

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING
MINUTES: JANUARY 5, 2004**

EXECUTIVE SESSION: An executive session was held prior to the meeting to discuss the legal issues surrounding the Buxmont situation.

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

William Patterson called the January 5, 2004 Reorganization Meeting and Board of Supervisors Meeting to order in the Perkiomen Township Administration Building at 7:30 p.m. The first item of business was the Reorganization Meeting.

REORGANIZATION MEETING: The reorganization meeting was turned over to Richard Kratz acted as temporary chairman. Mr. Kratz called for nominations of chairman. Edward Savitsky made a motion to nominate William Patterson as chairman. Gordon MacElhenney made a motion to close the nominations seconded by Dean Becker. There was no public comment on the motion. The motion was unanimously approved by vote of 5-0. The secretary was directed to show that William Patterson was elected chairman by a unanimous vote. The Reorganization Meeting was turned over to William Patterson. William Patterson took the nomination for vice-chairman. Dean Becker made a motion to nominate Edward Savitsky as vice-chairman. Dean Becker made a motion to close the nominations seconded by Richard Kratz. There were no public comments on the motion. The motion was unanimously approved by a vote of 5-0. The secretary was directed to show that Edward Savitsky was elected vice-chairman by a unanimous vote.

Gordon MacElhenney made a motion seconded by Edward Savitsky to approve the following 2004 appointments that were unanimously approved:

Township Road Liaison:	William Patterson
Township Treasurer:	Cecile M. Daniel
Township Secretary:	Cecile M. Daniel
Township Solicitor:	Yergey, Daylor, Allebach, Scheffey, & Picardi
Township Engineer:	Spotts, Stevens & McCoy

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Township Fire Marshall: John Moran Sr.
Zoning Hearing Board
Solicitor: Nancy Hopkins Wentz
Chairman of Vacancy Board: Nancy Gaugler

Committee Appointments:

Municipal Authority – January 1, 2004
Through December 31, 2008: Raymond Ziegler

Planning Commission – January 1, 2004
Through December 31, 2007: Glenn Kopensky

There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

Dean Becker made a motion seconded by Gordon MacElhenney to close the reorganization meeting. There were no public comments. The vote was carried by a unanimous vote of 5-0.

William Patterson called the regular meeting of the Perkiomen Township Supervisors to order.

MINUTES: The minutes of the December 2, 2003 meeting were approved as presented.

POLICE REPORT: There was no PA State Police Report.

CORRESPONDENCE:

- Bruce McBain presented the Lower Frederick Police Report
- BuxMont – received letter from Abbe DeMaio that was sent to Buxmont regarding the activities of the residents in the home purchase by Buxmont.
- MCPC- Letter received from Santina DeSipio regarding the sale of open space property in Perkiomen Township to the Perkiomen Valley School District.
- Montgomery County – Letter regarding the Open Space Program
- CPVRPC- Minutes of their meeting

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

- Regarding the H.Y.K. Construction issue. Paul Ober, attorney representing H.Y.K. Construction, filed a brief in Montgomery County. Both the township and the zoning hearing board must file a responding brief around the middle of February. The attorney from the zoning hearing board has been taking the lead on this issue. Based upon this

scheduled, he anticipates that the court could set a hearing some time in the spring on this matter.

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- Betcher Road – Thomas McCouch contact him regarding the township’s purchase of a piece of his ground for the realignment of Betcher Road & Route 113. At this time we are still waiting for Mr. McCouch to get back to the township regarding the purchase. Also, a meeting with Trappe Borough is in the works.

ROAD MASTER’S REPORT: In addition to his regular report, John T. Moran reported on the following: Highway Occupancy Permit: There are three properties in the Village of Rahns that are going to require a township Highway Occupancy Permit. These three properties are the Leshar Family located on Centennial Street for a new sewer lateral; installation of a sewer lateral for the Daisey Family on Centennial Street, and install a sewer lateral by the Wilson Family on Oak Street. Richard Kratz expressed concern regarding the traveling public having to cross these road openings. He feels that these trenches should be closed as quickly as possible. If the trench settles due to traffic traveling over the trench, the contractor should be required to fix it immediately. The township manager, township engineer, and township roads master was directed to review the township’s agreement to address the concerns expressed by Mr. Kratz. After this discussion, Richard Kratz made a motion seconded by Edward Savitsky to approve the Highway Occupancy Agreements for the Leshar Family, the Daisey Family, and the Wilson Family. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

FIRE MARSHALL’S REPORT: John T. Moran submitted his yearly report as well as the December report.

CODE ENFORCEMENT REPORT: In addition to his regular report, W. Richard Dillon informed the Board that he and Kenn Picardi have been working on the draft ordinances regarding the adoption of the state wide building code. He anticipates the regulations will be printed in the Pennsylvania Bulletin some time during January. He and Kenn will prepare the draft ordinance for the February meeting.

PLANNING COMMISSION REPORT: The planning commission held their meeting on December 16, 2003. The following plans were reviewed at that meeting: (1) Swarr Project – A sketch plan by David Shubin of the Swede Group. This was for property owned by the Swarr family in the Village of Rahns. (2) Boyd Subdivision- A minor subdivision being proposed by Michael Boyd for property he owns in the Village of Rahns. This plan will be taken under new business. (3) DiDomenico – The planning commission reviewed a preliminary plan for property owned by Lou DiDomenico on Trappe Road.

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

- 2003 Road Project Status – The contractor still needs to fix the problems at the township storage shed before the final payment can be processed.
- 2004 Road Project Status – Ms. Stevens explained the proposed 2004 road project as

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follows: (1) Dieber Road - proposing the installation of combination of storm sewer & base drain – There are trees that will have to be removed in the right-of-way. She indicated that board would have to pass a resolution for removal of the trees. This should be on the February agenda. (2) Pennypacker Road – proposing reclamation and using the lime additive to help absorb the water. (3) Cedar Road, (4) a portion of Acoma, (5) a portion of Seitz Road. (6) Alternates of Ott Road and Meyers Road. (7) The alternative of the parking lot of the fire company. The anticipated goal is to have the bid award in February.

- Iron Bridge Corporate Center – There were two escrow releases for the Iron Bridge Corporate Center Phase 3A. The first request was for \$136,187.50. After review of the request, Terry Hand is recommending that the board consider the release of only \$89,787.50. For the second release, the developer is requesting a release in the amount of \$101,330.00. Terry Hand is recommending the Board release only \$93,830.00. After review of the recommendation from Terry Hand, Dean Becker made a motion seconded by Richard Kratz to release the following to Gorski Construction Company for work completed in the Iron Bridge Corporate Center Phase 3A – Escrow Release Number 1 the amount of \$89,787.50 and for Escrow Release Number 2, the amount of \$93,830.00. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.
- Cranberry Phase 7 – Dewey Homes has an escrow release for their development known as Cranberry Phase 7. Terry Hand reviewed the request by Dewey Homes and recommended the board release the amount of \$82,624.00. Upon the recommendation of Terry Hand, Richard Kratz made a motion seconded by Dean Becker to approve the Escrow Release No. 10 to Dewey Homes in the amount of \$82,624.00. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

RECEIPTS AND EXPENDITURES: The treasurer read the receipts and expenditures for the month of December. After review of same, Gordon MacElhenney made a motion seconded by Edward Savitsky to authorize payment of the December bills. There were no public comments on the motion. The motion was carried unanimously by a vote of 5-0.

OLD BUSINESS:

- Buxmont Academy – Update - It was explained that the Code Enforcement Officer completed the physical inspection of the home purchase by Buxmont. His physical inspection did not find there to be a problem with the physical structure of the home. The next step will be for Mr. Dillon to render a zoning opinion on whether or not the using being proposed by Buxmont complies with the township’s zoning ordinance. Since Buxmont is claiming that these residents are handicapped as defined in the Federal Fair Housing Act, Mr. Picardi felt that some additional professional help was needed. He is requesting that the board consider obtaining a Medical perspective regarding the issue of handicapped as set forth in the definition under the Fair Housing Act. He is also

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recommending that the amount to be spent be set at a not to exceed total of \$1,000.00. If more money should have to be spent on this professional, then he would have to return to the board for approval. After discussion and consideration of Mr. Picardi's request, Gordon MacElhenney made a motion seconded by Dean Becker to authorize the hiring of a Medical Expert to help in the Buxmont case at a cap on an expenditure of not to exceed a \$1,000.00. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

- Conditional Use – Louis DiDomenico: The board discussed the Conditional Use Application as well as the issue regarding the ownership of Liberty Alley. Liberty Alley was discussed first. Based upon research it was found that the Court of Quarter Sessions in March of 1881 approved and ordered the opening of a roadway of 20 feet in width as a public road. This public road was known as Liberty Alley and ran from Route 113 to Washington Street based upon the attached map. In addition to researching the original deed, the existing deeds of the homes that abut Liberty Alley were also looked at. All the deeds ran up to the alley, but did not crossover and did not incorporate the alley into their deeds. Based upon this information, the township solicitor's opinion was the alley was a public alley and could be used for the benefit of the public. No owner whose property ran along this alley could prevent any one from the public from enjoying the use of this alley. The second part of this discussion was the Conditional Use Application filed by Lou DiDomenico. The board reviewed all the information received at the public hearing that was held on December 2, 2003. After discussion and deliberation, Dean Becker made a motion seconded by Richard Kratz to approve the Conditional Use Application subject to the following conditions:
 - A. The applicant will preserve, utilize and maintain the existing building in a way that is consistent with the adjacent properties. The applicant will preserve the front and side facades and any front porch;
 - B. The applicant shall provide parking spaces in accordance with the applicable provisions of the Township Zoning Ordinance;
 - C. The applicant shall not store outside any food, packaging or any other products or materials used in the business;
 - D. Any addition to the existing building shall be located to the rear of the existing structure, and may only be constructed if the necessary approvals and permits from the Township and/or the Township Zoning Officer are obtained;
 - E. There shall be no commercial use of the second floor. It shall remain for residential use only;
 - F. Any dumpster and/or loading area shall be screened from the adjacent properties or streets;

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G. The subject property shall have both public water and public sewer

H. All outside lighting shall be installed in such a manner that is does not glare onto an adjacent property.

There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

NEW BUSINESS:

- Resolution 2004-1: Depositories 2004, Resolution 2004-2: Special Crossing Guard, Resolution 2004-3: Engineering Fees and Resolution 2004-4: Audit 2002 are resolution passed the first meeting on the new year by the board of supervisors. The board reviewed all four resolutions and Richard Kratz made a motion, seconded by Gordon MacElhenney to adopt Resolution 2004-1, Resolution 2004-2, Resolution 2004-3, and Resolution 2004-4. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0
- Resolution 2004-5: Subdivision Fee Schedule - As part of the subdivision and land development process, there are fees charged to cover the review by the township engineer. These fees pay for the expenses of those reviews. Over the years, the fees have increased, but the escrow being charged has not. Resolution 2004-5 is a fee schedule that updates and establishes the escrow to be charged to applicants who are filing land development plans, subdivision plans, and conditional use applications that require review by the township engineer. After review of the proposed resolution, Edward Savitsky made a motion, seconded by Gordon MacElhenney to approved Resolution 2004-5. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.
- Resolution 2004-6: Boyd Subdivision – Michael & Mary Ann Boyd own a piece of property on Centennial Street in Rahns. They have a proposed minor 2-lot subdivision. The area is zoned VCR-1 and allows for the construction of single-family homes. The proposal is to subdivide the existing lot into 2 single-family lots. The new lot would be sold for the construction of a new home. The board reviewed the proposed plan and Resolution 2004-6. This resolution sets forth the approval with conditions. After review of the plan and resolution, Richard Kratz made a motion, seconded by Gordon MacElhenney to approve Resolution 2004-6 as follows:

COMPLIANCE WITH ZONING ORDINANCE

1. Section 18.5.C.3: The plan should contain a note stating that the side & rear yard setback from the property line is 10-feet. There shall be a note placed on the Record Plan stating that there shall be no parking in the access easement. The applicant shall either move the lot line over 5 feet or reduce the paved area by 5 feet in order to achieve the required 10-foot setback.

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COMPLIANCE WITH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

1. The license number and seal of the surveyor responsible for the subdivision plan should be added, Section 11.42(a)(3). Subdivision Ordinance
2. The site location should be shown on the location map as well as the appropriate zoning boundaries, Section 11.42(a)(5). Subdivision Ordinance
3. The gross and net areas for each proposed lot should be stated. The area should be stated in square feet and acres, Section 11.42(a)(6). Subdivision Ordinance
4. The setback dimensions are not provided for Lot No.2, Section 11.42(a)(7). Subdivision Ordinance
5. Elevation datum of established benchmark is missing from plan, Section 11.42(a)(9). Subdivision Ordinance
6. General note no.14 indicates that Lot. No.1 will be served by public water in Centennial Street. The water main does not appear on the plans and should be shown, Section 11.42(a)(10). Subdivision Ordinance
7. The certificate of ownership should be properly executed, Section 11.43(a)(13). Subdivision Ordinance
8. The plan shows that the existing gravel driveway on Lot. No.1 is to be removed. The Owner should clarify if this also means that the cartway will be removed entirely as well, Section 11.52(m). Subdivision Ordinance
9. Sections 602.8 & 603.3: Monuments and Metal markers should be placed as per the Ordinance, Sections 11.72(h) & 11.73(c). Subdivision Ordinance

GENERAL COMMENTS

1. The area shown on the plan for Lot No.2 does not match the stated area in the Zoning Data table.
2. A note should be added to the plans specifying the intent of Lot No.1, as this is a commercial / residential district.
3. The existing chain link fence and retaining walls are now divided on the two lots. The chain link fence and the retaining walls are to be removed. A note shall be placed on the Record Plan indicating the removal prior to the applicant selling lot #1.
4. The following note should be added to the plan: Both Lot No.1 and Lot No.2 shall be served by public sewer and public water. Provisions for the services to Lot No.1 shall be made at the time

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of development. The existing water main should be shown to verify if the services can be off of Centennial Street.

5. General Note 13 should be modified to expand on the building permit requirements and the note should be revised to include the following: An E&SPC plan is to be prepared and submitted for review and approval to the Township prior to the issuance of the building permit. Storm water management calculations and facilities shall be prepared and designed, and submitted to the Township for review and approval prior to the issuance of the building permit. The applicant prior to the issuance of the building permit will pay all fees including the review fees. Prior to the issuance of a building permit for Lot No.1, the applicant is required to obtain all necessary approvals or permits from applicable entities.

SANITARY SEWER AND WATER

1. Sewage Facilities Planning Requirements must be met and approved by PA DEP and edu's secured from the Perkiomen Township Municipal Authority.
2. The trench restoration for the utility services will require a HOP from the Township. The trench restoration details will be required to be submitted prior to the issuance of a building permit. The standards of the Municipal Authority and Philadelphia Suburban shall be met for the services and the connection to the utilities.

There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

- Cedar Road: Cecile Daniel explained the situation based upon information given to her by Frank Kehs. This situation appears to involve three pieces of property. Two are located in Perkiomen Township and the third is located in Upper Salford Township. Frank and Mary Kehs own the parcels in Perkiomen Township. The third parcel is under a trust with Union National Bank. Mr. Kehs would like to sell the two lots in Perkiomen Township, but the Recorder of Deeds is questioning the requirement of a subdivision. Of the two parcels in Perkiomen Township, the first one is separate and is the location of the existing Kehs' home. The second lot in Perkiomen Township appears tied to the lot in Upper Salford Township by a "z" on the county tax maps. Each parcel has its own tax parcel number, assessment, & block and unit number. The Recorder of Deeds is questioning whether the township would require a subdivision or will the township allow Mr. & Mrs. Kehs to do a Deed of Correction, thereby separating the parcel in Upper Salford Township and the one in Perkiomen Township. The board discussed the situation with Mr. Kehs. It was the recommendation of the township solicitor that the board not agree to sign the letter for reasons of consistency. Mr. Picardi requested time to contact the attorney representing the Kehs to gather more information. Based upon the recommendation of the township solicitor, Dean Becker made a motion seconded by Gordon MacElhenney, that the board will not sign the letter for reasons of consistency

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and that Mr. Kehs will have to do a subdivision if he wishes to sell the parcels in Perkiomen Township. This could change if Mr. Picardi, upon his conversation with the Kehs' attorney, provided sufficient reason why the township should sign the letter indicating they would not require a subdivision. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

- Peer – to – Peer: Both Lower Frederick Township and Perkiomen Township are working with PADCNR to complete a grant under the state's Peer-to-Peer Program. Douglas Wendell is the person recommended by the state to be hired to complete this study. Mr. Wendell is the Park and Recreation Director for Abington Township. The first step in this process is to consider an agreement between Lower Frederick Township, Perkiomen Township and Douglas Wendell to complete this study. The agreement has been reviewed by the township solicitor and found to be acceptable. There are some minor corrections that need to be made, but otherwise Mr. Picardi recommended that the board approve the agreement. Based upon the recommendation of the township solicitor, Gordon MacElhenney made a motion seconded by Dean Becker to approve the Peer-to-Peer Study Agreement between Lower Frederick Township, Perkiomen Township and Douglas Wendell. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.
- PSATS Convention: Cecile Daniel informed the board that the PSATS Annual Convention will be held in Hershey, PA on April 18-21, 2004. The board needs to authorize the selected delegates and the voting delegate to the PSATS Convention. Upon a motion made by Gordon MacElhenney and seconded by Dean Becker the following individuals are authorize to attend the PSATS Annual Convention: William Patterson, Edward Savitsky, Richard Kratz, and Cecile Daniel. The voting delegate will be Richard Kratz. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0
- Fire Company: William Patterson presented the 2004 Activity Schedule for the Perkiomen Township Fire Company. After review of the list, Richard Kratz made a motion seconded by Dean Becker to approve the 2004 Activity Schedule for the Perkiomen Township Fire Company.

COMMENTS FROM THE PUBLIC

Abbe DiMaio asked about an update to the township's issuance of the Use and Occupancy Permit for 2 Wynnewood Drive. Cecile Daniel indicated that at this time no permit has been issued. The physical inspection has been completed and Richard Dillon said that he found no problems with the physical structure. The second aspect would be the zoning issue that is what the township is working on now to be addressed next. Sean Cullen questioned the future maintenance of Liberty

Alley based upon the discussion at tonight's meeting. William Patterson indicated that the

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township would look to add this area onto its maintenance list.

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