

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING  
MINUTES: NOVEMBER 2, 2004**

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

**ABSENT:** 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 – Road Master

**POLICE REPORT:** The board reviewed the PA State Police Report for September.

**MINUTES OF PREVIOUS MEETING:** The October 5, 2004 meeting minutes were approved as written.

**CORRESPONDENCE:**

- Minutes – Central Perkiomen Regional Planning Commission
- PADEP Letter regarding Storm water Management Plan
- Lower Frederick Ambulance Report
- Buxmont – E-mails from Abbe DeMaio regarding the home owned by Buxmont.
- Letter from Nathan Krupa regarding his issue with his property in the Cranberry Development.

**SOLICITOR’S REPORT:** Kenneth Picardi

- Mr. Picardi informed the board that he received a copy of the HYK Commonwealth Court Appeal.
- Ken Crest – Mr. Picardi received notification that Ken Crest received exemption from the Montgomery County Board of Assessments Appeals. After looking into the financial impact of the county having awarded such an exemption, he recommended that the board take no further action since the receipt of taxes is so small to the township.

**ROAD MASTER’S REPORT:** John Moran submitted his report for October to the board. In addition, Mr. Moran informed the board that P.K. Moyer finished the paving work on Iron Bridge Drive and Cedar Road. In the course of completing the paving on Iron Bridge Drive, it was determined that an additional 400 sq. ft. should be added so that the paving job could be made tighter. Based upon the additional paving, Mr. Moran informed the board that the cost of this

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project would be \$5,500.00 more than the original \$24,000.00 approved previously in July. As a result, he felt that the added expense was worth the better paving job. Based upon the recommendation of Mr. Moran, Edward Savitsky made a motion, seconded by Gordon MacElhenney to approve the increase of \$5,500.00 in addition to the original \$24,000.00 to be paid to P.K. Moyer for the repaving of the additional 400 sq. ft. of Iron Bridge Drive. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

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

**CODE ENFORCEMENT REPORT:** W. Richard Dillon submitted his October report to the board. In addition, Mr. Dillon sent a memo to the board regarding a recent zoning hearing board application for 50 Centennial Street in the Village of Rahns. This application was filed by Caroline M. Zollers Wood. There is an existing twin on the parcel which is 18,000 sq. ft. The proposal is to create two lots. One of the lots would be 15,150 sq. ft. and the other one would be 2,850 sq.ft. The variance request is for the 2,850 sq. ft. lot. Mr. Dillon informed the board that the planning commission discussed this proposal and is in opposition of it. The board reviewed the information presented and based upon that information, directed Kenneth Picardi to appear on behalf of Perkiomen Township in opposition of this application.

**PLANNING COMMISSION REPORT:** The planning commission held their meeting on October 19, 2004. At that meeting they reviewed the following: 391 WARTMAN ROAD: This is a sketch plan showing 5 lots with flag lots. Lot #1 is new, Lot #2 is existing carriage house, Lot #3 is existing home, and Lots 4, & 5 are new. IRON BRIDGE CORPORATE CENTER: This is a new land development proposal from Gorski Construction regarding an existing business in the Iron Bridge Corporate Center. This company is known as Summer's Lab. This application is an expansion to the existing building. ZONING AMENDMENT: Review the proposed zoning amendment for the public hearing scheduled for November 9, 2004.

**ENGINEER'S REPORT:** SSM – Pamela Stevens

- School Zone Light – Ms. Stevens presented the proposed resolution that would be a part of the application that is to be filed with PADOT for the school flashing warning device on Kagey Road for the Perkiomen Valley School District. The requirement for this came from the review and approval of the expansion being completed by the Perkiomen Valley School District. Ms. Stevens informed the board that the application is complete to be submitted to PADOT. This is the last piece of information that must be approved before submitting to PADOT. Based upon the recommendation of Ms. Stevens, Edward Savitsky made a motion, seconded by Gordon MacElhenney to approve Resolution 2004-29, approval of the application to permit, install, and operate a school flashing warning device on Kagey Road near Forge Road and Campus Drive. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

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**RECEIPTS AND EXPENDITURES:** The treasurer read the receipts and expenditures for the month of October. After review of same, Gordon MacElhenney made a motion seconded by Edward Savitsky to authorize payment of the October bills. There were no public comments on the motion. The motion was carried unanimously by a vote of 4-0. Cecile Daniel reviewed the proposed 2005 Budget for Perkiomen Township. There are no proposed increases in this budget. Richard Kratz made a motion seconded by Gordon MacElhenney to authorize advertisement of the proposed 2005 Budget for Perkiomen Township. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

**NEW BUSINESS:**

- **MULTI-WAY STOP:** The board reviewed the ordinance regarding the proposed multi-way stop sign at the intersection of Trappe Road, Kagey Road, and School House Road. Ordinance No. 183 is the ordinance designating a certain intersection of roadways within and under the jurisdiction of Perkiomen Township as a multi-way stop intersection, and authorizing the erection and maintenance of stop ahead signs and stop signs to control vehicular traffic on one or more roadways before entering that intersection. The draft ordinance was reviewed at the October monthly meeting. After consideration of the proposed ordinance, Gordon MacElhenney made a motion seconded by Edward Savitsky to adopt Ordinance No. 183. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.
  
- **STORKEY SUBDIVISION:** There are two issues for consideration:
  - (1) The approved plans show a concrete sidewalk along Bridge Street. The plan calls for the existing macadam driveways to be cut to extend this sidewalk through the driveways. The decision under discussion was consideration that would allow the concrete to abut the driveways versus saw cutting them. Also would the board be willing to allow the sidewalk to be all macadam versus concrete? The board discussed the situation with Pamela Stevens. Ms. Stevens showed the board on the development plans the areas that need to be cut to install this sidewalk. It was Ms. Stevens' opinion that the better design would be to have the sidewalk match the macadam driveways and have the macadam driveways continue directly into Bridge Street. By requiring the driveways to be sawcut, could potentially cause problems in the future for the integrity of the driveways. After reviewing the plans and Ms. Steven's opinion, Gordon MacElhenney made a motion seconded by Edward Savitsky to approve a change in the design that would show the concrete sidewalk to match up with all four driveways aprons and that the driveways aprons may stay as macadam and not be reconstructed as concrete. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

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(2) The second issue is Lot 6 which is the existing farmhouse. The driveway for this house was made a part of the shared driveway for lots 7, 8, & 9. The Jeffrey Weidner, owner of lot 6, would like to separate his driveway from the shared driveway so that he would have his own direct driveway to Bridge Street. Mr. Weidner was present to discuss his request with the board. Since this is not how the plan was approved, the board would have to consider the change to the plans. John Moran inspected the new location of the driveway and does not have a problem with the location. He feels that there is adequate site distance with the new driveway that Mr. Weidner is proposing. It was also pointed out that by allowing this driveway to be relocated for lot 6, the owner of lot 7 would not have their front yard cut in half with this common driveway to lot 6. After discussing this with Ms. Stevens and Mr. Moran, Edward Savitsky made a motion seconded by Gordon MacElhenney to approve a change in the plans that would allow the driveway for lot 6 to come out directly to Bridge Street and no longer be a part of the shared driveway for lots 7, 8, & 9.

- CRANBERRY PHASE 4B/8: Stuart Schanbacher was present to discuss the dedication of Phase 8 of Cranberry to the township. Terry Hand contacted Ms. Daniel and indicated that all of the public improvements were completed to his satisfaction. The outstanding items related to the dedication were the receipt of the maintenance bond, the maintenance agreement, and two Deeds of Easement. Mr. Schanbacher indicated that Mr. Hand had sent him what the bond amounts would be and he is awaiting receipt of the bonds from his bonding company. The board reviewed the Deeds of Easement. Mr. Savitsky felt that the easements should state additional language that includes the words “utility easement.” By adding these words the easements would be more general in their use as they relate to utilities. The roads involved in this dedication would be the remaining portion of Jacobs Road, Brewster Road, and Buyers Road. Resolution 2004-30 would be acceptance of Jacobs Road, Brewster Road, and Buyers Road in the Cranberry Estates Development in Phase 8 as part of the township’s public road system. Richard Kratz made a motion seconded by Gordon MacElhenney to approve Resolution 2004-30 subject to (1) authorize the appropriate officials to execute the maintenance agreement upon receipt of the agreement, (2) release of the final escrow upon receipt of the maintenance bonds, and (3) correction of the deed of easements to add the words “utility easements.” There were no public comments on the motion. The motion was carried by 3 – yes and 1 – abstention (Edward Savitsky because one of the easements is in favor of he and his wife.)
  
- WYNNEWOOD DEVELOPMENT: Wayne Van Deusen was before the board to continue the discussion regarding the board’s willingness to consider the selling of a portion of the open space behind the homes to the residents in the Wynnewood Development. At the October board meeting the board directed Mr. Picardi to look into the matter. Mr. Picard reviewed the Second Class Township Code, specifically sections

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1503(a) and 1503(f) as it relates to selling of township owned property. Mr. Picardi also reviewed case law as well as any other statutes that may exist. Mr. Picardi indicated that the process is such that a court may not be will to approve such a request. Due to the nature of selling real estate, the board decided to table this topic and will hold an executive session on the matter.

- **DEVELOPER’S AGREEMENT:**
- **CARSON/BARR:** This is a development proposed by Heritage Building Group. The property is 26.6 acres of ground in Perkiomen Township. The Perkiomen Township Board of Supervisors adopted and approved on May 4, 2004, a Land Development and Subdivision Plan for a proposed twenty-two (22) lot Development to be known as “Heritage Woods”. To insure completion of all of the required improvements, Developer will provide the Township with financial security in the form of a construction loan set aside account with PNC Bank, N.A. The total amount of financial security provided for this development is \$873,084.54. Due to the location of the development, there are certain road issues that have been set aside in this agreement. The issues are as follows: (1) Seitz Road has a bridge with a ten (10) ton weight limit, and the Developer agrees that said weight limit will not be exceeded by Developer’s construction and/or supply vehicles, (2) Harrison Avenue is a private roadway and the Developer understands that the Township has made no representation or assurance as to the Developer’s right to use same, and (3) Maple Avenue was recently repaved by the Township and Developer agrees to be responsible for any damage to said roadway caused by Developer’s vehicles, or those of its agents or subcontractors. The board reviewed the developer’s agreement and financial security agreement and Gordon MacElhenney made a motion seconded by Edward Savitsky to authorize the appropriate township officials to sign the developer’s agreement and financial security agreement with Heritage Building Group subject to their sending executed agreements to the township. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.
- **515 CENTENNIAL STREET:** City Suburban Development, L.L.C. is the owner of 6.613 acres of ground in Perkiomen Township. Perkiomen Township Board of Supervisors adopted and approved on May 4, 2004, a Land Development and Subdivision Plan for a proposed four (4) lot Development to be known as “515 Centennial Street”. The total amount of financial security provided for in this development is \$6,232.50. The developer has submitted executed agreements for the board’s consideration. After review of these agreements, Edward Savitsky made a motion seconded by Gordon MacElhenney to authorize the appropriate township officials to sign the developer’s agreement and financial security agreement with City Suburban Development. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0
- **MASK TRUST:** Mask Trust Inc. is the owner of 5.249 acres of ground in Perkiomen

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Township. The Perkiomen Township Board of Supervisors adopted and approved on May 4, 2004, a Land Development and Subdivision Plan for a proposed four (4) lot Development to be known as "Mask Trust". To insure completion of all of the required improvements, Developer will provide financial security in the form of a cash escrow account with Wachovia Bank. The total amount of financial security provided shall be \$95,482.80. Items that are specific to this development are as follows: (1) The Stormwater Management Easement and features, and driveway for Lot 3 shall be staked out prior to construction of either the facilities within the Stormwater Management Easement or the driveway to ensure that all facilities not sanitary sewer related are outside of the Sanitary Sewer Easement, and (2) Prior to the issuance of a Use and Occupancy for Lot 2, the existing well shall be abandoned and certification shall be submitted to the Township showing that the abandonment was properly performed. After review of the agreements, Richard Kratz made a motion, seconded by Edward Savitsky to authorize the appropriate township officials to sign the developer's agreement and financial security agreement with Mask Trust, Inc. subject to their sending executed agreements to the township. There were no public comments on the motion. The motion was carried by a unanimous motion of 4-0.

- **DAY SCHOOL:** The Developer is the owner of 2.18 acres of ground in Perkiomen Township. The Perkiomen Township Board of Supervisors adopted and approved on July 13, 2004, a Land Development and Subdivision Plan for a proposed Day Care Facility Development. The total amount of financial security provided for shall be \$85,579.69. The only outstanding issue for this development is the planning module. After review of the agreements Richard Kratz made a motion seconded by Edward Savitsky to authorize the appropriate township officials to sign the developer's agreement and financial security agreement with the developer subject to their sending executed agreements to the township and receipt of the approve planning module by the PADEP. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.
- **APPEALS BOARD:** Previously the board expressed interest in participation in a Joint Appeals Board. Skippack Township has taken the lead with regard to drafting an Intermunicipal Agreement. The board is still interested in participating in the joint appeals board. The board authorized the township solicitor to review the draft and contact Edward Skypala, solicitor for Skippack Township, with any comments or questions.
- **SIDEWALK/NOISE ORDINANCE:** Cecile Daniel present recent articles to the board regarding the issues of sidewalk and noise ordinances. In the case of the sidewalk ordinance, the township does not have any recent ordinances that pertain to the maintenance of sidewalks. The maintenance of the sidewalk ordinance would not be

intended for the requirement of snow removal. There was discussion of adding maintenance of curbs as well. Richard Kratz was concerned with requiring the property

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owner to maintain the sidewalks and curbs. He has reservations about placing an undue burden on the property owner. It was discussed that the ordinance could be written where the board could reserve the right to take on this burden if it so decided. Also, the ordinance needs to define what situations would exist that would warrant the repair of the sidewalk or curbing. William DiMaio of Wynnewood Drive expressed his opinion regarding the issue of maintaining curbs. He felt the township should be the responsible party, not the property owner. With regard to the noise ordinance, the board should consider revising the noise ordinance to provide for a distance or a specific location from which to measure the noise level and for how long. The board authorizes Kenneth Picardi to begin working on these two ordinances.

- **MULTI-WAY STOP SIGN:** The board had previously discussed the request from Trappe Borough regarding a multi-way stop sign at 7<sup>th</sup> Avenue, Trappe Road, and Betcher Road. The question now being asked is whether or not Perkiomen Township would be willing to split the engineering cost with the borough to complete this traffic study. At this time, Pamela Stevens has not had an opportunity to conduct an inspection of this intersection as discussed at the October monthly meeting. As a result, this discussion was tabled until she reported back to the board her opinion regarding the impact of the cedar trees on this intersection.
- **CONDITIONAL USE APPLICATION:** The board of in receipt of the Conditional Use Application of Louis and Chris DiDomenico. The board set a public hearing date of December 7, 2004.
- **PERKIOMEN TRAIL BRIDGE –** Gib Williams of Schwenksville Borough Council is looking for support from the board regarding the concept of having a bridge over the Perkiomen Creek that would connect to Pennypacker Property located in Perkiomen Township to the Schwenksville Borough Meadow Park. This would all be a part of the Perkiomen Trail. The board did not see a problem with the concept. They directed Cecile Daniel to respond that the township did not have a problem with the concept, but that this support was only for the concept and nothing more.

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