

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING MINUTES:
MAY 5, 2009**

BOARD MEMBERS PRESENT: Edward Savitsky, Chairman
William Patterson, Member
Dean Becker, Member
Gordon MacElhenney, Member

ABSENT: Richard Kratz, Vice-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 – FONTAINE: The Board of Supervisors held a public hearing on a Conditional Use Application filed by Brian and Penny Fontaine of 26 Merion Lane. The Conditional Use Application is for the installation of a driveway that goes from their home to the curb cut located in Merion Lane. In order to locate the driveway in this location and add a pipe to prevent storm water issues, fill needed to be added in the steep slopes. The fill that is to be added and the pipe to be located under the driveway will be in steep slopes that are shown on the plans to be between 15% to 25%. Before this work can be completed, the Board must hold a public hearing on the Conditional Use Application. Bernadette Kearney was the attorney representing the Fontaines. During the public hearing, John Hopkins, the Fontaines' Land Surveyor, reviewed the proposed plans and explained for the Board the details on the project. Mr. Hopkins informed the Board that the project complies with all the comments that came from Township Engineer Chuck Frantz. Mr. Frantz informed the Board that he reviewed the plans and that he was satisfied with the project as presented to the Board by Mr. Hopkins. Although there were Township residents in attendance, no one spoke in opposition of the Conditional Use Application. As a result, the public hearing was closed. After closing the public hearing, Mr. Savitsky questioned whether the Board wished to consider this application at this meeting or the June 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 Gordon MacElhenney to approve the Conditional Use Application for Brian and Penny Fontaine of 26 Merion Lane with the following conditions:

- The applicant must diligently pursue all necessary permits necessary for the construction of this driveway.

- That barring any unforeseen delays caused by weather or obtaining the necessary

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permits, the applicants shall substantially complete the work by September 30, 2009.

- When completing the work, the applicant shall give the Township Engineer 48 hours notice so that the work being perform can be inspected against the approved plans.
- The applicant shall escrow with the Township a check in the amount of \$5,000.00, which funds shall be used to cover the cost of the Township Engineer's review of the proposed plans and subsequent inspections.
- All restoration of the disturbed steep slopes shall be completed in accordance with the regulations of the Montgomery County Conservation District.
- In the Spring of 2010, the Township shall re-inspect the work completed to ensure that all disturbed areas have been stabilized. If during this re-inspection it is determined that there are areas that have not been stabilized, the applicant shall replant and re-stabilize the area as necessary.

There were no public comments on the motion. The motion was approved by a unanimous vote of 4-0.

CAPRIO: Robert and Joan Caprio (Caprio) own property at 539 Gravel Pike and applied to the Zoning Hearing Board for a use variance. Under the present zoning, Mr. Caprio could construct apartments, but they must be located over a non-residential use. Mr. Caprio would like to construct 24 residential only apartments. In order to discuss this project with the Board of Supervisors (BOS), the ZHB granted an extension of time on the application. A continuance on this application has been set for May 20th. At that time, the ZHB will again consider Mr. Caprio's application. Bernadette Kearney is the attorney that Mr. Caprio has hired to represent him before the ZHB. In addition to Ms. Kearney, Mr. Caprio has also retained the services of Alan Apt. Mr. Apt is a local Real Estate Agent and has been hired to explain why apartments over a non-residential use is not commercially viable. Both Ms. Kearney and Mr. Caprio explained that they met with the Township staff to go over the issues. Based upon that meeting, Ms. Kearney and Mr. Caprio explained how they have changed their plans to address some of the Board's comments. The number of units did not change. The number of apartments being proposed is still 24. What has changed is the mix. Prior to the meeting with the Township staff, Mr. Caprio proposed all one room bedroom apartments. The Board felt that two bedroom apartments would be better for the Township. In reviewing the project, Mr. Caprio proposed a mix of one bedroom and two bedroom apartments. In order to keep the number to 24, the building went from a two story building, to a three story building. The height of the three story building would still be within the maximum height limitation of 35-feet. Mr. Caprio is now proposing eighteen, two bedroom apartment and six, one bedroom apartments. There will be eight apartments on each floor. Each floor will have six, two bedroom apartment and two, one bedroom apartments. The size of the one bedroom apartment will be 750 square feet and the size of the two bedroom apartment will be 950 square feet. Presently, Mr. Caprio is considering

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charging \$750.00/ month for rent for the one bedroom apartment and \$950.00/month for the rent for the two bedroom apartment. Mr. Apt indicated that this rent amount being considered by Mr. Caprio is in keeping with the rents being charged in the surrounding area. There will be an atrium that connects the two wings of the building so that everything will be contained in one building. There will be an elevator so that the tenants have access to each floor. There will be washers and dryers on each floor and a sprinkler system. Since the property is presently served by a well on the property, a holding tank will need to be installed. When asked about a video surveillance system and lighting in the parking lot for security, Mr. Caprio did not have a problem with providing these. Mr. Caprio also indicated that he intends to have a full time resident on site to handle the day to day problems. One of the issues the Board discussed was the number of apartments. The Board discussed reducing the number to 16 versus the 24. Both Mr. Caprio and Mr. Apt explained that, from an economic perspective, 24 apartments were necessary to make this project financially viable. The Board discussed providing 2.5 parking spaces for each apartment. After looking at the layout, Mr. Caprio did not see that as an issue. The Board discussed having the apartment re-inspected each time there is a new tenant. Mr. Caprio was okay with this inspection. The Board discussed the public areas being proposed on each floor. These areas would include the elevator, a lounge area for the residents, and the washer and dryer areas. Mr. MacElhenney felt that each apartment should be furnished with individual washers and dryers. Mr. MacElhenney was opposed to having a separate area on each floor for the washers and dryers. The concern was the safety of having a separate area where residents, or others, may go to wash or dry their clothes. In sending the Township Solicitor to the public hearing on May 20th, the Board needs to give Mr. Picardi direction. Does the Board wish to request that the ZHB include certain stipulations in rendering a decision in Mr. Caprio's ZHB Application; or does the Board want Mr. Picardi to attend the public hearing in opposition to Caprio's application? After deliberating, Dean Becker made a motion, seconded by William Patterson to direct Kenneth Picardi to attend the public hearing before the ZHB and to request the following stipulations:

- The two existing apartment buildings presently located on this property will be removed and replaced with a new building.
- The building will be three stories and will not exceed the height of thirty-five feet.
- The new building will contain a mix of one and two bedrooms. On each floor, there shall be no more than two, one bedroom apartments and six, two bedroom apartments.
- There shall be 2.5 parking spaces provided per apartment.
- The Township shall have the right to conduct U&O Inspections whenever there is a new tenant or change of tenant.
- All parking areas shall be illuminated from sunset to sunrise, seven days a week.
- A video surveillance system covering the common areas and the parking lot shall be

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installed and maintained 24/7.

- There shall be an elevator to service each floor.
- The building shall have a sprinkler system and a holding tank that will hold at least 1,800 gallons of water and an adequate generator and/or back-up system to make sure the sprinkler system works 24/7.
- All leases shall be no less than six months, after the initial six months the leases can go month to month.
- All leases shall contain language that any illegal activity shall constitute a breach on the lease and be grounds for eviction.
- The apartment building shall have a full time manager who shall reside in one of the apartments.
- The property shall be developed in a manner consistent with the plan submitted for review by Mr. Caprio before the Board. That this plan, due to the size of the building, will require that Mr. Caprio file a Conditional Use Application before the Board of Supervisors.

There were no public comments on the motion. The motion was approved by a vote of 3 (yes) – 1 (no – Gordon MacElhenney).

MINUTES: The minutes of the April 7, 2009 Board of Supervisors meeting were approved upon a motion made by Dean Becker and seconded by William Patterson. 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 April.

CORRESPONDENCE:

- CPVRPC – Minutes of their meeting for April.
- PSATS Bulletin
- Trappe Ambulance Report: Report for March

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 is scheduled before the Zoning Hearing Board for May 20, 2009. Mr. Picardi will attend the public hearing to ensure that all conditions that may arise from the review by the Township Engineer are met.

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- (3) Chantel Cleason Matter - Per the discussion at the March meeting, a License Agreement was drafted and sent to Ms. Cleason for consideration.
- (4) Dog Waste Ordinance – Per the discussion at the March meeting, Mr. Picardi has drafted an Ordinance and is being reviewed by the Township Manager.
- (5) Swede/Swarr Subdivision - Letter of Credit – The letter was written and sent to Kelly Homes. National Penn Bank responded by rescinding their prior letter indicating they would not renew the Letter of Credit when it expires. In their letter to the Township, National Penn Bank will renew the Letter of Credit to June 21, 2010.

ROAD MASTER’S REPORT: John Moran Sr. submitted to the Board his Road Master’s Report dated May 1, 2009 for activities taking place during the month of April. In addition to his report, Mr. Moran submitted his memo regarding the 2009-2010 Materials and Supply Bid for the Township. In his recommendation, Mr. Moran recommended that the Board consider awarding the stone and super-pave to either Independence or Highway Material depending upon what type of stone or super-pave would be needed would determine which vendor the Township would purchase the materials from based upon the price set forth in their bid. The purchase of road salt will come from the State Contract. The snow removal vendors will be either Buck Enterprises or Russo Landscaping. The cutting of the grass will be completed by either Puppy Dog or Philadelphia Horticulture. The determination as to which vendor that will be used will be based upon the type of equipment to be used to cut the grass on the areas designated to be cut by the Township. The fuel for the Township vehicles will be purchased from Oehlert Brothers. Equipment rental and street sweeping shall be completed by P.K. Moyer. The line painting and the thermoplastic shall be completed by PSX and the use of epoxy for any line painting shall be completed by Guide Mark. The details for Mr. Moran’s recommendation are set forth in his memo of May 5, 2009. With recommendation of Mr. Moran, William Patterson made a motion, seconded by Dean Becker to award the 2009/2010 Materials and Supply Bid for the Township as recommended by Mr. Moran and set forth in his memo of May 5, 2009. There were no public comments on the motion. The motion was approved by a unanimous vote of 4-0.

FIRE MARSHALL’S REPORT: John Moran Sr. submitted to the Board his Fire Marshall’s Report dated May 1, 2009 for activities taking place during the month of April.

CODE ENFORCEMENT REPORT: John Moran Jr. submitted to the Board his Code Enforcement Report dated May 1, 2009 for activities taking place during the month of April.

PLANNING COMMISSION REPORT: The Planning Commission held their meeting on April 28, 2009 with the Board of Supervisors. At this Joint Meeting, the Caprio Zoning Hearing Board Application was discussed.

MANAGER’S REPORT:

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- (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.
- (2) Municipal Authority: The Municipal Authority is working on their I&I Program. Phase 2 is being worked on for bidding purposes. This project will be located in the Village of Rahns, at the Rahns Construction Site down to the Perkiomen Interceptor.
- (3) Highland Subdivision: Chuck Frantz has been in contact with the developer regarding the layout of the water line located through the Huber Tract. Hopefully, Mr. Frantz and Ms. Daniel will have a recommendation for the Board regarding this project by the June Board Meeting.
- (4) Betcher Road: Per the direction of the Board at the April Meeting, a letter was sent to Trappe Borough regarding the installation of pavement markings on Betcher Road. The proposal is to install four "25 MPH" markings and one "Slow & Arrow" marking. The markings would be installed with waterborne paint with reflective glass beads. In this letter, Ms. Daniel informed Trappe Borough that the Board is okay with splitting the expense 50/50.
- (5) Perkiomen Valley School District Site: In order to facilitate the STA project, the Township will need to make some amendments to its Zoning Ordinance. At the same time, Gorski Engineering has been hired by STA to prepare the necessary land development plan for the bus terminal.
- (6) Shopping Center: The Planning Commission continues to work on the proposed Renninger/Landis Shopping Center. In addition, there have been discussions between the Planning Commission and P.V. Associates, the owner of the remaining parcel of ground behind this shopping center. P.V. Associates is looking to try and rezone the remaining twenty acres to Light Industrial. The remaining twenty acres are presently zoned Commercial. In review of this proposed Zoning Amendment it has been determined that an amendment to the Central Perkiomen Valley Regional Planning Commission will be necessary.

ENGINEERS REPORT: Chuck Frantz was present to review the following items:

- **2009 ROAD PROJECT:** On April 29 the Township received four bids for the 2009 Road Project. The four bids received were from SJM Construction Company, Floyd G. Hersh, Inc., Schlouch, Inc., and Bracalente. The Road Project was bid in two parts. The

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first part was the base bid and the second part was the alternate bid. The base bid included the Seitz Road Bridge Replacement and the Bridge Street Rehab. The alternate bid included the installation of the bituminous walkway along Bridge Street (from Arbor Lane to Welsh Road). Based upon these bids the decision to award the contract depended upon whether or not the Board decided to include the alternate in the award. If the Board decided not to do the alternate, then the low bidder was SJM Construction Co. If the Board decided to include the alternate, then the low bidder was Floyd G. Hersh. Mr. Frantz reviewed all the bids received and found the four bids to be complete and below his engineering estimate. In his analysis of the numbers and work to be completed, Mr. Frantz felt that the amount set forth in the Floyd G. Hersh bid for the walkway was reasonable. Based upon his review of the bids, it was Mr. Frantz's recommendation that the Board award both the base bid and the alternative. Based upon this recommendation, Mr. Frantz recommended that the Board award the 2009 Road Project including the sidewalk to Floyd G. Hersh, Inc. in the amount of \$352,477.10 pending review by the Township Solicitor of the documents. With the recommendation of Mr. Frantz, Dean Becker made a motion, seconded by Gordon MacElhenney to award the 2009 Road Project including the base bid and the installation of the sidewalk to Floyd G. Hersh, Inc. in the amount of \$352,477.10 pending review of the documents by the Township Solicitor. There were no public comments on the motion. The motion was approved by a unanimous vote of 4-0.

- **AHU REPLACEMENT:** On April 29 the Township received four bids for the 2009 AHU Replacement Project. The four bids received were from Rogers Mechanical, Premier Mechanical, B&E Energy Group, and TMI Commercial. The 2009 AHU Replacement Project was bid in three parts. The first part was the base bid and the remaining two parts were alternative bids. The base bid included the removal/replacement of the air volume system for HVAC-1. The first alternate bid included the removal and replacement of HVAC-2. The second alternative was originally suppose to be the removal and replacement of HVAC-3, but after reviewing the bid documents, it was determine that the better alternative would be to bid the removal and replacement of both HVAC-2 and HVAC-3. Mr. Frantz reviewed all the bids received and found the four bids to be complete. In his analysis of the numbers and work to be completed, Mr. Frantz felt that the amount set forth in the Rogers Mechanical bid was reasonable for both the base bid and alternative number two (remove and replace of both the HVAC-2 and the HVAC-3). The total amount of the Rogers Mechanical bid was approximately \$2,500.00 over what was set forth in the 2009 Budget for this work. It was Mr. Frantz's recommendation to award, the 2009 AHU Replacement to Rogers Mechanical for the base bid and alternative two for a total amount of \$37,540.00. Since Mr. Frantz felt that the bid prices were very reasonable, Ms. Daniel agreed with Mr. Frantz's recommendation even though the total amount was more than was budgeted. Based upon the recommendations of both Mr. Frantz and Ms. Daniel, Gordon

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MacElhenney made a motion, seconded by William Patterson to award the 2009 AHU Replacement including the based bid and alternative two to Rogers Mechanical in the amount of \$37,540.00 pending review of the documents by the Township Solicitor. There were no public comments on the motion. The motion was approved by a unanimous vote of 4-0.

- **GUIDERAIL PROJECT:** Mr. Frantz informed the Board that J. Fletcher Creamer & Sons has completed the 2008 Guiderail Project. J. Fletcher Creamer has submitted an application for final payment. Mr. Frantz has reviewed the application for payment and found the request for payment and the final work completed by J, Fletcher Creamer to be complete. As a result, it was Mr. Frantz's recommendation that the Board approve the final payment in the amount of \$863.10. With the recommendation of Mr. Frantz, Gordon MacElhenney made a motion, seconded by Dean Becker to approve the final payment of \$863.10 to J. Fletcher Creamer & Sons, Inc. for the 2008 Guiderail Project. There were no public comments on the motion. The motion was approved by a unanimous vote of 4-0.

- **CONSERVANCY @ PERKIOMEN – ESCROW RELEASE NO. 5:** Mr. Frantz informed the Board that he received a request from Gambone Development Company for an escrow release in the amount of \$52,277.14. After reviewing the request, Mr. Frantz found that Gambone has completed all of the items; therefore, he is recommending that \$52,277.14 be released. With the recommendation of Mr. Frantz, William Patterson made a motion seconded by Gordon MacElhenney to authorize the release of \$52,277.14 to Gambone Development Company. There were no public comments on the motion. The motion was approved by a unanimous vote of 4-0.

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 Gordon MacElhenney to authorize payment of the April bills. There were no public comments on the motion. The motion was approved by a unanimously vote of 4-0.

NEW BUSINESS:

- **FIRE POLICE SERVICES:** The Board had before for it a request for Special Fire Police Services. This request is from Schwenksville Borough for May 9, 2009. This traffic control assistance is for the Borough's Community Day. Mr. Moran Jr. informed the Board that the Special Fire Police have been notified and are available. William Patterson made a motion, seconded by Dean Becker to approve the request of

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Schwenksville Borough to provide Special Fire Police Services for May 9, 2009. There were no public comments on the motion. The motion was approved by a unanimous vote of 4-0.

- **ACT 32:** Cecile Daniel made the Board aware that they need to comply with the requirements set for in Act 32. Act 32 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 tax will be restructured by the creation of county wide Tax Collection Districts (TCDs). The TCDs will initially be created under a Tax Collection Committee (TCC). The TCC membership will be composed of one voting delegate and one alternate delegate from each municipality and school district that has an Earned Income Tax in place by June 30, 2009. The delegate and the alternate must be appointed by the Board by September 15, 2009. The TCC must hold their first meeting by November 15, 2009. This first meeting is convened by the County Commissioners. The delegate votes will be weighted in proportion to 50% of the income tax revenue collected and 50% of the population. Ms. Daniel explained that the information that was given to her indicated that Perkiomen Township could work with the Perkiomen Valley School District and the municipalities that make up the PVSD to appoint the delegate and the alternate delegate. By working together, the municipalities could improve the weight of their vote when it comes to the voting necessary to create the By-Laws of the TCC. The by-laws must be created by the TCC no later than April 15, 2010. Ms. Daniel is informing the Board as to the requirements of Act 32 so that the Board understands the need to meet the requirements of Act 32.

SUPERVISORS COMMENTS

Gordon MacElhenney recommended that his fellow Board members look at the area along Bridge Street, across the street from the Birchwood Entrance. The question was whether the Board should consider installing guiderail along this area of Bridge Street.

Dean Becker informed his fellow Board members that, at the PSATS Convention, there was discuss coming from Harrisburg about the threat of consolidation of Townships.

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