

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING  
MINUTES: APRIL 6, 2004**

**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  
Terry Hand, Township Engineer  
W. Richard Dillon, Code Enforcement Officer  
John Moran, Road Master

**POLICE REPORT:** The Board reviewed the February and March State Police Report.

**MINUTES OF PREVIOUS MEETING:** The March 2, 2004 meeting minutes were approved as written.

**CORRESPONDENCE:**

- Minutes – Central Perkiomen Regional Planning Commission
- PSATS – Alert Bulletin

**SOLICITORS REPORT:** Kenneth Picardi discussed the following:

Uniform Construction Code – Mr. Picardi updated the board regarding the Uniform Construction Code Ordinances. He is working with Richard Dillon to put together the necessary ordinances. Mr. Picardi informed the board that will be ten separate ordinances that will have to be adopted. At the May meeting the board will have the municipal election form that will be required to be forwarded to Labor and Industry regarding the decision to opt in or out of enforcement of the construction code. In addition, he will have the final draft of the ordinance authorizing the township to administer and enforce the UCC. At the June meeting, the remaining ordinances will be ready for review by the board for enactment in July.

Buxmont – Mr. Picardi explained that the board held an executive session before the meeting to discuss the situation with Buxmont. He explained that he received a written response from the attorney who represents Buxmont. The response from Buxmont was an indication that the township could not require conditions. Buxmont will not file an appeal to the Use and Occupancy, but they will not sign the application. It was Mr. Picardi's opinion that the conditions are binding upon them whether they sign the Use and Occupancy or not since the thirty-day appeal period is passed. Mr. Picardi will talk to Attorney Moyer again. If Buxmont still refuses to sign the Use and Occupancy, he is authorized to send a letter to

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Buxmont indicating that that township's position is that the Use and Occupancy is enforceable since no appeal was taken.

**ROAD MASTERS REPORT:** In addition to his regular report, John Moran presented the board with a memo regarding work to be completed at Ott Road/Meyers Road. In his memo, Mr. Moran indicated the amount of black top that would be necessary to lay a 1" top on the area of Ott Road from Route 29 to Miller Road. The price to purchase this material was based upon the Materials and Supply Bid awarded at the previous meeting. He then reviewed the manpower and equipment needs with this project awarded under the Materials and Supply Contract. Based upon this information, he recommends that the board approve the expenditure of up to \$19,000.00 to pave Ott Road from Route 29 to Miller Road with an expenditure not to exceed \$19,000.00. The board discussed the information with both Mr. Moran and Terry Hand. Based upon the recommendation of Mr. Moran, Gordon MacElhenney made a motion seconded by Dean Becker to approve the overlay of Ott Road from Route 29 to Miller Road. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

**FIRE MARSHALL'S REPORT:** John Moran submitted his March report to the board.

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

**PLANNING COMMISSION REPORT:** There was no planning commission meeting held in March due to the weather.

**ENGINEER'S REPORT: SSM**

Terry Hand informed that board that the contractor was going to begin the 2004 Road Project during the month of April.

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

**NEW BUSINESS:**

- Montgomery County Land Trust: John W. Lea was before the board to discuss the impact of donating a conservation easement on the Huber Property. This was discussed at the previous meeting when Elizabeth Emlen from the Montgomery County Farm Preservation Program was before the board. Mr. Lea discussed how the program would work. He reviewed with the board the pros and cons of having a conservation easement over the Huber Property. He did explained that by having a Conservation Easement over the Huber Farm, the Meyers Farm would be eligible for state funding since the total

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amount of acres combined would be over the 50-acre minimum. The board indicated that they were interested in pursuing the conservation easement with the Montgomery County Land Trust. Mr. Lea indicated that there would be some costs associated with completing this transaction. As a result, he informed the board that he would get the township a copy of the trust's conservation easement to review by the township solicitor and he would also contact Elizabeth Emlen regarding the placement of Huber & Meyers Tract on the priority list with the county.

- Perkiomen Valley School District: (1) Michael Macaninch was before the board to review and consider three documents. These three documents were as follows: (a) consideration of the Developer's Agreement, (b) consideration of the Financial Guarantee Agreement, and (c) consideration of the Traffic Escrow Agreement. Regarding the first document Cecile Daniel indicated that everything was in order. The amount of the improvements to be guaranteed by the district was \$835,568.23. Regarding the second document, Cecile Daniel indicated that everything was in order. Univest National Bank and Trust was holding the financial security and the bank has executed that agreement. Regarding the third document, Mr. Macaninch had a question regarding the reimbursement of funds back to the district if the improvements are not installed. After review and discussion it was agreed to set the deadline at January 1, 2014. If the improvements were not installed by that date, the balance of the money would be returned to the district. The board reviewed all three documents, Edward Savitsky made a motion seconded by Dean Becker to approve the following agreements between Perkiomen Township and Perkiomen Valley School District: (a) Developer's Agreement, (b) Financial Security Agreement, and the Traffic Signal Escrow Agreement as amended. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.
- (2) The second reason from Michael Macaninch being present was to review the situation regarding the recording of the deed for the purchase by the district of the Price Property. Mr. Macaninch explained that the Reading Railroad right-of-way split the property in two pieces. In order to proceed with the transfer of ownership, the district had to prepare two deeds. The Recorder of Deeds has taken the position that the two deeds cannot be recorded because the property was never formally subdivided. In lieu of a subdivision, the Recorder of Deeds would accept a letter from the township stating that a subdivision would not be necessary and therefore the requirement is waived in this situation. The board discussed the request. Mr. Picardi made it clear that the distinction here was that the Reading Railroad separated both properties and that the school district will own both parcels. After consideration of the request, Richard Kratz made a motion seconded by Edward Savitsky authorizing a letter be sent informing the Recorder of Deed that Perkiomen Township hereby waives the requirement of a subdivision due to the separation made by the Reading Railroad and both properties being in the name of the same owner. There were no public comments on the motion. The motion was carried by

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a 4-1 vote with Gordon MacElhenney abstaining.

- Swede Group: The Swede Group had submitted Conditional Use Application for property that they have under agreement of sale on Gravel Pike. The application deals with the issue of the two-shared driveway crossing of steep slopes. Richard Kratz made a motion seconded by Edward Savitsky to set a public hearing for May 25, 2004 at 7:30 p.m. in the Perkiomen Township Administration Building. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.
- Open Space Plan: Cecile Daniel explained that the first step in participating in the Montgomery County's Open Space Plan is the update of the township's open space plan. Since we are under contract with the Montgomery County Planning Commission, we are entitled as part of that contract to have the county update our plan. A letter stating our intent needs to be submitted to John Cover. The board discussed this and upon a motion made by Richard Kratz and seconded by Edward Savitsky, the board authorized a letter be sent to Mr. Cover with the condition that the township still wants to continue with the work being completed on the zoning ordinance and subdivision ordinance. There were no public comments in the motion. The motion was carried by a unanimous vote of 5-0. The board directed the township manager to contact Nels Sandberg to make it clear that they expect him to continue his work on the zoning and subdivision ordinances at the same time updating the township's open space plan.
- Fire Police Services: Lower Providence Township is requesting assistance from the Perkiomen Township Fire Police for the Little League Parade in Lower Providence Township. Authorization is needed for this request. The board considered the request and Richard Kratz made a motion seconded by Dean Becker to approve the request of Lower Providence Township. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

**SUPERVISORS COMMENTS**

The supervisors comments centered on the issue of preserving open space in the township.

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