refund. Refunds over the \$5.00 for General Fund and/or over the \$5.00 for the Fire Tax will still be refunded. The Board discussed the proposed policy. Vivian

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Schoeller then made a motion seconded by Janet Heacock to adopt a Tax Refund Policy whereby no tax refund will be remitted to the property owner if the amount to be remitted is \$5.00 or less for the General Fund and/or \$5.00 or less for the Fire Tax, unless the property owner specifically requests a refund. There were no public comments on the motion. The motion was passed by a vote of 4-0.

TREASURER’S REPORT: The treasurer presented to the Board, the January Financial Report showing the receipts and expenditures and the bill list for January. Janet Heacock made a motion seconded by William Patterson to approve the bill list for the month of January in the amount of \$158,174.28 and approve the January Treasurer’s Report to be placed on file for audit. There were no public comments. The motion carried by a vote of 4-0.

There being no further business, the February public meeting was adjourned upon motion made by Vivian Schoeller and seconded by William Patterson.

Respectfully Submitted,

Cecile M. Daniel

Cecile M. Daniel
Township Manager