

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING
MINUTES: JULY 5, 2005**

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

ABSENT: Edward Savitsky, Member

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

MINUTES: The minutes of the June 7, 2005 meeting were approved as presented.

POLICE REPORT: There board reviewed the PA State Police report for April.

CORRESPONDENCE:

- CPVRPC- Minutes of their meeting
- Report of the Lower Frederick Ambulance
- PSATS – Bulletin
- PECO – Application regarding Licensing for trails

SOLICITOR’S REPORT: Kenneth Picardi updated the board with respect to his meeting with the Montgomery County Open Space Board. It was his opinion that the board would be willing to grant an additional six months from the August deadline due to the work the township has accomplished to date. He informed the board that the deal with Stephanie Lane is almost complete. He submitted an agreement of sale to the owner and is awaiting his comments. Regarding the DeMeno property, there may be a problem with the amount of property. There seems to be a discrepancy between the county records and what the owner feels is the actual amount of ground. A revised legal description has been prepared by the owner and was submitted to the township. This is being reviewed by the appraiser to see how this will affect the appraisal.

ROAD MASTER’S REPORT: John Moran submitted his report for June to the board.

FIRE MARSHALL’S REPORT: John Moran submitted his report for June to the board.

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CODE ENFORCEMENT REPORT: W. Richard Dillon submitted his report for June to the board. In addition to his report, Mr. Dillon reviewed a memo dated July 5, 2005. This memo was with regarding to an amendment to Ordinance No. 180 which is the township's adoption of the Uniform Construction Code. A subcommittee met to review possible changes to this ordinance. Based upon their meetings, it was recommended to amend the ordinance in four areas. First, all utility and miscellaneous use structures greater than 200 sq. ft floor area shall require a building permit. Second, all utility and miscellaneous use structures 200 sq. ft. floor area or less shall require a zoning permit. Third, all utility and miscellaneous use structures 200 sq. ft. of floor area or less shall require a building permit if it is provided with utility service. The permit shall be for the inspection of the utility(s) being provided or installed. Fourth, building permits shall be required for all residential alterations and repairs pursuant to the International Residential Code 2003, Chapter 1, Section 105 or any subsequent edition thereof. Mr. Dillon explained that before any amendments to the ordinance can go into affect, the PA Department of Labor & Industry has to approve it. The board reviewed the memo and Richard Kratz made a motion seconded by Dean Becker to authorize the township solicitor to prepare an amendment to Ordinance No. 180. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

PLANNING COMMISSION: The planning commission held their meeting on June 21, 2005. There were six items discussed: Swede/Swarr: Kelly Granaham purchased the proposed Swarr/Swede Subdivision from David Shuben. Mr. Granaham & Michael DiDomenico have discussed the possibility of transferring a portion of lot 6 of the Swede/Swarr Subdivision to Mr. DiDomenico. This will be discussed under new business. Iron Bridge Corporate Center: Jerry Gorski submitted a sketch plan for lots 5, 6, & 7. The proposal is a subdivision plan, as well as a land development plan. 391 Wartman Road: Anthony Mazzamuto submitted a plan for his property at 391 Wartman Road. The proposed plan showed 5 lots. DiDomenico: The preliminary plan is for review. Ken Gross: Mr. Grosse owns Highland Manor and the abutting 17 acres. The area is zoned ER-Elderly Residential. Mr. Grosse would like to create an Active Adult Community on the 17 acres. Shopping Center: Presentation of the proposed gas station criteria.

ENGINEER'S REPORT: Pamela Stevens presented the following items:

2005 ROAD PROJECT – Ms. Stevens reviewed the request for payment from the contractor for the 2005 Road Improvement Project. The request is in the amount of \$57,734.73. Ms. Stevens reviewed the request, found it to be acceptable and recommended that the board approve the payment. Based upon the recommendation of Ms. Stevens, Dean Becker made a motion seconded by Richard Kratz to approve the payment to D. Malloy Paving, Inc. in the amount of \$57,734.73. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

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- **MAYFIELD ESTATES** – Dedication of Roads – David Davis, attorney representing Stewart & Conti was present along with William Howells, President of the Mayfield Homeowners Association, and John Lewis. Based upon Pamela Steven’s letter of July 5, 2004 there are two punch list items remaining on her letter. The first item dealt with the Central Green Area and the second item dealt with the access strip between lots 21/22. According to Ms. Stevens the approved plan calls for a swale to be placed behind lots 45 through 57, flow adjacent to the walkway in two directions and then cross the Central Green Walkway. A discussion took place with the developer because he was concerned that the water would then cross the walkway in two separate places. The water would then have to flow down the walkway before a portion of the water would reach the storm box. In trying to come up with a better design, the developer graded the area at the entry where the swale from Lots 45 through 57 cross at the top location of the walkway. By constructing it this way, the stormwater would only cross in one location and then sheet flow across the Central Green. Mr. Howells and Mr. Lewis discussed the drainage problem on the Central Green. They would prefer that at the end of the swale, as it enters the Central Green, a storm box be placed. This would allow the storm water to be directed into this box versus flowing across the Central Green. The water would then be piped and connected into the storm box located in Markley Road. Since the regrading of the area was completed recently, no one was able to inform the board whether the regrading would work. Also, there were other residents of the development in attendance. These residents lived along the swale area. They expressed concern about the construction of the swale. They indicated that the soil that was placed in the swale is not conducive to the water being able to infiltrate into the ground. The swale area also needs to be addressed because there is little top soil and the residents are having a hard time getting grass to grow. Mr. Davis indicated that his client is not willing to install a storm box or associated piping. He indicated that the township should either allow what is there to stay or direct the developer to construct it according to the approved plan. There was a discussion about the possibility of taking dedication of everything except this area and set aside a portion of the remaining escrow money should this area need to be repaired. Mr. Davis informed the board that his client wants to complete the dedication and that his client has completed all the punch list items, save two. The discussion was to release fifty percent of the remaining escrow, see how the regrading would work, and then come back at the August board meeting. Hopefully within the next month there will be enough rain to see whether there will be a problem. If it is determine that there is a water problem, then the remaining escrow money could be used to fix it. As to the second item on the punch list, Ms. Stevens explained that the paving of the access strip between lots 21/22 was not installed on the hill. Grass and matting and plants were installed instead. The reason for the change is due to the steepness of the slope as well as the fact that the pavement would end at an exposed manhole structure. The concern was one of safety. The board discussed this deviation from the plan. No one has a problem with the way the area was left as grass. After

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consideration of the comments expressed, Richard Kratz made a motion seconded by Dean Becker to approve the following: (a) release of the \$64,941.50 and keep \$70,000.00 in the remaining escrow to see over the next month how the regrading of the Central Green worked and look into how the associated swale will hand the storm water runoff, (b) that all parties will return to the board's August meeting to revisit this issue to determine if the Central Green will be allowed to stay as graded or will the board direct the developer to grade it according to the approve plan, (c) to accept the change in the access strip between lots 21/22 from pavement to grass, (d) to accept dedication of the roads in the Mayfield Estate Development subject to the acceptance and signing of the Maintenance Agreement, the receipt of the required maintenance bonds, and the transfer of ownership of the off-site sewer line through property owned by the Otts to Perkiomen Township Municipal Authority. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

- **BETCHER ROAD:** Ms. Stevens informed the board that bids for the Betcher Road Realignment Project were open on July 1, 2005. At that time there were four companies bidding on this project. After reviewed all four bids, she is recommending that the board award the bid to D. Malloy Paving, Inc. in the amount of \$271,665.00. She reviewed the information received and found everything to be in order. At the same time she updated the board regarding the remaining outstanding items. First, her office had been working with PECO Energy on moving the necessary telephone poles. There are three poles along Route 113 that need to be relocated. These poles are located outside of the road right-of-way. Under PECO's tariff, PECO is allowed to charge for moving the poles. An invoice has been submitted totaling \$26,754.48 for moving those three poles. Second, the plans are being revised to be sent back to the Montgomery County Conservation District. Third, Trappe Borough is discussing this project to inform Perkiomen Township their opinion regarding this project. The board reviewed the information as submitted by Ms. Stevens. It noted that the revised engineering estimate was close to the actual bid amount. After due consideration, Dean Becker made a motion, seconded by Gordon MacElhenney to award the Betcher Road Realignment Project to D. Malloy Paving, Inc in the amount of \$271,665.00 subject to receipt of the approval from the Montgomery County Conservation District and Trappe Borough and regarding PECO approved the payment of \$26,754.48 for the relocation of three poles and associated hardware. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.
- **CRANBERRY PHASE 7:** Ms. Stevens explained that there she and John Moran conducted an inspection of the public improvements before the expiration of the maintenance period for Cranberry Phase 7. She found a number of repairs that need to be made and notified Dewey Homes. Since she did not receive a response she sent another letter indicating that the expiration date for the bond was August 3, 2005. It was her opinion that these repairs could not be completed before this deadline. As a result she

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recommended that the township solicitor be authorize to call the bond if the township does not receive a six month extension beyond the August 3rd deadline. Based upon the recommendation of Ms. Stevens, Richard Kratz made a motion seconded by Gordon MacElhenney to authorize the township solicitor to proceed against the maintenance bond should the township not receive a six month extension to the August 3, 2005 deadline. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

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 Dean Becker to authorize payment of the June bills. There were no public comments on the motion. The motion was carried unanimously by a vote of 4-0.

NEW BUSINESS:

- **GRAHAM:** Kelly Granaham purchased the proposed Swarr/Swede Subdivision from David Shuben. While finalizing this plan, Mr. Granaham and Michael DiDomenico discussed the possibility of transferring a portion of lot 6 of the Swede/Swarr Subdivision to Mr. DiDomenico. Sean Cullum was present representing Mr. DiDomenico. He explained that Lot 6 is a very large oversized lot due to the layout of the ground. This lot would be redrawn so that it will match the other proposed lots. The remaining area would then be transferred over to Mr. DiDomenico. This proposal is a lot line revision to the plan and does not create any new lots. As of this time, the approved subdivision plan has not been recorded. Note #13, which states that there shall be no further subdivision would have to be expanded to include the area labeled Annex Parcel "A". Also, the sewer to the site is to come from the sewer line located on property owned by H.Y.K. The sewer line would cross through property to be owned by Mr. DiDomenico should the transfer take place prior to the installation of the sewer line. Mr. Granaham needs to ensure that he will still be able to construct the sewer line across this ground and that the sewer line and easement will be able to be transferred to the municipal authority. The planning commission had no problem with the proposal and recommended that the board approve the revised plan. After review of the proposed plan, Dean Becker made a motion seconded by Gordon MacElhenney to approve the revised plan to allow the property line of lot 6 to be redrawn conditioned upon: (a) labeling the area that is to be turned over to Mr. DiDomenico as Annex Parcel "A, to expand Note #13 to include Annex Parcel "A" from not being further subdivided, (b) add setback lines on lot 6, and (c) to document that access to the construction of the sewer line as well as transfer of said sewer and easement can be given to the Perkiomen Township Municipal Authority. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

- **Kriebel:** Ryan Costello, representing Violet Kriebel, requested to come before the board to discuss her rezoning application. He explained that the sketch plan shows larger lots

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than what the rezoning of R-1 would allow. All she wants to do is live out her life in a new house that would accommodate her should she be placed in a position where she would need a wheelchair. It is not her intension to max out the site in terms of what the R-1 could allow. It is his opinion, based upon the surrounding zoning that residential zoning would fit in with the neighborhood. All one has to do is drive down Seitz Road and you can see residential homes. It was his opinion that the surrounding residents would be very happy with a residential zoning here rather than a zoning of Commercial Retail. It was his opinion that the uses set forth under the CR are not consistent with the surrounding area. All she would like to do is subdivide the property into four lots, build a new home on one of the new lot, and sell the other lots and her existing home. The selling of the lots would then place her in a financial position where she could afford to build the new home. Mr. Costell took a few minutes and reviewed the history of this property. In researching this, he feels that the zoning history is unclear. He found a 1975 zoning ordinance, but there was no zoning map with the zoning ordinance. As a result, he was not clear on when the property was rezoned to CR. The only map he was able to see was the one from 2001 which shows this area as CR-Commercial Retail. Since the current zoning does not allow for residential, Mrs. Kribel's home is nonconforming. Based upon this information, he requested that the board reconsider their decision made at the June meeting. The board informed Mr. Costello that they would not make a decision to reconsider their decision at this meeting, but will do so as a later date.

COMMENTS FROM THE PUBLIC

Sean Cullum, attorney representing Lou DiDomenico, on his application for property he owned of Trappe Road, stated that his client will withdraw his subdivision application for this property. His client indicated that he will follow his path as a nonconforming use as a junk yard for this property and a recycling for scrap metals.

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