

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING  
MINUTES: SEPTEMBER 1, 2009**

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

**ABSENT:** Dean Becker, Member

**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

**MINUTES:** The minutes of the August 4, 2009 Board of Supervisors meeting were approved upon a motion made by William Patterson and seconded by Richard Kratz. 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 August.

**CORRESPONDENCE:**

- Lower Frederick Ambulance Report for August.
- Trappe Ambulance Report: Report for July/August.
- PSATS Alert

**SOLICITOR'S REPORT:** Kenneth Picardi reported on the following activities:

- (1) Gambone (Conservancy Subdivision) – Gambone sold the last three lots to Horgan Brothers. Gambone is moving forward with dedication of the public improvements. A new tri-party agreement between the Township, Horgan, and Gambone needs to be negotiated. This tri-party agreement will cover those items that will become the responsibility of Horgan Brothers. The agreement is still being worked out amongst the parties.
- (2) Assessment Appeals – Sacks Family Associates, LP (“Sacks”) at 70 Rahns Road. Montgomery County Board of Assessments has rendered a decision in the assessment appeal filed by Sacks. The Board of Assessment’s decision was to reduce the assessment from \$1.6 million to \$864,000.00. The issue was whether or not the Board of

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Supervisors wanted to appeal this decision. The Board directed Mr. Picardi to contact the solicitor for the Perkiomen Valley School District. If the decision of the School District was to appeal the Board of Assessment's decision, then they would consider participating. If the decision of the School District was not to appeal this decision, than the Board does not wish to file an appeal.

- (3) Chomo – A hearing before the Perkiomen Township Zoning Hearing Board was held on August 26<sup>th</sup>. At that public hearing, the ZHB upheld the determination of John Moran Jr. that a screened-in porch constitutes an enclosed porch. However, the ZHB did grant Chomo a variance to construct a screened-in porch which will encroach into the rear yard setback.
- (4) 316 Township Line Road – T-Mobile has submitted information to the Township of its intention to construct a telecommunication's tower at 316 Township Line Road (Calabretta property). The information that was submitted to the Township indicated that T-Mobile intends to construct a 125 foot silo and that the antenna and support structure would be located within the silo. Before submitting a formal application to the Township, T-Mobile would like to discuss with the Township why they feel the installation of a silo/telecommunication tower is permitted at this site.

**ROAD MASTER'S REPORT:** John Moran Sr. submitted to the Board his Road Master's Report dated September 1, 2009 for activities taking place during the month of August.

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

**CODE ENFORCEMENT REPORT:** John Moran Jr. submitted to the Board his Code Enforcement Report dated September 1, 2009 for activities taking place during the month of August. In addition to his report Mr. Moran informed the Board as to the same information given by Mr. Picardi regarding the Chomo Zoning Hearing Board Application.

**MANAGER'S REPORT:** Cecile Daniel reported on the following items:

- (1) **SHOPPING CENTER:** Based upon the PADOT review of the proposed improvements to be completed on Route 29, PADOT required changes to the proposed land development plan. PADOT does not want the left hand turn into the entrance of the shopping center restricted. The affect of this change will require more improvements along Route 29. The improvements will now start about 160' south of Maple Avenue. PADOT also reviewed the proposed improvements at Harrison Avenue. There were

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some changes made that may affect the parking spaces located at the Otts' Property. The affect of PADOT's review and changes to the proposed improvements will require an amendment to the approved Conditional Use approval. The plans and traffic study presented during the public hearings were different that what is now being proposed. The Applicant needs to request an amendment to the approved Conditional Use Approval. This will require another public hearing before the Board.

- (2) **COMPREHENSIVE PLAN AMENDMENT:** The Central Perkiomen Valley Regional Planning Commission has drafted an amendment to the CPVRPC Comprehensive Plan. The Township received this amendment on May 22, 2009. Under the Municipalities Planning Code, the Municipalities and School District has 45 days to review this amendment and make a recommendation to the governing body. After the 45 day period has expired, the governing body must hold a public hearing on this amendment. Under the Inter-Municipal Agreement covering the Central Perkiomen Valley Regional Planning Commission, the decision to adopt this amendment to the Regional Comprehensive Plan must be unanimous amongst all 6 governing bodies. A public hearing for this has been set for Tuesday, September 22, 2009, at 7:00 p.m., in the Perkiomen Township Administration Building to consider this amendment.
  
- (3) **LIGHT INDUSTRIAL:** The Board and the Planning Commission held a Joint Meeting on July 28, 2009 to discuss the draft Light Industrial Ordinance and the future decision regarding the zoning of the 20 acres that Bryan Hunsberger owns behind the Landis Shopping Center. The Board made it clear that they will not consider re-zoning this property to residential. The Board was concerned about the language being proposed for the definition of manufacturing located with the Light Industrial Ordinance. The recommendation made by the Board was to review the proposed language set forth within the draft Ordinance for the definition of manufacturing.
  
- (4) **STATE POLICE COVERAGE:** Regarding the two bills in the House concerning payment for State Police Coverage. The first bill was HB 1500 and the second was HB 963. According to the information that I have been able to obtain, the status of these two bills has not changed. HB 1500 was voted out of Committee on July 1, 2009. The first vote was to table the bill, it lost by one vote. The second vote was to move the bill out of committee. It passed by one vote. The present bill is before the full House for consideration. HB 963 is still before the Judiciary Committee and has been since March 16, 2009. There is nothing new on this.

**ENGINEER'S REPORT:** Chuck Frantz reported on the following:

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- **2009 ROAD PROJECT:** Floyd G. Hersh Inc. submitted an application for payment No. 1 in the amount of \$118,485.00 for the 2009 Road Project. Mr. Frantz reviewed the request for payment and recommended that the Board pay the amount being requested. With the recommendation of Mr. Frantz, Richard Kratz made a motion, seconded by Gordon MacElhenney to approve Payment #1 to Floyd G. Hersh Inc. in the amount of \$118,485.00. There were no public comments on the motion. The motion was approved by a unanimous vote of 4-0.
  
- Next, Mr. Frantz presented information to the Board comparing the cost of the original bid item of the sidewalk to two possible options. The first option was to consider a sidewalk along Fox Heath Boulevard. Mr. Frantz broke this into three categories and two different widths for the sidewalk. The categories were as follows: (a) existing stone path to Dartmoor Road; (b) Dartmoor Road to Fell Lane; or (c) existing stone path to Fell Lane. The width of the sidewalk was either three feet or four feet. The second option was along Seitz Road between Maple Avenue and Adrain Road. Again, Mr. Frantz broke this option into three categories. The categories were as follows: (a) new bridge to Maple Ave; (b) new bridge to Adrain Road; or (c) Maple Ave to Adrain Road. The width of the sidewalk was either three feet or four feet. The last item discussed was the proposed bus stop pad at Bridge Street and Welsh Road. The Board discussed with the Township Solicitor the need to install a sidewalk even though the 2009 Road Contract provided for one. The Board had determined previously that they were not going to install the sidewalk in the location specified in the 2009 Road Project. The Board agreed that they would install a bituminous bus stop pad at the intersection of Welsh Road and Bridge Street so that the children have a safer place to stand when waiting for the school bus. The discussion with the Township Solicitor was issuing a change order that would remove the installation of a sidewalk and provide for the installation of a bituminous bus stop pad for the children waiting for the school bus. If the Board was of the opinion that no sidewalk should be installed and the contractor was okay with this, then the Township Solicitor recommended that the Board consider a changer order that would remove the sidewalk and replace it with the bituminous bus pad. At this time it is the understanding of the Township Engineer that the contractor is okay with replacing the sidewalk with the bituminous bus stop pad. With the advice of the Township Solicitor, Richard Kratz made a motion seconded by Gordon MacElhenney to approve Change Order #2. Change Order #2 will approve the installation of the bituminous bus stop pad at Welsh Road and Bridge Street and delete the installation of the sidewalk along Bridge Street from Arbor Lane to 659 Bridge Street as part of the 2009 Road Project. 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

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month of August. After review of same, Richard Kratz made a motion seconded by William Patterson to authorize payment of the August bills. There were no public comments on the motion. The motion was approved by a unanimous vote of 4-0.

**NEW BUSINESS**

- **PERKIOMEN VALLEY SCHOOL DISTRICT:** Representatives of the Perkiomen Valley School District were present to discuss with the Board the question that the School District has placed on the November ballot regarding the increase in the Earned Income Tax and the elimination of the Occupation Assessment Tax. James Weaver, Business Administrator of the PVSD, was the spokesperson regarding this referendum. Mr. Weaver explained that Act 130 of 2008 made it possible for school districts to place on the ballot a referendum to replace the Occupational Assessment Tax with an Earned Income Tax. Based upon the revenues generated from the Occupational Assessment Tax, the EIT will have to be increase by 0.4%. The increase will provide sufficient revenues in the EIT so that the EIT increase would be revenue neutral. Presently, the current EIT rate is 0.5%. The new rate, if the referendum passes, would be 0.9% for the PVSD. The total amount of the EIT paid to both the Township and PVSD, should the referendum pass, would be 1.525%. There will be an increase in the cost to collect the EIT. It is estimated that this cost could be \$200,000.00. Last, if the referendum is passed and the Occupational Assessment Tax is eliminated, it can never be brought back as an additional revenue source for the PVSD. Mr. Weaver closed his presentation by informing the Board that the PVSD has scheduled two public meetings to discuss this with the public. The public meetings will be October 15, 2009 at Skippack Elementary School, and October 21, 2009 at the PV Middle School East.
  
- **FIRE POLICE SERVICES:** The Board reviewed two requests for Fire Police Services. The first request was made by Schwenksville Borough for traffic control assistance on Saturday, October 10, 2009. The second request was made by the Perkiomen Valley Middle School East Home and School for traffic control assistance for the following dates from 8:30 p.m. – 9:30 p.m.: September 18, 2009; October 23, 2009, December 4, 2009, March 12, 2010, April 23, 2010, and June 11, 2010. Gordon MacElhenney made a motion seconded by William Patterson to approve the request of Schwenksville Borough and the request of the Perkiomen Valley Middle School East Home and School for traffic control assistance provided by the Perkiomen Township Fire Police. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.
  
- **MCATO FALL CONVENTION:** The Montgomery County Association of Township

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Officials Fall Convention is scheduled for September 25, 2009. William Patterson made a motion seconded by Richard Kratz to authorize Edward Savitsky and Dean Becker to attend the Fall Convention of the MCATO. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

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