
**LIMERICK TOWNSHIP - BOARD OF SUPERVISORS
MEETING MINUTES**

**DECEMBER 10, 2009
7:00 P.M.**

A meeting of the Limerick Township Board of Supervisors was held on Thursday, December 10, 2009, in the Public Meeting Room of the Limerick Township Municipal Building with D. Elaine DeWan, Chairman, presiding.

Members Present: Supervisors D. Elaine DeWan, Joseph St. Pedro, Kara Shuler, and Kenneth W. Sperring, Jr.

Members Absent: Supervisor Renee K. Chesler

Others Present: Joseph J. McGrory, Esq. and John J. Iannozzi, Esq., Township Solicitors; Khaled R. Hassan, P.E., Township Engineer; Daniel K. Kerr, Township Manager; Beth F. DiPrete, Asst. Twp. Mgr./Finance Director/Treasurer; William J. Albany, Chief of Police; Martena Roshon, Director of Sewer Department and Community Planning; and Stuart L. Rosenthal, P.E., Sewer Engineer.

Call To Order: Ms. DeWan called the meeting to order at 7:10 P.M. Matt McGrory and Lauren McGrory led the pledge of Allegiance.

Opening Comments/Announcements:

Walmart has been removed from the Agenda.

Commendation of Police Officers: Chief Albany presented Commendations to Officers Christopher Iochum and Shawn Pancoast.

THIS MEETING IS BEING RECORDED.

Project Outreach Canned Food Drive - November 12 thru December 10, 2009 at the Township Building

Toys for Tots – Donations are being accepted until December 15, 2009 at the Township Building

American Red Cross Blood Drive – Wednesday, December 30, 2009 from 1:00 P.M. to 7:00 P.M. in the Township Building

Discount Ski Tickets – Available at the Township Building

Yard & Leaf Waste Drop-Off Date – December 12, 2009 at Limerick Township Public Works Facility

Christmas Tree Drop-Off – Limerick Community Park until January 31, 2010

2010 Meeting Dates

- Board of Supervisors Reorganization Meeting - January 4, 2010
- Auditors Reorganization Meeting – January 5, 2010
- Planning Commission Reorganization Meeting - January 7, 2010

Regular meeting dates will be set at the Board of Supervisors Reorganization Meeting on January 4th.

Ms. DeWan announced that this is the last meeting of the Board of Supervisors as presently seated, and her last meeting as Chairman of the Board of Supervisors. Renee K. Chesler is the outgoing Supervisor. Ms. DeWan read the Commendation prepared for Ms. Chesler.

Motion was made by Mr. St. Pedro and seconded by Ms. Shuler, to approve Resolution No. 2009-45 Commending Renee K. Chesler for her service to Limerick Township. Motion passed unanimously.

Consideration of Minutes: Upon motion made by Mr. Sperring and seconded by Ms. Shuler, the November 12, 2009 Board of Supervisors Meeting Minutes were unanimously approved. Motion passed unanimously.

Public Comments on Agenda Items: None.

Bills List: Upon motion made by Mr. Sperring and seconded by Ms. Shuler, Bills List #20 for the period of 11/07/09 through 12/04/09 in the amount of \$1,016,553.27 was unanimously approved. Motion passed unanimously.

Monthly Reports: Upon motion made by Mr. Sperring and seconded by Mr. St. Pedro, the November, 2009 reports of the Treasurer, Zoning/Code Enforcement Office, Fire/Code Official, Public Works Department, Police Department, Parks & Recreation Department, Sewer Department Superintendent, and Sewer Engineer, were unanimously accepted.

Public Hearing

CU # 09-02: Girish Sheth – 430 Linfield-Trappe Road: Mr. Iannozzi suspended the Public Meeting and opened the Public Hearing for consideration of a Condition Use Application. A Court Reporter was present to take the Notes of Testimony which will be available at the Township Building for review. Upon closure of the Public Hearing and movement back into the Public Meeting, Mr. Iannozzi advised the Board to take this matter under consideration. After preparation of the Findings of Fact and Conclusions of Law, an Opinion and Order of the Board of Supervisors will be issued.

Ordinance Amendment - Amending Police Pension Plan to Remove §29.11.4 Killed in Service Death Benefit and Add Provision of DROP Program Benefit: Mr. Iannozzi again suspended the Public Meeting and opened the public Hearing for consideration of an amendment to the current Police Pension Ordinance to remove the Killed-in-Service provision. Mr. Kerr explained that the recent PA Budget now places the burden of the benefit on the State and not local pension funds. Also, the new PA Budget now legally recognizes a Deferred Retirement Option Plan (DROP). This issue was discussed during negotiations with the last Police Bargaining Agreement. While many municipalities have offered a DROP it was not recognized legally, and as such, Limerick offered to discuss in the future if the plan was ever legitimized. The basic intent of a DROP is to permit a retiree to begin receiving pension benefits while continuing to serve as a Police Officer. The Plan is advantageous to a Municipality because it stops all pension accruals for the individual and allows for a succession plan for the two years (option is up to 5 years) the Officer will continue to work. All pension payments are deposited into a separate account controlled by the Township. The individual receives all interest up to 4.5% but any earnings over 4.5% become the benefit of the pension plan. Because the Township controls the investment, a low risk account can be utilized so the funds will not lose value below 0% which would be the responsibility of the Township. This DROP Program is in essence a neutral cost to both sides, and as such, the Administration is not opposed to the benefit. Mr. Iannozzi presented Ordinance No. 310, Ordinance No. 311, and a Proof of Publication as Exhibits to be incorporated into the record. There being no discussion from the Board nor questions from the public, Mr. Iannozzi closed the Public Hearing and moved back into the Public Meeting. **Motion was made** by Mr. St. Pedro and seconded by Mr. Sperring, to approve Ordinance No. 310 Amending the Pension Plan for Police Officers with the New Killed-in-Service Benefit, and to approve Ordinance No. 311 Amending the Pension Plan for Police Officers and Creating a Deferred Retirement Option Plan (DROP). Motion passed unanimously.

Subdivision and Land Development

Extensions: **Upon motion made** by Mr. Sperring and seconded by Ms. Shuler, the following extensions to the 90-day review period were unanimously accepted:

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| a. Allied Landscape & Contractor Supply Co. | (#07-14): | Extended to 3/16/10 |
| b. Hirschorn Tract Subdivision | (#07-23): | Extended to 3/24/10 |
| c. 17 Faust Road | (#09-02): | Extended to 3/24/10 |
| d. Carr-Penn Road | (#09-03): | Extended to 1/31/10 |
| e. 826 N. Lewis Road | (#09-08): | Extended to 3/31/10 |

Development Projects:

17 Faust Road (#09-02): Mr. Iannozzi described the project as a 16.464 acre tract of land in the R-1 zoning district which Applicant proposes to subdivide into six single-family detached

residential lots serviced by individual wells and on-lot septic systems. He reviewed the proposed Resolution noting that the Applicant is in agreement with the terms and conditions as set forth and has executed the Resolution prior to this evening's meeting. **Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to approve Resolution SLD #09-02 (P) Granting Preliminary Plan Approval for 17 Faust Road. Motion passed unanimously.

Carr-Penn Road (#09-03): Mr. Iannozzi described the project as construction of a 5,000 s.f. warehouse in the O/LI zoning district. He reviewed the proposed Resolution noting that the Applicant is in agreement with the terms and conditions as set forth and has executed the Resolution prior to this evening's meeting. **Motion was made** by Mr. Sperring and seconded by Mr. St. Pedro, to approve Resolution SLD #09-03 (P) Granting Preliminary Plan Approval for Carr-Penn Road. Motion passed unanimously.

Sanatoga Springs (#08-14): Mr. Iannozzi described the project for Phase one as a 189,000 s.f. mixed use development in the LLI zoning district for a Costco, a financial institution, and three restaurants (to be determined), and will utilize the LLI Interchange Overlay option of development. He reviewed the proposed Resolution noting that the Applicant is in agreement with the terms and conditions as set forth and has executed the Resolution prior to this evening's meeting.

Ms. DeWan referred to previous discussions regarding sidewalks and a possible bus stop facility and asked what, if anything, has been done. It was noted that sidewalks will be on the Costco side, but will be deferred on the other side of the road. Applicant has agreed to work with Septa and PART to identify an appropriate location for a bus shelter.

Ms. Shuler asked for clarification of the waiver for partial relief from providing the required road improvements along Evergreen Road.

Mr. St. Pedro asked for clarification on the parking space issues that were previously discussed.

Applicant advised that all improvements for the three lots will be done as part of Phase One.

Motion was made by Mr. St. Pedro and seconded by Ms. Shuler, to approve Resolution SLD #08-14 (P/F) Granting Preliminary/Final Plan Approval for Sanatoga Springs (Costco Lot #3). Motion passed unanimously.

Joseph Leone, Realtor with Keller Williams in Limerick, asked if there will be any improvements to Lightcap Road below Possum Hollow Road through Airport Road due to the construction in that area.

Motion was made by Mr. St. Pedro and seconded by Mr. Sperring, to approve Resolution SLD #08-14 (P) Granting Preliminary Plan Approval for Sanatoga Springs (Phase I, Lot #2). Motion passed unanimously.

Hirschorn Tract Subdivision (#07-23): Jeremy Hoagland of The Crossroads Group was present on behalf of the Applicant. He gave a brief overview of the project consisting of 37 acres in the R-1 Residential zoning district. Proposal is for an 18 lot subdivision utilizing the cluster option. One of the lots has an existing home. All lots will be serviced by public water and sewer. He reviewed the waivers that were previously granted, and noted that they have obtained a Sewer Easement Agreement with Blessed Teresa of Calcutta which has been reviewed and approved by the Township Staff. A brief discussion ensued.

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to authorize the Township Solicitor to prepare a Resolution for Board consideration Granting Final Plan Approval for Hirschorn Tract Subdivision. Motion passed unanimously.

North Pointe Community Church (#08-10): The Applicant proposes a 55,800 s.f. church facility with parking, located on 13 acres, serviced by public sewer and private water. Planning Module approval has been obtained. A brief discussion ensued regarding sewer issues, and the requested waivers were reviewed. The Applicant is requesting a deferment of sidewalks along Game Farm Road. Ms. DeWan noted that the Applicant proposes to construct a ball field on part of their open space which may attract walkers, but pointed out that it may not be a good idea to encourage walking along Game Farm Road. Sidewalks and extra wide shoulders along the road for bike riding may turn out to be more of a problem for the Township because of the road's configuration. A brief discussion ensued.

Motion was made by Mr. Sperring and seconded by Mr. St. Pedro, to authorize the Township Solicitor to prepare a Resolution for Board consideration Granting Preliminary Plan Approval for North Pointe Community Church. Motion passed unanimously.

Limerick Auto Body –Review Proposed Improvements: This item was removed from the Agenda.

New Business

Award – Ridge Pike & Sunset Road Traffic Signal: Mr. Kerr explained that the bids were opened on December 7, 2009 for the traffic signal at Ridge Pike and Sunset Road. He reviewed the four bids that were received. Administration recommends the contract be awarded to Wyoming Electric and Signal, Inc. which is the low bidder pursuant to TPD letter dated December 9, 2009.

Motion was made by Mr. St. Pedro and seconded by Ms. Shuler, to award the contract for Signalization of Ridge Pike and Sunset Road to Wyoming Electric and Signal, Inc. in the amount of \$198,397.39. Motion passed 3-1-0, with Mr. Sperring opposing.

Construction will begin after the holidays and takes approximately 14-16 weeks, making completion some time in April.

Release of Contingency – Ambler Savings Bank (#03-16): Mr. Kerr noted that Pennoni has reviewed the Final plans, and found all issues noted on the approved plan are in place. Administration recommends the release of the escrow funds.

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to approve the release of Escrow funds in the amount of \$14,672.78 for Ambler Savings Bank (#03-16). Motion passed unanimously.

Ziegler Estate Subdivision (#07-20) – Component 1 Planning Module: **Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to authorize approval for the Ziegler Estate Subdivision Component 1 Planning Module. Motion passed 3-0-1, with Mr. St. Pedro abstaining from the vote.

Diesinger – Sewer Easement Acquisition Agreement: Mr. Kerr explained that there is an easement area through the middle of this property that the Township will need in the future for the Graterford Road Sewer Pump Station Extension Project. This Agreement provides two EDU's to the project in exchange for the sewer easement.

Motion was made by Mr. Sperring and seconded by Mr. St. Pedro, to authorize the Chairman of the Board to execute the Diesinger Sewer Easement Compensation Agreement. Motion passed unanimously.

Ron Diesinger Subdivision (#04-17) – Planning Module: **Motion was made** by Mr. Sperring and seconded by Mr. St. Pedro, to approve Resolution No. 2009-46 for the Ron Diesinger Subdivision Planning Module. Motion passed unanimously.

Award – PWD Recommendation to Award 2010 Annual Quantities for Bituminous Material: Mr. Kerr explained that the bids were opened on December 1, 2009. He reviewed the bids that were received. Administration recommends approval of the Highway Materials bid.

Motion was made by Mr. Sperring and seconded by Mr. St. Pedro, to award the 2010 Annual Quantities contract for all hot mix material at the bid price of \$90,575.00 fob, and for all cold mix material at the bid price of \$9,550.00 delivered, to Highway Materials. Motion passed unanimously.

Authorization – Re-Advertise PWD 2010 Annual Quantities for Fuels: Mr. Kerr explained that part of the Annual Quantities was a Bid for Diesel Fuel, Gasoline, and Heating Fuel. No bids were received for the fuel oil. Public Works called bidders in the past and one stated they simply missed the advertisement. They stated they were receptive to submitting a bid if the project were re-advertised. Our current contract with Ohlert runs out Dec 31st, so a new ad is necessary in order that an award can be approved at the January Re-org meeting.

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to authorize re-advertisement of the Public Works Department 2010 Annual Quantities Bid for Fuels. Motion passed unanimously.

Resolution - Adoption of 2010 Final Budget: Mr. Kerr explained that a Budget Workshop Meeting was held on November 7th, and the Preliminary Budget was discussed on November 12th. He reviewed the numbers on the Final Proposed Budget, including minor changes, noting that the cost of the Fire Study was inadvertently left off of the Preliminary Budget. It is anticipated that this cost will be covered without increasing the deficit due to the Township receiving favorable returns since the Budget Workshop, and that additional Real Estate Transfer Tax receipts will be received in 2010. He also noted that the Police Union agreed to amend their Bargaining Unit Agreement to accept the same health co-pay levels as Non-Uniform, amounting to a savings of \$18,600.00, and the 3% co-pay for pension to the Police was reduced to 1% co-pay.

Motion was made by Mr. St. Pedro and seconded by Mr. Sperring, to approve Resolution No. 2009-47 for Adoption of the 2010 Final Budget. Motion passed unanimously.

Police Bargaining Unit Agreement – Amend Co-pay Provision: Mr. Kerr explained that the Officers have agreed to amend the Bargaining Agreement to match the insurance co-pay being implemented for the non-uniform staff.

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to approve the First Amendment to the Police Collective Bargaining Agreement dated July 10, 2008. Motion passed unanimously.

Resolution - Repeal of Resolution No. 97-10: Mr. Kerr explained that this Resolution lowers non-uniform yearly pay raises below the level of the uniformed staff.

Motion was made by Ms. Shuler and seconded by Mr. St. Pedro, to approve Resolution No. 2009-48 Repealing Resolution No. 97-10. Motion passed unanimously.

Resolution - Setting 2010 Tax millage rates: Mr. Kerr reviewed the 2010 Real Estate tax millage rates as approved in the 2010 Budget, and noted that the current rate of 1.213 mills is not an increase, but a reallocation within the funds.

Motion was made by Mr. St. Pedro and seconded by Mr. Sperring, to approve Resolution No. 2009-49 Setting the 2010 Real Estate Tax Millage Rates. Motion passed unanimously.

Resolution – Amending Police Pension Plan MMO: Mr. Kerr explained that based on a recent change to PA Laws, the Police Pension MMO for 2010 can be lowered from the previous number adopted in September. This new number is incorporated into the 2010 Budget.

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to approve Resolution No. 2009-50 Amending the Police Pension Plan MMO. Motion passed unanimously.

Resolution – Amending Non-Uniform Pension Plan MMO: **Motion was made** by Mr. St. Pedro and seconded by Mr. Sperring, to approve Resolution No. 2009-51 Amending the Non-Uniform Pension Plan MMO. Motion passed unanimously.

Resolution – Reducing Employee Contributions to the Police Pension Plan for 2010: Mr. Kerr explained that the Police Pension Ordinance requires the contribution rate of 5%, and as noted in the 2010 Budget the rate for 2010 will be 1%. Past contributions have been lowered to 0%.

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to approve Resolution No. 2009-52 Reducing Employee Contributions to the Police Pension Plan for 2010. Motion passed unanimously.

Resolution - 2010 Sewer Rates: Mr. Kerr explained that the sewer rates for 2010 will increase by 8% as noted within the approved Budget.

Motion was made by Mr. St. Pedro and seconded by Ms. Shuler, to approve Resolution No. 2009-53 Amending the 2010 Sewer Rates. Motion passed unanimously.

Mr. Sperring noted that this increase is not something that is abnormal or out of the ordinary. Increases have previously been implemented periodically by the Sewer Authority due to the normal increase in chemical costs, etc.

Extension - Manager Contract: Mr. Iannozzi presented a copy of a contract extension for Mr. Kerr for five years which maintains current levels of benefits. The only change is that vacation time will no longer accrue and all current accrued time will be paid out to eliminate that long term obligation of the Township.

Mr. St. Pedro commented that Mr. Kerr does not get an increase in salary with this contract extension.

Motion was made by Mr. St. Pedro and seconded by Mr. Sperring, to approve Resolution No. 2009-54 Extending the Manager Contract. Motion passed unanimously.

Ms. DeWan commented that Mr. Kerr has brought many improvements to the Township since he has been here, and he has found numerous ways to save money and bring in extra money for the Township.

Approval – Police Building Change Order: Mr. Kerr explained that the Change Order is for flooring in the Police Building at a cost not to exceed \$3,700.00.

Motion was made by Ms. Shuler and seconded by Mr. St. Pedro, to approve the Police Building Change order, with the cost not to exceed \$3,700.00. Motion passed unanimously.

Zoning Hearing Board Advisories

ZHB #09-21, Limerick HC Realty Partners, LP – Heritage Crossing Shopping Center (Ridge Pike & Township Line Road: Rob Lewis with Kaplin Stewart was present on behalf of the Applicant. The Applicant has agreed to withdraw the request for an Interpretation with regard to the signage, and they are only pursuing a variance. He gave a brief presentation. The Board decided to remain neutral and not send opposition to the Zoning Hearing on the Zoning Application of Limerick HC Realty partners, LP, ZHB #09-21.

The following birthdays were noted: Khal Hassan and John Iannozzi.

Public Comments: None.

Mr. Sperring requested that either the Township Manager or the Chairman of the Board write a letter thanking all the uniform and non-uniform employees for their sacrifices in helping the Township to balance the Budget.

Mr. Kerr suggested a statement to the Press.

Adjournment: There being no further business, **motion was made** by Mr. Sperring and seconded by Ms. Shuler, to adjourn the meeting.

Respectfully submitted,

Daniel K. Kerr
Township Manager