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

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**MARCH 12, 2009  
7:00 P.M.**

A meeting of the Limerick Township Board of Supervisors was held on Thursday, March 12, 2009, in the Public Meeting Room of the Limerick Township Municipal Building with D. Elaine DeWan, Chairman, presiding.

**Members Present:** Supervisors Renee K. Chesler, D. Elaine DeWan, Joseph St. Pedro, Kara Shuler, and Kenneth W. Sperring, Jr. (arrived at 7:50 P.M.)

**Others Present:** Joseph J. McGrory, Esq., Township Solicitor; 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 7:08 P.M. Michael John led the pledge of Allegiance.

**Opening Comments/Announcements**

**THIS MEETING IS BEING RECORDED.**

**Yard & Leaf Waste Drop-Off Date:** April 6, 2009 – 8:00 A.M. to 12:00 Noon

**Egg Hunt:** Saturday, April 4, 2009 - 10:00 A.M., Limerick Township Community Park

**Executive Sessions:** Sunday, March 8, 2009 and one held prior to this evening's meeting regarding Personnel issues.

Ms. Chesler welcomed Mr. St. Pedro to his first regularly scheduled Supervisors' Meeting, and she reviewed his vitae.

**Consideration of Minutes:** Upon motion made by Ms. Shuler and seconded by Ms. Chesler, the February 26, 2009 meeting minutes were approved. Motion passed 3-0-1, with Mr. St. Pedro abstaining.

**Motion was made** by Ms. Chesler and seconded by Ms. Shuler, to table the March 5, 2009 meeting minutes. Motion passed unanimously.

**Public Comments on Agenda Items:** None.

**Bills List:** Upon motion made by Ms. Chesler and seconded by Ms. Shuler, Bills List #5 for the period of 2/26/09 through 3/11/09 in the amount of \$399,736.19 was unanimously approved.

### **Public Hearing**

Pension Ordinance – Creating a Defined Contribution Retirement Plan: Mr. McGrory suspended the Public Meeting and opened the Public Hearing for consideration of an Ordinance Creating a Defined Contribution Retirement Plan. He introduced the following Exhibits into the record: 1) Ordinance No. 306; and 2) Proof of Publication from The Times Herald. Ms. DiPrete explained that the proposed Ordinance is for the members of the Sewer Department who came from LTMA and any new non-uniform employee who would be hired on or after January 1, 2009. It is a Defined Contribution Retirement Plan which mirrors the Plan that LTMA currently has. There were no questions from the Board, and no Public Comments. Mr. McGrory closed the Public Hearing and moved back into the Public Meeting. **Motion was made** by Ms. Shuler and seconded by Mr. St. Pedro, to approve Ordinance No. 306 Creating a Defined Contribution Retirement Plan. Motion passed unanimously.

Pension Ordinance – Amending the Non-Uniformed Employees' Pension Plan: Mr. McGrory suspended the Public Meeting and opened the Public Hearing for consideration of an Ordinance Amending the Non-Uniformed Employees' Pension Plan. He introduced the following Exhibits into the record: 1) Ordinance No. 307; and 2) Proof of Publication from The Times Herald. Ms. DiPrete explained that the proposed Ordinance amends the current Non-Uniformed Defined Benefit Plan, and closes it to any new non-uniformed employees hired on or after January 1, 2009. Ms. Chesler asked for clarification that the prior action was to create the new plan, and this action will be to close out the old plan, with the existing participants remaining in the old plan. There were no further questions from the Board, and no Public Comments. Mr. McGrory closed the Public Hearing and moved back into the Public Meeting. **Motion was made** by Ms. Shuler and seconded by Ms. Chesler, to amend the Non-Uniformed Employee's Pension Plan. Motion passed unanimously.

Resolution – Establishing 2009 Contribution to Defined Benefit Plan: Ms. DiPrete explained that as part of the new Defined Contribution Retirement Plan there is a requirement that every year a Resolution must be approved to allot a percentage of salary to be paid to the Plan. The proposed Resolution is to establish a contribution of eight percent (8%) of the W-2 wages for participants to be contributed no later than January 31, 2010. **Motion was made** by Ms. Chesler and seconded by Mr. St. Pedro, to approve Resolution No. 2009-10 establishing a contribution to the Defined Contribution Plan. Motion passed unanimously.

Appointment of New Pension Committee Member: Ms. DiPrete recommended that Tom DiMarzio from the Sewer Department be added to the Pension Committee so that the new Pension Plan is represented by an additional non-uniformed member. **Motion was made** by Ms. Chesler and seconded by Ms. Shuler, to add Tom DiMarzio to the Limerick Township Pension Committee. Motion passed unanimously.

### **Subdivision and Land Development**

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

- a. Allied Landscape & Contractor Supply Company (#07-14): Extended to 6/19/09
- b. St. James Lutheran Church (#08-17): Extended to 6/16/09

### **Old Business**

Discussion - ZHB #2008-25, Girish Sheth – W. Linfield-Trappe Road, NW Corner: Skipped pending attorney's arrival at meeting.

### **New Business**

Legal Update – RHG Properties, LLC vs. Limerick Township: Mr. McGrory requested that the Board table this matter so that he can work out the Agreements in order to avoid litigation. **Motion was made** by Ms. Chesler and seconded by Ms. Shuler, to table the RHG Properties, LLC vs. Limerick Township matter in order that the parties have time to work on finalizing the draft Agreement. Motion passed unanimously.

Legal Update – Travers vs. Limerick Township: Mr. McGrory explained that the insurance company for Limerick Township has negotiated a settlement in this matter. **Motion was made** by Ms. Chesler and seconded by Mr. St. Pedro, to accept the proposal to settle this matter for Ninety Thousand Dollars (\$90,000.00). Motion passed unanimously.

Resolution – Water Shut off Procedures: **Motion was made** by Ms. Shuler and seconded by Ms. Chesler, to approve Resolution No. 2009-11 establishing water shut off procedures for delinquent sewer accounts. Motion passed unanimously.

Agreement with Pennsylvania American Water Company: **Motion was made** by Ms. Shuler and seconded by Ms. Chesler, to approve the PA American Water Company Agreement. Motion passed unanimously.

### **Old Business**

Discussion - ZHB #2008-25, Girish Sheth – W. Linfield-Trappe Road, NW Corner: Applicant's attorney, Rob Lewis, explained that Mr. Sheth applied for relief from use and dimensional variances for the construction of a hotel and accompanying restaurant at the corner of Linfield-Trappe and Lewis Roads. Conditional Use will also be required. The Township's Solicitor was sent to the previous Zoning Hearing in opposition of the Application.

Mr. Lewis reviewed the various conditions at issue and a discussion ensued. Mr. McGrory said the two concerns that the Board expressed at the last meeting was the height of the hotel and over-development of the parcel. The Applicant is no longer asking for a height variance, so the issue now is whether there should be two principal uses on the lot (a hotel and a restaurant). There was a lengthy discussion regarding the various parking issues. **Motion was made** by Mr. Sperring and seconded by Mr. St. Pedro, to withdraw the Board's opposition to ZHB Application #2008-25 conditioned upon the Zoning Hearing Board entering the conditions as discussed this evening. Motion passed unanimously.

Release of Construction Escrow – Limerick Office Center (#06-07): Mr. Kerr referred to the March 2<sup>nd</sup> letter from the Township Engineer advising that all construction improvements have been completed. There are no public improvements therefore no Maintenance Bond was required. **Motion was made** by Mr. Sperring and seconded by Ms. Chesler, to approve the release of the construction contingency for Project #06-07 in the amount of \$62,826.84. Motion passed unanimously.

Release of Maintenance Bond – Springford Evans Elementary (#03-26): Mr. Kerr referred to the March 10<sup>th</sup> letter from the Township Engineer advising that all construction improvements have been completed as per the recorded land development plans. No public improvements are being offered for dedication, therefore no Maintenance Bond is required. **Motion was made** by Ms. Shuler and seconded by Ms. Chesler, to approve the release of the construction contingency for Project #03-26 in the amount of \$66,693.92. Motion passed unanimously.

Resolution - Amendment to Fee Schedule: Mr. Kerr said that the proposed Resolution Amending the 2009 Fee Schedule will need some tweaking before bringing it before the Board for consideration, and he proceeded to highlight the down-turn in revenue sources, stating that the real estate transfer tax has experienced a 70% decline from last year which projects approximately \$205,000.00 less revenue. Also, it is estimated that the Township will receive approximately \$175,000.00 less interest income this year due to lower interest rates. Ms. Chesler reiterated the unpredicted reduction in revenues and resulting shortfalls in the budget due to the dramatic change in the economy. Mr. Kerr said there has not been any new land development projects submitted so far this year. Permit Applications are down as well. Mr. St. Pedro pointed out the fact that many banks are not lending money, therefore construction loans are not being obtained. Mr. Kerr presented available opportunities for cost reduction/savings, including the Code Department which is the front-line operation that is directly impacted by construction and development activity. By eliminating the Code Department the Township could save approximately \$204,000.00 since this department is activity based. Mr. Kerr reviewed the Code Logs for the past three (3) months and analyzed the costs for the salaries and benefits of the Building Code Official, Building Inspector, and the Administrative Assistant. He then compared that cost to the cost of obtaining an outside company to come in and man that service when needed vs. the cost of having full time employees in the department. By outsourcing and based

on current permit levels, there would be a savings of approximately \$104,000.00. The same comparison was done for Zoning resulting in an approximate savings of \$25,000.00. The total savings for a year would be approximately \$129,000.00, not including expenses. Mr. Kerr obtained three (3) proposals for outsourcing:

- 1) Gilmore & Associates – Hourly Rate for both Code and Zoning Services = \$75.00
- 2) Pennoni Associates Inc. – Hourly Rate for both Code and Zoning Services = \$70.00
- 3) Systems Design Engineering – Hourly Rate for both Code and Zoning Services = \$58.00

Mr. Kerr stated that if the Board so desires to outsource, then the Administration recommends hiring Systems Design Engineering for Code work at \$58.00 per hour, and Pennoni Associates Inc. for Zoning work at \$70.00 per hour.

Mr. Sperring requested an Executive Session prior to voting.

Upon return of the Board of Supervisors from Executive Session, **motion was made** by Ms. Chesler and seconded by Ms. Shuler, to terminate the Code Office consisting of Bob Bieber, Paul Chestnut and Amanda Marinari. Motion passed unanimously.

**Motion was made** by Ms. Chesler and seconded by Mr. St. Pedro, to appoint Pennoni Associates Inc. as Zoning and Code Enforcement Officer, based on a fee schedule dated March 9, 2009, at the rate of \$70.00 per hour. Motion passed unanimously.

**Motion was made** by Ms. Chesler and seconded by Ms. Shuler, to appoint Systems Design Engineering as the Building Code Official at the rate of \$58.00 per hour based on their proposal dated March 10, 2009. Motion passed unanimously.

Mr. Kerr verified that the terminations are effective as of the end of business on Friday, March 13, 2009.

### **Zoning Hearing Board Advisories**

ZHB #09-04, Starbucks Coffee Company – 5 West Ridge Pike: Mr. Kerr stated that the Applicant was previously before the Board to review a revision to their Zoning Sign Application which originally was a request for ten (10) signs. The Board was in favor of a sign package which the current Application reflects. The Board already voted to drop opposition and the Sign Application is moving forward. No further action is necessary from the Board.

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**Public Comments**

Michele Chrisman, 688 North Limerick Road, asked why and when did the Board decide to exclude the Planning Commission from Staff Meetings. She also asked why the last motion prior to the Starbucks Zoning Application was not on the Agenda, and what other cost savings were looked at? How much does the construction cost save? Aren't you adding or remodeling because of the sewer employees moving to the Township? What about the staff that Mr. Kerr brought with him from his other township? Couldn't you have cut attorney costs?

**Adjournment:** There being no further business, **motion was made** by Ms. Chesler and seconded by Ms. Shuler, to adjourn the meeting at 8:42 P.M.

Respectfully submitted,

Daniel K. Kerr  
Township Manager