

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING
MINUTES: AUGUST 17, 2005**

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

ABSENT: Dean Becker, 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 July 5, 2005 meeting were approved as presented.

POLICE REPORT: There board reviewed the PA State Police report for June & July.

CORRESPONDENCE:

- CPVRPC- Minutes of their meeting
- Report of the Lower Frederick Ambulance
- PSATS – Bulletin
- Letters from Montgomery County Planning Commission
- Letter of thank you from Perkiomen Library

SOLICITOR’S REPORT: Kenneth Picardi updated the Board with respect to the following: Stephanie Lane – Mr. Picardi indicated that he prepared an agreement of sale between Perkiomen Township and Stephanie Lane Real Estate L.P. The agreement has been agreed to by Stephanie Lane Real Estate and a tentative settlement date of August 31, 2005 has been set. Before he can proceed he needs authorization to request a title report and approval of the Agreement of Sale. The Board reviewed the agreement and discussed the purchase. Gordon MacElhenney made a motion seconded by Richard Kratz to authorize Mr. Picardi to contact Penn Title to complete the Title Report. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0. Next, Edward Savitsky made a motion, seconded by Gordon MacElhenney to approve the Sale Agreement between Perkiomen Township and Stephanie Lane Real Estate L.P. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0. The Board then discussed completing additional appraisals for property to be purchase for open space. These appraisals would include property owned by the Rawns, of Koons Road, the Otts of Koons Road, and the Umsteads of Wartman Road. Richard Kratz made

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a motion, seconded by Gordon MacElhenney to contact Indian Valley Appraisals to complete the appraisals on these three properties. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

Next, Mr. Picardi requested guidance with regard to releasing the appraisals to the property owners where the appraisals were already completed. They would include Manns, Meyers, & DeMeno. The Board discussed the request and authorized Mr. Picardi to use his discretion when communicating with those property owners. Next, Mr. Picardi updated the board on the status of the dedication of Cranberry 4B. He has been informed that the developer and the homeowners association may be close to working out a deal that is satisfactory to both parties. The attorneys for the developer and the homeowners association would like to know what stand the township would take if the two parties can work out a deal. The board indicated that they would be receptive should the developer and the homeowners agree to a deal that would resolve the issue of the dirt pile, even if the dirt pile is to remain.

Last, Mr. Picardi informed the board the developer of Cranberry 7 submitted an extension of the bonds for another 6 months.

ROAD MASTER'S REPORT: John Moran submitted his report for July to the board.

FIRE MARSHALL'S REPORT: John Moran submitted his report for July to the board.

CODE ENFORCEMENT REPORT: W. Richard Dillon submitted his report for July to the board.

PLANNING COMMISSION: The planning commission held their meeting on July 19, 2005. There were 4 plans discussed at the meeting. First was Gorski Engineering. Gorski Engineering is proposing a land development plan located along Route 113 near Flannigan's Preschool. There is an existing structure located on the property. Gorski would like to take down the existing structure and rebuild a new one on the existing foundation. Second was a proposal in the Iron Bridge Corporate Center. Gorski Engineering submitted a sketch plan for Phase 3A that includes lots 5, 6, & 7. The proposal is a subdivision plan, as well as a land development plan. The company known as Machined Metals would like to build a building on lot 5. Third was a proposed subdivision located at 182 Trappe Road. Last was a subdivision being proposed by the Towamencin Development Group. The property location is 180 Dieber Road and is owned by Thomas and Ann Gates. The property borders Upper Salford Township.

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ENGINEER'S REPORT: SSM**

- **KIDDIE ACADEMY – ESCROW RELEASE NO. 4:** Pamela Stevens reviewed her letter of July 22, 2005 regarding a request by Halteman Brothers for the Kiddie Academy. This was a request for an escrow release known as Escrow Release No. 1. Their request was in the amount of \$77,799.72. After review of the information received, she recommended that the board approve the release of \$70,727.02 plus the construction observation for a total release of \$78,506.99. She recommended that we hold the 10% contingency. Based upon the recommendation of Ms. Stevens, Edward Savitsky made a motion, seconded by Richard Kratz to approve the Escrow Release No.1 \$78,506.99. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

- **MAYFIELD ESTATES – CENTRAL GREEN ISSUE:** William Howells and John Lewis, from the homeowners associates, and John Richard, attorney for Stuart & Conti, were present to discuss and settle the issue of the Central Green. This issue was discussed at the July meeting. The decision was whether to leave the Central Green as presently graded or grade it as the approved plan shows. The homeowner's association had a meeting with the representatives of Stuart & Conti to try and resolve the problem. The homeowner association representatives tried to get the developer to add a storm box, but the developer would not add the box. Mr. Lewis explained that the final agreement was to clean, restore, and reseed the grass in the existing associated swale leading to Central Green. That area will remain as is. In the Central Green area itself, from the bituminous walkway to the concrete sidewalk, the area would be regraded, restored, and reseeded according to the approved plans. It was agreed that Pamela Stevens, since she has been involved in this situation since the beginning, will memorialize the decision with a picture showing the agreed solution and both the homeowners association and developer will sign off on it. The Board had not problem with this solution.

- **BETCHER ROAD REALIGNMENT:** – All of the conditions have been completed and the road contract with Dan Malloy for Betcher Road has been satisfied. Pamela Stevens recommended that the Board approve the contract with Dan Malloy Paving. Based upon the recommendation of Pamela Stevens, Richard Kratz made a motion, seconded by Edward Savitsky, to approve the Betcher Road Realignment Agreement between Perkiomen Township and Dan Malloy Paving. 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 July. After review of same, Gordon MacElhenney made a motion seconded by Edward Savitsky to authorize payment of the July bills. There were no public comments on the motion. The motion was carried unanimously by a vote of 4-0.

NEW BUSINESS:

- **HERITAGE WOODS:** Lot #22: Frank Bartle, an attorney, was present representing Heritage Builders. He explained that when the as-built plan was submitted to the township for review it was discovered that the house was constructed in the front yard setback by approximately twenty-three feet. Mr. Bartle was before the Board to review the situation and ask for a temporary Use & Occupancy Permit. Mr. Bartle explained that the measurement that was taken was done from the cartway and not the right-of-way as required. As a result this placed the home approximately twenty-three feet within the front yard setback at its further point. This would be fifty-three feet from the ultimate right of way instead of the required seventy-five feet. His client is proposing to go before the Perkiomen Township Zoning Hearing Board and request a variance from the front yard setback. Their request will be based upon the as-built plan. If the Board is willing, he asked that the Board consider supporting their request for the variance. Also, he requested that the Board consider the issuance of a temporary Use and Occupancy Permit while Heritage is going through the variance process. In addition to Mr. Bartle being present at the meeting, representatives of Bursich Associates, their engineer, and Mosha, the prospective property owner, was also at the meeting. Gordon MacElhenney feels that he could not make a recommendation to the zoning hearing board. He felt that the township should not take a position on the application. As to the issuance of the temporary Use and Occupancy Permit, he felt he could not approve the request. He felt that by agreeing to issuing this temporary U&O, the wrong message would be sent to the zoning hearing board. That message being that the township is taking a position on the application. Richard Kratz questioned what Heritage is doing to ensure that this will not happen again. Dennis Cortapela, a Heritage Representative, said that an as-built will be done at the time the footings are done. This will be done to determine that the house is in the correct place. As it related to the Zoning Hearing Board there were three options: (a) take no position, (b) write a letter and oppose the application, or (c) write a letter in support of the application. It was agreed that the Board would not take any position regarding this application. Next the Board discussed the issue of the temporary U&O. The Board was concerned about Heritage requiring the Mosha's to go to settlement once they get the temporary U&O. Mr. Bartle said that Heritage would let them move in and arrange a lease agreement pending the decision of the Zoning Hearing Board. Mr. Mosha indicated that they are presently residing with his parents because they sold their existing home. This was the first time that he heard about a lease agreement. Richard Kratz made a motion,

seconded by Edward Savitsky approving the issuance of a temporary Use and Occupancy

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Permit for Lot 22 of Heritage Woods subject to the following: made it clear that any settlement was out until the Zoning Hearing Board made a decision on the variance request and directed the township manager to send a letter to the Zoning Hearing Board indicating the issuance of the temporary U&O in no way has any bearing in support or against the variance application of Heritage Builders. There were no public comments on the motion. The motion was carried by a vote of 3 (Yes) -1 (Abstention – Gordon MacElhenney).

- **SCHEMPP:** Robert Brant was present representing Fred Schempp. Mr. Schempp owns a home on Bridge Street. Some years ago, his property was subdivided into two parcels. At that time there was a note on the plan stating that lot 2, which is located behind the existing home, was to be used for pasture land. Mr. Schempp would like to sell off both lots. The problem is the note on the plan. Mr. Schempp would like to revise the plan and remove the note and complete a Deed of Correction. In order to do the subdivision of the two lots, he needs to removal the note, needs a 20 foot wide easement across lot 1 for access for lot 2. The question was whether the deed, which references the plan and its notes are considered to be a deed restriction. If so, the Board may not be able to remove the note on the plan. Kenn Picardi was unsure whether or not the reference in the deed of the plan would constitute a Deed Restriction. He will have to investigate this and return to the September meeting.
- **CONDITIONAL USE APPLICATION:** A Conditional Use Application was filed on July 15, 2005 for Better Living Custom Homes. An original hearing date of September 6, 2005 was set. The applicant indicated they will be sending an extension letter because their plans were modified. The problem is the 60-day timeline. If the Township does not receive the letter in time, the first public hearing must be held on September 6, 2005. If we get the extension, then the plan can go back before the planning commission in time for a public hearing at the Board's October meeting. Edward Savitsky made a motion seconded by Richard Kratz to set a public hearing date for September 6, 2006 for the Conditional Use Application filed by Better Living Custom Homes. If an extension letter is received, then the first public hearing will be held October 4, 2005. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.
- **KRIEBEL:** The board had informed Mr. Costello at the July meeting that they would not make a decision to reconsider Violet Kriebel's application at a later date. Since not all the Board members were present, it was agreed to place this item on the September meeting agenda.
- **SPECIAL FIRE POLICE:** The Township received a request from Upper Salford for

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traffic control for the Philadelphia Folk Festival. Richard Kratz made a motion seconded by Edward Savitsky to approve the request of Upper Salford Township. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

SUPERVISORS COMMENTS

William Patterson informed the Board that Perkiomen Township Community Day was September 11, 2005 with a rain date of September 18, 2005.

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