

LOWER FREDERICK TOWNSHIP BOARD OF SUPERVISORS

Meeting Minutes
Supervisors Work Session

September 26, 2017

Lower Frederick Township
Municipal Building
53 Spring Mount Road

Bob Yoder, Chairman, called the meeting to order at approximately 7:00 pm

Board of Supervisors:

Bob Yoder, Chairman – Present
Ron Kerwood, Vice Chairman - Present
Terry Sacks, Supervisor - Present

Township Staff:

Carol Schuehler, PE - Present
Damien Brewster, Esquire - Present
Tom Manning, Roadmaster - Present
Paul Maxey, Chief of Police - Present

Mr. Locker noted that the board held an executive session with regard to personnel matters, prior to the meeting.

Approval of Meeting Minutes

A motion to approve the Supervisors General Meeting Minutes of September 5, 2017,
Motion – Mr. Kerwood Seconded – Mr. Sacks Approved: 3-0

Correspondence

- 1) Discussion on use of Township Building: The supervisors reviewed requests from 2 residents requesting use of the township building for political purposes. The administrative staff was unable to approve use of the building as a clear policy is not established. In addition to township meetings the building is currently used by a few groups and includes yoga, The Women’s Civic Club and Spring Mount Townhomes HOA. Mr. Kerwood stated his opinion that the building should be used by township residents for recreational activities that are non-political in nature. Mr. Yoder said he was not in favor of opening up the building for uses beyond what is currently established at this time. Cost to pay staff to open/close the building after hours, liability and security need to be considered. The supervisors directed Mr. Brewster start looking at criteria to establish a policy moving forward.
- 2) Opening on Boards/Commissions: Requests from residents to fill vacancies on Boards/Commissions have been received. To allow more residents the opportunity to submit requests, vacancies will be posted on the website. The supervisors can approve members at any time but may wait until the Reorganizational Meeting in January. Residents can submit their requests via mail or by email to: bonnie@lowerfrederick.org.
- 3) Starting October 19, 2017, the monthly Lower Frederick Planning Commission meeting will be held the third Thursday of each month.
- 4) Lorraine Cuddy has resigned from the Park Board.

5) Last week Bob Yoder met with 2 members from the National Lands Trust who did an audit of Colonial and Cuddy Parks as well as the back 12 acres at Colonial. The auditors were very pleased with how the parks and meadows were being maintained as well as the plans for Colonial Park. They will write a report of their findings. They inquired about controlled deer hunts and said they promote them. Lower Frederick Township does not currently participate in deer hunts.

Reports

Solicitor:

1) The Board held an executive session on September 13, 2017 at 9:30am to discuss a personnel issue. In addition to the Board, Mr. Brewster and Labor Counsel Chris Gerber were in attendance.

2) Mr. Brewster announced a clerical error on the Agricultural Security Area Resolution. The errors have been corrected and require replacement of page 2 of the resolution.

A motion to replace page 2 of the ASA Resolution with the corrected version.

Motion: Mr. Yoder Second: Mr. Sacks Approved: 3-0

3) The 5 year Police Pension Audit was recently completed. In 2009 there was a change in Act 51 which required the local municipality have a line of service death benefit for police officers and other emergency personnel payable by the Commonwealth, not the municipality. Our police pension plan does not reflect this change; it was not modified by ordinance. At the recommendation by the State Auditor, Mr. Brewster is asking for authorization to advertise an ordinance to reflect this change. In the event of a line of service death the Chief of Police would notify the Commonwealth and they would be the one to pay the benefit under Act 51, not the township. The Board approves the advertisement of the ordinance.

4) The Board gives Mr. Brewster authorization to proceed with filing to the District Magistrate a property that is delinquent in paying their sewer bill.

5) In the absence of a township manager, Mr. Brewster is seeking guidance on who should proceed with obtaining sewer easements. Ms. Schuehler was involved with the initial introduction of easements with property owners but does not feel it is her area of expertise to obtain the final approval. The Board gives Mr. Brewster permission to proceed with obtaining final approval.

6) Mr. Brewster presented the following Resolutions for approval:

A motion to approve Resolution 17-47 accepting the resignation of Ted Locker as Township Manager and authorizing the employment of Kevin Tobias as the full time Township Manager effective October 16, 2017.

Motion: Mr. Yoder Second: Mr. Sacks Approved 3-0

A motion to approve Resolution 17-48 accepting the resignation of Ted Locker as Township Secretary and appointing Kevin Tobias as Township Secretary effective October 16, 2017.

Motion: Mr. Yoder Second: Mr. Sacks Approved 3-0

A motion to approve Resolution 17-49 accepting the resignation of Ted Locker as the Township Assistant Zoning Officer and appointing Kevin Tobias as the Township Assistant Zoning Officer effective October 16, 2017.

Motion: Mr. Yoder Second: Mr. Sacks Approved 3-0

A motion to approve Resolution 17-50 accepting the resignation of Ted Locker as the Open Records Officer and appointing Kevin Tobias as the Open Records Officer effective October 16, 2017.

Motion: Mr. Yoder Second: Mr. Sacks Approved 3-0

A motion to approve Resolution 2017-46 setting the 2018 Police Pension Minimum Municipal Obligation at \$59,753.00.

Motion: Mr. Yoder Second: Mr. Sacks Approved 3-0

A motion to ratify the administrative suspension of officer David Buckley without pay effective September 14, 2017 and terminate his employment with cause, effective immediately.

Motion: Mr. Kerwood Second: Mr. Sacks Approved 3-0

Engineer

Next week at the General Meeting on October 3rd, the Board will be presented with final plans for the Ragusa Development and a request for final plan approval. This development has been on the books since 2004, having received conditional preliminary plan approval in 2008, zoning hearing decision in 2007, and conditional use in 2008. The current developer has been working his way through the conditions of approval, the last review letter Ms. Schuehler issued was September 15, 2017. The developers will present additional waivers relating to traffic studies, sidewalks inside the development and pipe cover requirements as well as a proposed facility for a tot lot, and fencing/landscape options around the open space at the intersection of Zieglerville & Schwenk Roads. They will also want to discuss waiving or reducing, as was part of the preliminary conditions of approval, a commitment of \$150,000.00 towards the construction of sewage facilities in addition to any EDU charges if they are going to pay tapping fees.

Ms. Schuehler is reviewing the escrow estimate for the financial security agreement. She believes they will be asking to begin site work as they complete the conditions of final approval. They will need to work with the solicitor's office for an interim professional services agreement and escrow.

Ms. Schuehler said the developer will be looking for direction on these and several issues, and suggests the Board listen to the presentation and when appropriate, direct the solicitor's office to prepare a resolution for an upcoming meeting.

Police:

Chief Paul Maxey presented the traffic study conducted by his department on Village Drive, Zieglerville Road, Main Street and Spring Mount Road. The study was initiated after receiving multiple concerns/complaints from residents about speeding problems in the Township. Testing equipment was purchased and set up by our police department in locations of concern. Over the past few months the department has obtained and analyzed objective data. Officer Rinker, who was also in attendance, was instrumental in sorting and analyzing the data for this study. A copy of the traffic study can be viewed at the end of these meeting minutes.

The department currently uses Vascar as a speed timing device and must give drivers a 10mph grace speed when enforcing the speed limit. This is due to potential operator error of the device. This means speeding can be enforced at 36MPH on a road marked at 25MPH. By statute, Pennsylvania is the only state in the nation that does not allow municipalities to use Radar to enforce speed limits. Police organizations and Legislators are currently in the process of trying to change that statute. With radar, enforcement can begin at 1mph over the speed limit due to the scientific nature of the electronic device. All of the locations included in this study present topographical challenges with sight line necessary to using Vascar for speed enforcement.

- High traffic volumes were present at each location as they are cut thru routes to avoid Schwenksville and construction areas on Plank Road and 73 to get over to Harleysville and the PA Turnpike.
- Village Drive and Zieglerville Roads presented a moderate level of enforcement needed.
- Main Street presents a higher level of concern with 17% of vehicles travelling speed in the enforceable range.
- Over 16,300 cars travelled on Spring Mount Road in a 5 day period with 33% of vehicles exceeding 36 MPH. This area is a high priority for enforcement.

The department will use the data to determine method and time of enforcement efforts in the areas studied. Carol Schuehler requested that the volume data be shared with the public works department for prioritizing road maintenance. The data could also be used to determine low volume roads that would qualify for grant programs.

Speeding concerns on Goshen and Little Road, commercial cut through traffic on Simmons Road and weight/size limit of trucks travelling on local roads were discussed.

Mr. Kerwood commented that the PA Senate is currently considering SB 251 which would allow municipalities in PA to use Radar for speed enforcement. We will post information on how to help this effort on Facebook and our website by contacting Senator Bob Mensch.

Public Works: Tom Manning reported that Limerick Township did a traffic study and as a result plans to make Gerloff Road a “No Trucks” road. Limerick Township has agreed to share the traffic study with Lower Frederick so that we can pass an ordinance based on this engineering study and also post Gerloff Road with “No Trucks” signs. Mr. Manning is making sure there is adequate speed limit signage for speed enforcement as well.

PUBLIC COMMENT

Larry Cohen (Mine Hill): Questioned where to find a job description for the Township Manager. He was directed to the Township Website which lists a description under "Township Codes."

Rosenoelle Halter: Was concerned that the vacancy of the township manager position was not made available to the residents and wanted to know how the candidates were selected. A professional headhunter was contacted and other applicants applied. In both instances, the decision to hire was based on an immediate need and the availability of a qualified candidate.

Larry Cohen (Mine Hill): Inquired as to whether the Park & Recreation board was involved in the Land's Trust Audit at Colonial and Cuddy Park. Mr. Yoder stated he was asked by the Lands Trust to meet with them for the audit at Cuddy Park which he did.

Larry Cohen (Mine Hill): Wanted to know if the wetlands study for the Ragusa Tract was on file at the Township Building. Ms. Schuehler stated that it was not.

Larry Cohen (Mine Hill): Asked about the road repairs on Zieglerville Road. The township will repair the road and be reimbursed by the developer.

Rosenoelle Halter: Asked about controlled deer hunts. There are no planned controlled deer hunts in our township at this time.

Terry Bird (Little Road): Asked if there have been any conversations with developers regarding Melbourne Hills. There are no planned meetings with developers at this time.

Ernie Schmitt (Silverbrook): Stated he was upset by an accusation made by a resident at the last meeting concerning our police. This resident accused our police of having vehicles at their home without any knowledge of what the police were doing. Chief Maxey said he followed up on the complaint which was not legitimate and the person did not wish to move forward with the complaint.

Linda Jansson (Simmons Rd): Wanted to remind everyone of the upcoming Fall Fest on 10/7/17 and The Hike to Kettle Rock, 2 dates to be determined.

Motion to adjourn: Mr. Yoder

Seconded: Mr. Sacks

Approved: 3-0

Time: 8:34 PM