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

**APRIL 23, 2009
7:00 P.M.**

A meeting of the Limerick Township Board of Supervisors was held on Thursday, April 23, 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, and Kenneth W. Sperring, Jr.

Members Absent: Kara Shuler

Others Present: Joseph J. McGrory, Esq., Township Solicitor; Joseph P. Platt, Traffic Engineer; Daniel K. Kerr, Township Manager; Beth F. DiPrete, Asst. Twp. Mgr./Finance Director/Treasurer; William J. Albany, Chief of Police; Dennis E. Rumler, Fire Code Official; Karen M. Hegedus, Parks and Recreation Coordinator; and Martena Roshon, Director of Sewer Department and Community Planning.

Call To Order: Ms. DeWan called the meeting to order at 7:24 P.M. Karen Hegedus led the pledge of Allegiance.

Opening Comments/Announcements

THIS MEETING IS BEING RECORDED.

Executive Session – Prior to this evening’s meeting to discuss litigation

Yard & Leaf Waste Drop-Off – May 4, 2009

Consideration of Minutes: **Upon motion made** by Mr. Sperring and seconded by Ms. Chesler, the March 24, 2009 meeting minutes were approved 3-0-1, with Ms. DeWan abstaining.

Upon motion made by Mr. Sperring and seconded by Mr. St. Pedro, the April 9, 2009 meeting minutes were unanimously approved.

Public Comments on Agenda Items: None.

Bills List: **Upon motion made** by Mr. Sperring and seconded by Ms. Chesler, Bills List #8 for the period of 4/09/09 through 4/22/09 in the amount of \$228,786.53 was unanimously approved.

Monthly Reports: **Upon motion made** by Mr. Sperring and seconded by Ms. Chesler, the March, 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.

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Legal

Settlement Agreement – Providence Properties: Mr. Skypala asked the Board to consider the proposed Settlement Stipulation regarding Providence Properties’ appeal from the Conditional Use Decision of August, 2005. **Motion was made** by Mr. St. Pedro and seconded by Ms. Chesler, to authorize execution of the Stipulation as presented. Motion passed unanimously.

Discussion - Traffic Impact Fees – (Moscariello) 292 Ridge Pike (#05-02): Mr. Skypala explained that the plans for 292 Ridge Pike were approved three years ago under Resolution #05-02 (F), and the property has been substantially developed. None of the payments have been made pursuant to the Final Resolution. The mixture of retail and office space in the development has changed, resulting in a reduction in the 209 fee from \$34,003.00 to \$27,570.00. Mr. Moscariello is seeking relief for that reduction, and he is requesting permission to pay the \$27,570.00 in 1/3rd installments. **Motion was made** by Mr. St. Pedro and seconded by Ms. Chesler, to approve delaying the payment of the 209 fee in 1/3rd installments, as each of the buildings are occupied, for the full \$34,003.00, plus the open space and fire company fees shall be due immediately. Motion failed 2-2-0, with Ms. Chesler and Mr. Sperring voting against the motion.

Crosswinds II (#03-21) – THP Maintenance Bond: **Motion was made** by Ms. Chesler and seconded by Mr. St. Pedro, to authorize Administration to proceed on the THP Maintenance Bond for Crosswinds II in accordance with the recommendation of the Township Engineer. Motion passed unanimously.

Public Hearing

2009 Community Development Block Grant (CDBG) Application: Ms. DeWan suspended the Public Meeting and opened the Public Hearing, introducing Carl Royer, the Community Development Administrator. He explained that since the previous hearing at the last Board of Supervisors Meeting a draft Application has been prepared. It will be approximately two weeks until we are notified of the exact amount to be allocated to the Township which is anticipated to be \$235-240,000.00. At that point the application can be completed and a Resolution will be presented to the Board for consideration. At the conclusion of the Hearing Ms. DeWan closed the Public Hearing and moved back into the Public Meeting. No action was taken.

Subdivision and Land Development

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

- | | | |
|---------------------------------|-----------|---------------------|
| a. Telvil-Landis | (#03-06): | Extended to 8/03/09 |
| b. NorthPointe Community Church | (#08-10): | Extended to 7/31/09 |
| c. 1310 Main Street, Linfield | (#08-15): | Extended to 8/03/09 |

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Pottstown Honda Parking Expansion #06-04: Mr. McGrory reviewed the provisions of Resolution SLD #06-04 (A/F), and Applicant is in agreement with the terms and conditions as set forth in the Resolution. Mr. McGrory requested formal action from the Board.

Upon motion made by Ms. Chesler and seconded by Mr. St. Pedro, Resolution SLD #06-04 (A/F) granting Amended Final Plan approval for Pottstown Honda Parking Expansion was unanimously approved.

St. James Lutheran Church (#08-17): Chad Camburn with Bursich Associates was present on behalf of St James Lutheran Church. He described the project as an expansion to the existing church building and parking area. Location is at the corner of Kugler Road and Swamp Pike in the R-2 Zoning District. They previously received a Zoning Variance to allow for additional impervious coverage. The Planning Commission made a recommendation for Preliminary/Final Plan approval. Various waivers are requested primarily due to existing conditions. They are in compliance with the recommendations of the Township Engineer and TPD. Mr. Camburn reviewed the 13 waivers and 2 deferrals requested. A discussion ensued regarding the deferral of sidewalks on Kugler Road and Swamp Pike, as well as the placement of street trees along Swamp Pike.

Pastor Luce from St. James Lutheran Church commented that he would prefer that trees are not planted along Swamp Pike so the church would remain visible.

Tom Neafcy, 103 West Linfield-Trappe Road, recommended that the church be required to donate the trees to the Community Park instead of planting them along the roadway by the church.

Cheryl Aimes, 19 Steinmetz Road, asked if there are any potential road improvements in the works for the intersection at Kugler Road and Swamp Pike.

Motion was made by Ms. Chesler and seconded by Mr. Sperring, to authorize the Township Solicitor to prepare a Revised Preliminary/Final Resolution for St. James Lutheran Church (#08-17) for the Board's consideration. The Resolution shall grant the following Waivers as referenced in the Township Engineer's letter dated March 31, 2009: Nos. 1, 2, 3, 4, 5, 6, 8, 11, 12, and 13. No. 7 shall state that 12 trees will be donated to Limerick Township Community Park, and Nos. 9 and 10 shall be granted to the maximum extent possible. Nos. 1 and 2 shall be deferred.

Mr. McGrory requested that the motion be amended to either grant or deny Nos. 9 and 10.

Motion was amended by Ms. Chesler and seconded by Mr. Sperring, to authorize the Township Solicitor to prepare a Revised Preliminary/Final Resolution for St. James Lutheran Church (#08-17) for the Board's consideration.

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The Resolution shall grant the following Waivers as referenced in the Township Engineer's letter dated March 31, 2009: Nos. 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, and 13. No. 7 shall state that 12 trees will be donated and planted in Limerick Township Community Park. Nos. 1 and 2 shall be deferred. Mr. Sperring seconded the amended motion. Motion passed unanimously.

Old Business

Proposed Sign Ordinance: Mr. McGrory previously drafted a proposed amendment to the Sign Ordinance. A hearing was set and advertised for the March 26th Board of Supervisors Meeting which ended up being cancelled. The current Sign Ordinance allows for time and temperature only. Mr. McGrory explained that by changing the current Sign Ordinance it opens the Township up to the potential for challenge by a billboard company. If left as is, the Ordinance is more defensible than if it were changed and the new restrictions had to be justified. A discussion ensued.

Motion was made by Mr. St. Pedro and seconded by Ms. Chesler, to keep the current Sign Ordinance as is. Motion passed unanimously.

Home Depot Right-of-Way: Mr. McGrory advised that as part of the Home Depot Project there is extensive road work being done on Ridge Pike, and it is necessary for the Township to acquire temporary right-of-way for construction, and permanent right-of-way in order to accommodate the improvements. The Home Depot Project was a negotiated settlement whereby the Township entered into a Court Stipulation. The developer has now asked the Township to pass a Resolution authorizing condemnation, but Mr. McGrory does not intend to file the Declaration of Taking until all efforts have been exhausted. PennDOT won't issue the HOP for Home Depot if they don't have the right-of-ways to put in the improvements, and the Township agreed to aide Home Depot if they were unable to do it on their own. A discussion ensued.

Motion was made by Ms. Chesler and seconded by Mr. St. Pedro, to approve Resolution No. 2009-16 Authorizing the Selection and Appropriation by Eminent Domain of Rights-of-Way and/or Temporary Construction Easements Over Certain Real Estate for the Purpose of Making Improvements to Ridge Pike Including Additional Travel and Turning Lanes, Traffic Control Devices Along with the Management of Stormwater Drainage as well as Installation of Curbing; Authorizing the Institution of Eminent Domain Proceedings for the Acquisition Thereof; Providing for the Furnishing of Security for the Payment of Damages in Accordance with Law; and Authorizing Certain Officers of Limerick Township to Act for it in all Procedures and Actions Required by the Eminent Domain Code. Motion passed 3-1-0, with Mr. Sperring having the descending vote.

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New Business

Oak Creek – Sewer Dedication: **Motion was made** by Ms. Chesler and seconded by Mr. Sperring, to approve the Oak Creek Sewer Collection System. Motion passed unanimously.

Motion was made by Ms. Chesler and seconded by Mr. Sperring, to approve the Maintenance Agreement for the Oak Creek Sewer Collection System. Motion passed unanimously.

Motion was made by Ms. Chesler and seconded by Mr. Sperring, to approve the Manhole Escrow Agreement for the Oak Creek Sewer Collection System.

Parks and Recreation - Concession Stand Agreement: **Motion was made** by Mr. Sperring and seconded by Mr. St. Pedro, to approve the 2009 Concession Stand Agreement with Paul Marchese for a monthly fee of \$275.00 plus any cost over \$300.00 per month on the electric bill, from April until October, 2009. Motion passed unanimously.

Ms. Hegedus made a presentation on the Manderach Memorial Playground Renovation. Three different playground designs were considered. It was decided by the P & R Department and the P & R Committee to go with the Castle Theme design. This proposal calls for the removal of all wooden playground equipment with the exception of the main castle tower park. There are various “Wish List” items for which the P & R Committee would like to do some fund raising. These items are over and above the budgeted amount.

Mr. Kerr advised that the proposals are all State contracts. Therefore, they do not have to be publicly bid.

Ms. Hegedus also reviewed the proposal for designing a Memorial Clubhouse and Garden of Memories with parts of the current wooden structure.

Motion was made by Ms. Chesler and seconded by Mr. St. Pedro, to authorize the Parks and Rec Committee and the Parks and Rec Director to use the Castle Theme playground design by Camellian Playscapes; to secure the equipment space on the \$150,000 budgeted amount for Toddler, 2-5 yr., 5-12 yr. area playground equipment items; to authorize the Parks and Rec Committee to fundraise money to help pay for the additional “Wish List” playground equipment items including resurfacing; and to design a Memorial Clubhouse and Garden of Memories with parts of the current wooden structure, in conjunction with the Spring-Ford Chamber of Commerce. Motion passed unanimously.

Margie Schweitzer, 16 Betty Lane, questioned the form of resurfacing for the slope going down to the 5-12 yr. area as she thought there was a problem with the resurfacing not staying in place on the slope.

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IDA Audit: Ms. Chesler briefly described the function of the Industrial Development Authority, and then presented the Final Audit to the Board of Supervisors for acceptance. **Motion was made** by Mr. Sperring and seconded by Ms. Chesler, to accept the Final Audit of the financial statements of the Limerick Township Industrial Development Authority for year ended December 31, 2008, which was prepared by Maillie, Falconiero & Company, LLP. Motion passed 3-0-1, with Mr. St. Pedro not present at the time of the vote.

Release of Construction Escrow – Hyundai of Limerick (#05-11): **Motion was made** by Mr. Sperring and seconded by Ms. Chesler, to approve the release of the Construction Escrow for Hyundai of Limerick in the amount of \$26,610.39. Motion passed 3-0-1, with Mr. St. Pedro not present at the time of the vote.

Release of Construction Escrow – Limerick Shopping Center (#05-23): **Motion was made** by Mr. Sperring and seconded by Ms. Chesler, to approve the release of the Construction Escrow for Limerick Shopping Center, LP in the amount of \$174,835.60. Motion passed 3-0-1, with Mr. St. Pedro not present at the time of the vote.

Release of Construction Escrow – Chelsea, Phase 2 (#07-05): **Motion was made** by Mr. Sperring and seconded by Ms. Chesler, to approve the release of the Construction Escrow for Philadelphia Premium Outlets, Phase 2 in the amount of \$71,535.95. Motion passed 3-0-1, with Mr. St. Pedro not present at the time of the vote.

Release of Construction Escrow – (Moscariello) 292 Ridge Pike (#05-02): **Motion was made** by Ms. Chesler and seconded by Mr. Sperring, to approve the release of the Construction Escrow for 292 West Ridge Pike in the amount of \$30,295.41. Motion passed unanimously.

Award of Bid - PWD Project #09-01, Recycle and Overlay: Mr. Kerr advised that E.J. Breneman was the only bidder for PWD Project #09-01 for Recycle and Overlay. **Motion was made** by Mr. Sperring and seconded by Ms. Chesler, to award Public Works Project #09-01 for Recycle and Overlay to E.J. Breneman in the amount of \$315,286.50. Motion passed unanimously.

Award of Bid – Sewer Project #09-02, Purchase of 50% Bulk Hydrogen Peroxide: Mr. Kerr advised that there were three bidders for Sewer Project #09-02 for Purchase of 50% Bulk Hydrogen Peroxide, and they each bid at different intervals. **Motion was made** by Mr. Sperring and seconded by Mr. St. Pedro, to award Sewer Project #09-02 for Purchase of 50% Bulk Hydrogen Peroxide to US Peroxide, LLC at the rate of \$3.69/gallon for a 2-Year interval, contingent upon the approval of the Sewer Engineer, Stuart Rosenthal. Motion passed unanimously.

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Discussion – ARRA Grant - Township Line Sewer: Mr. Kerr advised that Administration had a meeting with the Township Line Road residents concerning a sewer extension as part of the Township Line Road project. The ARRA Grant Application is due May 18th. A full up-date will be provided at a later date. **Motion was made** by Mr. St. Pedro and seconded by Mr. Sperring, to move forward with application for the ARRA Grant. Motion passed unanimously.

Approval – Crossing Guard Back-up Personnel: Mr. Kerr explained that Chief Albany has requested approval for the position of Temporary School Crossing Guard so that a small pool of candidates may be pre-approved for use when a regular School Crossing Guard calls off instead of utilizing police personnel. **Motion was made** by Mr. Sperring and seconded by Ms. Chesler, to approve the position of Temporary School Crossing Guard. Motion passed unanimously.

Approval – Change in Payroll Company: Ms. DiPrete reported that due to many errors with the current payroll company, she is requesting that the Board approve switching payroll companies. **Motion was made** by Mr. Sperring and seconded by Mr. St. Pedro, to approve the proposal by AccuPay to process the Township's bi-weekly payroll. Motion passed unanimously.

Public Comments

Cheryl Aimes, 19 Steinmetz Road, wanted to know what was in the Enforcement Notice regarding the Lawrence Junk Yard. A discussion ensued.

Adjournment: There being no further business, **motion was made** by Mr. Sperring and seconded by Mr. St. Pedro, to adjourn the meeting at 9:40 P.M.

Respectfully submitted,

Daniel K. Kerr
Township Manager