

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING MINUTES:
MARCH 3, 2009**

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

OTHERS PRESENT: Cecile Daniel, Township Manager
Kenneth Picardi, Township Solicitor
Chuck Frantz, Township Engineer
John Moran Jr., Code Enforcement Officer
John Moran Sr., Road Master

Prior to the meeting there were two presentations. The first presentation was from Michele Haytko of the Perkiomen Valley Library at Schwenksville. Mrs. Haytko presented the Board with a Certificate of Appreciation for the assistance that the Board has given to the Library. The second presentation was from Fred Schempp. Mr. Schempp presented the Board with a U.S. Flag. Mr. Schempp explained that the flag was flown in Iraq on August 8, 2008 in honor of Perkiomen Township.

MINUTES: The minutes of the February 3, 2009 Board of Supervisors meeting were approved upon a motion made by William Patterson and seconded by Dean Becker. There were no public comments on the motion. The motion was approved by a unanimous vote of 5-0.

POLICE REPORT: The Board reviewed the PA State Police Report for February.

CORRESPONDENCE:

- CPVRPC – Minutes of their meeting for February.
- PSATS Bulletin
- Representative Robert Mensch – Sent letter regarding Transportation Infrastructure Priorities – This letter was responded to By Dean Becker on behalf of the Central Perkiomen Valley Regional Planning Commission as a result of the Regional Traffic Study be completed by the Regional Planning Commission.
- Pennypacker Mills – Received a letter from Montgomery County regarding the three day Civil War enactment scheduled for May 29th through May 31st.
- Trappe Ambulance Report: Presented to the Board from Sean McCarraher.

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- Letter to Board from the Rodzinaks regarding police. Dean Becker will prepare a response for the Board.

- Fox Heath Association – Letter regarding the installation of sidewalk along Fox Heath Development. It was agreed that a meeting will be held with the Homeowner’s Association on the fourth Tuesday in March. Cecile Daniel will get in touch with the Homeowner’s Association Board to see if they would be available on that date.

SOLICITOR’S REPORT: Kenneth Picardi reported on the following activities:

- (1) HYK: Responded to Paul Ober – The final details of a Stipulation and Settlement Agreement are being worked out between Mr. Picardi and Mr. Ober;

- (2) Hoffman: Attorney Sean Cullen came before the Board to discuss the situation with his client Matthew Hoffman. Attorney Cullen explained that Mr. Hoffman lives on the east side (Perkiomen Creek) side of Gravel Pike. Due to the slope of his property, Mr. Hoffman decided that in order to have a usable backyard he would need to file it in. Mr. Hoffman began to dump fill in his backyard and it was during this work, that Mr. Moran contacted Mr. Hoffmann. In order to determine whether or not there was a violation to the Zoning Ordinance, Mr. Moran brought in the Township Engineer. Based upon that investigation it was determined that Mr. Hoffmann encroached into the steep slopes and the flood plain. With this determination, Mr. Moran issued a zoning violation notice to Mr. Hoffman because the work was begun prior to obtaining the permission of the Township. At that time, Mr. Moran felt that Mr. Hoffman would need to obtain a Conditional Use for the encroachment into the steep slopes and the flood plain. After Mr. Moran filed the zoning violation, Attorney Cullen filed an application to the Township’s Zoning Hearing Board. In his application, Attorney Cullen requested an interpretation on the zoning violation issued by Mr. Moran. A public hearing was held and a continuance granted to the applicant. This continuance was pending the outcome of the Conditional Use Application. It was during the review of the plans filed with the Conditional Use Application, that Mr. Moran concluded that Mr. Hoffman needed a variance for the encroachment into the steep slopes. The engineering drawings submitted with the Conditional Use Application showed that the area that Mr. Hoffman filled in was in the area where the steep slopes were greater than twenty-five percent. This situation was similar in nature with the Fontaine situation. Attorney Cullen informed that Board that his client, Matthew Hoffman, did not purposely go out to violate the Zoning Ordinance. All his client wants to do is make a yard that is useable. Attorney Cullen indicated that he will go back to the Zoning Hearing Board for a variance to the steep slopes and will continue the Conditional Use Application. The decision by the Zoning Hearing Board must be made prior to the Board taking the Conditional Use Application. Since the Conditional Use Application has been filed, Attorney Cullen would either need to pull the application or grant an extension. Attorney Cullen informed the Board that his

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client agreed to grant an extension. As to the application before the Zoning Hearing Board, the Board would like the plans reviewed by the Township Engineer. In keeping with the decision made in the Fontaine situation, the Board agreed not to object to the Zoning Hearing Board Application, but the Board requested that Mr. Hoffman to post a \$5,000.00 escrow to cover the fees for the review being completed by the Township Engineer.

- (3) Fontaine Matter – The public hearing for the Fontaine matter was held on February 25, 2009. The Zoning Hearing Board approved Mr. & Mrs. Fontaines’ application with the conditions requested by the Board of Supervisors (BOS).

ROAD MASTER’S REPORT: John Moran Sr. submitted his report for March to the Board.

FIRE MARSHALL’S REPORT: John Moran Sr. submitted his report for March to the Board.

CODE ENFORCEMENT REPORT: John Moran Jr. submitted his March report to the Board

PLANNING COMMISSION REPORT: The Planning Commission held their meeting on February 17, 2009. **SMALL WIND ELECTRIC SYSTEMS:** The Planning Commission discussed the creation of regulations governing the installation of Small Wind Electric Systems.

MANAGER’S REPORT:

- (1) Park and Recreation: The Park and Recreation Committee continues to work on the Recreation Survey. The Committee is looking into using Survey Monkey to help with the collection of this data.
- (2) Municipal Authority: The Municipal Authority is working on their I&I Program. Phase 2 is being worked on for bidding purposes. This project will be located in the Village of Rahns, at the Rahns Construction Site down to the Perkiomen Interceptor.
- (3) Birchwood: Both the Township Manager and the Township Solicitor updated the Board on the status of the work being completed by the Township Engineer and the appraisal being completed by the Township per the direction of the Board of Supervisors at the February meeting.
- (4) Perkiomen Valley School District Site: A letter was received from the Perkiomen Valley School District regarding the proposed STA bus terminal. Based upon this letter, it appears that there is an inconsistency with what the School District indicated STA will be providing and past information given to the Township regarding STA’s operation. In order to clarify the position of STA and the PVSD a meeting was held between all parties to ensure that there is a clear understanding as to the role of STA in using this bus terminal. In order to facilitate this project, the Township will need to make some

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amendments to its Zoning Ordinance. At the same time, Gorski Engineering has been hired by STA to prepare the necessary land development plan for the bus terminal.

- (5) Shopping Center: The Planning Commission continues to work on the proposed Renninger/Landis Shopping Center. In addition, there have been discussions between the Planning Commission and P.V. Associates, the owner of the remaining parcel of ground behind this shopping center. P.V. Associates is looking to try and rezone the remaining twenty acres to Light Industrial. The remaining twenty acres are presently zoned Commercial.

ENGINEERS REPORT: Chuck Frantz was present to review the following items:

- **2009 ROAD PROEJCT – STATUS REPORT:** Mr. Frantz informed the Board that he anticipates receiving the Adequacy letter from the Montgomery County Conservation District soon. In keeping with the policy of PADEP, the G.P. Permit will then be filed for review upon receipt of this letter. Mr. Frantz hopes that this will happen by the week after this meeting. ConTech has been given the information needed to complete the drawings for the culvert. Based upon ConTech’s schedule, Mr. Frantz should receive the information he needs from the company within the next four weeks. So far everything is on schedule with the project. It is anticipated that at the April Board Meeting, Mr. Frantz will ask the Board to bid out the project with a May 5th deadline to award the bid. One of the issues that Mr. Frantz needs direction on is the Bituminous Adjustment Clause. This clause may affect the price of purchasing the bituminous materials. The project will be awarded in May, but the paving work will not be completed until July or August. The amount paid for the bituminous will be based upon the cost of the material when the product is purchased and used. Due to the fluctuation in oil prices, the cost of purchasing the bituminous will fluctuate. In order for this clause to go into affect, the differential in the price between the bid price and the actual price must have increased or decreased by ten percent. This clause will not be placed in the bid documents unless the Board passes a Resolution allowing it. The Board directed Solicitor Picardi to prepare the Resolution for the April Board meeting.

- **2008 GUIDERAIL PROJECT:** Based upon the discussion at the February meeting, Mr. Frantz investigated certain scenarios regarding the guiderail installed in Mayberry Road. The first scenario was to replace the existing metal rails with 3”x14” wooden planks. The second scenario was to install new wooden posts/rails and re-install the metal post and rails in the closed section of Mayberry Road. Mr. Frantz also informed the Board that he spoke with representatives of J. Fletch Cramer about paining the guiderail. Mr. Frantz was told that J. Fletcher does not like to paint the guiderail in the field. The preferred method is to paint the guiderail in the shop and then install the guiderail. The cost to paint the guiderail could be about \$40.00 to \$50.00/ L.F. Mr.

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Frantz informed the Board that another contractor informed him that the Township could try and see if they could purchase the paint and whatever materials (acid wash) would be needed to treat the galvanized metal. As to the maintenance of the paint, Mr. Frantz could not estimate how long the paint would last on the galvanized metal before it needs to be repainted. Mr. MacElhenney felt that when deciding they type of guiderail (wooded or metal) the aesthetics of the area need to be taken into consideration. In the case of using metal versus wood in Mayberry Road, the aesthetics were not considered. The question that was raised was whether or not the Township could purchase the wooden planks and install them. At this time, Mr. Frantz does not know how much it would cost to just purchase the planks. The Board directed Mr. Frantz to look into the cost and return with this information at the April Board meeting.

RECEIPTS AND EXPENDITURES: The treasurer read the receipts and expenditures for the month of February. After review of same, Dean Becker made a motion seconded by Richard Kratz to authorize payment of the February bills. There were no public comments on the motion. The motion was approved by a unanimously vote of 5-0.

NEW BUSINESS:

- **CAPRIO:** The Zoning Hearing Board Application has been filed for the property owned by Robert & Joan Caprio for 539 Gravel Pike. Carl Weiner, attorney, and Gordon Todd, architect, were present representing Mr. & Mrs. Caprio. Mr. Weiner and Mr. Todd reviewed with the Board the plan that will be attached to the Zoning Hearing Board Application. Mr. Weiner explained that his client proposes to take down the two existing buildings. In their place, Mr. Caprio proposes to construct one building with a total of twenty-four single bedroom apartments. The size of the apartments would be around 600 to 1,000 square feet. The building would be broken up by a lobby, laundry, and elevator on each floor. Under the present zoning classifications, apartments are allowed if they are constructed over a commercial use. Since Mr. Caprio is proposing to construct just apartments, he must file a use variance with the Zoning Hearing Board. If the variance is granted by the Zoning Hearing Board, Mr. Caprio would need to apply to the Board for a Conditional Use due to the size of the building. The construction of any building or building addition which is greater than 4,000 gross square feet requires approval by Conditional Use. The Board discussed the number and size of the apartments being requested. Mr. Weiner explained that the request before the Zoning Hearing Board is narrow in nature since it applies only to the right to construct a 2-story building with apartments only. If the variance request is approved by the Zoning Hearing Board, Mr. Weiner will file the Conditional Use Application. Based upon the information presented by Mr. Weiner, the Board agreed not to oppose Mr. & Mrs. Caprio's application for limited relief to the Zoning Hearing Board. However, the Board made it very clear to

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applicant and his attorney that the proposed project will receive very careful scrutiny by the Board of Supervisors at the Conditional Use hearing.

- **STRUCTURE ON TOWNSHIP PROPERTY:** During last year, the Board had the property at Township Line Road and Mayberry Road surveyed. Upon review of that survey, it was determined that the shed/dog area that was thought to be located on property owned by Chantel Cleasen is actually located on the Township's Property. The Board discussed with Ms. Cleasen the actual number of dogs she has located on her property. Ms. Cleasen informed the Board that she has six adult dogs and puppies. When she moved to the property on Township Line Road, she contacted the Township regarding the regulations governing kennels. Based upon the regulations enforced at that time, Ms. Cleasen was allowed to have six adult dogs and puppies (no limit) provided they were under the age of one year. The rules governing kennels have since changed, since Ms. Cleasen was housing this many dogs prior to the new regulations, her use would be grandfathered. Ms. Cleasen informed the Board that she would take down the shed/dog area when she sells her house. Mr. Picardi discussed the creation of a License Agreement between the Township and Ms. Cleasen. This agreement would allow Ms. Cleasen to keep the shed in its present location unless the Township would, at sometime in the future, make her relocate the shed or Ms. Cleasen would sell the property. In either case, the shed would have to be removed at Ms. Cleasen's expense. The Board directed Mr. Picardi to prepare such an Agreement.

- **A.D. MARBLE & COMPANY:** This Company conducted an archaeological survey for Penn DOT. This survey was conducted on property owned by the Township. There were certain artifacts that were found and this company has requested the Township consider donating these artifacts to the State Museum. Gordon MacElhenney made a motion, seconded by Richard Kratz authorizing the execution of the letter donating to the State Museum the artifacts found by A.D. Marble & Company during their investigation of the Penn DOT Project. There were no public comments on the motion. The motion was approved by a unanimous vote of 5-0.

- **FIRE POLICE SERVICES:** The PVMS Committee submitted a request for Special Fire Police for March 20, 2009. This would be from 8:30 P.M. to 9:30 P.M. Mr. Moran Jr. informed the Board that the Special Fire Police have been notified and are available. William Patterson made a motion, seconded by Richard Kratz to approve the request of the PVMS Committee for Special Fire Police for March 20, 2009. There were no public comments on the motion. The motion was approved by a unanimous vote of 5-0.

COMMENTS FROM THE PUBLIC

A resident of the Perkiomen Greene Development requested consideration by the Board of the creation of a Pooper Scooper (Dog Waste) Ordinance. The person explained that there are residents in the Perkiomen Greene Development who do not clean up after their dog. This

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problem is worse in the open space areas of the development. Since the open space in the Perkiomen Greene Development is owned by the Township, there was discuss regarding the installation of “Doggie Depot” versus the adoption of such an Ordinance. The Board directed Mr. Picardi and Ms. Daniel to look into such an Ordinance or the possibility of purchasing “Doggie Depot” for the Perkiomen Greene Development.

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