

**PERKIOMEN TOWNSHIP BOARD OS SUPERVISORS MONTHLY MEETING
MINUTES: DECEMBER 6, 2005**

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

ABSENT: Dean Becker, 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

Draft Open Space Plan- Nathan Walker of the Montgomery County Planning Commission was present to discuss the draft Perkiomen Township Open Space Plan. Mr. Walker conducted a power point presentation of the plan. The decision the Board needed to consider at this meeting was authorizing Mr. Walker to submit this plan to the Montgomery County Open Space Board. Prior to the Board's decision some of the residents had comments. Gordon MacElhenney indicated that he must protect he property values. In order to do this, he feels that he must proceed with the development of his property. As a result, he is not in favor of Performance Standards because he feels that these standards would take away from the value of people's ground for those who own developable property in the township. He felt that the people passed a referendum to purchase open space, not use Performance Standards as a way to reduce the value of a person's property in the township. In order to protect himself, he feels that he must begin to development his ground by preparing development plans for his property. He recommended that if there are other people in the public that own developable ground, they too should watch what happens so that they can plan accordingly. Both Richard Kratz & Nathan Walker tried to make it clear that the use of Performance Standards is a zoning technique for the township to consider in creating and preserving open space. In order for the technique to be used, the township would need to amend its Zoning Ordinance. They tried to make it clear that submission and consideration of adoption of the Open Space Plan does not authorize Performance Standards, only amendment of the Zoning Ordinance does. Also present were Cleveland Ott & John Meyers. They both expressed the concerns of Mr. MacElhenney. After discussion of the plan, Edward Savitsky made a motion, seconded by Richard Kratz to authorize the Perkiomen Township Open Space Plan be submitted to the Montgomery County Open Space Board for review and consideration. There were no comments on the motion. The motion passed by a vote of 3: Yes (Richard Kratz, William Patterson, and Edward Savitsky) -1: Abstention (Gordon MacElhenney). Mr. Walker said that the meeting with the Montgomery County Open Space Board is January 10, 2006 at 3:00 p.m. Perkiomen Township's Open Space Plan will be listed on that agenda. Once the plan is submitted, the county will post our plan on the web site for review.

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MINUTES: The minutes of the November 1, 2005 and November 8, 2005 meeting were approved as presented.

POLICE REPORT: The Board had the PA State Police Report for October.

CORRESPONDENCE: Cecile Daniel

- Bruce MacBain- Lower Frederick Ambulance Report
- PSATS Bulletin
- CPVRPC Minutes of October 11, 2005

SOLICITOR'S REPORT: Kenneth Picardi

Regarding the situation with Cranberry Phase 4B, nothing has changed.

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

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

CODE ENFORCEMENT REPORT: W. Richard Dillon submitted his November report to the Board.

PLANNING COMMISSION: The Planning Commission held their meeting on November 15, 2005. At that meeting there were two items discussed. They were as follows: (1) Iron Bridge Corporate Center: Gorski submitted a plan for a 10,000 square foot building located on Iron Bridge Drive. The lot is located near the intersection of Gravel Pike & Iron Bridge Drive. The property is located on the right hand side of Iron Bridge Drive behind the existing home on Gravel Pike. (2) Kriebel: A public hearing has been scheduled for December 13, 2005 regarding the second application request of Violet Kriebel. This request is to rezone her property from CR-Commercial Retail to R-1 – Residential.

ENGINEER'S REPORT: Pamela Stevens

BETCHER ROAD: Ms. Stevens reviewed her letter of November 30, 2005 regarding the request of Dan Malloy Paving, Inc. This was a request for an escrow release known as Escrow Release No. 2. The amount being requested for release is in the amount of \$85,378.42. Ms. Stevens reviewed the request and recommended the release. She also explained that due to the weather not all of the work, as required, can be completed. The contractor will need to come back in the spring to complete the project. She will put in writing the items the contractor will need to complete. Betcher Road is scheduled to open on December 12, 2005. With the recommendation of the Township Engineer, Gordon MacElhenney made a motion, seconded by Edward Savitsky to approve the Escrow Release No. 2 in the amount of \$85,378.42 to Dan

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Malloy Paving, Inc. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

2005 ROAD PROJECT: Ms. Stevens reviewed her letter of December 2, 2005 regarding the request of Dan Malloy Paving, Inc. This was a request for a partial release of the retainage. The amount being requested for release is in the amount of \$8,562.64. Ms. Stevens reviewed the request and recommended the release. With the recommendation of the Township Engineer, Richard Kratz made a motion, seconded by Edward Savitsky to approve the partial payment of the retainage in the amount of \$8,562.64 to Dan Malloy Paving, Inc. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

CENTENNIAL STREET: Ms. Stevens reviewed her letter of November 30, 2005 regarding the request of Commonwealth Construction. This request is release of escrow number 7 in the amount of \$16,300.00. Ms. Stevens reviewed the request 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. 7 in the amount of \$16,300.00 to Commonwealth Construction. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

STORKEY SUBDIVISION: Ms. Stevens reviewed her letter of November 30, 2005 regarding the request of Rossi Construction and Development. This request is release of escrow number 6 in the amount of \$27,252.00. Ms. Stevens reviewed the request and recommended the release. With the recommendation of the Township Engineer, Edward Savitsky made a motion, seconded by Richard Kratz to approve the Escrow Release No. 6 in the amount of \$27,252.00 to Rossi Construction and Development. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

HERITAGE WOODS: Ms. Stevens reviewed her letter of December 6, 2005 regarding the request of Heritage Construction Company. This request is release of escrow number 6 in the amount of \$22,993.62. Ms. Stevens reviewed the request and recommended the release. With the recommendation of the Township Engineer, Edward Savitsky made a motion, seconded by Richard Kratz to approve the Escrow Release No. 6 in the amount of \$22,343.62 to Heritage Construction Company. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

DAY SCHOOL: Ms. Stevens reviewed her letter of December 2, 2005 regarding the request of Griggs Properties. This request is release of escrow number 2 in the amount of \$7,072.70. Ms. Stevens reviewed the request and recommended that the Board only release \$3,536.35 and retain the remainder for a year to ensure that if there is a problem in the public right-of-way, the Township will have the funds to correct the problem. With the recommendation of the Township

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Engineer, Gordon MacElhenney made a motion, seconded by Edward Savitsky to approve the Escrow Release No. 2 in the amount of \$3,536.35 to Griggs Properties. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

CRANBERRY: Representatives of the Cranberry Development were present to discuss with the Board issues regarding, speed humps, sidewalks, and crosswalks. Samuel Kolunie and William McGill were present to do this. First the sidewalks, Mr. McGill indicated that he is an at large member of the Cranberry Homeowners Association. Mr. McGill explained that the HOA would like to see more sidewalks along Cranberry Boulevard. Sidewalks along both sides will keep people from having to walk in the street. In order to accomplish this goal, he believes additional sidewalks need to be added. The HOA is in the process of getting bids to construct sidewalk along the west side where Barrington Estates connects into Cranberry Road. The next area where sidewalk is needed is the culvert across Cranberry Boulevard. The existing sidewalk stops before the end of the culvert. The HOA is asking for help from the Board in the installation of a sidewalk across the culvert. One of the concerns is PADEP and whether a permit may need to be obtained in order to add sidewalk. There maybe a possibility of moving the fence over and constructing a sidewalk between the fence and the roadway. If this can be done, then a PADEP Permit would not be necessary since the work would not encroach into the wetlands. Second was the issue of the crosswalks. The HOA is requesting that two crosswalks be added on Cranberry Boulevard. They are asking that one be placed on Brandywine Road and Cranberry Boulevard and that one be placed at Queen Road and Westover Road. There reason for this request is to help the children that walk to school and have to cross at these intersections. Third was the issue of speed humps. Samuel Kolunie requested consideration of adding speed humps on Forge Road. There has been an increase in vehicular traffic and the cars are going too fast. Ms. Stevens indicated the following: Regarding the sidewalks, she would have to investigate how easy or difficult adding sidewalk along the culvert would be before she could make a recommendation to the Board. Regarding the crosswalks, she would need to investigate the location of the crosswalks based upon the map that was given to her. Once she looks at the locations she can then comment on the request. Regarding the speed humps, she indicated that one of her colleagues was attending a session on the new Federal MUTCD Requirements. The Board directed Ms. Stevens to work with the HOA. The topics will be placed on the agenda for future meetings until the Board makes a decision on each of the requests.

RECEIPTS AND EXPENDITURES: Treasurer

The Treasurer read the receipts and expenditures for the month of November. After review of same, Richard Kratz made a motion, seconded by Gordon MacElhenney to authorize payment of the November bills. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

OLD BUSINESS:

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BETTER LIVING CUSTOM HOMES – The Board of Supervisors held a public hearing on November 1, 2005 on the Conditional Use Hearing of Better Living Custom Homes. Presently the applicant is proposing a 4-lot subdivision located on Betcher Road and Route 113. The Conditional Use Application was regarding the Steep Slope Conservation Overlay District. The applicant proposed disturbance and improvements in the steep slopes and buffer areas on both Lot 3 and Lot 4. At the public hearing, Richard Mast presented the application on behalf of his client, Better Living Custom Homes. In his testimony, Mr. Mast reviewed those items set forth in Pamela Stevens’ letter of October 14, 2005. The Board review the information submitted during the public hearing and Richard Kratz made a motion seconded by Edward Savitsky to approve the Conditional Use Application of Better Living Custom Homes, subject to addressing the items set forth in Pamela Stevens’ letter of October 14, 1005. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0

NEW BUSINESS:

- **RESOLUTION 2005-24:** John Ribow of Gorski Engineering was before the board to discuss the land development in the Iron Bridge Corporate Center. Gorski Engineering has submitted a plan for a 10,000 square foot building and a future 5,600 sq ft additional. The company is known as Nimlok Philadelphia, Inc. The company is presently located in Trappe Borough and is looking to relocate on Iron Bridge Drive. Mr. Ribow reviewed the proposed plan and the draft resolution. After discussion of the proposal, Richard Kratz made a motion seconded by Gordon MacElhenney to approve Resolution 2005-24, as follows:

COMPLIANCE WITH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

1. All of the certificates shall be completed prior to the recording of the plan, Section 11.43(a)(13) S.O. The plan needs to show the name, license number and seal of the registered professional who prepared the plan as required under Section 11.42(a) and 11.43(a)(2). The plan will need to be endorsed properly.

GENERAL COMMENTS

1. The Township shall convey, and Gorski Engineering shall accept ownership of the Detention Basin & Storm Sewers. To facilitate the transfer, the Township Solicitor shall review the notes on the plan and Gorski Associates shall make any changes or additions he deems necessary relative to the transfer and future maintenance of the detention basin and stormwater management facilities.

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- (a) The Common Stormwater detention basin for this site has been designed for 60% impervious coverage. The maximum impervious coverage allowed for this site is 60%, unless additional detention capacity is provided.
 - (b) The Township will not own the basin but reserves the right but not responsibility for inspection the wet basin to insure that it is functioning property. Gorski Associates will maintain the basin.
2. Retaining wall details have been added. The Code Enforcement Officer shall receive the design and details of the retaining walls at the time of the building permit application. This information shall be satisfactory to the Code Enforcement Officer before issuance of a building permit. Concerning the retaining wall near the northwestern corner of the project, there are discrepancies concerning the proposed elevations for top of wall and bottom of wall. The proposed grading seems to exceed the elevation along the top of the wall at some locations. Additionally, stormwater will currently concentrate against the bottom of the wall. The wall design elevations shall allow for proper stormwater drainage and shall agree with the proposed grading. The applicant shall address these issues. Similar top of wall and bottom of wall elevations shall be provided on the plan drawings for the proposed retaining wall near the northeastern corner of the proposed building.
3. The building setback lines shall not intrude the proposed stormwater easement at the recommendations of the Planning Commission.
4. Since paving and curbing is proposed over the proposed stormwater easement, the plan shall include a note on the Record Plan concerning access permission within this easement. The Township Solicitor shall review this note and make any corrections or additions as deemed necessary by the Township.
5. Notes pertaining to the ownership and maintenance responsibilities of the stormwater management facilities shall be added to the Record Plan. The Township Solicitor shall review the notes and make any corrections or additions as deemed necessary by the Township:
6. The line types and symbols presented in the legend shall match the line types and symbols used throughout the plan drawings.
7. The label titled "Property line to be extinguished" shall be clarified.
8. Refuse/Recycling Areas – To help plan for circulation and landscaping within the land development, the plan shall designate the areas where refuse and recycling collection areas will be located.
9. Sidewalks – The placement of sidewalks shall be considered to connect the parking lot to the employee entrance to the building.

DRAINAGE AND E&SC COMMENTS

1. Storm sewer profiles have been added to the plans. There are some deficiencies that need to be corrected. Pipe lengths do not match the horizontal scale shown on the profiles. Also the top of grate elevations for the proposed inlets are shown to be above the proposed grade. These errors may be a result of the profile base line being inaccurately drawn. Also note that pipe length is generally measured from face to face. Additionally, information for Inlet #2 is inconsistent. All

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information shall be consistent throughout the three provided profiles.

2. Where there is a change in pipe size through an inlet, the top inside elevation of the outlet pipe shall be at or below the elevations of all incoming pipes. This requirement shall be followed for Inlet # 2.
3. Concerning the pipe run from Inlet #1 to Inlet #2, the minimum design pipe slope is 0.0050 ft/ft. Using the provided design invert elevations and pipe length, the calculations conclude a slope of 0.004965 for this particular run. This shall be corrected.
4. Inlet protection shall be indicated on the plan drawings.
5. The applicant shall consider that 21" diameter storm pipe may be difficult to find and expensive.

SANITARY SEWER AND WATER SERVICE COMMENTS

1. The water consumption calculations and verifying pipe capacity are being reviewed by the Township Engineer.
2. Sanitary sewer profiles have been added to the plans. Please note that gravity sanitary sewer pipe is typically stationed from low point to high point. Additionally, the plan and profile for the proposed sanitary services show piping under the proposed building. Typically, land development plans show laterals up to the edge of the building and no further. Architectural plans shall show the service connection from the building to the lateral.
3. The sanitary sewer line easement toward Liberty Alley has still not been revised as discussed with the Township Manager. The location of the easement shall be corrected.

LANDSCAPING COMMENTS

1. Section 2: Required softening buffers have not been complied with. All non-residential development requires buffering along property lines. A partial waiver has been requested. The applicant shall clarify the waiver request in writing and the justification for the request as it relates to Ordinance No. 173 and Zoning Sections 21.6.D, and the previous developments within Phase 3A of the Corporate Center, specifically for the Land Development Plan. The Planning Commission recommended the Board consider a partial waiver to the requirement of softening buffers. Since the development abuts the Village Residential Commercial District, a buffer shall be required on the eastern side of the property where the parcel abuts this district. Gorski Engineering shall work with the MCPC representative regarding the landscaping to be supplemented in the buffer area after the construction of the swale.
2. Section 3: Parking lot screening and landscaping shall be installed in accordance with Section 3 of the landscaping ordinance. The plan does not meet the requirements for screening and landscaping. A partial waiver has been requested for the parking lot screening. The applicant shall place in writing the justification for the waiver request for the parking lot screening as relating to Ordinance No.173 and Zoning Sections 21.5.B, and the previous developments within Phase 3A of the Corporate Center, specifically the Land Development Plan. The Planning Commission recommended a partial waiver to the Board. The Planning Commission recommended that Gorski Engineering work with the MCPC representative regarding the required landscaping. As to the front of the building, the Planning Commission recommended a

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partial waiver requiring that the mulch beds be located in the front of the building. The exact planting to be placed in the mulch beds will be left to the owner to determine at a later date.

WAIVERS: The following waiver is hereby approved:

1. The applicant is requesting a waiver from providing significant man-made or natural features 150 feet beyond property line as required, Section 11.42(a)(10). The Planning Commission recommended approval of the waivers since this plan was part of Phase 2 of the Iron Bridge Corporate Center and the information was provided at that time.

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

- **DEBT ORDINANCE:** Gordon Walker was present to review the final financing report that he prepared for the proposed 3,000,000 Debt Ordinance for the purpose of purchasing Open Space. Kenneth Picardi reviewed the proposed Ordinance No. 192 the Board must consider in order to proceed with this proposed borrowing. Ordinance No. 192 is summarized as follows: “An Ordinance providing for increasing the debt of Perkiomen Township in an amount not to exceed Three Million Dollars for the purposes of: providing funds to acquire interests in real property within Perkiomen Township for Land Preservation purposes, as defined and provided for in Act 153 of 1996, known as the Pennsylvania Open Space Lands Act, and to pay the associated financing costs; authorizing and directing the issuance of a General Obligation Note in evidence of such debt principal amount not to exceed Three Million Dollars; fixing the initial date, interest rate formulas and maturity dates of the Note and redemption provisions thereof; providing for the manner of execution of the Note and for the manner of payment and transfer of the Note; approving the form of Note and Certificate of Authentication; appointing fiscal agent and requesting it to authenticate the Note; pledging the Earned Income Tax; covenanting to budget for debt service on the Note and to appropriate and pay amounts for such debt service when due; pledging the full faith, credit and taxing power of the Township for the Note; setting forth the amounts to be appropriated for annual debt service; establishing a Sinking Fund and providing for payment of the Note therefrom; approving and authorizing the execution of a loan agreement; authorizing the filing of a Debt Statement, Borrowing Base Certificate and related material with the Pennsylvania Department of Community and Economic Development; accepting a negotiated proposal for the purchase of the Note and awarding the same; and authorizing delivery of Note and execution and delivery of such other documents as may be advisable. In consideration of the borrowing, Richard Kratz made a motion, seconded by Gordon MacElhenney to adopt Ordinance No. 192 adoption of a \$3,000,000.00 Debt Ordinance. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

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- **2006 PERKIOMEN TOWNSHIP BUDGET:** In consideration of the adoption of the proposed 2006 Perkiomen Township Budget and the setting of the 2006 tax rates, the Board considered two resolutions. Resolution 2005-25 established the tax rate for the year 2006 and Resolution 2005-26 adopts the 2006 Perkiomen Township Budget. Cecile Daniel reviewed both proposed Resolutions. Gordon MacElhenney made a motion, seconded by Edward Savitsky to adopt Resolution 2005-25 and Resolution 2005-26 as follows:

RESOLUTION 2005-25

TAX LEVY RESOLUTION

Board of Township Supervisors of the Township of Perkiomen, County of Montgomery, Commonwealth of Pennsylvania:

That a tax be and the same is hereby levied on all real property within the Township subject to taxation for the fiscal year 2006, as follows:

Tax rate for General Purposes, the sum of35 mills
For Fire Tax purposes, the sum of17 mills
For Street Light purposes - Rahns, the sum of30 per front foot
For Street Light purposes - Graterford, the sum of30 per front foot
For Street Light purposes - Maple Hill Community, the sum of.....	2.00 per front foot
For Street Light purposes - Cranberry Development, the sum of	14.70 per unit
For Street Light purposes - Stephanie Lane Development, the sum of	28.46 per unit
For Street Light purposes - Perkiomen Greene Development, the sum of	23.00 per unit
For Street Light purposes - Exmoor Road, the sum of	80.00 per unit
For Street Light purposes – Barrington Estates, the sum of	44.00 per unit
For Hydrant Tax purposes – Aqua PA, the sum of	31.13 per unit
For Hydrant Tax purposes - PA American Water Co., the sum of	12.00 per unit

And

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RESOLUTION 2005-26

PERKIOMEN TOWNSHIP 2006 BUDGET

TOTAL REVENUES: <u>\$2,734,157.00</u> (ALL FUNDS)	TOTAL EXPENDITURES: <u>\$2,734,157.00</u> (ALL FUNDS)
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GENERAL FUND	\$2,205,665.00
STREET LIGHT FUND	\$ 93,273.00
FIRE TAX	\$ 236,618.00
LIQUID FUELS	\$ 146,348.00
HYDRANT TAX	\$ 52,253.00

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

- **2006 MEETING SCHEDULE:** Cecile Daniel reviewed the proposed 2006 Meeting Schedule. Richard Kratz made a motion, seconded by Gordon MacElhenney to authorize advertisement of the 2006 Meeting Schedule. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.
- **POLICE STUDY:** Cecile Daniel explained that the people from the Local Governor's Center are ready to begin the police study with Trappe Borough, Collegeville Borough, and Perkiomen Township. According to Ron Stern of the Center, the municipalities need to approve the Article of Agreement. This agreement sets forth how the consultant for the commonwealth will conduct the study and the municipalities will cooperate with the consultant. The only area left blank is the completion date. The Board reviewed the agreement and Richard Kratz made a motion, seconded by Gordon MacElhenney to approve the Article of Agreement regarding the Police Study. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.
- **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 LPVRSAs.

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