

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING
MINUTES: JANUARY 3, 2005**

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

OTHERS PRESENT: Cecile Daniel, Township Manager
Kenneth Picardi, Township Solicitor
Pamela Stevens, Township Engineer
W. Richard Dillon, Code Enforcement Officer
John Moran, Road Master

William Patterson called the January 3, 2005 Reorganization Meeting and Board of Supervisors Meeting to order in the Perkiomen Township Administration Building at 7:30 p.m. The first item of business was the Reorganization Meeting.

REORGANIZATION MEETING: The reorganization meeting was turned over to Richard Kratz acted as temporary chairman. Mr. Kratz called for nominations of chairman. Dean Becker made a motion to nominate William Patterson as chairman. Gordon MacElhenney made a motion to close the nominations seconded by Dean Becker. There was no public comment on the motion. The motion was unanimously approved by vote of 5-0. The secretary was directed to show that William Patterson was elected chairman by a unanimous vote. The Reorganization Meeting was turned over to William Patterson. William Patterson took the nomination for vice-chairman. Dean Becker made a motion to nominate Edward Savitsky as vice-chairman. Dean Becker made a motion to close the nominations seconded by Richard Kratz. There were no public comments on the motion. The motion was unanimously approved by a vote of 5-0. The secretary was directed to show that Edward Savitsky was elected vice-chairman by a unanimous vote.

Dean Becker made a motion seconded by Edward Savitsky to approve the following 2005 appointments that were unanimously approved:

Township Road Liaison:	William Patterson
Township Treasurer:	Cecile M. Daniel
Township Secretary:	Cecile M. Daniel
Township Solicitor:	Yergey, Daylor, Allebach, Scheffey, & Picardi
Township Engineer:	Spotts, Stevens & McCoy
Township Fire Marshall:	John Moran Sr.

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Zoning Hearing Board

Solicitor: Nancy Hopkins Wentz

Chairman of Vacancy Board: Nancy Gaugler

Committee Appointments:

Municipal Authority – January 1, 2005

Through December 31, 2009: Janet Heacock

Planning Commission – January 1, 2005

Through December 31, 2008: Michael Christian

Zoning Hearing Board – January 1, 2005

Through December 31, 2008: Robert O'Donnell

There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

Richard Kratz made a motion seconded by Edward Savitsky to close the reorganization meeting. There were no public comments. The vote was carried by a unanimous vote of 5-0.

William Patterson called the regular meeting of the Perkiomen Township Supervisors to order.

MINUTES: The minutes of the December 7, 2004 meeting were approved as presented.

POLICE REPORT: There was no PA State Police Report.

CORRESPONDENCE:

- Bruce McBain presented the Lower Frederick Police Report
- CPVRPC- Minutes of their meeting
- Representative Raymond Bunt – (1) Letter regarding the planning grant to the CPVRPC
- Representative Raymond Bunt – (2) Letter in response regarding the intersection of Route 29 & Route 113
- CPVRPC- Letter regarding the Comprehensive Plan to Montgomery County Planning Commission

SOLICITOR'S REPORT: Kenneth Picardi indicated his comments would come under the items listed under new business.

ROAD MASTER'S REPORT: John Moran submitted his report for December to the board.

FIRE MARSHALL'S REPORT: John Moran submitted his December as well as his yearly

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report to the board.

CODE ENFORCEMENT REPORT: W. Richard Dillon submitted his December report to the board.

PLANNING COMMISSION REPORT: The planning commission held their meeting on December 21, 2004. The following items were reviewed at that meeting: **WOODBIDGE AT PERKIOMEN:** W.B. Homes final subdivision plan for the property owned by the Fontaines of Wartman Road. The plan proposes 18 single-family homes and one existing home.

CONDITIONAL USE APPLICATION: Review of the conditional use application for Louis & Chris DiDomenico. **COMPREHENSIVE PLAN:** The comprehensive plan being put together by the Central Perkiomen Valley Regional Planning Commission.

ENGINEERS REPORT: Pamela Stevens was present to review the following items:

- 2005 Road Project Status – Ms. Stevens explained the proposed 2005 road project is being completed. The schedule is to have the project advertised on January 14th & 18th with a preconstruction meeting scheduled for January 19th. The bids would be opened on January 28th with an award for February 1, 2005.
- Eagle View Manor – Escrow Release No. 9 – Mary Grace Sparango has requested an escrow release for Eagle View Manor. Pamela Stevens reviewed the request by Ms. Sparango and recommended the release in the amount of \$45,940.00. Upon the recommendation of Ms. Stevens, Richard Kratz made a motion seconded by Dean Becker to approve the Escrow Release No. 9 to Eagle View Estates in the amount of \$45,940.00. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.
- Commonwealth/Centennial Street – Escrow Release No. 6 – Commonwealth Construction, Inc. has requested an escrow release for Centennial Street. Pamela Stevens reviewed the request by Commonwealth Construction, Inc. and recommended the release in the amount of \$9,080.00. Upon the recommendation of Ms. Stevens, Dean Becker made a motion, seconded by Edward Savitsky to approve the Escrow Release No. 6 to Commonwealth Construction, Inc. in the amount of \$9,080.00. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

RECEIPTS AND EXPENDITURES: The treasurer read the receipts and expenditures for the

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month of December. After review of same, Richard Kratz made a motion seconded by Dean Becker to authorize payment of the December bills. There were no public comments on the motion. The motion was carried unanimously by a vote of 5-0.

NEW BUSINESS:

- **RESOLUTIONS:** Resolution 2005-1: Depositories 2005, Resolution 2005-2: Special Crossing Guard, Resolution 2005-3: Engineering Fees and Resolution 2005-4: Audit 2004 and the proposal from Dreslin and Company are resolutions passed the first meeting of the new year by the board of supervisors. The board reviewed all four resolutions and Edward Savitsky made a motion, seconded by Dean Becker to adopt Resolution 2005-1, Resolution 2005-2, Resolution 2005-3, and Resolution 2005-4. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0
- **RESOLUTION 2005-5: Removal of Trees along Trappe Road** – The board reviewed the proposed resolution regarding the removal of the trees along Trappe Road. The proposal to remove these trees was discussed at the December meeting. The board, at that meeting, directed the township manager to contact the affected property owner and to prepare a resolution. The property owner was contacted and the proposed resolution is before the board for consideration. Before the board took action on the resolution, they discussed a letter they received from Trappe Borough. In this letter the borough is requesting that the township reconsider its position regarding the removal of these trees. The board discussed both this letter and the resolution. The township engineer has recommended that a certain number of trees should be removed to improve the sight distance. The board felt that they should consider her recommendation and the trees should be removed. If it should be determined that there is still a sight distance problem due to the design of the intersection, then the board would be willing to reconsider the issue of the multi-way stop sign. After review of the proposed resolution, Dean Becker made a motion, seconded by Richard Kratz to approved Resolution 2005-5. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.
- **RESOLUTION 2005-6 W.B. HOMES & RESOLUTION 2005-7: PLANNING MODULE:** Both resolutions are related to the proposed development of W.B. Homes. Michael McCloskey representing W.B. Homes was present before the board to review and discuss both the final plan and the proposed planning module. The plan proposed a total of 19 homes. Access to the site will come from Wartman Road and continue and connect into Merion Lane. As to the planning module, the module is with regard to the public sewer being proposed for this site. The requirement of the planning module is a PADEP Requirement. After consideration and approval by the board, the planning module will be

forwarded to the PADEP for consideration. The board reviewed the proposed plan and

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planning module and Resolution 2005-6 and Resolution 2005-7. After review of the plan and resolutions, Edward Savitsky made a motion, seconded by Dean Becker to approve Resolution 2005-6 and Resolution 2005-7 as follows:

COMPLIANCE WITH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

1. Parcel A and Parcel B along Woodbridge Road: The Applicant will submit deeds of consolidation before recording of the final plan. Section 11.59(a)(3) Subdivision Ordinance
2. Erosion and Sedimentation Pollution Control Plan approval is required. The Applicant shall submit a copy of the approval letter from the County Conservation District upon receipt. The Applicant has indicated NPDES approval will be coordinated with the Montgomery County Conservation District. Because the design of the above facilities is subject to approval from the Conservation District/DEP, the Applicant must submit a copy of the approval letter from the County Conservation District upon receipt. The Applicant has indicated NPDES approval will be coordinated with the Montgomery County Conservation District. All required approvals shall be submitted to the township prior to the signing of the Record Plan. Section 11.60 Subdivision Ordinance.
3. The signatures and seals of the registered professionals shall be included on the plan and the Certificate of Accuracy and Certificates of Ownership shall be completed prior to recording. Section 11.43(a) Subdivision Ordinance.
4. An improvements guarantee, financial security and developer's agreement shall be satisfactorily executed prior to recording. Section 11.29 & 11.30 Subdivision Ordinance.

GENERAL COMMENTS

1. Shared Access Driveway Maintenance Agreement: The Applicant shall submit copies of the maintenance agreements and the access easements to the Township Solicitor for his review and approval. The metes and bounds, i.e., legal descriptions shall be submitted to the Township Engineer review.
2. Easement and Easement Agreement Submission: Copies of all easement and easement agreements, including those with adjacent properties, shall be submitted to the Township for the review and approval by the Township Solicitor. The offsite easements, metes and bounds shall also be submitted to the Township Engineer for review.
3. Legal descriptions for all of the easements including the drainage, utility, conservation, access and the road system shall be submitted for review by the Township Engineer prior to recording.

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4. PENNDOT Highway Occupancy Permit: The H.O.P. was approved by PennDOT and the permit number has been added on the cover sheet. The applicant shall submit a copy of the permit to the Township under a separate cover.
5. The plan notes shall be expanded to include the appropriate language for the restoration of the disturbed area as a result of the removal of the existing cul-de-sac.

STORM DRAINAGE

1. The design engineer was to provide verification that the area on the outlet structure between the orifice and the weir is structurally sound. To date, this information has not been provided. The engineer has stated in a response letter dated December 1, 2004 that W.B. Homes will coordinate with the Contractor to verify that the outlet structure is structurally sound. Before construction of the basin begins, the engineer shall submit shop drawings of the outlet structure for review and approval. At that time, verification that the outlet structure is structurally sound shall be required. A note shall be added to the Record Plan stating this.

LANDSCAPING (PER ORDINANCE NO. 173)

1. Ordinance No. 173 of the Landscaping Plan: The Applicant was granted a partial waiver on August 3, 2004, to not require a filtering buffer along the tract perimeter provided the Applicant maintains the existing vegetation as a buffer. The buffer has been provided in a conservation easement. The conservation easement metes and bounds shall be submitted to the Township Engineer for review.

SANITARY SEWER

1. The Developer's Engineer is responsible for completing and submitting the necessary forms associated with the Pennsylvania Department of Environmental Protection Sewage Facilities Planning Module Application, as required by Perkiomen Township. This planning module shall be approved by both Perkiomen Township and the Pennsylvania Department of Environmental Protection.
2. A pro-rated connection fee shall be assessed for the tie-in to the Lodal Creek Interceptor through the connection at Buyers Road.
3. Due to the amount of off-site sanitary sewer improvements which are necessary to connect this development to the existing sanitary sewer, a separate improvements agreement shall be established to cover the portion of sanitary sewer that is located outside the boundaries of the proposed development. The off-site sewer agreement shall be between the applicant and the Perkiomen Township Municipal Authority. A satisfactory agreement to all parties shall be executed prior to the recording of the record plan. Section 11.29 & 11.30 Subdivision Ordinance.

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4. The sewer main between Merion Lane and Buyers Road is shown located in a 30' wide easement area through two adjacent properties. The Developer shall provide copies of these easements to the PTMA solicitor for review. Of particular importance is the ability to have these easements transferred from the Developer to PTMA.

There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

- **HYK CONSTRUCTION:** John Haines, John Kibblehouse, and Paul Yerkes (“HYK”) were before the board to discuss the industrial property they own in the Village of Rahns. The township and zoning hearing board are presently involved in litigation over the expansion. Mr. Picardi advised HYK of their right to be represented by counsel and they indicated a desire to proceed before the Board without their attorney. Mr. Haines then presented plans showing what they are proposing to do not only with the property that is a part of the litigation, but other properties they have more recently acquired. Mr. Haines, through his pictures, showed the berm and trees that have been placed along Gravel Pike. He also indicated that they have cleaned out the debris along the brick building with the permission of the property owners. At this time, HYK does not anticipate purchasing the two properties that abut them at the intersection of Route 29 and Route 113, and has no intention of expanding into the property they owned across Route 113. They are considering the construction of an office on the property they acquired from the Stefanski family. They would also like to expand the pre-cast building. Mr. Haines was looking for direction from the board. Mr. Picardi informed Mr. Haines that HYK must go before the zoning hearing board again in order to obtain zoning relief for the expansion issues he presented to the board. This direction was given to him because the purpose would be an expansion of a non-conforming use. Mr. Haines will discuss this with his partners and his attorney and proceed accordingly.
- **35 TOWNSHIP LINE ROAD:** Charles Everhart of 35 Township Line Road was before the board to discuss his request to gain access through property the township owns (the property donated to the township by Ralph Huber) along Township Line Road. Mr. Everhart is the process of constructing an in-law quarters and would like to connect to public sewer. He is proposing to install a low-pressure system. This system would go from this property to the sewer line in Raleigh Road. He is in the process of negotiating easements from the property owners. The township is one of those property owners. He also will need permission from the Fox Heath Homeowners Association (“Association”). The system will be sized to include the properties that he is negotiating with along Township Line Road. Although these property owners have not indicated any interest in connecting into public sewer now, they may need to at some time in the future. The only property owner he has yet to meet with is the Association. He hopes to meet with the Association later in the month. He did inform the board that if he cannot work this plan, he would look to installation of a holding tank until he can come up with another way to connect into public sewer. The board informed

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Mr.

Everhart that they are willing to consider his request, but they want to see what happens with the Association before they make a decision.

- **ZOLLER/WOOD:** Bernadette Kerney was before the board representing Carol Zoller Wood. Jeffery Clemens and Carol Zoller Wood were also present. Ms. Wood has a pending variance application before the zoning hearing board for the twin home she owns in the Village of Rahns. The board has gone on record in opposition of her application. Ms. Kerney would like to discuss with the board the possibility of changing the plan that would address the board's concerns. Ms. Kerney presented two plans for review. She explained that the property and home go back to the late 1800s. Both plans are based upon the existing location of the home. The first plan shows a property line drawn through the middle of the twin. This would allow Ms. Wood to sell off one or both of the twins to different owners. Lot #1 would be undersized, but lot #2 would be okay. It also creates the potential that someone could future subdivide lot #2 due to its size. This is the plan that is presently before the zoning hearing board for consideration and the one the board is objecting to. The second plan shows the property being subdivided down the middle into two lots. Each lot contains 9,000 square feet. In the plan the twin would stay as a twin under single ownership. The second lot would be a new undeveloped lot for which a new home could be constructed. The lot with the twin would require a variance because it would not have the required minimum lot size. The second lot, because it would be approved as a single family home, would be okay. The board reviewed both plans and indicated to Ms. Kerney that they did not see a problem with the second proposal showing the existing lot be subdivided down the middle with the twin being on one lot and a single on the other.
- **Cranberry Phase 4B:** Edward Green, attorney for Iacobucci Homes, was before the board in place of Stuart Schanbacher. Mr. Green told the board, that in his opinion, the open space issue on Phase 4B was not a part of the developer's agreement, and did not justify holding up dedication of the public improvements. Mr. Green referred to a letter from Spotts, Stevens & McCoy dated October 28, 2004. Both the township engineer and township manager referred to a previous letter of October 3, 2003 which specifically addressed the discrepancy between the approved plan and existing conditions of the open space. Also, Mr. Picardi pointed out that Mr. Schanbacher was present at a meeting in 2004 where he was told of the issue regarding the open space of Phase 4B. Mr. Green requested the township take official action regarding the issue of dedication of the roads in Phase 4B of Cranberry. With that request, Dean Becker made a motion seconded by Richard Kratz to deny the request to accept dedication of the public improvements in Phase 4B of the Cranberry Development based upon the recommendation of the township manager, township engineer, and township solicitor because the open space has not been constructed in accordance with the approved plans and correspondence set forth in SSM's letter of January 3, 2005. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

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- CARSON/BARR- There are additional easements that are a part of the Heritage Woods (Carson/Barr Tract) Development. These are easement agreements between Heritage Building Group and Perkiomen Township. The agreements are as follows: Cul-De-Sac Easement Agreement for the temporary cul-de-sac, the Wetland Conservation Easement and Declaration of Restrictions and Covenants, and the Conservation Easement and Declaration of Restrictions and Covenants. These agreements have been reviewed by the township solicitor and are before the board for consideration. Edward Savitsky made a motion seconded by Dean Becker to approve the agreements between Heritage Building Group and Perkiomen Township as follows: Cul-De-Sac Easement Agreement for the temporary cul-de-sac, the Wetland Conservation Easement and Declaration of Restrictions and Covenants, and the Conservation Easement and Declaration of Restrictions and Covenants. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

- OPEN SPACE: The board reviewed the following regarding the Earned Income Tax and Open Space –
 - Ordinance No. 185 – An Ordinance of the township of Perkiomen Township imposing a tax on earned income and net profits at the rate of 1/8th of 1 percent (.125%) specifically for the purpose of land preservation pursuant to Act 153 of 1996, known as the Open Space Lands Act. Before the board can spend any money collected, they must complete an Open Space Plan. It is the intention of the board to do this during 2005. As a result, the board reviewed the possibility of making the effective date for this tax January 1, 2006, but decided to keep that date as set forth within the proposed Ordinance, January 1, 2005. The board reviewed the proposed ordinance; Edward Savitsky made a motion seconded by Dean Becker to adopt Ordinance No. 185. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

 - Resolution 2005 – 8 and Resolution 2005-9: Resolution 2005-8 is A Resolution of Perkiomen Township authorizing the proper officers to execute an agreement with Berkheimer as the exclusive tax collector for the collection, administration, receipt and enforcement of the tax and to set forth extensions on the contract that may be agreed upon by the parties. Resolution 2005-9 is a Resolution authorizing and empowering and directing the proper officials to appoint a liaison between Berkheimer and itself. The board directed that the title of township manager be set forth as the liaison. The board reviewed both proposed resolutions. Richard Kratz made a motion seconded by Dean Becker to adopt Resolution 2005-8 and Resolution 2005-9. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

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- PSATS Convention: Cecile Daniel informed the board that the PSATS Annual Convention will be held in Hershey, PA on April 17-20, 2005. The board needs to authorize the selected delegates and the voting delegate to the PSATS Convention. Upon a motion made by Dean Becker and seconded by Richard Kratz the following individuals are authorize to attend the PSATS Annual Convention: William Patterson, Edward Savitsky, and Cecile Daniel. The voting delegate will be Edward Savitsky. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0

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