

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING  
MINUTES: AUGUST 14, 2007**

**BOARD MEMBERS PRESENT:** William Patterson, Chairman  
Richard Kratz, Member  
Dean Becker, Member  
Edward Savitsky, Vice-Chairman  
Gordon MacElhenney, Member

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

**MINUTES:** The minutes of the July 3, 2007 Board of Supervisors meeting were approved upon a motion made by Dean Becker and seconded by Richard Kratz. There were no public comments on the motion. The motion was carried by a vote of 5-0.

**POLICE REPORT:** The Board reviewed the PA State Police Reports for June and July. Mr. Becker favorably acknowledged the recent speed checks that Limerick Township Police Department conducted on Township Line Road as part of a grant that Limerick Township received on dealing with aggressive driving.

**CORRESPONDENCE:**

Central Perkiomen Valley Regional Planning Commission: June Minutes  
Montgomery County- Board of View Public Hearing Schedule  
PSATS Bulletin  
Borough of Collegeville – Letter regarding Perkiomen Trail  
Lower Frederick Ambulance: Letter regarding yearly donation  
Perkiomen Valley Library: Letter regarding yearly donation.

**SOLICITOR’S REPORT:** Kenneth Picardi reported on the following: (1) T-Mobile: Indicated that Nextel will be present this evening to discuss co-location on the cellular tower constructed by T-Mobile. Also, he will clarify with T-Mobile its obligation to pay rent. (2) Manning: Informed the Board that the Zoning Hearing Board went as expected, and, that the Zoning Hearing Board announced on August 1, 2007 that it was granting the Mannings a variance for the keeping of horses, subject to a number of conditions. In light of some of the conditions, Mr. Picardi requested that the Board hold an **Executive Session** prior to this Board meeting. Mr. Picardi indicated that he had a telephone conversation with Thomas Keenan, attorney representing the

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Manning Family. Mr. Keenan indicated that his client may appeal the Zoning Hearing Board's decision because his client was not happy with at least two of the conditions placed by the Zoning Hearing Board. Mr. Picardi requested direction from the Board as to the conditions placed by the Zoning Hearing Board on the Manning's Application. His principal concern was the condition requiring that the horse manure be cleaned up daily. Mr. Picardi indicated this condition may be too restrictive and too difficult for the Township to enforce. Based upon the discussion, the Board directed Mr. Picardi to contact Mr. Keenan to determine what the Manning's intentions were regarding an appeal of the Zoning Hearing Board's decision. The Board also directed Mr. Picardi to contact the Zoning Hearing Board's Solicitor Nancy Wentz to see whether she can address the concerns of the Board and Mr. Keenan. If there is no way to reconcile the Zoning Hearing Board's decision, Richard Kratz made a motion, seconded by Edward Savitsky, authorizing Mr. Picardi to file an appeal of the decision of the Zoning Hearing Board. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0. (3) HYK – Mr. Picardi explained that the Board held an **Executive Session** regarding the settlement talks with HYK. (4) Wynnewood – In reviewing the expiration of the Maintenance Bonds, Mr. Picardi indicated that the Bonds will expire on August 24, 2007. This date will be before the next Board meeting. As a result, Mr. Picardi requested that the Board give authorization to calling the Bond if Gambone Development Company, the developer, has not extended the Bond by August 21st. Based upon Ms. Stevens' recommendation, she felt that the remaining items on the punch list could be completed by the end of October. Richard Kratz made a motion seconded by Edward Savitsky to authorize Kenneth Picardi to call both the Township and Municipal Authority Maintenance Bonds, if the developer, Gambone Development Company, has not issued an extension on both Bonds to the end of October, 2007. There were no public comments on the motion. The motion was carried by a vote of 5-0. (5) Leaf/Yard Waste – The Board was given a copy of the bid documents regarding leaf and yard waste pick-up. Under PADEP Regulations, the collection of leaves is considered a recyclable. Perkiomen Township needs to address this as part of the recycling requirements of the Township. In trying to comply with the PADEP, Ms. Daniel was able to obtain documents from another municipality. Ms. Daniel recommended that the Board authorize the Township Solicitor to review the documents to see if this can work for Perkiomen Township. Richard Kratz made a motion, seconded by Dean Becker authorizing Kenneth Picardi to review the Leaf and Yard Waste Bid Documents. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

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

**FIRE MARSHALL'S REPORT:** John Moran Sr. submitted his report for July to the Board. In addition to his regular report, Mr. Moran indicated that as of August 17, 2007, until further notice, there will be no more burning in Perkiomen Township. This burning ban includes a ban on burning in containers.

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

**PLANNING COMMISSION REPORT:** There was no meeting in July.

**ENGINEERS REPORT:** Pamela Stevens was present to review the following items:

- **2007 ROAD PROJECTS** – Local Forces Project: 2007 Road Project – Ms. Stevens informed the Board that she is going to be meeting with John Moran Sr. this coming Friday. Ms. Stevens informed the Board that she and Mr. Moran will review the status of the projects that Mr. Moran has been working on. Most of this work involves storm sewer work in the Cranberry Development. This work needs to be completed before P.K. Moyer can come in and complete the repaving portion of the 2007 Road Project. Under the present schedule, Ms. Stevens anticipates having the road work completed by the end of September into October. Regarding the portion of the road project relating to Mayberry Road, there have been previous discussions as to what type of restoration work should be completed on Mayberry Road. At the July meeting the Board directed Ms. Stevens to calculate the costs of different scenarios when repairing Mayberry Road. One of those scenarios was the rebuilding of Mayberry Road so that the roadway would be opened from Township Line Road to Godshall Road. Due to the location of Mayberry Road to the Lodal Creek, the required permits and construction costs can be excessive and may require a great deal of engineering time and money. As a result, the Board requested that Ms. Stevens prepare an engineering proposal to cover the engineering costs to obtain the necessary permits and design the rebuilding of Mayberry Road.
- **MAYFIELD ESTATES** – Maintenance Bond Issue – At the July meeting there was discussion concerning the items that Stuart & Conti needed to finish in the Mayfield Estates Development. At that time, neither Ms. Stevens nor Mr. Picardi had heard from the developer or his legal counsel. The Board authorized the Township Solicitor to call the Maintenance Bonds and directed Ms. Daniel and Ms. Stevens to prepare bids to repair and replace the outstanding items in SSM's punchlist. Mr. Picardi called the bonds as directed. Upon doing this, Ms. Stevens was contacted by the developer indicating they were in the process of completing all of the outstanding items. As of this meeting, Ms. Stevens informed the Board that all the items on the punch list and all necessary paperwork were completed to her satisfaction. As a result, Ms. Stevens recommended that the Board authorize the Township Solicitor to release the Township's hold on the bond. With the recommendation of Ms. Stevens, Dean Becker made a motion, seconded by Edward Savitsky to authorize Kenneth Picardi to withdraw the calling of the Maintenance Bonds, and to release the final Maintenance Bonds. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0

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- **HERITAGE WOODS** – Dedication Issues – John Maczonis from Heritage Building Group was in before the Board to discuss the dedication of Heritage Woods to Perkiomen Township. Mr. Maczonis informed the Board that he has been working with the Lewises (lot 9 property owners) and Pamela Stevens on the issues related to the basin located in the Lewis' property. It was explained to the Board that this basin was built as approved by the Montgomery County Conservation District (MCCD) and the PA Department of Environmental Protection (PADEP). During June, there was a meeting in the field with Heritage, Mr. Lewis, Ms. Stevens, and Heath Lahr of the MCCD. At that Meeting, Mr. Lahr felt that the basin was working as approved by the MCCD. The area in question is approximately fifteen feet by forty feet and two feet below the outlet structure of the basin. The intent was to store water after a storm event that would allow this water to infiltrate back into the ground. Based upon recent observations, infiltration has occurred, but the slow rate at which it is occurring is a problem. There has been discussion about the possibility of filling in the basin two feet, or, as an alternative, supplementing the current basin with additional wetland plantings. The final decision is with the MCCD and the PADEP. At this time Heritage, the Township and the Lewises are awaiting a final decision from these two agencies. Mr. Maczonis informed the Board that his company completed all of the outstanding items on SSM's punch list. This basin issue is the only item that remains. In order to move forward, Mr. Maczonis has determine the cost necessary to either fill in the basin this two feet or add additional wetland plantings in the basin. The higher amount involves filling in the basin. Based upon time and material, Mr. Maczonis anticipated that this would be \$5,000.00. Mr. Maczonis is willing to escrow \$5,000.00 in addition to posting the regular 18-month Maintenance Bonds. The Board did not make a final decision, but indicated they are willing to consider the dedication at the September 4<sup>th</sup> Board meeting, pending the decision of the detention basin located on the Lewis' property, and execution of all of the appropriate paperwork, bonds and escrow.

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

**NEW BUSINESS:**

- **SPRINT/NEXTEL:** Nextel would like to co-locate on the cellular tower constructed by T-Mobile. Gavin Laboski, Esquire, Damian and Anna Marie Ameen were before the Board representing Nextel. Mr. Laboski explained that his client proposes to add a 12x20 foot equipment shed and a 6x10 foot concrete pad for a future generator. In order to construct these facilities, Nextel will encroach into the side of the existing detention basin. To ensure that these structures will be located on stable ground and above the water level

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in the detention basin, Nextel proposes to construct the facilities on piers. SSM reviewed the structural integrity of the piers, and found the information submitted by Nextel to be acceptable. Mr. Picardi received from Mr. Laboski a letter from T-Mobile authorizing Nextel's request to co-locate on T-Mobile's cellular tower. The agreement between Perkiomen Township and T-Mobile allows for one main user and two co-locators. In exchange for this, Perkiomen Township is entitled to monetary compensation. Mr. Picardi also indicated that under the agreement with T-Mobile, Perkiomen Township is entitled to a copy of the agreement between Nextel and T-Mobile. There was a discussion regarding the structure and the fall zone of the tower. The agreement with T-Mobile also required the installation of a living buffer around the fence. Mr. Stevens was concerned about the longevity of the living buffer due to the location. The T-Mobile Plans required the living buffer to be located in the detention basin. Over time, the water in the basin may kill the living buffer. As a result, Ms. Stevens recommended that slats be placed in the fence in lieu of installing the living buffer. These slats should be green in color and should be installed on all three sides of the fence compound. Dean Becker made a motion seconded by Gordon MacElhenney to approve the request of Nextel to co-locate on the T-Mobile Tower described in plans dated July 10, 2007 except plan sheet S-3 this plan is last revised August 8, 2007 subject to the following conditions: (1) that the height of the fence be uniform at the top rail around the perimeter and that no more than two feet of the shelter shall be visible above the fence; (2) the fence shall be 8-foot minimum all the way around; and (3) green slats shall be interwoven within the fence for the three sides. (4) that the living buffer be eliminated. There were no public comments on the motion. The motion was passed by a vote of 5-0.

- **PARK & RECREATION ORDINANCE:** The ad-hoc Park & Recreation Committee has been working on the preparation of an Ordinance that would create a Joint Perkiomen Township Park & Recreation Committee. The draft Ordinance is structured such that the committee would be a park & recreation committee, but also a shade tree commission. The ad-hoc committee reviewed the draft Ordinance and the structure that is created by this Ordinance. The ad-hoc committee is okay with the structure and the language set forth within the draft Ordinance and submitted the draft to the Board for review. The Board reviewed the draft and was okay with the concept. The final draft Ordinance needs to be reviewed by the Township Solicitor and revised accordingly since the concept is to have this group act as both a park & recreation committee as well as a shade tree commission. Once Mr. Picardi has revised the final draft, then the Ordinance can be advertised for consideration by the Board. Richard Kratz made a motion seconded by Gordon MacElhenney to authority Kenneth Picardi to finalize the draft of the Park and Recreation Ordinance and authorized advertisement of same once Mr. Picardi has submitted the final draft to the Township. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

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- **GRINDER PUMP ORDINANCE:** Cecile Daniel explained that as part of the Planning Module review process, the PADEP is requiring Maintenance and Operation Agreements as part of the Planning Module Approval. This would affect those developments that are proposing to use grinder pumps in order to provide public sewer to the new homes. The Perkiomen Township Municipal Authority has been working on a draft Ordinance and Agreement. The Ordinance would establish the procedures for the installation, use and maintenance of the sewer grinder pumps. Within this Ordinance is the provision that enforcement is authorized as part of the daily responsibility of the Perkiomen Township Municipal Authority. In order to ensure compliance, the Municipal Authority has developed a standard Operation and Maintenance Agreement. The Municipal Authority recommended that the Board consider adoption of the proposed Ordinance which will pass the administration of the installation, use and maintenance over to the Municipal Authority. Richard Kratz made a motion seconded by Dean Becker to authorize advertisement of the Ordinance that will establish the procedures for the installation, use and maintenance of sewer grinder pumps and associated force mains or low pressure laterals. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.
  
- **UPPER SALFORD TOWNSHIP:** Upper Salford Township submitted a request for aid from the Perkiomen Township Special Fire Police for assistance with the Philadelphia Folk Festival scheduled for the weekend of August 17 through August 19, 2007. Edward Savitsky made a motion, seconded by Dean Becker 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 5-0.

**COMMENTS FROM THE PUBLIC**

(1) Gregory Kupetz asked about two items. The first item dealt with whether the Board had heard anything further on the situation with the possible closing of Graterford Prison. The Board told him no. The second item was the status of the traffic signal at Township Line Road, Wartman Road, and Graterford Road. Ms. Daniel indicated that comments from Perkiomen Township and Limerick Township on the conditional diagram were submitted to PA Department of Transportation for review. (2) Norman Leshner questioned the fall zone of the cellular tower construction by T-Mobile due to the location of the tower with the surrounding structures. It was explained by Mr. Picardi that the Township cannot require a 150 foot fall zone (such a regulation would be prohibited by Federal Law). In addition, T-Mobile has provided the necessary insurance to cover the Township should there be any problem.

**SUPERVISORS COMMENTS**

William Patterson informed the public that the Perkiomen Township's Community Day is scheduled for Sunday, September 9, 2007 with a rain date of Sunday, September 16, 2006. Also,

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Dean Becker, as required by the Second Class Township Code, presented a letter to his fellow Board members regarding health insurance. In the letter, Mr. Becker notified the Board of his desire to participate in the Perkiomen Township Health Insurance Plan. None of the other Board members expressed any problem with this request.

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