

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING  
MINUTES: NOVEMBER 1, 2005**

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

**BETTER LIVING HOMES:** Prior to the November Board of Supervisors meeting, there was a public hearing on the Conditional Use Application of Better Living Homes regarding encroachment into the steep slopes. The record was closed as of this date. The Board must render a decision within 45-days of this date.

**MINUTES:** The minutes of the October 4, 2005 meeting were approved as presented.

**POLICE REPORT:** There was no PA State Police Report for October.

**CORRESPONDENCE:** Cecile Daniel

- Bruce MacBain- Lower Frederick Ambulance Report
- PSATS Bulletin
- CPVRPC Minutes of October 11, 2005
- Zoning Hearing Board Decision – Heritage Building Group Lot #22
- Letter received from Colleen Haines regarding variance application before the Zoning Hearing Board

**SOLICITOR’S REPORT:** Kenneth Picardi

Regarding the situation with Cranberry Phase 4B, nothing has changed. William McGill, a member of the homeowners association, was present. Mr. McGill indicated that the attorney for the developer and the homeowner’s association’s attorney were close to working out the issues. Regarding the DeMeno Property, Mr. Picardi presented the Board with a signed Agreement of Sale. Ms. Stevens completed an investigation of the property and is in the process of preparing a report for Montgomery County Open Space Board. A Title Report still needs to be completed. The purchase required a \$5,000.00 deposit upon signing the Agreement. Mr. Picardi recommended that the Board approve the Agreement of Sale, the issuance of a check in the amount of \$5,000.00, and completion of a Title Report. With the recommendation of the Township Solicitor, Richard Kratz made a motion, seconded by Gordon MacElhenney to approve

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the Agreement of Sale for the DeMeno Tract, authorize the issuance of a check to the Robert DeMeno Trust in the amount of \$5,000.00, and completion of a Title Report. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

**ROAD MASTER'S REPORT:** John Moran submitted his October report to the Board.

**FIRE MARSHALL'S REPORT:** John Moran submitted his October report to the Board.

**CODE ENFORCEMENT REPORT:** W. Richard Dillon submitted his October report to the Board. In addition to his report, Mr. Dillon reported that on October 27, 2005, there was a public hearing held before the Zoning Hearing Board regarding a variance application filed by Judy Muche. Mrs. Muche intends to conduct a home occupation in her home located on Maple Avenue. This home occupation is a Beauty Salon. Mrs. Muche requested a variance from certain restrictions in the Zoning Ordinance. She requested permission to have more than 5 trips per day, to be able to sell hair products on site, and to add an additional sign beyond the 2 square foot home occupational sign allowed. The Zoning Hearing Board granted the variances with the following stipulations: (1) she can only have 8 trips per day, (2) she can sell hair products on site, and (3) she cannot have an additional sign beyond that already allowed by the Zoning Ordinance. There were residents at the meeting who were also present at the Zoning Hearing Board. The residents were concerned about the following: (1) this property was connected to public sewer, need to make sure the septic tank was properly abandoned, if such abandonment was required by the Township at time the home was connected to public sewer, (2) make sure the garage where the home occupation is to take place is connected to public sewer, (3) parking lot – need to make sure that there is no violation of the impervious coverage requirements of the Zoning Ordinance and that there is compliance with the Township's Storm Water Management Ordinance. The residents were informed that if they so decided, they could appeal the decision of the Zoning Hearing Board. Also, the residents questioned the use of Willow Lane, which is a private street. The property is located at the corner of Willow Lane and Maple Avenue. The garage access is from Willow Lane. The use of the private street is an issue that between Mrs. Muche and the other residents who reside on Willow Lane, not the Township.

**PLANNING COMMISSION:** The Planning Commission held its meeting on October 18, 2005. The following projects were discussed at that meeting: (1) Iron Bridge Corporate Center – the Land Development Plan of Nimlok Philadelphia, Inc. This is a proposal for a 10,000 square foot building located in Phase 2 of the Iron Bridge Corporate Center. (2) Beltz – Michael and Leslie Beltz own a property located at 82 East Park Avenue. This is a lot line adjustment and the plan will be taken under new business. (3) Better Living Homes – Conditional Use Application – The application was to consider encroachment into the steep slopes. A public hearing was held before the November Board of Supervisors Meeting. (4) Shopping Center – Bryan Hunsburger had a request from a potential buyer for 10 acres of the CR-Commercial Property. The request was to

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locate a school bus company there. This request would require a change in the Zoning Ordinance. The Planning Commission members were not in favor of recommending such a request.

**ENGINEER'S REPORT:** Pamela Stevens

**MILLER BROTHERS:** Ms. Stevens reviewed her letter of November 1, 2005 regarding the request of Miller Bros Div. of Wampole-Miller, Inc. This was a request for an escrow release known as Escrow Release No. 1. The amount being requested for release is in the amount of \$10,773.95, which acknowledges a retainage of \$567.05 (5%). Ms. Stevens reviewed the requested and recommended the release. With the recommendation of the Township Engineer, Gordon MacElhenney made a motion, seconded by Edward Savitsky to approve the Escrow Release No. 1 in the amount of \$10,773.95 to Miller Bros. Div. of Wampole-Miller, Inc. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

**BETCHER ROAD:** Ms. Stevens reviewed her letter of October 28, 2005 regarding the request of Dan Malloy Paving, Inc. This was a request for an escrow release known as Escrow Release No. 1. The amount being requested for release is in the amount of \$55,487.25. Ms. Stevens reviewed the requested and recommended the release. With the recommendation of the Township Engineer, Richard Kratz made a motion, seconded by Gordon MacElhenney to approve the Escrow Release No. 1 in the amount of \$55,487.25 to Dan Malloy Paving, Inc. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

**2005 ROAD PROJECT:** Ms. Stevens reviewed her letter of October 28, 2005 regarding the request of Dan Malloy Paving, Inc. This was a request for an escrow release known as Escrow Release No. 4. The amount being requested for release is in the amount of \$23,126.80. Ms. Stevens reviewed the requested and recommended the release. Also, Ms. Stevens informed the Board that the Final Application for release has been rescheduled for consideration in December. With the recommendation of the Township Engineer, Dean Becker made a motion, seconded by Edward Savitsky to approve the Escrow Release No. 4 in the amount of \$23,126.80 to Dan Malloy Paving, Inc. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

**RECEIPTS AND EXPENDITURES:** Treasurer

The Treasurer read the receipts and expenditures for the month of October. After review of same, Edward Savitsky made a motion, seconded by Dean Becker to authorize payment of the October bills. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

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Kenneth Picardi reviewed the draft Ordinance that he prepared regarding the Debt Ordinance of \$3,000,000 for the purchase of Open Space. Before he can finish the Ordinance, there are a few items that he needs addressed. These items came from Gordon Walker. The items are as follows: (1) In Harleysville National Bank's proposal the fixed rate, after the initial 18-months, could be for 5 years or 7 years. Mr. Walker recommended the 7 years. Based upon Mr. Walker's recommendation, the Board directed Mr. Picardi to prepare the Ordinance for a fixed rate for 7 years. (2) The question of payment of the loan, quarterly or monthly. Based upon the recommendation of Ms. Daniel, the Board directed Mr. Picardi to set the payment schedule as monthly. With no further changes, both Mr. Walker and Mr. Picardi recommended that the Board authorize advertisement of the Loan Ordinance. With the recommendation of Mr. Walker and Mr. Picardi, Richard Kratz made a motion seconded by Gordon MacElhenney to authorize advertisement of the \$3,000,000 Debt Ordinance for Open Space. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

Last, Ms. Daniel reviewed the proposed 2006 Perkiomen Township Budget. She indicated that there are no proposed increases except in the Hydrant Fund Budget. For the Hydrant Fund Budget, there will be an increase of: (1) for Aqua Water System - \$4.45/household. This will make their fee, \$31.13 per household. (2) for PA American Water System - \$.86/household. This will make their fee, \$12.00 per household. Ms. Daniel requested authorization to advertise the budget. With the request of the Township Manager, Richard Kratz made a motion seconded by Dean Becker to authorize advertisement of the 2006 Perkiomen Township Budget for the December 6, 2005 meeting. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

**OLD BUSINESS:**

Mr. Patterson informed the public that the decision of the Heritage Woods Conditional Use Application will be held on Tuesday, November 8, 2005 @ 7:45 p.m. Also, a public hearing will be held on Tuesday, December 13, 2005 on the rezoning application of Violet Kriebel.

**NEW BUSINESS:**

- **RESOLUTION 2005-22:** Michael and Leslie Beltz own a property located 82 East Park Ave. This property is located on the other side of the Perkiomen Creek. The present zoning is R-1. The Beltz's property was originally a part of the property owned by the Beltz Family. A piece was subdivided and Michael and Leslie Beltz constructed a single family home on the new lot. Since that time both parents have passed on and now Michael Beltz is looking to expand the size of his existing lot by adding an additional 0.9858 acres. This additional ground will come from the property owned by Edna Beltz, his mother. The plan proposes a lot adjustment to incorporate the additional ground into

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Mr. Beltz's

existing lot. This proposal is considered a Minor Plan – Lot Line Adjustment. The planning commission reviewed this plan at their October meeting and recommended approval. The Board reviewed the plan and Resolution 2005-22. Upon review and consideration of this proposed plan, Dean Becker made a motion, seconded by Edward Savitsky to approve Resolution 2005-22. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

- **FENCE:** Barry Wright of 100 Adams Lane was present to discuss a request to construct a fence on property owned by Perkiomen Township. Mr. Wright's property is a corner lot at Adams Lane & Trappe Road. When Perkiomen Greene was approved, there was a strip of property that extends along Trappe Road. This area was dedicated to the Township. This property lies between the Wright property and the abutting corner property at Commons Lane and Trappe Road. Mr. Wright would like to run his fence from the front of his house to the end of his property line and encroach into this area by approximately 15 feet. Mr. Wright explained that the fence would be split rail with mesh around the lower portions. His reason for doing this is to keep his children and dogs within the yard and off of Trappe Road. The abutting neighbor also has a fence and this is where Mr. Wright will line up his fence. Mr. Dillon explained that the fence constructed on the neighbor's property was constructed when the property was still owned by K. Hovnanian and the Township had no control over the property. Since the Township now has ownership, it is a separate issue that the Township will have to handle with that property owner. The Wrights would like permission to install this fence. Due to the location of the property along a major roadway and the diminimus area involved, Mr. Picardi did not consider the area to be usable open space. Mr. Picardi felt that the Board could consider vacating this fifteen feet or the Board could just approve or deny the request. After discussion of the request by the Board, and given the unusual circumstances, Richard Kratz made a motion, seconded by Dean Becker to approve the request of Barry & Carol Wright and allow the construction of a fence along the Trappe Road side by encroaching into property owned by the Township by fifteen feet from the front of the house to the rear edge of the property with the condition that a letter be sent to the owners acknowledging their limited license to install a fence, but granting them no further rights or interest on the property. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.
- **MCPC:** The 3 year Planning Assistance Contract between Perkiomen Township and Montgomery County Planning Commission is before the Board for consideration. This contract would run from January 2006 through December 2008. The Township could terminate the contract during this 3 year period if for some reason the decision was made to contract these services with an outside consulting firm. Also, Ms. Daniel point out that the Central Perkiomen Valley Regional Planning Commission was looking at a similar

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three year contract. Due to the work both planning groups are working out, it would be

beneficial to have this contract. It was also pointed out that under the State Municipal Planning Code, the County Planning Commission is required to review all plans, zoning amendments, and zoning changes regardless of the Township having a contract. After review and consideration of the information presented, Richard Kratz made a motion, seconded by Dean Becker to approve the 3 year Planning Assistance Contract between Perkiomen Township and Montgomery County Planning Commission by Resolution

2005- 23. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

- **EASEMENT:** Cecile Daniel explained that there is an area of the School House Run Interceptor that needs work. The Lower Perkiomen Valley Regional Sewer Authority is going to make this work a part of their contract. In order to complete this work they need a temporary easement along property owned by the Township. The issue before the Board was approval of this written temporary easement. After review and consideration, Edward Savitsky made a motion, seconded by Richard Kratz to grant a temporary construction easement to the Lower Perkiomen Valley Regional Sewer Authority form work being done on the School House Run Interceptor. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

**COMMENTS FROM THE PUBLIC**

William McGill of the Cranberry Homeowners Association was present to inform that Board that the association would like to discuss with the Board crosswalks across Cranberry Boulevard, sidewalks along Cranberry Boulevard, and speed humps on Forge Road and Cranberry Boulevard. Mr. McGill indicated he would like to discuss at the December Board meeting.

**SUPERVISORS COMMENTS**

Richard Kratz indicated that the person owning property along Wartman Road between Greenwood Avenue and Township Line Road is interested in selling the property. The Board directed the Township Manager to have the property appraised upon a motion made by Richard Kratz and seconded by Gordon MacElhenney. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

**EXECUTIVE SESSION** – The Chairman recessed the meeting to go into an executive session. The executive session was concerning the lawsuit filed by Lower Providence Township and Lower Providence Sewer Authority against the Lower Perkiomen Valley Regional Sewer Authority. Perkiomen Township is a member of the LPVRS.

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After discussion of the lawsuit, the Chairman reconvened the meeting. Gordon MacElhenney made a motion, seconded by Dean Becker to authorize Kenneth Picardi to enter his appearance on behalf of Perkiomen Township as a defendant in the case of Lower Providence Township,

Lower Providence Sewer Authority vs. Lower Perkiomen Valley Regional Sewer Authority. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

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