

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING
MINUTES: JULY 11, 2006**

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

ABSENT: Edward Savitsky, Member

OTHERS PRESENT: Cecile Daniel, Township Manager
Kenneth Picardi, Township Solicitor
Pamela Stevens, Township Engineer
John Moran, Road Master
John Moran Jr., Code Enforcement Officer

PUBLIC HEARINGS: Prior to the regular meeting, the Board of Supervisors held three public hearings. William Patterson turned the meeting over the Kenneth Picardi to conduct these three public hearings. The first public hearing was on Ordinance No. 191. Ordinance No. 191 was an Ordinance amending the Perkiomen Township Zoning Ordinance, Ordinance Nos. 174 and 184. This proposed Ordinance amended, repealed, added and replaced certain sections of the Perkiomen Township Zoning Ordinance. The second public hearing was on Ordinance No. 195. Ordinance No. 195 was an Ordinance amending the Perkiomen Township Zoning Ordinance, Ordinance Nos. 174 and 184 by repealing Article 17 thereof and replacing in its entirety with a new Elderly Residential District. The third public hearing was on Ordinance No. 196. Ordinance No. 196 was an Ordinance amending the Perkiomen Township Zoning Ordinance amending Ordinance Nos. 174 and 184 by repealing Article 20 thereof and replacing in its entirety with a new Commercial Retail District. Mr. Picardi closed the public hearings and turned the meeting back to William Patterson. Upon closing the public hearings, the Board moved forward to consider adoption of these three proposed Ordinances. For Ordinance No. 191, Richard Kratz made a motion, seconded by Dean Becker to approve Ordinance No. 191. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0. For Ordinance No. 195 the Board discussed the language in the Declaration of Legislative Intent. Gordon MacElhenney discussed changing the items listed in the proposed Legislative Intent. The changes that Mr. MacElhenney wanted were relatively minor. First, Mr. MacElhenney would like to change Section 17.1.A to read as follows: "To provide an area of the Township where the housing interests and needs of elderly persons can and will be accommodated." The other Board members were okay with the revised language. Second, Mr. MacElhenney felt that Section 17.1.B should be removed. Since this sub-section was not critical, it was agreed to remove it. Third, Mr. MacElhenney felt that Section 17.1.C was okay. Last, Mr. MacElhenney felt that Section 17.1.D should be removed. Mr. Picardi disagreed and stated that this sub-section was

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related to the requirements set forth within the Federal legislation that provides for housing for elderly. It was Mr. Picardi's recommendation that Section 17.1.D stay as written. The Board discussed the issue and chose to keep the sub-section as set forth in the proposed Ordinance. Dean Becker made a motion, seconded by Richard Kratz to approve Ordinance No. 195. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0. For Ordinance No. 196, Richard Kratz made a motion, seconded by Dean Becker to approve Ordinance No. 196. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

MINUTES: The minutes of the June 6, 2006 meeting were approved as presented.

POLICE REPORT: The Board reviewed the PA State Police Report for May and June.

CORRESPONDENCE:

- The Lower Frederick Regional Ambulance Report
- CPVRPC- Minutes of their meeting/Annual Report
- PSATS Bulletin
- Letters from Lower Frederick Ambulance, Perkiomen Valley Library, Trappe Borough
- Letter to the Steinbach regarding 2005 Road Project from Dan Malloy Paving, Inc.

SOLICITOR'S REPORT: Kenneth Picardi reported that the Township went to Settlement with Harleysville National Bank June 29, 2006 for the \$3,000,000 loan. Buxmont – Mr. Picardi informed the members that in addition to the letter received from one of the residents, he sent a letter as directed by the Board to the Department of Public Welfare. The review of the proposed Zoning Amendments had been discussed previously.

EXECUTIVE SESSION – Mr. Picardi requested an Executive Session to discuss the final agreements for the purchase of Development Rights for John Meyers and the Manns Properties. Chairman Patterson then announced that an Executive Session would be held that purpose later in the meeting.

ROAD MASTER'S REPORT: John Moran submitted his report for June to the Board. In addition, Mr. Moran reviewed two escrow agreements. These two escrow agreements are for opening Bridge Street. One agreement is for 223 Bridge Street and the second agreement is for 225 Bridge Street. These road openings are to provide connections of two homes into the Perkiomen Township Municipal Authority Sewer System. The amounts in the escrow agreements were reviewed by Pamela Stevens. Mr. Moran informed the Board that Macintosh Builders has signed the agreements and provided the necessary checks. The Escrow Agreements are complete in Mr. Moran's opinion and he recommended that the Board approve them. With the recommendation of Mr. Moran, Dean Becker made a motion seconded by Richard Kratz to approve the Highway Occupancy Permit Escrow Agreement between Macintosh Builders, Inc. and Perkiomen Township for 223 and 225 Bridge Street at a cost of 2,587.00 for each road

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

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

CODE ENFORCEMENT REPORT: John Moran Jr. submitted his June report to the Board.

PLANNING COMMISSION REPORT: The Planning Commission's June meeting was canceled.

ENGINEER'S REPORT: Pamela Stevens

- **BETCHER ROAD REALIGNMENT** – D. Malloy Paving, Inc. submitted an application for payment known as payment no. 4. Pamela Stevens reviewed the request for payment and found it to be complete. Ms. Stevens recommended that the Board approve the request. With the recommendation of Ms. Stevens, Richard Kratz made a motion seconded by Dean Becker to authorize the payment to D. Malloy Paving in the amount of \$23,507.75. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

- **HERITAGE CONSTRUCTION CO.** – Heritage Construction Company has submitted an escrow release for Heritage Woods. This is escrow release no. 8. The amount of the request is \$15,378.75. Pamela Stevens reviewed the escrow release and found it to be complete. Ms. Stevens recommended that the Board approve the request. With the recommendation of Ms. Stevens, Gordon MacElhenney made a motion seconded by Richard Kratz to release \$15,378.75 for Heritage Construction Company Escrow Release No. 8. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

- **CRANBERRY PHASE 7 - Maintenance Bond Expiration** – Both Ms. Stevens and Mr. Picardi updated the Board regarding the status of the repairs that needed to be completed in Phase 7 of the Cranberry Development. The developer, Dewey Homes, had extended the original Maintenance Bond for an additional six months because they had yet to repair all of the items listed in Ms. Stevens' inspection report. To date, Dewey Homes has not completed all of the repairs and the expiration of the additional six month Maintenance Bond is August 3, 2006. The Board reviewed and discussed whether to call the Maintenance Bond or request that the developer extend it. It was pointed out that, should the Board call the bonds, the Township would have to complete the repairs. Due to the anticipated cost to make the repairs, the Board would need to bid out the work. The risk would be that the cost could potentially be higher than what is presently in the bonds. The

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Board discussed requesting a ninety day extension from August 3, 2006. Ms. Stevens felt that this should be sufficient time to complete the repairs. Richard Kratz made a motion, seconded by Gordon MacElhenney to request that Dewey Homes extend the Maintenance Bonds for an additional ninety days from August 3, 2006 and authorized Kenneth Picardi to call the bonds if the developer will not complete the work or extend the bonds before the August 3, 2006 deadline. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

RECEIPTS AND EXPENDITURES: In addition to the Treasurer's Report, Cecile Daniel reviewed a memo dated July 7, 2006. After discussions with the auditor's Ms. Daniel prepared some budget adjustments that need to be made to the 2006 Budget. These budget adjustments do not affect the final total of the approved budget. These adjustments will affect certain line items within the budget. Adjustments were discussed during the personnel sessions held this year but need approval and are set forth in the memo. The budget adjustments that have not been previously discussed were the charges for the settlement of the \$3,000,000 loan with Harleysville National Bank. There were expenses that should come from the open space money versus the loan proceeds. The budget account for the loan needs to be adjusted and the open space line item needs to be adjusted. These adjustments will not affect the overall budget because these are internal budget adjustments by moving the line items either up or down depending on the adjustment. Ms. Daniel recommended that the Board approve the budget adjustments as set forth in her memo dated July 7, 2006. Richard Kratz made a motion seconded by Dean Becker to approve the budget adjustment as set forth in Cecile Daniel's memo of July 7, 2006. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0. Next, the treasurer reviewed the receipts and expenditures for the month of June. After review of same, Dean Becker made a motion seconded by Richard Kratz to authorize payment of the June bills. There were no public comments on the motion. The motion was carried unanimously by a vote of 4-0.

NEW BUSINESS:

- **T-MOBILE:** A public hearing before the Perkiomen Township Zoning Hearing Board has been set for the variance request of T-Mobile. As discussed at the June Board meeting, T-Mobile is proposing to construct a telecommunication tower at 551 Gravel Pike. The Township Solicitor, as directed, requested that representatives from T-Mobile attend the July Board meeting. This request was made to try and gather information regarding this application. This information is necessary to help the Board make a decision as to whether they wish to have representation at this public hearing. Nicholas Cucé, attorney for T-Mobile, and William Evans, T-Mobile's zoning specialist were present to discuss T-Mobile's variance application to the Zoning Hearing Board. Mr. Cucé informed the Board that the variance being requested is for the installation of a telecommunication tower. The

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property is located in the VCR-2 Zoning District. The use of a telecommunication tower is not a permitted use, conditional use, or special exception in this Zoning District; therefore, they have applied to the Zoning Hearing Board for a variance. The facility would be contained within a fenced area of 900 square feet. There will be a monopole that would be

150 feet high. On the top of the monopole there will be nine antennas. The area will be fenced in and the proposed fence would be eight feet in height. There will be a 10x20 cabinet at the based and one parking space at the rear end of the property. The site would be unmanned, but there may be periodic personnel to make sure that there are no problems. Mr. Evans showed a propagation plan. This purpose of this plan is to show where there are areas that either have poor service or not service. Based upon that plan, there is an area along Gravel Pike that indicated poor or no service. The proposed telecommunication tower is to fill in that gap or hole in T-Mobile's service area. The pole would be constructed so that additional antennae could be added to the pole. The Board discussed whether the applicant had explored areas within the Township where telecommunication towers are either a permitted use or allowed by special exception. Based upon the propagation plan that Mr. Evans presented, there are areas that allow telecommunication towers either by-right or by special exception. Mr. Cucé could not say whether or not T-Mobile pursued those areas first before submitting a variance application to the Zoning Hearing Board. The Board also discussed the aesthetics of having a tower located in the middle of the Village of Graterford. The Board informed Mr. Cucé that they were aware that the public hearing on this application was set for July 26, 2006. Mr. Cucé informed the Board that his client could grant the Zoning Hearing Board a continuance to the application. Under the MPC, the first public hearing must be held within 60 days of the completed application. This can only be extended if the applicant submits a letter granting the continuance or goes on record stating that they grant a continuance to this 60 day requirement. Mr. Cucé informed the Board that he was not authorized to state whether or not his client would grant that extension. This would be something that he will need to explore over the next few days. Since Mr. Cucé could not grant the continuance, Dean Becker made a motion seconded by Gordon MacElhenney to authorize Kenneth Picardi to appear before the Zoning Hearing Board on behalf of Perkiomen Township in opposition of the variance application filed by T-Mobile. The opposition is based upon making sure of the following: (a) that the location of 551 Gravel Pike is the best suitable location, (b) that there are no other locations where installation of the telecommunication tower would be allowed either by-right or by special exception and would also provide the service T-Mobile needs to fill in their "gaps" of "holes", and (c) the concerned about the aesthetics of the telecommunications tower in the Village of Graterford. There were no public comments on the motion. The motion was carried by a vote of 3-Yes to 1-No (Richard Kratz).

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- **CORNWALLIS WAY:** A petition was submitted by Jennifer Allwein of 1105 Cornwallis Way. This petition was a request for the installation of a 4-way stop sign on Cornwallis Way. Cornwallis Way is located in the Perkiomen Greene Development located off of Betcher Road. The residents are requesting a 4-way stop sign where the street intersects itself across from 1113/1114 Cornwallis Way. There are already 2 stop signs located there; adding 2 more stop signs would make this a 4-way stop intersection. Both Pamela Stevens and Cecile Daniel explained that the installation of a 4-way stop intersection requires a Traffic Study and must be completed under PADOT Chapter 212 Requirements and the MUTCD Requirements. Mrs. Allwein explained that there is a safety concern. While discussing the 4-way stop sign, the residents also asked about speed humps and reduction in the speed limit. After listening to the residents regarding the petition, Dean Becker made a motion, seconded by Gordon MacElhenney to authorize Pamela Stevens to conduct a traffic study as required under PADOT Chapter 212 and the MUTCD Regulations. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

- **GRATERFORD CORRECTION INSTITUTE:** There are 2 items:
- **Community Work Program:** Graterford Inmates in the state's outreach program can provide clean-up assistance to Perkiomen Township upon submission of a Community Work Program Application. Presently Montgomery County Park's Department is using this Program for clean-up detail on the Perkiomen Trail. The Board reviewed the Program Application. In the application, the Township would hold the state harmless should anything happen while the inmates would be providing clean-up assistance to the Township. Due to the issue of the hold harmless, the Board decided that they are not interested in submission of a Community Work Program Application to Graterford Prison.

- **Request for Assistance:** Lt. Walter Grunder of SCI Graterford wrote a letter to the Board looking for assistance in their emergency Planning. The state's policy requires that they identify an off site location that would be available in time of emergencies for a Staff Service Area. During emergencies, the family members of the staff at Graterford would be sent to the off site location for updates and information regarding the emergency situation at the prison. The Board informed Ms. Daniel that they are willing to explore the idea, but wanted more information before they made a decision one way or the other. Ms. Daniel will respond to Lt. Grunder.

- **EXECUTIVE SESSION:** As requested earlier by Mr. Picardi, William Patterson recessed the meeting at 9:10 p.m. to discuss the purchase agreement for the Development Rights for John Meyers and the Manns. The agreements were discussed and the meeting was reconvened at 9:30 p.m.

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- **MEYERS/MANNS** – The Board had before them two agreements. Both agreements were for the purchase of Development Rights. The first agreement was for the purchase of Development Rights for property owned by John Meyers. The agreement stipulates the purchase of these Development Rights at a price of \$900,000. Before the Board made a decision some of the residents asked what this would mean. It was explained that the Board was purchasing the rights that would allow Mr. Meyers to either develop the property or sell the property to a developer. By purchasing these rights, the property would remain as a farm and could not be developed or subdivided. There were questions as to the property owners' right to construct additional buildings on the property or replace existing buildings should they be destroyed by fire or age. Dean Becker made a motion seconded by Gordon MacElhenney to approve the Purchase Agreement between Perkiomen Township and John Meyers for the purchase of Development Rights for a price of \$900,000 and authorized the chairman and secretary to sign the Purchase Agreement. A public comment came from Jane Algard. Mrs. Algard was John Meyers' daughter. She informed the Board that she has trouble with the deal and feels that her father and the Township should not be entering into this agreement. The motion was passed by a unanimous vote of 4-0. The second agreement was for the purchase of Development Rights for property owned by Ronald and Linda Manns. The agreement stipulates the purchase of these Development Rights at a price of \$750,000. Again the residents ask questions similar to those asked regarding the Meyers' Agreement. Gordon MacElhenney made a motion seconded by Dean Becker to approve the Purchase Agreement between Perkiomen Township and Ronald and Linda Manns for the purchase of Development Rights for a price of \$750,000 and authorized the chairman and secretary to sign the Purchase Agreement and the 1031 Exchange Agreement. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0. Before the deal is finalized the Board must hold a public hearing on the Purchase Agreements. The Board set a public hearing date for September 5, 2006 at 7:00 p.m. in the Perkiomen Township Administration Building.

SUPERVISORS COMMENTS

William Patterson informed the public that the Perkiomen Township Community Day is scheduled for Sunday, September 10, 2006.

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