

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING
MINUTES: MARCH 1, 2005**

BOARD MEMBERS PRESENT: William Patterson, Chairman
Richard Kratz, Member
Dean Becker, Member

ABSENT: Gordon MacElhenney, Member
Edward Savitsky, Member

OTHERS PRESENT: Cecile Daniel, Township Manager
Kenneth Picardi, Township Solicitor
Pamela Stevens, Township Engineer
John Moran, Road Master

MINUTES: The minutes of the February 1, 2005 meeting were approved as presented.

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

CORRESPONDENCE:

- CPVRPC- Minutes of their meeting
- Report of the Lower Frederick Ambulance
- Letter from Senator John Rafferty regarding the Regional Police Study

SOLICITOR'S REPORT: Kenneth Picardi informed the board that he filed his answer to the appeal filed by Baker Residential of Pennsylvania regarding the board's decision to reject the acceptance of dedication of the roads in Phase 4B.

ROAD MASTER'S REPORT: John Moran submitted his report for February to the board. In addition to Mr. Moran's report, he reviewed his memo regarding his recommendations for the 2005 Equipment Rental, Materials and Fuel Bids, and Snow and Ice Removal. For snow & ice removal, he recommended awarding the bid to Buck Enterprises and Russo Landscape, for materials, he recommended awarding the bid to Highway Materials, for fuel, he recommended awarding the bid to Oehlert Brothers, for line painting, he recommended awarding the bid to Guide Mark, for street sweeper, he recommended awarding the bid to Delaware Valley, and for equipment rental, he recommended awarding the bid to P.K. Moyer. After review of Mr. Moran's memo, Dean Becker made a motion, seconded by Richard Kratz to award the 2005 Equipment Rental, Materials and Fuel Bids, and Snow and Ice Removal to those companies as recommended by John Moran. There were no public comments on the motion. The motion was carried by a unanimous vote of 3-0.

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

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

PLANNING COMMISSION REPORT: The planning commission held their meeting on February 15, 2005. The following item was reviewed: GATES: reviewed a proposed sketch plan for property owned by Tom & Ann Gates on Dieber Road.

ENGINEER'S REPORT: Pamela Stevens

- Mayfield Estates – Kenneth Picardi contacted the attorney representing Stuart & Conti to see if there is a timetable and if so what it is. To date, there has been no response. As a result, there will be no release of the contingency.

RECEIPTS AND EXPENDITURES: The treasurer read the receipts and expenditures for the month of February. After review of same, Dean Becker made a motion seconded by Richard Kratz to authorize payment of the February bills. There were no public comments on the motion. The motion was carried unanimously by a vote of 3-0.

OLD BUSINESS:

- DiDomenico: The board discussed the decision regarding the Conditional Use Application for Lou & Chris DiDomenico. Kenneth Picardi reviewed the draft conditions with the board. Mr. Picardi discussed the environmental investigation of the property regarding the number of dead trees that are located on the property. He reviewed the effect of this decision on the two properties that abut this property. The decision would allow the abutting property owners to connect into the public water and public sewer as long as they pay their fair share and fees for their connections. As to the private road, the decision would be to provide easements for the Gall and Stuffels so that they can have access to their abutting homes. Due to the steep slopes the township wants only to have one access not multiple access points, thereby minimizing the disturbance to the steep slopes. The applicant must comply and be bound by all the terms and conditions and recommendations contained in the December 21, 2004 report of the Perkiomen Township Planning Commission. The applicant, at his expense, shall conduct and investigate the reason why numerous trees on the subject property have died. The investigation shall include a written opinion for an Arborist chosen or approved by the township. The investigation shall include the taking and testing of soil and water samples by a competent professional chosen and approved by the township. The testing shall be to determine the existence of heavy metals and/or other contaminations. In the event the soil and/or water testing reveals contamination, preliminary plan approval shall not be granted until said

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contamination is professionally remediated to the satisfaction of the Township. In the event that public water and/or public sewer are brought to the site, both the Gall and Stuffle properties, or their successors, shall be permit to connect as long as they pay their share of the costs and pay any and all fees, and lateral connections. An easement in favor of the owners of the Gall and Stuffle properties, or their successors in interest, to the proposed road for the purposes of pedestrian and vehicular ingress and egress shall be provided. For the Gall property, the easement shall extend along the proposed road from the edge of Trappe Road to the Gall's existing garage. For the Stuffle property the easement shall be along the proposed road from the edge of Trappe Road to the base of the existing serpentine driveway now being used by the Stuffle Family. All conditions of the Perkiomen Township Zoning and Subdivision Land Development Ordinance shall be complied with. A subdivision plan must be submitted within 6 month of this decision and all outstanding engineering review fees shall be paid to the township. The board reviewed the draft decision presented by Kenneth Picardi. Upon review, Richard Kratz made a motion, seconded by Dean Becker to approve the Conditional Use Application of Louis and Chris DiDomenico subject to the conditions as discussed by and set forth by Mr. Picardi. There were no public comments on the motion. The motion was carried by a unanimous vote of 3-0.

NEW BUSINESS:

- **Rezoning:** The board received a request by Violet Kriebel, for her property located on Seitz Road, to hold a public hearing to consider the rezoning of her property from CR – Commercial Retail to R-1 – Residential. Dean Becker made a motion, seconded by Richard Kratz to set a public hearing date of April 26, 2005 at 7:00 p.m. and authorized the township manager to advertise the public hearing. There were no public comments on the motion. The motion was carried by a unanimous vote of 3-0.

- **Delinquent:** Act 192 clarifies the existing law regarding the costs charged in conjunction with the collection of delinquent taxes levied under Act 511. This act required administration charges that are charged to the taxpayer as delinquent charges. Berkheimer is the company that has been charged with the collection of the Act 511 delinquent taxes. A draft resolution has been prepared which will adopt the schedule of costs that Berkheimer charges. The board reviewed both the draft resolution and schedule of charges. Upon review, Richard Kratz made a motion, seconded by Dean Becker to approve Resolution 2005-10 authorizing Berkheimer to impose and retain costs of collection on Delinquent Taxes. There were no public comments on the motion. The motion was carried by a unanimous vote of 3-0.

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- **Open Space:** There were two items for discussion under Open Space. The first was the appointment of David Klosinski to the Open Space Board and changing the meeting time for these meetings from 7:30 p.m. to 7:00 p.m. Dean Becker made a motion seconded by Richard Kratz to appoint David Klosinski of Brewster Road to the Open Space Board and to begin the Open Space meeting at 7:00 p.m. the fourth Tuesday of each month. There were no public comments on the motion. The motion was carried by a unanimous vote of 3-0. The second item for discussion was the proposal to complete appraisals for four properties in the township. The township is in receipt of a proposal from Frank Bruno of Indian Valley Appraisal Company. The cost to complete the four appraisals is \$5,600.00. Two of the appraisals would be for the purpose of out right purchase of two properties; the other two appraisals would be used to determine the developer rights of the other two properties. The topic for discussion was determining the developer right values. It was unclear whether the proposal included determining the market value of the properties as part of determining the before and after value for the developer rights. If the proposal does not include this, the amount to be charged would increase. Since there was a question as to the final cost of the appraisals, Dean Becker made a motion seconded by Richard Kratz to authorize and accept the proposal by Indian Valley Appraisal Company to complete four appraisals in the amount of \$5,600.00 subject to the township manager's clarification on the appraisal cost to determine the developer right value for the Meyers and Manns' properties. If, in the judgment of the township manager, there would be a significant increase necessary to complete the appraisals, Ms. Daniel will apprise the board of said increase before authorizing Indian Valley Appraisal Company to proceed. There were no public comments on the motion. The motion was carried by a unanimous vote of 3-0.

- **Appeals Board:** There were two items for discussion regarding the creation of Board of Appeals under the Uniform Construction Code. First, Kenneth Picardi explained that before the township can enter into an Intergovernmental Agreement, the board must pass an ordinance authorizing the township to enter into such an agreement. Mr. Picardi prepared a draft ordinance authorizing the township to enter into an Intergovernmental Cooperation Agreement that would create a Board of Appeals as required under the Uniform Construction Code. The board reviewed the draft ordinance and Dean Becker made a motion seconded by Richard Kratz to authorize advertisement of the ordinance for the board's April meeting. There were no public comments on the motion. The motion was carried by a unanimous vote of 3-0. Second, Kenneth Picardi reviewed the Intergovernmental Agreement. This agreement was prepared by Skippack Township. Presently, Skippack Township has taken the lead in preparation of this agreement. There are a total of 7 municipalities that are interested in created this appeals board. The present structure calls for a five member board with two alternates. Perkiomen Township's position on this board is presently set forth as one of the alternates. Dean Becker questioned whether the UCC set forth that the Board of Appeals would be set as a

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maximum of 5 members. If not, he and the other members questioned why the township's position was as an alternate and not as a full member. Mr. Picardi indicated that he will review the UCC and that he will be in touch with the attorney for Skippack Township. If the UCC Code stipulates only 5 members, perhaps the position of alternate could be rotate within the agreement. He will return at the next board meeting regarding this Board of Appeals.

- **Resolution 2004-5:** The board passed a resolution in 2004 changing the fees for review on subdivision, land developments, and conditional uses. Act 206 was an amendment to the PA Municipal Planning Code. This amendment broadens the fees that can be charged back to the applicants. The state code has change the language from municipal engineers to the broader term of professional consultants. In order to charge applicant these review fees, the township must establish a resolution setting forth what those fees will be. Kenneth Picardi has taken the resolution passed last year, Resolution 2004-5 and revised the language to reflect the changes set forth within Act 206. The board reviewed the proposed resolution; Dean Becker made a motion seconded by Richard Kratz to approved Resolution 2005-11. There were no public comments on the motion. The motion was carried by a unanimous vote of 3-0.

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