

**PERKOMEN TOWNSHIP BOARD OF SUPERVISORS MEETING MINUTES:
MARCH 7, 2006**

BOARD MEMBERS PRESENT: William Patterson, Chairman
Richard Kratz, Member
Dean Becker, Member
Edward Savitsky, Member

ABSENT: Gordon MacElhenney, Member

OTHERS PRESENT: Cecile Daniel, Township Manager
Kenneth Picardi, Township Solicitor
Pamela Stevens, Township Engineer
W. Richard Dillon, Code Enforcement Officer
John Moran, Road Master

MINUTES: The minutes of the February 7, 2006 meeting were approved as presented.

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

CORRESPONDENCE:

- The Lower Frederick Regional Ambulance Report
- CPVRPC- Minutes of their meeting
- Letters – (1) Trappe Borough regarding Betcher Road & (2) Limerick Township regarding the Condition Diagrams for Township Line Road/Graterford & Wartman Roads & Cemetery & Seitz Roads
- PADOT – Meeting regarding Plank Road, Ott Road, Meyers Road & Seitz Road
- PSATS Bulletin

SOLICITOR’S REPORT: Kenneth Picardi reported on the purchase of the property owned by the DeMeno Family. Settlement took place on March 2, 2006. The settlement for the Stephanie Lane Road Property has not been scheduled for settlement. There is still an outstanding issue the Mr. Picardi is trying to resolve with James Evans and his bank. The purchase of this property was completed with funds from Montgomery County Open Space Program. As part of that program, the Township needs to approve the Declaration of Covenants, Conditions and Restrictions. This document will be recorded once signed by the Township. Mr. Picardi informed the Board that there will be a similar document required for the Stephanie Lane Property. Mr. Picardi presented the Declaration of Covenants, Conditions and Restrictions for the DeMeno parcel. Dean Becker made a motion, seconded by Edward Savitsky to authorize the Chairman and Secretary to execute the

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Declaration of Covenants, Conditions and Restrictions on the property the Township purchased from the DeMeno Family. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0. Mr. Picardi will bring the Restrictions back to the Board for the Stephanie Lane Property once settlement has been scheduled.

Next, Mr. Picardi informed the Board that Edward Green, attorney for the Iacobucci Organization, was present to update the Board on the issues between the Iacobucci Organization and the Cranberry Homeowners Association for Phase 4B. Mr. Green presented the Board with the Settlement Agreement and Limited Release between Iacobucci Organization and the Homeowners Association. He explained that the copy he gave was not sign, but that the HOA had approved the document. His client is now moving toward dedication of the roads in Phase 4B to the Township and will withdraw the appeal of the Board's prior decision not to take dedication of the road. His client hopes to have all the documents ready for the April Board meeting.

Last, Mr. Picardi indicated that the Board has been in discussions with Ronald & Linda Manns and John Meyers regarding the purchase of development rights. Mr. Picardi went on to state that the Board held an executive session on February 22, 2006 to discuss the purchase of the Development Rights for these two properties. The Board indicated that they are interested and Edward Savitsky made a motion, seconded by Dean Becker to authorize Kenneth Picardi to contact Mr. Hershey, real estate agent for the Manns, and Robert Bricker, attorney for John Meyers, to begin working on an agreement to purchase the Development Rights of these two properties. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

ROAD MASTER'S REPORT: John Moran submitted his report for February to the board.

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

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

PLANNING COMMISSION REPORT: The Planning Commission held their meeting on February 21, 2006. The following items were discussed at that meeting:

(1) Iron Bridge Corporate Center – Discuss issues regarding the impact of the Steep Slope Conservation District on the Iron Bridge Corporate Center, (2) 130 Betcher Road Subdivision – a 2 lot subdivision located on Betcher Road, (3) Kriebel Subdivision – a 4 lot subdivision located on Seitz Road, and (4) Zoning Amendment – review proposed amendment.

ENGINEERS REPORT: Pamela Stevens was present to review the following items:

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- **Mask Trust – Escrow Release No. 4** – Ms. Stevens reviewed the request she received from Mask Trust for their development project located on Gravel Pike. Based upon her review of the information submitted, she recommended that the Board approve a release in the amount of \$7,241.38. With the recommendation of Ms. Stevens, Dean Becker made a motion seconded by Richard Kratz to approve the Escrow Release No. 4 to Mask Trust in the amount of \$7,241.38. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

- **Storkey – Escrow Release No. 8** – Ms. Stevens reviewed the request she received from Rossi Construction and Development for their development project located on Bridge Street. Based upon her review of the information submitted, she recommended that the Board approve a release in the amount of \$1,832.00. With the recommendation of Ms. Stevens, Richard Kratz made a motion seconded by Dean Becker to approve the Escrow Release No. 8 to Rossi Construction and Development in the amount of \$1,832.00. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

- **Cranberry Issues (Sidewalk, Crosswalk & Speed Humps)** – Pamela Stevens reviewed the findings of the traffic records that were obtain from the automatic recorders on Brandywine Road and Forge Road. She compared these findings against the requirements set forth within the PA Traffic Calming Handbook. Under the handbook, she set forth the following: (1) The areas of the project study were Forge Road and Brandywine Road. (2) The street classifications for both of these streets are local residential roads. Both streets are local roads and the speed limits are set as 25 MPH. (3) Under the guidelines, “cut-through” traffic is determined by 1,000 vehicles per day or the peak hour volume should be at least 100 vehicles. Also, in determining speed the calculation must be 10 MPH over the posted speed limit. This number should be based upon the 85th percentile speed of the cars. With this in mind, for Brandywine Road the average daily traffic (ADT) is 111 and 121 cars for the two days the automatic recorders were out. The peak hour was between 8:00 a.m. to 9:00 a.m. The 85th percentile was 30 MPH eastbound and 27 MPH westbound. Based upon these numbers, Brandywine Road did not meet the criteria for either the number of cars or the speed of the cars. With this in mind, for Forge Road the average daily traffic (ADT) is 465 and 486 cars for the two days the automatic recorders were out. The peak hour was between 8:00 a.m. to 9:00 a.m. The numbers of cars were counted at 101 and 104 traveling toward the school property. The 85th percentile was 28

MPH eastbound and 30 MPH westbound. The daily ADT of 1,000 cars was not met, but the 100 vehicles during the peak hour was just barely met. The speed of the cars did not

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meet the 85th percentile. (4) Community approval – due to the number of signatures on the petitions, the criteria for having met the Community Approval was satisfied. Based upon the automatic recording information, the speeds did not show that speed humps were defensible should there be a legal challenge if the Township were to install speed humps in these two areas. It was decided that at this time, the Township will not install speed humps. The Township will look into other possible signs or marking that may be installed. The Township will also keep the issue open should, in the future, the issue be brought back before the Board for consideration. The Board directed Ms. Stevens to continue with the installation of the sidewalk along Cranberry Boulevard as was discussed earlier in the year.

- **Authorization to clear right-of-way along Seitz Road** – Pamela Stevens and John Moran inspected that vegetation along Seitz Road in front of the Manns’ property. The area of concern was the sharp bend. The reason for the inspection was whether or not the vegetation was creating a driving safety concern. Ms. Stevens reported that there were two trees in the right-of-way where the tree branches were encroaching out into the street. The vehicles were moving toward the middle of the street to avoid these branches. Since this area was on the bend, the potential was for the vehicles to head into each other. As a result, it was her recommendation that the trees be removed and that the vegetation along the right-of-way be removed. The road crew would need to maintain the edge of the roadway to keep the vegetation back from the street. The property owner would need to be contacted before the work can be completed. John Moran was directed to contact Ronald Manns about removal of the two trees and the vegetation.

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 carried unanimously by a vote of 4-0.

NEW BUSINESS:

- **CONSERVANCY @ PERKIOMEN:** The Conservancy @ Perkiomen is a 19-lot subdivision located on Wartman Road and extends back to Merion Lane. The property was originally owned by the Fontains. The builder was W.B. Homes, but has since transferred the development to Gambone Development Company. There are three

documents for consideration by the Board. The first document was the Development (Improvements) Agreement. Ms. Daniel reviewed the agreement with the Board. The

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cost of the public improvements is estimated by the township engineer to be \$1,060,749. The biggest change involved the situation should the developer encroach into the area of steep slopes, riparian corridor, and wetlands beyond where the encroachments were not previously approved by the Board. The Financial Security Agreement established how the funds would be secured. This will be a tri-party agreement between Perkiomen Township, Gambone Development Company, and PNC Bank. The third agreement is the Conservation Easement and Declaration of Restrictions and Covenants. This agreement is between Perkiomen Township and Gambone Development Company. This agreement controls the use of the Conservation Easements that are located through out the plan. This agreement will be recorded against all lots, so that the Township is assured of the restrictions being established and addressed should the property owner violate the terms of the easement and covenants. Upon review of the documents, Dean Becker made a motion, seconded by Edward Savitsky to approve the Development (Improvements) Agreement, the Financial Security Agreement, and the Conservation Easement and Declaration of Restrictions and Covenants for the development known as the Conservancy @ Perkiomen. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

➤ **ORDINANCE NO. 193:** Before the Township can finalize the loan with Harleysville National Bank, the PA Department Commerce and Economic Development must be approve the loan. Our filing was reviewed by their legal counsel who found one area that need to be corrected. In order to make this correction, Mr. Picardi informed that Board that the original Ordinance No. 192 must be amended. Ordinance No. 193 is that amendment. The amendment sets for the person authorize to prepare the Self Liquidating Debt Exclusion as required by the state. Upon consideration of the proposed ordinance, Edward Savitsky made a motion, seconded by Dean Becker to adopt Ordinance No. 193. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

➤ **GRASS ORDINANCE:** Due to the age of existing Grass Ordinance, Richard Dillon has been working with Kenneth Picardi to update the ordinance. Mr. Picardi prepared a draft for review at the meeting. The major area of discussion was the exempt areas. Presently, the draft exempts areas of agricultural lands, wetlands, floodplains, steep slopes, or riparian

corridors. The discussion was to expand this to include woodlands and open space and to revisit the requirement of requiring twenty feet area around the perimeter to be cut. Mr.

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Dillon and Mr. Picardi were directed to draft the necessary changes and to return to the next meeting.

- **VERIZON:** Verizon Pennsylvania Inc. is looking to establish a franchise with Perkiomen Township. Verizon has submitted a draft agreement for consideration by the Board. Before the Board can finalize this, there is a required public hearing for the ordinance that needs to be adopted and approval of the franchise agreement. Mr. Picardi suggested a meeting with the Board to review the agreement. It was agreed that the target date for the public hearing will be May 24, 2006.

- **LPVRS:** Due to the changes in the Pennsylvania Municipal Authorities Act, Cecile Daniel submitted her resignation as Perkiomen Township's designated person to the Lower Perkiomen Valley Regional Sewer Authority. Richard Kratz made a motion, seconded by Dean Becker to accept Cecile Daniel's resignation. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0. Next, Dean Becker made a motion seconded by Richard Kratz to appoint Edward Savitsky to represent Perkiomen Township as their representative on the Lower Perkiomen Valley Regional Sewer Authority for the remainder of Cecile Daniel's term which ends December 31, 2006. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

- **IRS Mileage – Resolution 2006-12:** As requested by the Board, Kenneth Picardi prepared a resolution regarding the mileage reimbursement. Mr. Picardi did so and the resolution is pending before the Board. Basically it allows employees and township supervisors who use their personal vehicle for authorized township business to be reimbursed at the current IRS rate. After due consideration, Dean Becker made a motion, seconded by Edward Savitsky to approve Resolution 2006-12. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

COMMENTS FROM THE PUBLIC

Jane Meyers Algard questioned the offer being made to her father John Meyers regarding the purchase of Development Rights. She informed the Board that she is opposed to the offer and is

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opposed to farm preservation. It was her opinion that farm preservation was the ability to take away someone's property on the cheap. She feels that her father, at his age of 91, may not completely understand everything and that the idea of selling the Development Rights is coming from someone else not her father.

SUPERVISORS COMMENTS

Richard Kratz talked about the work being done on Betcher Road. The overlay project should be completed on time regardless of Trappe Borough. Also, Mr. Kratz presented a letter to his fellow Board members regarding group life insurance and short term disability. In the letter, Mr. Kratz notifies the Board of his desire to be added to the Township's group life insurance plan and the township's short term disability plan at his expense. None of Mr. Kratz's fellow Board members had a problem with this request.

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