

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING  
MINUTES: AUGUST 4, 2009**

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

**PUBLIC HEARING: CAPRIO:** Robert and Joan Caprio (Caprio) own property at 539 Gravel Pike and applied to the Board for a Conditional Use. Mr. Caprio would like to construct 24 residential apartments. Bernadette Kearney, Esquire represented the Caprios before the Board. In addition to Ms. Kearney, Mr. Caprio has also retained the services of architect Gordon Todd. Ms. Kearney explained that the request is for a three story building that will be greater than 4,000 square feet. The apartment building will contain six one-bedroom apartments and eighteen 2-bedroom apartments and have 60 parking spaces. Mr. Todd explained that the one-bedroom apartments will be a minimum of 750 square feet and the two-bedroom apartments will be a minimum of 950 square feet. Mr. Todd explained that the closet space was expanded in each apartment to provide for a stacking washer/dryer in each apartment. The present proposal is to continue providing water and sewer through a well and connection to the public sewer system. Mr. Todd explained that the building will be situated to the back of the property so that the parking will be provided in the front. In order to construct a building that is not long and monotonous, the center of the building will contain common areas in the center with the apartments being located in wings off of this central common area. The outside of the building will be stone and stucco and the windows will be multi-pane windows. Mr. Todd explained that even though the building will be three stories, the roof will still be a shingled peaked roof. There was discussion regarding the installation of a planting buffer along Route 29 so that the parking lot can be screened somewhat from Route 29 without causing a sight distance problem. Although there were Township residents in attendance, no one spoke in opposition of the Conditional Use Application. As a result, the public hearing was ended and the record was closed. Mr. Savitsky questioned whether the Board wished to consider this application at this meeting. Since the Board was familiar with the situation, the Board determined that they would render a decision at this meeting. With that, Richard Kratz made a motion, seconded by Gordon MacElhenney to approve the Conditional Use Application for Robert and Joan Caprio of 539 Gavel Pike with the condition that Mr. & Mrs. Caprio comply with any and all conditions as

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follows: (1) That the applicant's land development plan be consistent with the drawings and plans submitted with the application and made a part of the record; (2) That the Applicant comply in all respects to Sections 19.3, 19.5, 19.6, 19.8, and 19.9 of the Perkiomen Township Zoning Ordinance; (3) That the Applicant comply with all of the conditions as set forth in the written decision of the Perkiomen Township Zoning Hearing Board dealing with Caprio's ZHB Application; (4) That the Applicant comply with Section 19.9.3.B, Buffering and Screening Regulations; and (5) That the Applicant comply with the Perkiomen Township Subdivision Land Development Ordinance. There were no public comments on the motion. The motion was approved by a unanimous vote of 5-0.

**MINUTES:** The minutes of the July 7, 2009 Board of Supervisors meeting were approved upon a motion made by Dean Becker and seconded by Gordon MacElhenney. 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 July.

**CORRESPONDENCE:**

- CPVRPC – Minutes of their meeting for July.
- Lower Frederick Ambulance Report for July.
- Trappe Ambulance Report: Report for June/July.
- PSATS Alert

**SOLICITOR'S REPORT:** Kenneth Picardi reported on the following activities:

- (1) HYK: Mr. Picardi responded to Paul Ober – The final details of a Stipulation and Settlement Agreement are now being worked out between Mr. Picardi and Mr. Ober;
- (2) Caprio: See above.
- (3) Gambone (Conservancy Subdivision) – Gambone sold the last three lots to Horgan Brothers. Gambone is moving forward with dedication of the public improvements. A new tri-party agreement between the Township, Horgan, and Gambone needs to be negotiated. This tri-party agreement will cover those items that will become the responsibility of Horgan Brothers.

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(4) Assessment Appeals

- A. New Appeals – There are two new Real Estate Assessment Appeals. One was filed by SBL Properties LLP Located at 4 Blue Herron Drive and the other was filed by Sacks Family Associated, LLP at 70 Rahns Road. The hearing for SBL Properties LLP has been continued. The Board of Assessment has yet to render a decision on the Sacks Family Associates appeal.
  
- B. Highland Manor Associates – Mr. Picardi updated the Board with regard to the assessment appeal of Highland Manor Associates.

**ROAD MASTER’S REPORT:** John Moran Sr. submitted to the Board his Road Master’s Report dated August 1, 2009 for activities taking place during the month of July.

**FIRE MARSHALL’S REPORT:** John Moran Sr. submitted to the Board his Fire Marshall’s Report dated August 1, 2009 for activities taking place during the month of July.

**CODE ENFORCEMENT REPORT:** John Moran Jr. submitted to the Board his Code Enforcement Report dated August 1, 2009 for activities taking place during the month of July. In addition to his report Mr. Moran informed the Board that he received a Zoning Application for 701 Brewster Road. This application was in two parts. The first part is an appeal to Mr. Moran’s decision to deny the building permit being requested to construct a screened in porch. The second part of the application was a request for a variance should the Zoning Hearing Board agree with Mr. Moran’s decision. Since this application before the Zoning Hearing Board was an appeal from the interpretation of the Zoning Ordinance, the Board directed that Mr. Picardi attend and represent the Township before the Zoning Hearing Board.

**PLANNING COMMISSION REPORT:** The Planning Commission held its meeting on July 28, 2009. A first portion of this meeting was a meeting for just the Planning Commission members. This portion of the meeting was with regard to a land development plan being proposed by Aqua Pennsylvania for a booster pumping station. The second portion of this meeting was between the Planning Commission and the Board. The purpose for this Joint Meeting was to discuss the proposed Light Industrial District for the twenty acres of property owned by P.V. Associates. (Bryan Hunsberger)

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**MANAGER’S REPORT:**

- (1) Flood Plain Ordinance: The Township received a letter from the Montgomery County Conservation District regarding the Township’s Flood Plain Maps. In this letter, MCCD informed the Township that we should be receiving, by the summer of 2009, the flood plain maps for review and comment. To date, no information has been received.
- (2) Municipal Authority: Told the Board that there was a sewage blockage in the Maple Hill Development on July 24, 2009.
- (3) Light Industrial District: The Board held a Joint Meeting with the Planning Commission on July 28, 2009. The purpose of this Joint Meeting was to discuss the proposed Light Industrial District. In the discussion between the Board and the Planning Commission, the Board felt that the definition of manufacturing needs more work.
- (4) State Police Coverage: There are two bills in the House regarding payment for State Police Coverage. The first bill was HB 1500 and the second was HB 963. At this time no other information has been received. The status of the two bills has not changed.
- (5) ACT 32: This act amends Act 511 by providing for the consolidation of the collection of the Local Earned Income Tax at the county level. The collection of the Earned Income Tax will be restructured by the creation of county wide Tax Collection Districts (TCD). The TCDs will initially be created under a Tax Collection Committee (TCC). Each Municipality and School District that collects the Earned Income Tax must appoint a delegate and alternate to this TCC. Montgomery County Commissioners are only responsible to convene the first meeting by November 15, 2009. These delegates must be appointed by September 15, 2009.
- (6) Revenue Sharing: A bill was introduced in Congress to bring back Revenue Sharing. The idea of this federal program was to provide money to Local Governments for general purposes. At this time, it is unclear as to the bill’s chances of getting signed into law.

**ENGINEER’S REPORT: SSM**

- **2009 ROAD PROJECT** – The Board continued the discussion regarding the issue of the sidewalk to be installed as part of the 2009 Road Project. Representatives of the Fox Heath HOA were present to discuss with the Board the possibility of installing the sidewalk along Fox Heath Boulevard. Mr. Frantz showed the Board pictures of Fox Heath Boulevard between Fell Lane/Dartmoor Road to the detention basin located on the lower side of Hackney Lane. The proposal was to consider the installation of a sidewalk

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along the north side of Fox Heath Boulevard. Depending upon the cost, the sidewalk could be broken into two separate sections or taken as one section. Section A would be a foot path from Dartmoor Road to the stone path near the detention basin. This length would be about 500 L.F. Section B would be a foot path from Fell Lane to Dartmoor Road. This length would be about 950 L.F. The third alternative would be to construct a foot path that included both Section A and Section B. The total length would be about 1,450 L.F. The HOA explained that they are requesting the Board consider this project so that the people in the Fox Heath Development would have a place to walk that would be separate from Fox Heath Boulevard. In discussing the location of where this foot path would be located, the Board and HOA discussed the need for a blanket easement should the decision be made to construct this foot path outside of the right-of-way of Fox Heath Boulevard. The HOA would need to check with its attorney to see if the HOA could sign a blanket easement. The Board needs to discuss this issue of the future of this sidewalk.

- The second issue is the extension of the contract for the 2009 Road Project. Under the existing contract, the contractor must reach Substantial Completion by August 31, 2009. Due to the delivery date for the new bridge from ConTech, (which is tentatively scheduled August 24, 2009) the contractor will not be at substantial completion by that date. The Board discussed granting this extension and what date, if approved, should the extension be granted. After considering the work that needs to be completed, Dean Becker made a motion, seconded by Gordon MacElhenney agreeing to extend the contract date on the 2009 Road Project to Tuesday, October 6, 2009 and authorized the appropriate Township Officials to sign the Change Order setting forth this extension. There were no public comments on the motion. The motion was approved by a unanimous vote of 5-0.
  
- **ROAD ISSUES** - (1) Guiderail on Mayberry Road – Mr. Frantz explained to the Board that he investigated the complaints regarding the discoloration on the installed guiderail along Mayberry Road. It was Mr. Frantz’s opinion that this coloration was being caused by the residue of the surrounding vegetation. The discoloration does not appear to be caused by oxidation of the metal. The only areas of oxidation of the metal that Mr. Frantz found were some small areas near the joints of the guiderail. (2) Mr. Frantz presented pictures showing the water runoff/sediment coming from the driveway at 111 Centennial Street and washing across Centennial Street to 112 Centennial Street. During rain events this runoff and sediment are being carried down Centennial Street and into the inlet boxes. The Board’s option was to address this prior to the end of this year’s paving season or as part of the 2010 Road Project. At this time, the Board directed that Mr. Frantz add this to the list of possible items to be repaired during the 2010 Road Project. (3) Traffic Signal @ Intersection of Township Line Road, Graterford Road, and Wartman

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Road. Mr. Frantz contacted Signal Service to discuss the situation with the timing of this traffic signal. William Conrad of Signal Service mentioned that the loop detectors in Township Line Road may have been damaged when PADOT milled and repaved Township Line Road. The Board directed John Moran Sr. to contact Signal Service and find out how much it would cost to repair these loops so that the traffic signal is working according to the Township's permit.

- **AHU REPLACEMENT** – Rogers Mechanical Company requested their second payment and third payment (release of the retainage) for the installation of the new HVAC Equipment. The two requests for payment total \$17,425.00. Mr. Frantz reviewed both the request for payment and the release of the retainage with the work that has been completed to date and recommended that the Board pay the amount being requested. With the recommendation of Mr. Frantz, Richard Kratz made a motion, seconded by William Patterson to approve Payment #2 and Payment #3 (the release of the retainage) to Rogers Mechanical Company in the amount of \$17,425.00. There were no public comments on the motion. The motion was approved by a unanimous vote of 5-0.

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

**NEW BUSINESS:**

- **LOT #1 OF THE SWARR/SWEDE SUBDIVISION:** The property owner of 50 Gravel Pike contacted the Township regarding proposed improvements he wished to make to his property. The property owner has hired R&R Landscaping to do this work. The landscaper of R&R Landscaping was present to discuss with the Board the installation of two retaining walls approximately sixty-eight feet long and 3.5 feet high. The proposal is to use the Segmented Retaining Wall System using drainage aggregate and Geogrid reinforcement. The improvements being proposed will encroach into the 15-25% manmade steep slopes. This retaining wall will be located at the base of the steep slope and at the edge of the driveway. Based upon the determination made by the Township Engineer, the steep slopes are man-made since they are a part of the slope created when the railroad was constructed. Under the Zoning Ordinance, the Board can waive the requirements of the manmade steep slope. Mr. Frantz informed the Board that he has no problem with the proposal and made the contractor aware that the work being completed would be in PECO's easement. As a result, the contractor should contact PECO before they install the improvements. Since the Township Engineer did not have a

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problem with the homeowner's and landscaper's proposal, Dean Becker made a motion, seconded by Richard Kratz to approve the work to be completed in the 15-25% manmade steep slopes as provided for under Section 24.2.C.2 of the Zoning Ordinance. There were no public comments on the motion. The motion was approved by a unanimous vote of 5-0.

- **CRANBERRY BOOSTER PUMPING STATION:** Michael Convery of Aqua Pennsylvania was present to discuss the proposal to construct a 10' x 20' pre-fabricated booster pumping station structure at the existing water tower located on North Ridge Road in the Cranberry Development. Mr. Convery explained that in Perkiomen Township, Aqua services approximately 1,500 customers. Aqua is having water pressure problems in their public water system during peak period. These peak periods are usually in the summer months when there is an increase in demand for water. The addition of the booster pumping station will also aid in the ability to provide needed pressure for fire protection purposes. The proposed booster pumping station will contain two booster pumps. These pumps will be enclosed inside of this 10'x20 pre-fabricated building. The pumps will use electric motors that will be powered by a 230 volt service. Only one pump will run at a time, unless there is an increase in demand. In cases of increase demand, both pumps will come on. The structure will be located inside the existing fence. Mr. Convery explained that the structure would be located on the other side of the feeder water line toward the back of the water tower, closer toward Wartman Road per the request of the Planning Commission. Mr. Convery explained that the outside material of the structure will match the grey house located to the west of the water tower. After review of the proposed Aqua Pennsylvania Land Development Plan and Resolution 2009-13, Gordon MacElhenney made a motion, seconded by William Patterson to approve the Aqua Pennsylvania Land Development Plan with the following conditions and waiver:

**COMPLIANCE WITH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

1. The Plan is missing some required data. The following information shall be added to the Plan:
  - a. The Certificate of Ownership and Acknowledgement of the Plan shall be signed and notarized prior to recording of the plan.

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**COMPLIANCE WITH LANDSCAPE REQUIREMENTS (ORDINANCE NO. 173)**

1. The plans have been revised to address the Landscape comments in SSM's review letter dated June 11, 2009. A planting schedule and installation detail shall be included on the plans.

**GENERAL COMMENTS**

1. Evidence of permits and approvals from outside agencies, specifically PaDEP, for the proposed improvements shall be submitted to the Township.
2. Based on its location within a residential development and its proximity to Wartman Road, the exterior construction material of the booster pumping station shall match the gray house located on the west side of the Cranberry Water Tower.
3. The booster pumping station shall be located on the north side of the feeder water line closer to the back of the water tower toward Wartman Road.
4. The bottom of the Cranberry Water Tower shall be repainted to cover over the existing graffiti.

**WAIVERS**

1. The Plan is missing some required data. A partial waiver was recommended by the Planning Commission. Due to the nature of the application, the following information is waived: water courses, and any areas subject to flooding, and recorded subdivision plans existing within one thousand feet of the property, Section 11.42(a)(5). If the waiver request is viewed favorably by the Board of Supervisors, the plans shall reference the date on which the waiver was granted by the Board.

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

- **FIRE POLICE SERVICES:** The Board had before for it a request made by Upper Salford Township for Special Fire Police Services on Thursday, August 13, 2009 for the Philadelphia Folk Festival. Mr. Moran Jr. informed the Board that the Special Fire Police have been notified and are available. Richard Kratz made a motion seconded by Gordon MacElhenney to approve the request of Upper Salford Township to provide Special Fire Police Services for Thursday, August 13, 2009. There were no public comments on the motion. The motion was approved by a unanimous vote of 5-0.

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**EXECUTIVE SESSION** – The Board held an Executive Session before its public meeting and continued the Executive Session after the public meeting. The reason for the Executive Sessions was to discuss personnel issues having to do with the Road Crew.

There being no further business, the meeting was adjourned upon a motion made by Richard Kratz and seconded by Gordon MacElhenney.