

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING
MINUTES: JULY 7, 2009**

BOARD MEMBERS PRESENT: Richard Kratz, Vice-Chairman
 William Patterson, Member
 Gordon MacElhenney, Member
 Dean Becker, Member

ABSENT: Edward Savitsky, Chairman

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

PUBLIC HEARING – HOFFMAN: The Board of Supervisors held a public hearing on a Conditional Use Application filed by Matthew Hoffman of 696 Gravel Pike. The Conditional Use Application is for the improvement to Mr. Hoffman’s property by spreading multiple yards of soil in his backyard. The location of the improvements is in existing steep slopes and flood plain areas. The soil that is to be added in Mr. Hoffman’s backyard requires Conditional Use approval under Article 24 – Steep Slope Conservation Overlay, Sections 24.5.B and 24.9.A – Uses Permitted by Conditional Use, and Article 25 – Flood Plain Conservation District – Uses Permitted by Conditional Use. Before this work can be completed, the Board must hold a public hearing on the Conditional Use Application. Sean Cullen was the attorney representing Mr. Hoffman. Mr. Cullen explained to the Board that his client, Mr. Hoffman, was before the Township’s Zoning Hearing Board earlier this year. The Zoning Hearing Board approved Mr. Hoffman’s request to encroach into the steep slopes. After the approval by the Zoning Hearing Board, the next step is a public hearing on the same issue before the Board. Mr. Hoffman explained to the Board the details of the project. Mr. Hoffman explained that he would like to maintain the lower portion of his property. In order to do this, Mr. Hoffman explained that he needs to take his mower down a steep embankment. By filling in some of this area, Mr. Hoffman will be able to better maintain the lower portion of his property and maintain it in a safer manner. The proposed plans were reviewed by the Township Engineer, Chuck Frantz. Mr. Frantz indicated by his review that he was satisfied with the project as presented to the Board by Mr. Hoffman. Although there were Township residents in attendance, no one spoke in opposition of the Conditional Use Application. As a result, the public hearing was ended and the record was closed. Mr. Kratz questioned whether the Board wished to consider this application at this meeting. Since the Board was familiar with the situation, the Board determined that they would render a decision at this meeting. With that, Dean Becker made a motion, seconded by

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Gordon MacElhenney to approve the Conditional Use Application for Matthew Hoffman of 696 Gavel Pike with the condition that Mr. Hoffman comply with any and all conditions set forth in, or attached to, the July 2, 2009 written decision of the Perkiomen Township Zoning Hearing Board dealing with Mr. Hoffman's ZHB Application No. 08-15. There were no public comments on the motion. The motion was approved by a unanimous vote of 4-0.

MINUTES: The minutes of the June 2, 2009 Board of Supervisors meeting were approved upon a motion made by William Patterson and seconded by Dean Becker. There were no public comments on the motion. The motion was approved by a unanimous vote of 4-0.

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

CORRESPONDENCE:

- CPVRPC – Minutes of their meeting for June.
- Lower Frederick Ambulance Report for June.
- Trappe Ambulance Report: Report for April.
- PSATS Alert

SOLICITOR'S REPORT: Kenneth Picardi reported on the following activities:

- (1) HYK: Mr. Picardi responded to Paul Ober – The final details of a Stipulation and Settlement Agreement are now being worked out between Mr. Picardi and Mr. Ober;
- (2) Hoffman: This matter was scheduled before the Board for Conditional Use. A public hearing was held prior to this meeting.
- (3) Caprio: This matter was scheduled before the Zoning Hearing Board for May 20, 2009. That public hearing was held and Mr. Picardi was in attendance. The Board now needs to set a public hearing on the Mr. Caprio's Conditional Use Application.
- (4) Gambone (Conservancy Subdivision) – Gambone sold the last three lots to Horgan Brothers. Gambone is moving forward with dedication of the public improvements. A new tri-party agreement between the Township, Horgan, and Gambone needs to be negotiated. This tri-party agreement will cover those items that will be the responsibility of Horgan Brothers.

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(5) Assessment Appeals

- A. New Appeals – There are two new Real Estate Assessment Appeals. One was filed by SBL Properties LLP Located at 4 Blue Herron Drive and the other was filed by Sacks Family Associated, LLP at 70 Rahns Road. In his presentation, Mr. Picardi asked whether or not the Board wished to have his intervention in these two assessment appeals. If so, Mr. Picardi needs authorization to do so. The Board discussed Mr. Picardi’s request and authorized his intervention in both of these assessment appeals.

- B. Highland Manor Associates – Mr. Picardi updated the Board with regard to the assessment appeal of Highland Manor Associates.

ROAD MASTER’S REPORT: John Moran Sr. submitted to the Board his Road Master’s Report dated July 1, 2009 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, 2009 for activities taking place during the month of June.

CODE ENFORCEMENT REPORT: John Moran Jr. submitted to the Board his Code Enforcement Report dated July 1, 2009 for activities taking place during the month of June. In addition to his report both Mr. Moran and Mr. Picardi informed the Board that Candace Ludwig of Perkiomen Greene Development filed a request for a variance with the Township’s Zoning Hearing Board. This variance request was to construct an addition to Ms. Ludwig’s townhouse. After the public hearing, the Zoning Hearing Board denied Ms. Ludwig’s request for a variance.

PLANNING COMMISSION REPORT: The Planning Commission held its meeting on June 16, 2009. A first portion of this meeting was a meeting for just the Planning Commission members. This portion of the meeting was with regard to an amendment being proposed by the Central Perkiomen Valley Regional Planning Commission. As required by the Municipal Planning Code (MPC), the Perkiomen Township Planning Commission has 45 days to review the proposed Amendment to the Central Perkiomen Valley Regional Comprehensive Plan. Under the MPC, the governing body must hold a public hearing on this amendment after this 45 day period. A recommendation was made by the Planning Commission to the Board and that recommendation was the Board should consider approval of this amendment to the Central Perkiomen Valley Regional Comprehensive Plan. The second portion of this meeting was between the Planning Commission and the Board. The purpose for this Joint Meeting was to discuss the concept of STA purchasing twenty acres of property from Bryan Hunsberger and constructing a bus depot/terminal on ten of these twenty acres. In order to have this happen the proposed Light Industrial Zoning District would have to be revised. After discussing this proposal, neither the Board nor the Planning Commission were interested in making that change.

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MANAGER’S REPORT:

- (1) Flood Plain Ordinance: The Township received a letter from the Montgomery County Conservation District regarding the Township’s Flood Plain Maps. In this letter, MCCD informed the Township that we should be receiving, by the summer of 2009, the flood plain maps for review and comment. To date, no information has been received.
- (2) Municipal Authority: The Municipal Authority is working on their I&I Program. Phase 2 has been awarded by the Municipal Authority. This project will be located in the Village of Rahns, at the Rahns Construction Site down to the Perkiomen Interceptor.
- (3) Light Industrial District: The Board held a Joint Meeting with the Planning Commission on June 16, 2009. The purpose of this Joint Meeting was to make a decision regarding a possible revision to the proposed Light Industrial District. This revision would allow STA to construct a bus depot on property owned by P.V. Associates (Bryan Hunsberger). This property is the 20 acres that the Planning Commission has been working with Mr. Hunsberger in creating a new Light Industrial District. The Board informed both STA and Mr. Hunsberger that the Light Industrial District, as drafted, will not change. The Board indicated that they will attend the July Planning Commission to discuss the future use of the 20 acres with the Planning Commission.
- (4) State Police Coverage: There are two bills in the House regarding payment for State Police Coverage. The first bill was HB 1500 and the second was HB 963. HB 1500 would authorize the levy of a per capita “patrol services fee” to be paid by each municipality that relies solely or partly on the State Police. The proposed annual Per Capita Fee for depending solely on State Police coverage is proposed as follows: \$52 for the first year, \$104 for the second year, and \$156 for the third and every year thereafter. Municipalities that have State Police Coverage would be exempt from paying this fee if:
 - Municipalities with a population of 1,000 people or less that provide or contract for patrol services at least 40 hours per week;
 - (b) Municipalities with a population of over 1,000 people but less than 3,500 people that provide or contract for patrol services for at least 80 hours per week;
 - (c) Municipalities that, for each 2,500 persons the municipality has over a population of 3,500 persons, provide or contract for patrol services of an additional 40 hours per week over 80 hours per week. This bill is before the full House for consideration.

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The next bill HB 963 would phase out the portion of the State Police fines that Perkiomen Township currently receives. The reduction would be 20% each year over 5 years. Only those municipalities that have a Police Department or are a member of a Regional Police Department will receive this money. This bill is before the House Judiciary Committee.

- (5) Tile Floor: Per the direction of the Board at the June Meeting, contact was made with the Better Business Bureau in Philadelphia there were no complaints filed against Weirman and Son.

- (6) ACT 32: This act amends Act 511 by providing for the consolidation of the collection of the Local Earned Income Tax at the county level. The collection of the Earned Income Tax will be restructured by the creation of county wide Tax Collection Districts (TCD). The TCDs will initially be created under a Tax Collection Committee (TCC). Each Municipality and School District that collects the Earned Income Tax must appoint a delegate and alternate to this TCC. Montgomery County Commissioners are only responsible to convene the first meeting by November 15, 2009. These delegates must be appointed by September 15, 2009. The Board discussed sending letters to those municipalities that makeup the Perkiomen Valley School District and see how they proposed to deal with Act 32.

ENGINEERS REPORT: Chuck Frantz presented the Engineer's Report as follows:

- **2009 ROAD PROJECT:** Mr. Frantz presented a video showing the area along Bridge Street where the sidewalk was to be installed. This sidewalk was to be installed as a part of the 2009 Road Project. Although the sidewalk would be constructed along Bridge Street, it would also be along the backs of some of the residential properties located along Arbor Lane. On Friday, July 2, 2009 there was a site meeting between the Township and residents of Arbor Lane. At this meeting, the following two items were discussed: (1) a drainage problem which is on-site as well as off-site and (2) the sidewalk. Mr. Frantz explained, by using the video, how the road project may be able to address the first issue which is the water that is coming from Appaloosa Road across Bridge Street to Arbor Lane and down Township Line Road to Arbor Lane. Also as part of the repaving project, a crown will be re-installed. By re-installation of the crown in Bridge Street, the water will flow along the edge of Bridge Street and not cross over toward Arbor Lane. As to the problem of the on-site water, the problem may be there due to a high water table. At this time, this project will not address this situation. Next, Mr. Frantz explained, by using the video, that the existing vegetation behind the homes on Arbor Lane would impact the installation of this sidewalk. The video showed vegetation when in full bloom. If the sidewalk is installed along Bridge Street in this area, this vegetation will be impacted.

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The affect of how much would depend upon the width of the sidewalk. Based upon existing conditions, it was recommended that a three foot wide sidewalk be installed instead of a four foot wide sidewalk. The Township could then fill in the spaces created by the installation of this three foot sidewalk with trees such as Arborvitae. The Board could also consider installing the sidewalk in another location. One possibility would be along Fox Heath Boulevard. With the installation of the sidewalk along Bridge Street, the issue of providing a bus pad location for the children waiting at Welsh Road and Bridge Street would be addressed. The Board could still install the bus pad at Bridge Street and Welsh Road and continue across Bridge Street to Fox Heath Boulevard. In order to construct the sidewalk along Fox Heath Boulevard, the Township would have to locate it along the top of the detention basin and continue the sidewalk toward Stallion Lane. The sidewalk would have to be installed in this location due to trees that are located along Fox Heath Boulevard. Since this area would be outside of the Township's right-of-way, the Fox Heath Homeowners Association would have to grant the Township a sidewalk easement. The Board discussed this option and acknowledged that the Fox Heath Homeowners Association had come to the Board earlier in the year to discuss the installation of a sidewalk along the full length of Fox Heath Boulevard. The concern by the Board was whether the residents of the Fox Heath Development wanted this sidewalk and, if so, how will the Board deal with this request? The Board wanted more feedback from the residents of Fox Heath before considering changing the location of this sidewalk to Fox Heath Boulevard. The Board did agree that the bus pad should be installed at the intersection of Bridge Street and Welsh Road. The Board also agreed that there should be no sidewalk installed along Bridge Street behind the homes on Arbor Lane. As to deciding where to move the location of this sidewalk, the Board did not make a decision. It was agreed that may be a meeting could be held between the Board, the Planning Commission, the Fox Heath Homeowners Association to determine how appropriate it would be to locate a sidewalk along Fox Heath Boulevard. Ms. Daniel will try to see who would be available for July 21, 2009 which is the next meeting of the Planning Commission.

- **AHU REPLACEMENT** – Rogers Mechanical Company requested their first payment for the installation of the new HVAC Equipment. This request was for \$20,115.00. Mr. Frantz reviewed the request for payment with the work that has been completed to date and recommended that the Board pay the amount being requested. With the recommendation of Mr. Frantz, Dean Becker made a motion, seconded by William Patterson to approve Payment #1 to Rogers Mechanical Company in the amount of \$20,115.00. There were no public comments on the motion. The motion was approved by a unanimous vote of 4-0.

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- **CONSERVANCY @ PERKIOMEN – ESCROW RELEASE NO. 6:** Mr. Frantz informed the Board that he received a request from Gambone Development Company for an escrow release in the amount of \$79,852.10. After reviewing the request, Mr. Frantz found that Gambone has completed all of the items; therefore, he is recommending that \$79,852.10 be released. With the recommendation of Mr. Frantz, William Patterson made a motion seconded by Gordon MacElhenney to authorize the release of \$79,852.10 to Gambone Development Company. There were no public comments on the motion. The motion was approved by a unanimous vote of 4-0.

- **GUIDERAIL – BRIDGE STREET:** Gordon MacElhenney had requested that SSM look into the need for guiderail along Bridge Street adjacent to Birchwood Park because he is concerned about the safety of cars that travel along this stretch of Bridge Street. Of the approximately 700 feet of roadway only about 50 feet would be at slopes greater than 3:1. Mr. Frantz explained that Penn Dot standards define a 3:1 slope to be traversable but not recoverable. This would mean that a vehicle could safely negotiate a 3:1 slope; thereby, not requiring the need to install guiderail. This standard would not apply if there was an object or a feature located on or adjacent to the sloped area that would present a safety hazard. In his investigation, Mr. Frantz found that there is approximately fifteen feet of level ground between the roadway and the embankment. Currently the Penn Dot standard for the posted speed limit along Bridge Street and the embankment slopes require fourteen to sixteen feet of flat area adjacent to the roadway. Mr. Patterson indicated that there have not been that many accidents where a car has gone off the roadway and down the embankment and into the open meadow. During this discussion, the issue of using metal guiderail versus wooden again was discussed. At this time it was decided to table this issue.

RECEIPTS AND EXPENDITURES: The treasurer read the receipts and expenditures for the month of June. After review of same, Dean Becker 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 approved by a unanimous vote of 4-0.

NEW BUSINESS:

- **CAPRIO:** Robert and Joan Caprio submitted an application for a Conditional Use for property owned by them at 539 Gravel Pike, Collegeville, PA. The Applicants propose to demolish the existing structures and to construction a three-story apartment building with twenty-four (24) units, consisting of six (6) 1-bedroom units and eighteen (18) 2-bedroom units, and 60 parking spaces. The construction of the new building will be greater than 4,000 square feet, thus Conditional Use approval by the Board of

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Supervisors is required pursuant to Section 19.3.D. of the Perkiomen Township Zoning Ordinance. Gordon MacElhenney made a motion, seconded by William Patterson to set a public hearing date for Tuesday, August 4, 2009. There were no public comments on the motion. The motion was approved by a unanimous vote of 4-0.

COMMENTS FROM THE PUBLIC

Thomas Cavanaugh of Mayberry Road was present to express his displeasure with the condition of the guiderail that was installed along Mayberry Road. Mr. Cavanaugh informed the Board that the guiderail was already rusting in certain areas. This was one of the reasons why he feels that the installation of the guiderail detracts from his and his family's enjoyment of their property. Mr. Frantz informed that Board that he will look into the situation.

SUPERVISORS COMMENTS

Mr. Becker had two comments. The first comment was with regard to an abandoned vehicle located on the Limerick Township side of Township Line Road. Mr. Becker indicated that he had contacted both the Limerick Township Police and the Limerick Code Enforcement Office. In his comments, Mr. Becker acknowledged that this was a Limerick Township problem, but questioned whether Perkiomen Township could contact Limerick Township. Ms. Daniel indicated she would contact them. The second comment was with regard to the Traffic Signal at the intersection of Township Line Road, Grateford Road, and Wartman Road. Mr. Becker questioned whether the timing was off. John Moran Sr. informed the Board that when the contractor for Penn Dot overlaid Township Line Road, they did something to the loop detectors located in the roadway of Township Line Road. Mr. Moran will try to contact someone and try and get this problem resolved.

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