

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING
MINUTES: JULY 6, 2010**

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

ABSENT: Dean Becker, Vice-Chairman
Edward Savitsky, 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

Richard Kratz called the July 6, 2010 Board of Supervisors Meeting to order in the Perkiomen Township Administration Building at 7:00 p.m.

MINUTES: The minutes of the June 1, 2010 Board of Supervisors meeting were approved upon a motion made by William Patterson and seconded by Gordon MacElhenney. There were no public comments on the motion. The motion was passed by a vote of 3-0.

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

CORRESPONDENCE:

- **REPRESENTATIVE MARCY TOEPEL** – Letter regarding Open House scheduled for Thursday, July 15, 2010.
- **PSATS** – Alert Bulletin
- **CPVRPC** – Copy of May Meeting Minutes.

SOLICITOR’S REPORT: Kenneth Picardi reported on the following:

1. Gambone (Conservancy Subdivision) - The issues remain unresolved and it appears more likely that the parties could end up in litigation. Mr. Picardi requested an Executive Session to inform the Board on the situation between the Township, Gambone, and Fontaine.
2. T-Mobile – Calabretta – At the June 10th hearing, the Township began presenting its case. John Moran, Jr. testified at this hearing. The next two hearings are scheduled for July 30th and August 25th. The Township’s next witness is Ed Vea, who is a radio frequency expert with extensive experience in the cellular tower industry. The

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Fox Heath Homeowners Association also intends to present one witness, who is an expert with regard to zoning ordinances and land planning.

3. Mason – John Moran Jr. has confirmed that progress is being made in the clean-up of the property; therefore, Mrs. Mason’s attorney intends to request an extension of time from the District Justice’s office to finish the clean-up process.
4. Sacks/STA Bus Company (Gorski) – On June 30, 2010 the Zoning Hearing Board began the public hearing on the application filed by STA. Both John Moran Jr. and Mr. Picardi informed the Board that, due to a prior application before the ZHB, there was insufficient time to hear the complete application. The Zoning Hearing Board continued the public hearing to July 28, 2010.
5. Community Medical and Dental – On June 30, 2010 the Zoning Hearing Board held a public hearing on the application filed by Community Medical Dental. Both John Moran Jr. and Mr. Picardi informed the Board that the Zoning Hearing Board denied the request of Community Medical and Dental to allow them to move their business to 290 Centennial Street in the Village of Rahns.
6. Unauthorized Practice of Law – After reviewing the information received from the Montgomery County Bar Association, Mr. Picardi informed the Board that he, Cecile Daniel, and John Moran Jr. will revise the Zoning Applications so as to encourage applicants to be represented by counsel and to inform them that they may not be represented by non-lawyers (i.e., friends, neighbors, relatives, real estate agents, etc.).

ROAD MASTER’S REPORT: John Moran Sr. submitted to the Board his Road Master’s Report dated July 1, 2010 for activities taking place during the month of June.

FIRE MARSHALL’S REPORT: John Moran Sr. submitted to the Board his Fire Marshall’s Report dated July 1, 2010 for activities taking place during the month of June. In addition to his report, Mr. Moran indicated that due to the dry weather a ban on all burning in Perkiomen Township is hereby enforce until further notice.

CODE ENFORCEMENT REPORT: John Moran Jr. submitted to the Board his Code Enforcement Report dated July 1, 2010 for activities taking place during the month of June.

PERKIOMEN TOWNSHIP PLANNING COMMISSION MEETING: Cecile Daniel reported that the Planning Commission held their monthly meeting on June 15, 2010. At that meeting, Eric Swarr of Rahns presented a proposal to convert an existing accessory structure to open a Doggie Day Care.

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MANAGER’S REPORT:

1. Recycling Ordinance - Ms. Daniel informed the Board that, after discussing the Leaf Waste Program with the Larkins, Perkiomen Township can use the Barnside Farm Site as a drop-off site for the Township Resident’s leaf waste. A link can be established between the Township’s web site and Barnside Farm’s web site. The link would be www.barnsidefarm.com. The next step was reviewing the Recycling Ordinance with Ryan Ingham and Mary Alice Reese of the PADEP. According to Ms. Reese, once Perkiomen Township designates a drop-off site for leaf waste, the Township should revise the Recycling Ordinance and require the Municipal Waste Collector to pick up leaf waste twice a year, once in the spring and once in the fall. In addition, the Municipal Waste Collectors must provide Perkiomen Township with their scheduled dates for the hauler’s leaf waste pick-up. These schedule dates must be posted to the Township’s web site. Mr. Ingham indicated that the Recycling Ordinance needs to include language that requires the Township residents to have a Municipal Waste Collector to pick-up recyclable materials and solid waste. When picking up the leaf waste, the leaf waste must be placed in biodegradable bags. Mr. Ingham indicated that one of the items that PADEP will be looking for is a ban on burning. Dealing with this issue can be accomplished one of two ways. The Board could either amend the Recycling Ordinance or adopt a new Burning Ordinance. In consideration of creating a new Ordinance, Ms. Daniel is working with John Moran Jr. as Fire Chief should the Board decide to choose this alternative. With regard to the second alternative, Ms. Daniel is working to amend the subsection labeled “Prohibited Uses” to prohibit the burning of recyclable materials, leaf waste, or municipal waste. During the review of the proposed changes there were comments regarding requiring residents to rake or gather their leaves and the ability of a resident to use their leaves in a residential composting area. Ms. Daniel indicated that she would check with Mr. Ingham regarding these two questions and revise the Ordinance accordingly. In order to keep this process on schedule, Ms. Daniel requested that the Board authorize advertisement of the revised Recycling Ordinance. William Patterson made a motion seconded by Gordon MacElhenney to authorize advertisement of the revised Recycling Ordinance. There were no public comments on the motion. The motion was passed by a vote of 3-0. As to the issue of creating a separate Burning Ordinance, the Board informed Ms. Daniel that they would consider reviewing a draft Ordinance at the August Monthly Meeting.

2. House Bill 2431 and Senate Bill 1357 – PSATS has requested consideration by its membership to pass a Resolution in opposition of House Bill 2431 which is a Joint Resolution to amend the Pennsylvania Constitution that would alter the structure of local governments and Senate Bill 1357 which would create a boundary commission to review and make recommendations on changing local government borders. The

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draft Resolution sent to the Township from PSATS covers the following: (a) is in opposition to forced mergers and consolidations of local governments in Pennsylvania; (b) Townships are excellent fiscal stewards that are run by elected officials that live in the communities they represent, and are more committed to pinching pennies and working together to stretch tax dollars than anyone else in government today; (c) that various special interests suggest that there are too many local governments in Pennsylvania and that by reducing this figure through forced boundary changes will somehow lead to greater economic conditions and the better delivery of services in the Commonwealth; (d) that no one has ever proven that bigger, centralized government is better or even as cost-effective as Township Government; (e) governments that rely on a consolidated county-based structure generally have higher tax burdens than smaller governments; (f) House Bill 2431 (*Session of 2010*) would, if adopted, change the Pennsylvania Constitution and establish the County as the basic level of government in Pennsylvania, with municipalities existing only under the jurisdiction of the County and having only those duties and responsibilities as determined by the County; (g) Senate Bill 1357 (*Session of 2010*) would, if adopted, establish an unelected, statewide boundary commission to review and make conclusions to the General Assembly for the merger, consolidation, or annexation of Municipalities; (h) Township supports the voluntary merger or consolidation of local governments if the process is initiated at the local level and it has the support of the majority of the residents of all affected Municipalities; and that the Township of Perkiomen, County of Montgomery, opposes any measure, initiative, or plan that mandates the forced merger or consolidation of local governments; and that the General Assembly be urged to oppose House Bill 2431, Senate Bill 1357, and any similar kind of legislation that has been, or may be introduced in the future to weaken the responsiveness and effectiveness of Local Government. Upon review of the draft Resolution sent to the Board from PSATS, Gordon MacElhenney made a motion seconded by William Patterson to adopt Resolution 2010-8 and opposes any legislation that would force Local Government Mergers and Consolidations. There were no public comments on the motion. The motion was passed by a vote of 3-0.

3. MS4 – Municipal Separate Storm Sewer System – Kent Morey from SSM has been working with the Township on the PADEP Requirements for the MS4 Program. Up until recently, PADEP has extended the deadline on renewing the Township's existing NPDES Permit. According to Mr. Morey, there will be no more extensions. As a result, Mr. Morey and Ms. Daniel have been waiting for PADEP to publish the new permit requirements. One of the issues that has arisen with the new permit is the requirements related to stormwater TMDL (Total Maximum Daily Load). The TMDLs deal with the quality of the water going into the streams and creeks. Mr. Morey and Ms. Daniel have been discussing the changes that would have to be made

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on the storm sewer systems in Perkiomen Township should the Township have to meet these TMDL Limits. Based upon what Mr. Morey knows right now, he does not feel that TMDLs will be an issue for Perkiomen Township. Ms. Daniel presented to the Board correspondence from a group of people that is calling themselves the Southeastern PA Stormwater Coalition. This Coalition is a group of Municipalities that have gotten together to try and deal with the requirements necessary to meet the TMDL Limits set forth by PADEP. Since these TMDL Limits could eventually affect Perkiomen Township, this Coalition is requesting that the Board consider joining this group. In the correspondence that was received from the Coalition, they are asking that Perkiomen Township consider passing a Resolution agreeing to join this group and commit funds to help pay for the project costs (legal, engineering, and legislative services) for this group. At this time, Mr. Morey does not see the TMDLs being an issue for Perkiomen Township. This opinion could change depending upon the direction that PADEP takes during the permit process and what information that Mr. Morey may gather from this Coalition. Mr. Morey indicated he will be in contact with this Coalition to try and gather information as to the aim of this group. The present recommendation; therefore, was that Perkiomen Township not join this Coalition. Should it be determine by information received from Mr. Morey that it would be in Perkiomen Township's interest to joint this Coalition, then Mr. Morey will inform Ms. Daniel and Ms. Daniel will relay this information to the Board so that the Board can make a final decision as to whether they want to pass the Resolution to join the Coalition and commit the necessary funds as part of that commitment.

ENGINEERS REPORT: Chuck Frantz reported on the following items:

1. 2010 Road Project: The contract documents have been finalized and a Notice to Proceed was sent to Reading Site Contractors dated July 2, 2010. In accordance with the contract documents, the work must be substantially completed by August 16, 2010 and reach final completion by August 31, 2010. Mr. Frantz informed the Board, he is in the process of coordinating with Reading Site Contractors a time to hold a pre-construction meeting during the latter part of the first week in July. A notification letter to the residents abutting the project will be prepared and forwarded to the Township for review and will be finalized once a schedule has been submitted by Reading Site Contractors.

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2. Kagey Road Stormwater Improvement Project: Draft specifications for this work have been finalized and copies will be provided to the Township Manager, Roadmaster and Solicitor for review. Due to the fact that the estimates cost of this project will be in the ballpark of \$25,000.00, which is the threshold for prevailing wages, the bid documents are structured such that the base bid will not include prevailing wages, however an alternate bid based on the same quantity and scope of work will be included using prevailing wage rates. By preparing the bid documents in this manner the Board could consider a base bid (without prevailing wage rates) if the bid submitted for the project is less than \$25,000.00. However, if there are no base bids less than \$25,000.00 the Board can then consider awarding the alternate bid based on prevailing wage rates. Based on this approach, Mr. Frantz is requesting authorization to advertise the Kagey Road Stormwater Improvement Project. With the recommendation of Mr. Frantz, William Patterson made a motion, seconded by Gordon MacElhenney to authorize advertisement of the Kagey Road Stormwater Improvement Project so that the Board can be in a position to award the bid at the Board's August meeting. There were no public comments on the motion. The motion was passed by a vote of 3-0.

3. Miscellaneous Roadway Repairs: Mr. Frantz reported that the work covered under this item was completed by PK Moyer. Mr. Frantz informed the Board that while work was being completed on Regents Road, he received two telephone calls from two of the residents. After investigating their telephone calls, he indicated that, at this time, he did not feel that the issues raised by the two residents were a Township issue.

4. Conservancy Escrow Release #8: Mr. Frantz informed the Board that he received a request from Gambone Development Co. for a release of \$54,090.85. Mr. Frantz reviewed the request for payment. In his recommendation Mr. Frantz indicated that this release includes a portion of the ten percent contingency that Gambone was required to set aside for the Conservancy. With release of this amount, the remaining balance in the Conservancy Escrow is \$83,538.97. Based upon a review of the information, Mr. Frantz recommended that the Board approve the amount request by Gambone Development. With the recommendation of Mr. Frantz, William Patterson made a recommendation seconded by Gordon MacElhenney to approve Gambone Development escrow release #8 in the amount of \$54,090.85. There were no public comments on the motion. The motion was passed by a vote of 3-0.

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5. Godshall Road Bridge Replacement: The Board asked Mr. Frantz the status of the research questions and concerns posed by the project area residents. Mr. Frantz informed the Board that he is still trying to compile a summary of findings and present them to the Board for review and consideration at the August Board of Supervisors' meeting. Based upon this schedule, the Board directed the Mr. Frantz contact the project area residents and inform them that the Board plans to discuss this project at the August Board meeting. The Board is concerned that any further delaying in making a final decision to do this project could push the project into 2012 should the decision be made to move forward. Mr. Frantz explained that the permit process for this project required extensive lead time.

RECEIPTS AND EXPENDITURES: The treasurer read the receipts and expenditures for the month of June. After review of same, Gordon MacElhenney made a motion seconded by William Patterson to authorize payment of the June bills. There were no public comments on the motion. The motion was passed by a vote of 3-0.

NEW BUSINESS:

1. Perkiomen Grille – Nelson McCoury presented a proposal to the Board regarding the property located at 14 Skippack Pike. The property is presently zoned R-1, single family residence and abuts the Perkiomen Creek. Mr. McCoury would like to purchase this property and turn it into a business. The name of the business would be “The Perkiomen Grille”. The concept of this business would be to offer casual family dining along the Perkiomen Creek. Due to the nature of the business, the restaurant would be opened daily from May to October. During the winter months the restaurant would be open, but less frequently. Mr. McCoury explained that the guests would purchase fresh cuts of meat and fish and grill their own food on gas-fired barbeque pits located on outside decks. Mr. McCoury compared his concept to those found at a Tiki Bar. At this time it is unclear whether parking would be an issue. Mr. McCoury indicated that he is working with the abutting property owner to lease a portion of the neighboring property for parking. Since this type of use is not permitted in the R-1 Zoning District, Mr. McCoury would need a number of variances. John Moran Jr. prepared a very brief outline of some of the variances that Mr. McCoury may need in order to conduct a business at this location. Before Mr. McCoury proceeds further, he would like to get a sense from the Board as to how they feel about this concept. The Board listened to Mr. McCoury's concept, but they were neutral in giving him direction either way. The next step would be for Mr. McCoury to pursue relief from the Zoning Hearing Board.

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2. Light Industrial District – John Kennedy submitted a request to the Board on behalf of his client Springhill Realty. The request is to hold a public hearing on the creation of a new zoning district labeled Light Industrial and to consider rezoning the remaining twenty acres located behind the existing shopping center and along Harrison Avenue to this newly created Zoning District. The Board discussed this request. William Patterson made a motion seconded by Gordon MacElhenney to set a public hearing on Mr. Kennedy’s request for Tuesday, September 28, 2010 at 7:00 p.m. in the Perkiomen Township Administration Building. . There were no public comments on the motion. The motion was passed by a vote of 3-0.

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