

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING  
MINUTES: OCTOBER 4, 2011**

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BOARD MEMBERS PRESENT: Richard Kratz, Chairman  
Gordon MacElhenney, Vice-Chairman  
William Patterson, Member  
Dean Becker, Member  
Janet Heacock, Member

OTHERS PRESENT: Cecile Daniel, Township Manager  
Kenneth Picardi, Township Solicitor  
Chuck Frantz, Township Engineer  
John Moran Jr., Code Enforcement/Zoning Officer

Richard Kratz called the October 4, 2011 Board of Supervisors Meeting to order in the Perkiomen Township Administration Building at 7:00 p.m.

**PERSONNEL:** The first order of business was the resignation of Edward Savitsky. A letter was sent to Richard Kratz, Chairman, informing him that Edward Savitsky was resigning from the Board of Supervisors, the Perkiomen Township Municipal Authority, and the Lower Perkiomen Valley Regional Sewer Authority, effective October 4, 2011, because he was moving outside of Perkiomen Township. After reading the resignation letter, Dean Becker made a motion, seconded by Gordon MacElhenney, accepting the resignation letter of Edward Savitsky with regrets. There were no public comments on the motion. The motion was carried by a vote of 4-0.

Next, William Patterson made a motion, seconded by Gordon MacElhenney, to appoint Janet Heacock to complete the remainder of Mr. Savitsky's term as Supervisor which runs until the end of December, 2013. There were no public comments on the motion. The motion was carried by a vote of 4-0.

Next, William Patterson made a motion, seconded by Dean Becker, to appoint John Moran, Sr. to complete Mr. Savitsky's term on the Perkiomen Township Municipal Authority. Mr. Savitsky's term will run until the end of December, 2015. There were no public comments on the motion. The motion was carried by a vote of 4-0.

Last, the Board introduced Shawn Motsavage as the new Perkiomen Township Road Master.

**PUBLIC HEARING:** Timothy Ott of 138 Bridge Street filed a Conditional Use application before the Board of Supervisors. This application was seeking approval for the construction of an agricultural pole barn, 88 feet long, 40 feet wide, and 23 feet high, for the storage of tractors, farm equipment, and hay. The subject property, which is just over four acres, is

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located on Bridge Street between Church Road and Grater Avenue and is situated in the R-2 Zoning District. Mr. Ott explained that he grows and harvests hay on his property and on other adjacent and nearby property, and that he needs an indoor facility to store his tractors, farm equipment, and hay. Further, Mr. Ott explained that, presently, he uses his property for residential and agricultural uses. When asked as to the location of the pole barn, Mr. Ott explained that the structure would be located 55 feet from the rear property line and 75 feet from the side property line. During the public hearing, Brian Gordon questioned the following: (1) whether the structure could be used for anything other than what was set forth in the Conditional Use Application; (2) whether the structure, should the property be sold, be used for some other use than what was set forth in the Conditional Use Application; and (3) whether a stormwater study was completed due to the possible increase of impervious coverage that would be created by the construction of this structure. Mr. Ott, during his presentation, indicated his reasons for filing the Conditional Use Application with the Township. As to the runoff caused by the roof of this structure, Mr. Ott explained that there would be stone around the building to act like a french drain so that the water coming from the roof would seep back into the ground. During the public hearing, Cecile Daniel explained that the Township has a separate Stormwater Management Ordinance and Mr. Ott's proposed structure would be reviewed to determine whether or not it would fall within the exception set forth in that Ordinance. If the proposed structure does not fall within those exemptions, then Mr. Ott would need to comply with the requirements of the Township's Stormwater Management Ordinance. After closing the public hearing, Dean Becker made a motion seconded by Janet Heacock to approve the Conditional Use Application of Timothy Ott subject to the following conditions:

1. Applicant's use of the approved pole barn shall be limited to the activities set forth in the Conditional Use Hearing Application, namely the storage of tractors, farm equipment, and hay.
2. In the event that Applicant, his heirs, executors, administrators, successors or assigns desire to use the subject structure for any other use whatsoever, any and all necessary Township approvals, including zoning and/or further Conditional Use approval, must be obtained.
3. The approved structure shall be constructed in a location and of the materials substantially similar to those set forth on the attachment to Exhibit T-2.
4. The approved structure and any associated impervious coverage shall be constructed and/or installed only in full compliance with the Township's Stormwater Management Ordinance, unless exempt by the terms of said Ordinance.

There were no public comments on the motion. The motion was carried by a vote of 5-0.

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**MINUTES:** The minutes of the September 6, 2011 Board of Supervisors meeting were approved upon motion of Dean Becker and seconded by William Patterson. Due to her recent appointment to the Board, Janet Heacock abstained from the vote. There were no public comments on the motion. The motion was carried by a vote of 4-0.

**POLICE REPORT:** The Board reviewed the written State Police Report for September.

**CORRESPONDENCE:**

1. **TRAPPE AMBULANCE & LOWER FREDERICK REGIONAL AMBULANCE CORPS:** Reports

**SOLICITOR'S REPORT:** Kenneth Picardi discussed the following:

1. T-Mobile (Calabretta) – The attorney for T-Mobile has asked the Court to schedule an argument date with regard to the appeal filed by T-Mobile in response to the unfavorable Decision issued by the Zoning Hearing Board. To date, the Court has not scheduled an argument date.
2. Ken Grosse (Highlands) – Mr. Picardi explained that the Board held an Executive Session prior to the Board meeting to discuss the real estate matter with regard to the purchase of the 17.2 acres.
3. Godshall Road Bridge Project – Mr. Picardi explained that the Board held an Executive Session on October 3, 2011 regarding the construction of the Godshall Road Bridge. Due to two issues that has arisen with the construction of the bridge a meeting was held with the contractor to discuss how these two matters were going to be resolved.

**ROAD MASTER'S REPORT:** William Patterson, acting as temporary Road Master, submitted to the Board the Road Master's Report dated October 1, 2011 for activities taking place during the month of September. In addition to his report, Mr. Patterson informed the Board that repairs were needed to be made at the pumping station located on Gravel Pike.

**FIRE MARSHALL'S REPORT:** John Moran Sr. submitted to the Board the Fire Marshall's Report dated October 1, 2011 for activities taking place during the month of September.

**CODE ENFORCEMENT REPORT:** John Moran Jr. submitted to the Board the Code Enforcement Report dated October 1, 2011 for activities taking place during the month of September. In addition to his report, Mr. Moran informed the Board that he has two applications before the Zoning Hearing Board. The first application was filed by Eric &

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Jennifer Swarr of 57 Gravel Pike. The Swarr Application includes the following (1) An interpretation to the definition of “Kennel”; (2) If the proposed pet daycare facility is determined to be a “kennel”, then a challenge has been filed to the validity of that section of the Zoning Ordinance; (3) If the proposed pet daycare is determined to be a kennel and the validity of the section of the Zoning Ordinance is upheld, then the applicant is requesting a variance; (4) In the alternative, the applicant is requesting the proposed use as a Special Exception; (5) Request a variance to permit a third use to be located on a lot where the net acre is less than one acre. The Board reviewed the application and due to the nature of the Zoning Hearing Board Application, Dean Becker made a motion seconded by Gordon MacElhenney authorizing Kenneth Picardi’s attendance at the public hearing scheduled for October 12, 2011. There were no public comments on the motion. The motion was carried by a vote of 5-0.

The second application was filed by Steven & Cathy Brown of 102 Bridge Street. This application was a request for a variance to permit an accessory structure be extended into the required side yard setback. Due to the nature of the request, the Board did not feel that Mr. Picardi needed to attend this public hearing.

**PERKIOMEN TOWNSHIP PLANNING COMMISSION MEETING:** Cecile Daniel reported that there were two items discussed at the September 20, 2011 Planning Commission meeting. These two applications were the Conditional Use Application of Timothy Ott, and the proposed Lot Line Subdivision Plan of Larry & Donna Daisey.

**MANAGER’S REPORT:** Cecile Daniel informed the Board to the follow:

1. MS4 (NPDES Permit): Notification has been given that the NPDES Permits for the Stormwater Discharge from Municipal Separate Storm Sewer Systems has been extended. The extension has been granted for an additional 6 months. The extension will be effective on June 10, 2012 and will expire at midnight on March 15, 2013.

**ENGINEERS REPORT:** Chuck Frantz was present to review the following items:

1. Godshall Road Bridge Replacement Project: Mr. Frantz informed the Board that he has received two payment requests from Flyway Construction for the construction of the Godshall Road Bridge Replacement project. Payment Application No. 1 was in the amount of \$74,129.94 and Payment Application No. 2 was in the amount of \$70,309.80. Mr. Frantz informed the Board that he is holding Payment Application No. 3 pending corrections to the fabrication of the bridge structure. The Board discussed the timing by the contractor of the repair to the broken lip on the parapet wall and issue of providing the additive into the concrete. Resolution of these two issues is not a part of either of these two payment requests. As a result, Dean Becker made a motion seconded by William Patterson to approve Payment Application No.1 in the amount of \$74,129.94.

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There were no public comments on the motion. The motion was carried by a vote of 5-0. Next, Dean Becker made a motion seconded by William Patterson to approve Payment Application No. 2 in the amount of \$70,309.80. There were no public comments on the motion. The motion was carried by a vote of 5-0.

2. 2011 Roads Project Update: Mr. Frantz informed the Board that a preconstruction meeting was conducted, submittals have been finalized and the contractor is prepared to start work on the project during the second week of October. Mr. Frantz cautioned the Board that, due to the timing of the Godshall Road Bridge work, this schedule may need to be modified to accommodate additional time to complete repair work to the Bridge. During the preconstruction walk through, it was noticed that areas of Seitz Road have deteriorated since the last walk-through of the site. As a result, Mr. Frantz feels that some additional base repair patches should be added to this project to cover the deteriorated areas. Mr. Frantz explained that the Board had a few options they could consider to accommodate this additional work. The Board may:
- 1) Approve the additional base repair areas and “swap” costs associated with the overlay of Rain Tree Circle which will result in a minor increase in the contract price. The overlay of Rain Tree was added in response to trench work that was completed as part of the Kriebel Subdivision. Cecile Daniel explained that it was made clear to the public during the discussion on this road project that a portion of Rain Tree Circle would be overlaid to cover this area. Should the Board decide to go with this option, there may be concern, on the part of some of the residents on Rain Tree Circle, when they see that this section of Rain Tree Circle is not overlaid as part of this road project.
  - 2) Approve the additional base repair in addition to the Rain Tree circle overlay which would result in an additional \$6,000.00 to the contract.
  - 3) Forego the base repair and leave the contract as is. This could affect the overlay in the future as the deterioration of the base works its way through and affects the overlay.

The Board discussed all three options and decided that option #2 was the best solution to the resolving the situation. Mr. Frantz requested that Board consider approval of Change Order No. 1 in the amount of \$6,000.00. William Patterson made a motion seconded by Dean Becker to approve Change Order No. 1 to add 75 SY @ \$80/SY of Select Base Repair to Seitz Road for a total price of \$6,000.00. There were no public comments on the motion. The motion was carried by a vote of 5-0.

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

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**NEW BUSINESS:**

1. Larry & Donna Daisey: The Daiseys own two parcels of ground that are adjacent to each other in the Village of Rahns. These two properties are 209 & 211 Centennial Street. The Daiseys would like to sell 211 Centennial Street. Before they can do so, the lot line situated between the two lots needs to be adjusted. The existing framed carriage house is located on both lots. The lot line for 211 Centennial needs to be revised so that the framed carriage house is completely located on the property address of 209 Centennial Street. Mark Flaherty of Metz Engineers, as well as the Daiseys, were present before the Board to discuss this proposed lot line adjustment plan. The Planning Commission reviewed the plan at their September meeting and recommended that the Board consider approval of the plan. The Board has before it Resolution 2011-15 which is approval of the plan with one condition. The condition was that upon approval by Perkiomen Township, all certificate blocks shall be completed and the Final Plan shall be recorded in accordance with Section 11.28: Subdivision and Land Development Ordinance. The Board reviewed the plan and Resolution 2011-15 and Dean Becker made a motion seconded by Gordon MacElhenney to approve Resolution 2011-15. There were no public comments on the motion. The motion was passed by a vote of 5-0.

There being no further business, the meeting was adjourned upon a motion made by Dean Becker and William Patterson.