

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING MINUTES:
JUNE 7, 2005**

BOARD MEMBERS PRESENT: William Patterson, Chairman
Richard Kratz, Member
Gordon MacElhenney, Member
Edward Savitsky, Member
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 May 3, 2005 meeting were approved as presented.

POLICE REPORT: There board reviewed the PA State Police report for April.

CORRESPONDENCE:

- CPVRPC- Minutes of their meeting
- Report of the Lower Frederick Ambulance
- PSATS – Bulletin
- Abbe DeMaio - Buxmont
- Betcher Road – Copy of letters regarding Betcher Road – Reminder of meeting with Trappe Borough for June 20th at 7:00 p.m.

SOLICITOR’S REPORT: Kenneth Picardi updated the board on his progress on the open space properties. Also, he reported on the work he completed on two Intergovernmental Agreements. The first agreement was the Appeals Board under the UCC. He spoke to the solicitor of Skippack Township regarding the changes the board would like to see in the agreement. During his conversation he was made aware that the other six municipalities had already approved the agreement with no changes. Basically he is at a point where he needs to get all six municipalities to agree to what the board would like to see in the agreement. This may take some time. As a result, he recommended that the board approve and sign the agreement as is and he will pursue an amendment with the other municipalities. If he is unsuccessful in getting the other municipalities to agree to the changes, the board could always make the decision to get out of the agreement. In order to be in compliance with the UCC, he recommended that the board approve the agreement. Based upon the recommendation of the township solicitor, Gordon MacElhenney made a motion seconded by Edward Savitsky to approve the Intergovernmental Agreement and authorized the appropriate officials to sign the agreement. At the same time the

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board authorizes the township solicitor to prepare an amendment to the agreement and send it to the other solicitors for consideration. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0. In addition to this agreement, Mr. Picardi mentioned that he is also working on the Intergovernmental Agreement regarding the Recreation Plan for the Peer-to-Peer Study with Lower Frederick Township.

ROAD MASTER'S REPORT: John Moran submitted his report for May to the board. In addition to his report Mr. Moran reviewed the proposals he received regarding the guiderail on Miller Road and School House Road. One of the quotes included the use of used guiderail. Both Mr. Moran and Pamela Stevens informed the board that the use of used guiderail was acceptable since this would only be the panels that would be used. The total price of the used panels would be less than \$4,000.00. Mr. Moran informed the board that the company was PADOT qualified and recommended that the board go with the used material. Based upon the recommendation of the road master, Edward Savitsky made a motion, seconded by Dean Becker to use the used guiderail material from Morgan Rail, Inc. of Temple, PA for a total price of \$3,345.50. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0. Last, in the past the township has been borrowing a chipper from Upper Providence Township. Over time, the road crew has had to deal with more and more trees that need to be removed. Since we do not own our own chipper we have been dependent on other people. In recent years, the township has received money from the state from the recycling grants. To date, the township has received a total of \$15,261.00. This money has not been budgeted for any particular use. Also, in the 2005 budget, \$15,000.00 was budgeted on a new mower. Mr. Moran explained that he did some further investigation and found that the mower that he would like to have purchased may not be compatible with the tractor. As a result, he did not want to take the chance on spending the amount of money that was budgeted. Upon further analysis he was able to purchase a cheaper mower that will work with the tractor the township already owns. The result is that the difference in this amount budgeted and the amount spent could be moved over to the purchase of the chipper. Cecile Daniel informed the board that the total amount of the chipper was \$25,593.60. The recycling grant money and the unspent budgeted money could be moved over so that the chipper could be purchased. Based upon the recommendation of Mr. Moran and Ms. Daniel, Richard Kratz made a motion, seconded by Gordon MacElhenney to purchase the chipper for the amount of \$25,593.50, that the recycling grant money of \$15,261.00 would be budgeted for this purchase and the difference of the budgeted money for the mower and the actual amount spent would be moved over to be budgeted for the chipper. 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 submitted his May report to the board.

CODE ENFORCEMENT REPORT: W. Richard Dillon submitted his May report to the board. In addition to his report, Mr. Dillon reviewed the letters he sent out regarding non-

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compliance with the zoning ordinance. There were no questions on the letters sent. Next, he reviewed his

memo and the one from SSM regarding the fire that took place in the Maple Hill Development. Last, he informed that board that he received a call from Jackie Slater. Ms. Slater would like to sell fireworks for the 4th of July. She was present to discuss her request with the board. She has an agreement to sell the fireworks on property where the car wash is located at the intersection of Maple Avenue and Gravel Pike. There was discussion regarding storage of the fireworks since the approval by the owner did not indicate that they would allow her to store the fireworks on the property since the hours of operation would be 10 a.m. to 6 p.m. The township would also need a Certificate of Insurance and both the fire marshal and fire chief indicating they are okay with this. The board discussed this request. Edward Savitsky made a motion seconded by Gordon MacElhenney to approve Ms. Slater's request subject to the township receiving a Certificate of Insurance adding the township as an additional insured, that she receives permission to store the fireworks on the property by the owner, that this is acceptable to the code enforcement officer and the fire marshal and fire chief. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

PLANNING COMMISSION: The planning commission held their meeting on May 1, 2005. There were three items discussed: (1) the proposed 2 lot subdivision of Caroline Zollers Wood, (2) the proposal of Ken Grosse for his property located near the Maple Hill Development, and (3) the proposal for gasoline pumps at the proposed shopping center.

ENGINEER'S REPORT: Pamela Stevens presented the following items:

- **2005 ROAD PROJECT** – Ms. Stevens reviewed the request for payment from the contractor for the 2005 Road Improvement Project. The request is in the amount of \$191,283.97 with \$119,518.79 coming from the General Fund and \$71,765.18 coming from the Liquid Fuels Fund. Ms. Stevens reviewed the request, found it to be acceptable and recommended that the board approve the payment. Based upon the recommendation of Ms. Stevens, Dean Becker made a motion seconded by Edward Savitsky to approve the payment to D. Malloy Paving, Inc. in the amount of \$191,283.97 with \$119,518.79 coming from the General Fund and \$71,765.19 coming from the Liquid Fuels Fund. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

- **Heritage Builders** – Escrow Release No. 4 – Ms. Stevens reviewed her letter of June 2, 2005 regarding a request by Heritage Construction Co. This was a request for an escrow release in their development known as Escrow Release No. 4. Their request was in the amount of \$173,580.38. After review of the information received, she recommended that the board approve the request. Upon the recommendation of Ms. Stevens, Richard Kratz made a motion, seconded by Edward Savitsky to approve the Escrow Release No.4

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(\$173,580.38) to Heritage Construction Co. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

- **Betcher Road:** Ms. Stevens updated the board on the schedule for the bidding of the Betcher Road realignment project. The scheduled is to bid this project during June with an anticipation of awarding the bid at the board's July meeting.
- **Mayfield Estates:** Ms. Stevens anticipated this on the July agenda.

RECEIPTS AND EXPENDITURES: The treasurer read the receipts and expenditures for the month of May. After review of same, Dean Becker made a motion seconded by Richard Kratz to authorize payment of the May bills. There were no public comments on the motion. The motion was carried unanimously by a vote of 5-0.

NEW BUSINESS:

- **Zollers-Wood:** Caroline Zollers-Wood owns a property at 50-52 Centennial Street in the Village of Rahns. An application has been filed to subdivide this lot into two lots. The first lot would be the existing lot and the second lot would be the new one. The planning commission reviewed this proposed plan at their May meeting and recommended that the board consider approval of this proposal as set forth within Resolution 2005-14 as follows:

COMPLIANCE WITH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

1. The seal of the registered surveyor responsible for the plan should be included, Section 11.42(a)(3) S.O.
2. The certification of accuracy and the Owner's Certification should be completed prior to final plan approval, Section 11.43(a)(2) and 11.43(a)(13) S.O.
3. A performance guarantee for the on-lot stormwater management and the sanitary sewer improvements will need to be executed prior to recording, per Section 11.29 S.O.

SANITARY SEWER COMMENTS

1. The plan should be revised to show the existing sanitary sewer lateral extending from the clean-out all the way to the house. This should be done for both sides of the semi-attached home on Lot 1.
2. A note should be added to the plans calling out that the existing sewer lateral (from the house to the clean-out) to the southern half of the semi-attached home on Lot 1 is to be

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reconnected to the proposed sewer lateral. Likewise, the note should indicate that the existing sewer lateral from the street to the cleanout for the southern half of the semi-attached home on Lot 1 is to be reconnected to the proposed sewer lateral to service Lot 2.

3. A copy of the executed and recorded easement agreement between the two parcels should be provided to the Authority and its Solicitor for their records.

WAIVER REQUESTED

1. Section 11.41(a) requires the plan to be drawn at a scale of 1" = 50'. The plan is drawn at a scale of 1" = 20'. A waiver was discussed with the Planning Commission and they recommended the board approve the waiver.

The board reviewed the proposed 2 lot subdivision plan and Edward Savitsky made a motion seconded by Richard Kratz to approve resolution 2005-14. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

- **Rotary:** As part of the annual rotary carnival, the rotary has a fireworks display. In the past that display has been held in Limerick Township. The rotary would like to move the location into Perkiomen Township. As a result, this display must first be approved by the board. The scheduled date for the fireworks is June 10, 2005. The township has received a letter from the rotary requesting this permission, to date; the township has not received a Certificate of Insurance adding the township as an additional insured. The board considered the request and Richard Kratz made a motion seconded by Edward Savitsky to approve to Rotary's request for the fireworks subject to receiving a Certificate of Insurance adding the township as an additional insured. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.
- **Barriers:** Schwenksville Borough has requested the purchase of additional barriers for the bridge over the Perkiomen Creek. These barriers would be used when the roadway floods so that cars cannot travel over the bridge. The request is to purchase 3 additional barriers for a cost of \$295.00 per barrier. Schwenksville Borough has already purchased six barriers and is requesting help by Perkiomen Township purchasing three more. In consideration of the request and due to the nature of the request, Edward Savitsky made a motion seconded by Gordon MacElhenney to purchase three additional barriers for the area of Park Avenue for a purchase price of \$295.00 per barrier. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.
- **Kriebel:** The board discussed the application of Violet Kriebel for the rezoning of her property on Seitz Road. Mr. MacElhenney felt that it is not in the best interest at this time to rezone neither this property nor any other property. Mr. Kratz indicated that he considered the application because the applicant is a long time resident. Regardless, after

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due consideration, he felt he had to consider the township as a whole. As a result, it was his opinion that the request to rezone this property to residential is a financial lose to all the residents in the area as it related to the financial impact on the school district. It was his feeling that any rezoning to residential should not be done because of the financial impact

on the school district. An option that may be considered could be an age restricted type of development where this property abuts other property that may be included in an age restricted zoning. If the property owner wants to rezone this property so that she can downsize, then a smaller property can be purchased to build a smaller home and sell the existing area with the existing zoning. A possibility could be to consider purchasing this as part of the township's open space. Mr. Becker is of the same mind, but feels that both properties (Landis Market Property and the Kriebel Property) should be considered as one as it relates to open space. Mrs. Kriebel's son spoke in her favor by saying that his mother is paying taxes on her property due to her zoning even though she only has a home on this property. It was his opinion that she is being unduly harmed in the amount of taxes she is paying because her taxes are based upon the assessed value of her property. He questioned whether the original rezoning of the Renninger Tract that was done in the 1970's was done correctly at that time. Mr. Savitsky disagreed with the majority and felt that the rezoning would fit in with the surrounding zoning. After discussion of the application Richard Kratz made a motion seconded by Gordon MacElhenney to reject the application of Violet Kriebel to rezone her property to residential. There were no other public comments on the motion. The motion passed by a vote of 4-1 (Edward Savitsky) voted in opposition of the motion.

- **Planning Commission:** The board received the resignation letter of Douglas Murray to the planning commission. Edward Savitsky made a motion seconded by Richard Kratz to accept the letter of resignation. Next, William DeMaio of Wynnewood Drive had submitted a letter last month requesting consideration, should an opening occur, on the planning commission. Gordon MacElhenney made a motion seconded by Richard Kratz to accept Mr. DeMaio's letter and appoint him to complete the term of Douglas Murray. This term will run till December, 2006. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

- **Open Space:** Ordinance No. 190 is an amendment to the ordinance adopted by Perkiomen Township. The Open Space Lands Act (Act 153) is where the township instituted the recent Earned Income Tax for the purchase of Open Space. There was a section of the ordinance that has been found to be inconsistent with that act. Ordinance No. 190 is an ordinance that will in part amend Ordinance No. 185 which imposed a tax on earned income and net profits received or earned by residents of Perkiomen Township. The board reviewed the proposed amendment and Edward Savitsky made a motion seconded by Dean Becker to approve Ordinance No. 190. There were no public

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comments on the motion. The motion was carried by a unanimous vote of 5-0.

- **Tree Conservation Easement Agreement:** This is the last easement agreement that relates to the Carson/Barr (Heritage Woods) Development. This agreement is to help save the existing trees that lie within these conservation areas as shown on the plan. It sets forth

what can and cannot be done within the easement area. Upon review, Richard Kratz made a motion seconded by Gordon MacElhenney to approve the Tree Conservation Easement Agreement between Perkiomen Township and Heritage Woods and authorized the appropriate officials to sign the agreement. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

- **Fire Police:** The Township has received the request for assistance with traffic control from the Skippack Township and Limerick Fire Company. Richard Kratz made a motion seconded by Edward Savitsky to approve the request of Skippack Township and Limerick Fire Company. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

- **Meetings:** There was discussion to change the time of the meetings for the township. Richard Kratz made a motion seconded by Dean Becker to move the meeting start time to 7:00 p.m. 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 Gordon MacElhenney and seconded by Edward Savitsky.