

## LOWER FREDERICK TOWNSHIP BOARD OF SUPERVISORS

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Meeting Minutes  
Supervisors Work Session

October 31, 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  
Kevin Tobias, Township Manager - Present

Mr. Brewster noted that the board held an executive session with regard to anticipated litigation, and to consider the purchase of an interest in real estate prior to the meeting

**Approval of Meeting Minutes**

A motion to approve the Supervisors General Meeting Minutes of September 26, 2017,  
Motion – Mr. Kerwood      Seconded – Mr. Sacks      Approved: 3-0

**Correspondence**

No Correspondence

**Reports**

**Solicitor:**

See Report

A motion to authorize Solicitor and Township Manager to advertise Ordinance to amend Ordinance regulating non-residential sewer rents.

Motion: Mr. Kerwood      Second: Mr. Yoder      Approve 3-0

**Engineer**

Ms. Schuehler presented the board with an update on the progress of the development of the Ragusa Tract by Metropolitan Management. She informed the board that the Sewage Planning Module is still in the process of being submitted to DEP and there are some items missing before the plan can be submitted. The PA Municipalities Planning Code does allow for some work to proceed, however; it is certainly at the owners' risk. At a pre-construction meeting with representatives from the Montgomery County Conservation District, authorization to proceed was given for E.& S. controls to be in place. Township approvals need to be given before any distinguishable work can commence.

**Police:**

No Report

**Public Works:**

Roadmaster Manning reported to the board that the traffic study for Gerloff Road has been completed.

**Board Report:**

Board member Kerwood informed the board regarding PA State Act 172 Volunteer Firefighter Tax Credit. Act 172 provides municipalities with the option to offer a real estate or earned income tax credit to active members of volunteer fire companies and nonprofit emergency medical services through a volunteer service credit program. The Township Manager and Solicitor were tasked with the implementation of this program for the township.

Manager Tobias discussed with the board a resolution to allow utility payments and other recurring bills to be paid on-line. Presently, the township ordinance mandates that all checks are to be signed by the Treasurer and Assistant Treasurer. This proposed resolution would allow the township to circumvent the customary two signatures only for payment for on line. After further discussion it was decided that the manager and solicitor will work together to draft a proposed resolution to have complete for an upcoming board meeting.

A motion to authorize payment not to exceed \$4,175.00 to General Code for the purpose of updating the township’s codified ordinances to include Ordinance #'s 16-04 and 16-05.

Motion: Mr. Kerwood            Second: Mr. Yoder    Approve 3-0

A motion to authorize signing a Professional Services agreement in the amount of \$20,000.00 with Metropolitan Management for the purpose for payment of legal and engineering costs in relation to development of the Ragusa Development.

Motion: Mr. Yoder            Second: Mr. Kerwood            Approve 3-0

A motion to approve the hiring of Meghan Kathleen Burns as a part time police officer at a rate of \$28.00 per hour to begin 11/13/17. Resolution #2017-53

Motion: Mr. Yoder            Second: Mr. Kerwood            Approve 3-0

A motion to approve signing Resolution #2017-52 approving the Pennsylvania Emergency Management Plan. The act mandates that municipalities prepare, maintain and keep current an emergency operations plan for the prevention and minimization of injury and damage caused by a major emergency or disaster

Motion: Mr. Yoder            Second: Mr. Kerwood            Approve 3-0

## PUBLIC COMMENT

*Robert Burns (Zieglersville Road):* Presented to the board a petition signed by 100 residents to provide for further information to be disseminated to residents for the Ragusa Tract. He also distributed to the board a violation letter given to the developer in regards to the driveway entrance.

*Linda Jansson (Simmons Road):* Questioned Solicitor Brewster regarding the regulations for the reporting of persons who wish to enlist in the Agricultural Security Area. She was inquiring regarding her father who passed away, and wanted to know what documentation she needed to provide for notice of his passing.

*Robert Burns (Zieglersville Road):* Questioned the applicability of Chapter 77 of the Township Code and that of the Municipalities Planning Code. He was informed by Solicitor Brewster that the township can only exercise the powers subscribed by the state. Municipal code cannot supersede state law.

*Linda Jansson (Simmons Road):* Presented her concerns to the board regarding ensuring that the developer of the Ragusa tract plays by the rules. Particularly the developer having stone delivered to the site at 6:30 in the morning, and codes not being enforced. The township SALDO does require that the developer post bonds, and securities. Solicitor Brewster informed members of the board and public that the NPDES permit does allow for limited site work. Ms. Jansson informed those in attendance that the area has been clear cut. Ms. Schuehler stated that the developer has not been cited at this time and that all work being done is in relation to widening the construction entrance. Building Inspector Wallace has been contacted numerous times.

*Warren Jacobs (Fulmer Road)* Voiced his concerns in regards to the developer of the Ragusa tract adhering to all the township codes and the clearing of the lot. Ms. Schuehler added that the developer was to install protective fencing, and their NPDES permit does allow for only clearing.

*Robert Burns (Zieglersville Road):* Questioned whether a grading permit. Ms. Schuehler informed Mr. Burns that a grading permit was not required. Mr. Burns also requested that the township verify the extent of the clear cutting, and in particular, the size of the tree stumps remaining after the clear cut. Also, was requesting the buffer area be verified to make sure in compliance, and if need be the proper fines be levied if in violation. Supervisor Kerwood added that more items need to be satisfied on the list of deficiencies distributed by Ms. Schuehler before conditional approval can be granted. Conditional approval only allows for site work to commence. Ms. Schuehler also added that the developer cannot sell a lot, or a building permit can be issued until the township signs the plan and is recorded.

*Marla Hexter (Minehill Road):* Questioned the board regarding the Ragusa plan as it relates to site work, school bus pickup. Ms. Hexter was informed that the roads will be governed by an HOA and thus will be private roads. Ms. Hexter was told by the Perkiomen School District that the roads would be turned over to the township. Supervisor Sacks used Lewis Road as an example as to where the bus company providing transportation services to the school district does not enter to pick up students. Ms. Hexter is just concerned that the safety of the children is paramount.

*Sherry Dobenspeck (Boulder Heights Development)* concern regarding bus traffic, and safety of the school students is of most importance.

*Robert Burns (Zieglersville Road):* Expressed to the board and members of the public that the tree stumps that remain are to be 5' height, and 6" in diameter, and the developer completed more work than what they were permitted to do. He thought that the fine was between \$600.00 to \$1,200.00 per tree that was cut down. He is also concerned that the 100' buffer has been compromised. Linda Jansson added that the developer should be held accountable. Ms. Schuehler added that the developer has had the land surveyed to determine the level of disturbance and that the tree protection fencing can be verified in the field. The developer may need to restore the buffer.

*Robert Burns (Zieglersville Road):* Mr. Burns would like to ensure that the developer posts the appropriate amount for the construction escrow, and also to ensure that the developer meets all the requirements in the review letter. Mr. Burns would also like to review the plans for the Bavington and Riverside areas of the township regarding proposed sanitary sewer.

*Candace Johnson (Main St.):* Questioned whether if the developer is fined, do they need also to replace trees and restore the buffer zone. Ms. Jansson added that if they are fined, do they also need to present a restitution plan.

*Sherry Dobenspeck (Boulder Heights):* Had concerns regarding capacity and the ability to connect to the sanitary sewer for Boulder Heights. Ms. Schuehler reaffirmed that adequate capacity is in place the handle the flow. Both the Riverside area and Boulder Heights will be flowing to the new plant.

*Ross Hoffman (Riverside):* Voiced concerns regarding drainage issues in the Riverside development especially during rain events. He also had some concerns regarding not being notified about the purchase of any easements. Ms. Schuehler stated that only two easements are needed at this time for the proposed sanitary sewer line.

*Marla Hexter (Minehill Road):* Ms. Hexter voiced her concerns regarding the township's plans to condemn private property. It was stated that this process will not be needed, and the manager offered to meet privately with her if she so desires.

Motion to adjourn: Mr. Yoder      Seconded: Mr. Sacks      Approved: 3-0      Time: 8:40 PM