

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING
MINUTES: MAY 6, 2008**

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

OTHERS PRESENT: Cecile Daniel, Township Manager
Kenneth Picardi, Township Solicitor
Pamela Stevens, Township Engineer
John Moran Jr., Code Enforcement Officer
John Moran Sr., Road Master (Absent)

Edward Savitsky called the May 6, 2008 Board of Supervisors Meeting to order in the Perkiomen Township Administration Building at 7:00 p.m.

MINUTES: The minutes of the April 1, 2008 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 carried by a vote of 5-0.

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

CORRESPONDENCE:

- CPVRPC- Minutes of their meeting for April.
- Perkiomen Valley Library – Donation Letter.
- PSATS Alert Bulletin
- Limerick Township – Traffic Signal/Township Line Road/Graterford Road/Wartman Road

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

- (1) T-Mobile: Mr. Picardi is still waiting for the sublease agreement with Nextel;
- (2) Requested **EXECUTIVE SESSION:** To review settlement agreement with HYK
- (3) Land Acquisition: Being handled by David Allebach, Mr. Picardi’s partner.
- (4) Centennial Street – Notified the bonding company regarding the project deficiencies.
- (5) Requested **EXECUTIVE SESSION:** To discuss the possible purchase of the remainder of the Huber Property.

ROAD MASTER’S REPORT: John Moran Sr. was not present at the meeting; therefore, Mr. Patterson submitted Mr. Moran’s report for April to the Board. In addition to his regular report, Mr. Moran submitted a memo dated May 6, 2008. In this memo, Mr. Moran recommended that the following companies be awarded the Materials and Supply Bids for 2008/2009:

FUEL – Oehlert Brothers

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STREET SWEEPING – Reiley Street Sweeping
EQUIPMENT – P.K. Moyer
SNOW & ICE REMOVAL – Buck Enterprises & Russo Landscaping
OPEN SPACE GRASS CUTTING – Buck Enterprises
HIGHWAY MATERIALS – Highway Materials
LINE PAINTING & THERMOPLASTIC – PSX

After reviewing the memo and recommendation of Mr. Moran, Gordon MacElhenney made a motion, seconded by Dean Becker to award the 2008/2009 Materials and Supply Bids per the recommendation of Mr. Moran and as listed above. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

FIRE MARSHALL’S REPORT: John Moran Sr. was not present at the meeting; therefore, Mr. Patterson submitted Mr. Moran’s report for April to the Board.

CODE ENFORCEMENT REPORT: John Moran Jr. submitted his April report to the Board.

PLANNING COMMISSION REPORT: The Planning Commission held their meeting on April 15, 2008. **74 GRAVEL PIKE:** This is a minor subdivision located in the Village Commercial- Residential One District (Village of Rahns). The plan proposes one twin home. The third lot is an area of approximately 5 acres that is being offered for dedication to Perkiomen Township for open space. **P.V. ASSOCIATES REALTY L.P.:** Review of the final report to the Board of Supervisors in anticipation of the Public Hearing scheduled for Thursday, April 17, 2008.

PARK & RECREATION/MUNICIPAL AUTHORITY REPORT: Cecile Daniel informed the Board that the Park & Recreation Board Meeting and the Municipal Authority Meeting were held on April 8, 2008. The Park & Recreation Board discussed the survey work to be completed for the property on Mayberry Road and the Huber Property. SSM submitted proposals to complete these two surveys. The Board of Supervisors reviewed the Confirmation of Services. For the Huber Property, the amount was set at \$6,200 and for the Mayberry Road Property; the amount was set at \$7,300. After review of the proposals, Richard Kratz made a motion, seconded by William Patterson to authorize SSM to complete the survey for the Huber Park at a cost of \$6,200 and for the Mayberry Road Park at a cost of \$7,300. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0. Next, Ms. Daniel informed the Board that she had been contacted by two individuals who are interested in being members of the Park and Recreation Board. Ms. Daniel indicated that she is waiting for a letter of interest from one of these individuals. Next, Ms. Daniel discussed with the Board two items having to do with the Community Room. One, the Civic Association is no longer taking care of this room; therefore, there is no one to open or close the room after hours. The Board had a brief discussion on this topic and directed Ms. Daniel to place this topic on the Board’s June agenda. Mr. Kratz indicated that he may see if someone from the Park and Recreation Board may be able

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to take care of this room. Second, was the issue of restricting parking in the parking lot at the Township Administration Building. Ms. Daniel explained that parking is limited and when the Community Room is being used, parking in the Township's parking lot becomes a problem for those individuals who wish to come to the administration building to conduct business. Ms. Daniel recommended that nine spaces be reserved and signs posted informing people that these nine spaces are reserved for those individuals who have come to the Township Administration Building for the purpose of conducting Township business. Dean Becker made a motion, seconded by William Patterson authorizing Ms. Daniel to purchase the signs and designate these nine parking spaces as reserved for individuals who are coming to the Township Administration Building for the purpose of conducting township business. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0. Last, Ms. Daniel informed the Board that she was contacted by the Montgomery County Health Department and informed that there were two cases of rabies in the Township. The areas were posted where the rabid animals were caught so that the residents in the area would be aware of the situation. Regarding the Municipal Authority Meeting, Ms. Daniel updated the Board on the water shut-off letters that the Municipal Authority has been sending out for the customers that owe the Municipal Authority a considerable sum on their sewer bills. Ms. Daniel informed the Board that there would be no Park and Recreation and Municipal Authority Meetings in May.

ENGINEERS REPORT: Ms. Stevens discussed the following items with the Board:

- **2008 ROAD PROJECT:** Ms. Stevens presented a memo regarding the proposed road work for 2008. Ms. Stevens informed the Board that she has become aware of a recent court decision that could affect the way in which the Township has been conducting their road projects. Before proceeding with this work, the PA Labor and Industry needs to be contacted. L&I needs to be asked whether or not the Township can continue with using the local forces as a way to complete the Township's road projects. If L&I concludes that the Township should be requesting wage determinations, the cost of the Township's road projects will increase. Ms. Stevens informed the Board that she will try to obtain an answer from L&I and return with an answer at the June Board Meeting.
- **TRAFFIC SIGNAL:** Ms. Stevens informed the Board she received a request for payment from Armour & Sons Electric. This request was Payment Application #2 for the traffic signal installation at Township Line Road, Wartman/Graterford Roads in the amount of \$7,820.91, which reflects the withholding of the 10% retainage. Ms. Stevens has reviewed the request for payment and recommends that the Board approve the request in full. With the recommendation of Ms. Stevens, Richard Kratz made a motion, seconded by Gordon Mac Elhenney to approve the request of Armour & Sons Electric in the amount of \$7,820.91. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

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- **MASK TRUST:** Ms. Stevens informed the Board she received a request for payment from the developer known as Mask Trust. This request was Escrow Release No. 6 in the amount of \$3,182.76. Ms. Stevens has reviewed the request for payment. Ms. Stevens informed the Board that this release does not include the contingency. There remains an issue regarding the sanitary sewer line on Lot 3 that is being handled between David Allebach, the property owners of Lot 3 and the developer. Ms. Stevens recommended that the Board approve the request in full. With the recommendation of Ms. Stevens, Dean Becker made a motion, seconded by William Patterson to approve the request of Mask Trust in the amount of \$3,182.76. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

- **HVAC AWARD:** Ms. Stevens explained that five bids were received for the replacement of the HVAC. These bids were opened and read aloud on May 1, 2008. The lowest bid was received from Davis Modern Heating & Cooling of Norristown, PA. The bid amount was \$13,831.00. Ms. Stevens and Mr. Picardi reviewed the bid documents and found them to be in order. As a result, Ms. Stevens and Mr. Picardi recommended that the Board award the replacement of the HVAC AHU-1 to Davis Modern Heating & Cooling in the amount of \$13,831.00. The Board reviewed the information and considered the recommendation of Ms. Stevens. Richard Kratz made a motion, seconded by Dean Becker to award the HVAC AHU-1 to Davis Modern Heating & Cooling in the amount of \$13,831.00. 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 April. After review of same, Dean Becker made a motion seconded by Richard Kratz to authorize payment of the April bills. There were no public comments on the motion. The motion was carried unanimously by a vote of 5-0.

NEW BUSINESS:

- **RESOLUTION 2008-7: 74 GRAVEL PIKE** – The owner proposes to remove the existing home located at 74 Gravel Pike in the Village of Rahns and to construct a new twin home which is allowed in the Village Commercial Residential District. Lot #3 of this proposed subdivision (consisting of approximately 5 acres) is being offered for dedication to Perkiomen Township. Susan Rice, applicant's engineer, and Sean Cullen, applicant's lawyer, were present to review this minor subdivision plan with the Board of Supervisors. The Board reviewed the plan and the conditions and waivers as set forth within Resolution 2008-7 as follows:

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Compliance with Subdivision and Land Development Ordinance

1. Section 11.43(a)(13) of the Subdivision Ordinance requires a Certificate of Ownership, Acknowledgement of Plan, and Offer of Dedication shall be lettered on the plan, using the form in the appendix, and shall be duly acknowledged and signed by the owner(s) of the property and notarized. The Plan requires an additional signature block for Kelly Homes.
2. Section 11.43(a)(15) of the Subdivision Ordinance requires a blank space measuring three and one half inches square left adjacent to the municipal certification, in which the endorsement stamp of the County Planning Commission may be applied.

GENERAL COMMENTS

1. Penn DOT Highway Occupancy Permits (HOP) will be required for the proposed driveways. Note 9 on the Record Plan shall be revised per the information given to the Applicant by the Township Manager.
2. There is an existing culvert that runs from the west side of S.R. 29, under S.R. 29, to the east side of S.R. 29. The existing culvert runs to the beginning of the existing Riparian Corridor located on Lot #2. If during the review of the HOP, Penn Dot requires an easement over the existing culvert, the applicant shall provide the Township with a copy of the Recorded Easement prior to the issuance of a building permit for the twin home. If Penn DOT does not require an easement over the existing culvert, then the property owner for Lot #2 shall be responsible to maintain the existing culvert. A note shall be added to the Record Plan as follows: "If Penn DOT does not require an easement over the existing culvert for Lot #2, the Property Owner of Lot #2 shall not remove, alter, or modify the existing culvert without approval from Perkiomen Township or Penn Dot. The Property Owner of Lot #2 shall be responsible to operate, maintain, and repair the portion of the existing culvert that is on Lot #2 and outside of the right-of-way of S.R. 29."
3. The Montgomery County Planning Commission recommended the following tree species be planted: Dogwood or Winter King Hawthorne, or Redbud. The Applicant shall choose more than one (1) of the above species for the three (3) required street trees. The street trees shall be located on the Plan prior to the signing of the Record Plan. The street trees shall be installed prior to the issuance of the last Use and Occupancy for the twin home. A note shall be added to the Record Plan stating the following: "All Plant material planted by the Developer shall be guaranteed by the Developer for eighteen (18) months from the issuance of the last Use and Occupancy Permit for the twin home."
4. Under the Recording Acknowledgement where the applicant listed the Planning Commission approval, the signature block should be changed from "Vice-Chairman" to "Secretary" and the Certificate of Township Engineer shall be deleted.
5. A Note shall be placed on the Record Plan regarding the installation of the one foot (1') retaining wall located on Lot #2. The note shall be as follows: "The retaining wall shown on Sheet 3 of 3 shall be installed prior to the issuance of a Use and Occupancy Permit for Lot #2."

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6. The Township, the Applicant, and any other owner(s) of the subject property shall enter into a written agreement authorizing and explaining why this subdivision plan is being approved in spite of a note to the contrary on a related subdivision plan, namely Note 13 on the Swarr/Swede Project – Final Plan, which purports to prohibit further subdivision.

WAIVER

1. The applicant is proposing offering Lot #3 to the Township for dedication. Section 11.54(b)(1) of the Subdivision Ordinance discusses access to parcels from a public or a private street. Access to Lot #3 is being proposed by the Perkiomen Trail or the existing sanitary easement of the Perkiomen Township Municipal Authority neither of which is a public or a private street. Both the Perkiomen Trail and the sanitary sewer easement of the Perkiomen Township Municipal Authority pass through Lot #3. Once Perkiomen Township takes dedication of Lot #3, the Township and the Perkiomen Township Municipal Authority should establish access of Lot #3 through the existing sanitary sewer easement.
2. Under Ordinance No. 173, Section 1, Subsection 11.73(b)(3)(e), street trees shall be planted every 40 linear feet of frontage. Due to the nature of the development, 2 of the 5 street trees cannot be planted and were recommended by the Planning Commission to be waived. The total of street trees to be installed is as follows: 2 within Lot #1 and 1 within Lot #2.

During the presentation there was a discussion regarding this property and the fact that this parcel was originally a part of the Swede/Swarr Subdivision. The developer of the Swede/Swarr Subdivision Plans proposes to deed this parcel over to the current owner of 74 Gravel Pike. When 74 Gravel Pike is then subdivided, a new twin home would be allowed to be constructed and remainder of Parcel A, approximately 5 acres, would be offered for dedication to the Township. However, the Swede/Swarr Subdivision Plan includes a note that restricts further subdivision of any lots within this subdivision. This note would affect the subject property known as Annex Parcel A. It was pointed out that Annex Parcel A could be combined with 74 Gravel Pike and that a twin home could be constructed thereon. Without the subdivision, though, the Township would not be able to take ownership of the remaining 5 acres of ground. Mr. Picardi indicated that the proposed Resolution should be amended so as to allow Annex Parcel A to be so subdivided. After discussing the situation Gordon MacElhenney made a motion, seconded by Richard Kratz to approve Resolution 2008-7 and amend this resolution by including language that the Township, the Applicant, and any other owner(s) of the subject property shall enter into a written agreement authorizing and explaining why this subdivision plan is being approved in spite of a note to the contrary on a related subdivision plan, namely Note 13 on the Swarr/Swede Final Plan. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

- **RESOLUTION 2008-8: EMERGENCY MANAGEMENT PLAN:** Perkiomen

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Township has, as required by Section 7503 of the Pennsylvania Emergency Management, an Emergency Operations Plan for Perkiomen Township. The plan for Perkiomen Township was originally adopted in 1989. Montgomery County has requested that the plan be reviewed and that our standing Resolution be re-adopted. Resolution 2008-8 is as follows:

WHEREAS, Section 7503 of the Pennsylvania Emergency Management Services Code, 35 Pa. C.S.A. Section 7101 et seq. mandates that Perkiomen Township prepare, maintain and keep current an Emergency Operations Plan for the prevention and minimization of injury and damage caused by a major emergency or disaster within this Township; and

WHEREAS, in response to the mandate stated above, Perkiomen Township has prepared an Emergency Operations Plan to provide prompt and effective emergency procedures to be followed in the event of a major emergency or disaster; and

WHEREAS, Perkiomen Township has also prepared and Emergency Operations Plan in order to reduce the potential affects of a major emergency or disaster and to protect the health, safety and welfare of the residents of Perkiomen Township:

NOW, THEREFORE, the Board of Supervisors of Perkiomen Township do hereby approve, adopt and place into immediate effect the Emergency Operations Plan of Perkiomen Township. This Emergency Operations Plan shall be reviewed on an annual basis to make certain that it conforms with the requirements of the Montgomery County Emergency Operations Plan.

William Patterson, as the Township's Emergency Management Coordination, explained that there were only minor changes that were made to the Township's plan and recommended that the Resolution be approved. Dean Becker made a motion, seconded by Richard Kratz to approve Resolution 2008-8. 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 Richard Kratz and seconded by William Patterson.