



PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS AND PLANNING COMMISSION PUBLIC MEETING MINUTES: AUGUST 15, 2017

BOARD MEMBERS PRESENT: William Patterson, Chairman
Richard Kratz, Vice-Chairman
Janet Heacock, Member
Dean Becker, Member

ABSENT: Gordon MacElhenney, Member

PLANNING COMMISSION MEMBERS:

Timothy Ott, Chairman
Michael Beltz, Vice-Chairman
Ronald Smith, Member
Nancy Gaugler, Member
Brett Coleman, Member

OTHERS PRESENT: Cecile Daniel, Township Manager
Kenneth Picardi, Township Solicitor

The first order of business was the approval of the minutes, by the Planning Commission, of their July meeting. Brett Coleman made a motion seconded by Ronald Smith to approve the meeting minutes of the July 18, 2017 meeting. There were no public comments on the motion. The motion was carried by a vote of 5-0.

SALE OF HIGHLAND PROPERTY: William Patterson informed the Planning Commission that the Board would like to sell the property the Township purchased from Heatherfield Realty Associates at the end of 2011. This property was a 17.13-acre piece of property located on Salem Road and abuts Highland Manor and the Maple Hill Development. Kenneth Grosse, the principle of Heatherfield Realty Associates, is the owner of Highland Manor. Mr. Grosse was in the process of developing the property under the existing ER-Elderly Residential District back in 2011. Due to market conditions at that time, Mr. Grosse wanted to sell the property and approached the Township about purchasing this 17.13-acre tract. Since purchasing this property, there have been no open space/recreational improvements made to the property. Recently, Mr. Grosse, through Stan Geiger, approached the Township about the possibility of purchasing the property back from the Township. The Board discussed the request and has decided to consider it for three reasons: (1) At the time the Township purchased the property, the Highland Tract had received preliminary approval for fifty townhouses

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under the ER-Elderly Residential Zoning. (2) By selling this property, the additional real estate and earned income taxes would help support the tax base of the Township. (3) The property is zoned ER-Elderly Residential so there would be, for all intents purpose, only minimal impact on the Township and on the Perkiomen Valley School District. Since the previous owner of the property is interested in purchasing it back, the Township has a potential buyer. Since the 17.13-acre piece of property was purchased with the Open Space Tax money, there are procedures that need to be followed to terminate or dispose of open space property. At first, it was believed that the Township would be required to first offer the property back to Mr. Grosse at the price the Township paid. After further study, it has been determined that because the Township purchased this as “fee simple”, the property must be sold under the regulations as set forth in the Second-Class Township Code (i.e. either at auction or closed bid). Before the Board may move forward, the Planning Commission must approve the sale of the property, and, a majority of the Township voters in the November election must do the same. To gain approval of the voters in the Township, the Board must place a referendum on the November ballot. Again, it was believed that this referendum was to be authorized by Resolution, but different information has come to light indicating that the authorization to place the referendum on the ballot must be in the form of an Ordinance. If the Planning Commission approves the Board’s request to approve the sale of the Highland Tract, then the Board, at this meeting, would approve an Ordinance authorizing the referendum. Michael Beltz questioned if any other municipality in Montgomery County that had purchased open space had subsequently sold it. At present, Ms. Daniel indicated that she was unaware of any municipality having sold open space in Montgomery County. Mr. Beltz questioned the precedent being set by the Board, not only for other pieces of open space in the Township, but for every other municipality/county in Montgomery County. Would other municipalities or the county start selling open space to shore up their tax base? It was Mr. Beltz’s view that this was not why municipalities or the county purchased land for open space. Mr. Beltz thought the big initiative was to pursue open space to slow development down. Moving forward, Mr. Beltz would not like to see this as a crack in the system, whereby spurring others to start selling their open space to make money at the expense of preserved open space. Dean Becker pointed out that he, too, is generally in favor of preserving open space. In acquiring the Highland Tract, however, the objective was to connect it to the Huber Tract which the Township already owned, and to obtain the Banyacsky property with the intent to connect all three properties. Even though the Township has pursued this objective, acquiring the Banyacsky property has not come about. Since the Board has been unable to facilitate this objective, the choice of selling the Highland Tract was considered after the previous owner approached the Township to re-purchase the property. Mr. Becker clarified that the Board is not selling the property because it is open space, because having open space is still important, but a function of the Board not being able to achieve their goal and determining that it would be a better use of the property to help shore up the tax base of the Township by selling it.

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It will also increase the odds that the subject tract will be developed as ER (Elderly Residential). Timothy Ott questioned whether selling open space would give the Township a “black eye” considering how many people voted in favor of approving a referendum years ago to establish an Open Space Tax. Both Mr. Becker and Mr. Kratz felt that this property was the only ER-Elderly Residential in the Township, the cost of the services would be lessened due to the minimal effect on the Township and on the School District. The Township would also benefit by shoring up its tax base. In addition, since all three parcels cannot be consolidated to be developed as one, the appeal of having a larger area of open space to provide recreation is now improbable. In the end, if the referendum does not pass, then the property does not get sold.

The Planning Commission discussed the request of the Board to approve the sale of the Highland Property. Based upon the reasons presented to the Planning Commission by Board, Brett Coleman made a motion seconded by Ronald Smith to approve the Board’s request and agreed to the sale of the Highland Property. There were no public comments on the motion. The motion was carried by a vote of 5-0.

Next, to move this matter forward, the Board of Supervisors considered for adoption Ordinance No. 231. Ordinance No. 231 is an Ordinance of Perkiomen Township calling for a referendum on the question of selling 17.13 acres of Township open space pursuant to the provisions of the Pennsylvania Open Space Lands Act. Dean Becker made a motion seconded by Janet Heacock to approve Ordinance No. 231. There were no public comments on the motion. The motion was carried by a vote of 4-0.

There being no further business before the Planning Commission or the Board of Supervisors, the meeting was adjourned upon motion of Brett Coleman seconded by Ronald Smith.