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

**MAY 14, 2009
7:00 P.M.**

A meeting of the Limerick Township Board of Supervisors was held on Thursday, May 14, 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.

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; 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 7:15 P.M. Representatives from the Limerick Township Police Department led the pledge of Allegiance.

Opening Comments/Announcements: The audience was reminded that the meeting is being recorded. Ms. DeWan announced that the Board met in Executive Session prior to this evening's meeting regarding a matter in litigation.

The Yard & Leaf Waste Drop-Off Date is June 1, 2009 at the Limerick Township Public Works Building.

Limerick Fire Company Fund Raisers: A Golf Outing is set for Wednesday, June 3, 2009. Additional information is available on the Fire Company website. The date for the Limerick Fire Company Summer Carnival will be announced at a later date.

Ms. DeWan asked the Police Officers who were present to stand in Recognition of Police Week.

Ms. Chesler spoke briefly about Spring Ford Youth Athletic League Baseball. **Motion was made** by Mr. Sperring and seconded by Mr. St. Pedro, to authorize the donation of \$300.00 of Ms. Chesler's Supervisor Salary to Spring Ford Youth Athletic League Baseball. Motion passed unanimously.

A Veterans Memorial Service will be held on Sunday, May 17, 2009 at 2:00 P.M. in the Limerick Garden of Memories.

Consideration of Minutes: **Upon motion made** by Mr. Sperring and seconded by Mr. St. Pedro, the April 23, 2009 meeting minutes were approved with the last sentence in the last paragraph on Page 4 to read as follows: Motion passed 3-1-0, with Mr. Sperring having the descending vote. Motion passed 4-0-1, with Ms. Shuler abstaining from the vote.

Public Comments on Agenda Items: None.

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Bills List: Upon motion made by Mr. St. Pedro and seconded by Ms. Chesler, Bills List #9 for the period of 4/23/09 through 5/13/09 in the amount of \$359,224.88 was unanimously approved.

Subdivision and Land Development

Extensions: Mr. Kerr explained that as of this meeting, Administration has not received a time extension from Chevrolet of Limerick (#03-11), and their time review deadline is up before the next Board meeting. Therefore, it is the recommendation of Administration that the plan be denied. **Motion was made** by Mr. Sperring and seconded by Ms. Chesler, to deny the plan as submitted based on the failure to comply with Township Ordinances and the following review letters: Pennoni letter dated January 10, 2008, the TPD letter dated May 5, 2008, and the Fire Code Official letter dated April 25, 2008.

Mr. St. Pedro asked if the applicant indicated that they are still interested in proceeding, or whether the economy has changed their intentions. Ms. Chesler asked if they have an escrow or fee letter signed or any outstanding fees due related to the development. Mr. Kerr indicated that there is only a cash escrow up front for review of the plans. The charges will be calculated and any remaining monies will be returned.

Motion passed unanimously.

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

- b. Limerick View Shopping Center (#04-09): Extended to 8/18/09
- c. Ely Property Subdivision (#05-21): Extended to 8/20/09
- d. Linfield Corporate Center Lot 51 (#09-01): Extended to 8/26/09

Development Projects

St. James Lutheran Church (#08-17), Preliminary/Final Resolution: Mr. McGrory reviewed the provisions of Resolution SLD #08-17 (P/F), and Applicant has agreed to the terms and conditions as set forth in the Resolution. Applicant executed the Resolution prior to the meeting. Mr. McGrory requests final action from the Board.

Upon motion made by Mr. Sperring and seconded by Mr. St. Pedro, Resolution SLD #08-17 (P/F) granting Preliminary/Final plan approval for St. James Lutheran Church was unanimously approved.

Twin County Subdivision (#08-08): John McMenamain, Project Engineer with Wilhallman Retirement Development, and Gene Dinnocenti with Twin County Construction were present.

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Mr. McMenamain gave a brief description of the 23-acre parcel, noting that there are two existing lots which Applicant proposes subdividing into a total of six lots. Better access to the Twin County Construction building is proposed. Zoning variances were granted on 11/27/07. Water and sewer connections are available. Planning Commission recommends Preliminary Plan approval contingent upon compliance with review letters. Mr. McMenamain reviewed the four waivers that are requested.

A discussion ensued regarding safety issues surrounding the location of the driveway. Mr. McGrory advised the Applicant that the Township requests 60% of the cost of waivers, and he suggested that the Applicant meet with Mr. Hassan to take a look at the waivers requested to get an idea of the cost.

Mr. Rosenthal advised that ownership of the on-site sewer is still at issue, and a decision must be made as to whether it will be private or public. A discussion ensued regarding a 6" line vs. an 8" line.

Motion was made by Mr. St. Pedro and seconded by Ms. Shuler, to authorize the Township Solicitor to prepare a Preliminary Resolution for Twin County Subdivision (#08-08) for the Board's consideration. Motion passed unanimously.

Heritage Crossing (#05-18): John Anderson, Cornerstone Consulting Engineers, was present on behalf of the Applicant. He reviewed the previously approved Final Plan. Drainage issues were discussed as well as emergency vehicle circulation around the building. The previous Conditional Use Approval was for multiple uses. There are three basins that are covered by an Operation and Maintenance Agreement. Mr. McGrory reviewed the provisions of Resolution SLD #05-18 (A/F), noting that there are no waivers or deferrals in this amendment. Applicant is in agreement with the terms and conditions as set forth in the Resolution.

Upon motion made by Mr. Sperring and seconded by Mr. St. Pedro, Resolution SLD #05-18 (A/F) granting Amended Final Plan approval for Heritage Crossing was unanimously approved.

New Business

Kennedy Mazda – Sewer Dedication: Mr. Kerr explained that this is a sewer extension project. Mr. Sperring pointed out that where the sewer line is located along the creek, someone is splitting and stocking fire wood and it looks like someone has a landscape business down there. Also, the golf course chained off an area so nobody can get access to the illegal maintenance building that they have there. The property should not be blocked if that is an easement, and the golf course should not be using that area for storage. A discussion ensued.

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Upon motion made by Mr. Sperring and seconded by Ms. Chesler, the Kennedy Mazda Sewer Dedication issue was tabled. Motion passed unanimously.

Discussion - Construction Code Amendments: Mr. Kerr advised that Administration began reviewing the Codes in general since the transition, and he noted that the Township operates under the PA Uniform Construction Code which was passed in 1999. The Township thereafter adopted the proper Ordinances when the regulations were put in place around 2004. Since then, the State amended the UCC Code in 2007 striking out a chapter of the Construction Code which did away with the Township's ability to require a permit for remodeling basements. The Administration believes that since remodeling a basement is a change of a living space, it should be permitted for safety issues. Mr. Sperring feels that a permit should not be required. A lengthy discussion ensued. No decisions were made.

Resolution – Joint Planning Lower Pottsgrove: Ms. Chesler and Mr. Sperring recently attended a meeting with Lower Pottsgrove Township to discuss the creation of a master plan between the two Townships to incorporate the infrastructure improvements for the Sanatoga area, which includes roads, sewers, stormwater management, trails, and open space. A discussion ensued.

Motion was made by Mr. St. Pedro and seconded by Ms. Chesler, to approve Resolution No. 2009-17, a Resolution of the Limerick Township Board of Supervisors Agreeing to Cooperate with Lower Pottsgrove Township in the Planning and Development of a Sanatoga Interchange Area Master Plan. Motion passed unanimously.

Discussion – Sewer Pump Station Capital Budget: Mr. Rosenthal reviewed the specific upgrade items to Pump Stations #3, #4 & #6 which are included in the 2009 Capital Budget. **Motion was made** by Mr. Sperring and seconded by Ms. Chesler, to authorize advertisement for upgrades to Pump Stations #3, #4 and #6. Motion passed unanimously.

Approval – Disposal of Public Works Equipment: Mr. Kerr reviewed the items of small equipment listed for sale. **Motion was made** by Ms. Chesler and seconded by Mr. St. Pedro, to approve Resolution No. 2009-18 Approving the Disposal of Certain Township Assets at a public auction as detailed in the memo from Bill Bradford, Superintendent, dated May 11, 2009. Motion passed unanimously.

Zoning Hearing Board Advisories

ZHB #2009-05, Giant Food Stores, LLC – 20 West Ridge Pike: Mr. Kerr explained that Giant Food Stores is proposing replacing the current gas station at the corner of Ridge Pike and Township Line Road with a Giant Fueling Station. Variances are required for setbacks and side yards. They have already obtained an easement from the neighboring Heritage Project since the

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site is so small. The Board decided to remain neutral and not send opposition to the Zoning Hearing on the Zoning Application of Giant Food Stores, LLC, ZHB #09-05.

ZHB #2009-06, T-Mobile Northeast, LLC – 22 Springford Road, Royersford: Mr. Kerr advised that T-Mobile continued their Zoning Hearing. **Motion was made** by Mr. Sperring and seconded by Ms. Chesler, to authorize the Township Solicitor to appear in opposition at the Zoning Hearing for T-Mobile Northeast, LLC Application ZHB #09-06. Motion passed unanimously.

ZHB #2009-08, Barry D. Groves – 18 Presidential Drive, Limerick: The Board decided to remain neutral and not send opposition to the Zoning Hearing on the Zoning Application of Barry D. Groves, ZHB #2009-08.

ZHB #2009-09, Richard J. Guber – 12 Pennhurst Road, Linfield: The Board decided to remain neutral and not send opposition to the Zoning Hearing on the Zoning Application of Richard J. Guber, ZHB #09-09.

ZHB #2009-10, Neal Bieber – 123 Ferndale Lane, Linfield: The Board decided to remain neutral and not send opposition to the Zoning Hearing on the Zoning Application of Neal Bieber, ZHB #09-10.

ZHB #2009-11, Giant Food Stores, LLC – 36 West Ridge Pike: The Board decided to remain neutral and not send opposition to the Zoning Hearing on the Zoning Application of Giant Food Stores, LLC, ZHB #09-11.

Public Comments

Tom Neafcy, 103 West Linfield-Trappe Road, asked Ms. Chesler if she is under Grand Jury Subpoena to testify in the probe of Limerick Township.

Ms. Chesler responded saying that Subpoenas were issued last October to Ms. DeWan, Mr. Kotch, Mr. Kerr, Mr. Sperring, and herself to answer questions relating to development in Limerick.

Mr. Neafcy asked if Ms. Chesler ever testified in front of a Federal Grand Jury.

Ms. Chesler responded, “No”.

Mr. Neafcy asked if Special Counsel was hired at the taxpayer’s expense to prepare Ms. Chesler for her testimony.

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Ms. Chesler responded that Special Counsel was hired to represent the Township, at the taxpayer's expense. That includes all the Supervisors that were Subpoenaed as well as Mr. Kerr.

Mr. Neafcy noted that after Ms. Chesler found out that he filed to run for Supervisor against her, he received a lengthy e-mail from Ms. Chesler saying that she would call for his resignation from the Zoning Hearing Board. He asked if she is still going to call for his resignation because he filed to run against her.

Ms. Chesler responded saying absolutely not. She would call for his resignation from the Zoning Hearing Board because she prides integrity above experience and she doesn't like people that lie. She also said she understands there has been inappropriate contact from Applicants to Zoning Hearing Board members that haven't been reported by those members. That information is a conflict of interest, and she would pursue anyone aggressively if that happened.

Mr. Neafcy asked if that means she has changed her position and is no longer calling for his resignation.

Ms. Chesler said she absolutely would continue to call for his resignation based on the fact that he lied and he has been contacted by Applicants in his goal as a Zoning Hearing Board member, and he hasn't reported that transgression to either the Zoning Hearing Board Solicitor or the Township Manager.

Mr. Neafcy responded that someone contacted him to give an opinion or two. People call and contact him all the time, but that is not what this is about.

Ms. Chesler advised that is absolutely against the conduct of a Zoning Hearing Board Officer. If a person is contacted, they have to report the contact and they have to recuse themselves from the vote, and you did not do that.

Mr. Neafcy noted that he received Ms. Chesler's e-mail 2 days after he filed to run for Supervisor.

Ms. Chesler again said she would still call for his resignation based on his lack of integrity and contact by an Applicant which he hadn't reported.

Mr. Neafcy replied that for the record, he does not lack integrity.

Matt Lewis, Aronimink Drive, asked for the Board's direction or help in resolving the on-going open space issue in Aronimink Development.

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Ms. Chesler said in order to get Ms. Shuler and Mr. St. Pedro up to speed on this issue, she explained that Fay Brothers originally built the Aronimink Development, and they left a ring of railroad ties and a pile of dirt, leaving access issues in getting to the open space area. She questioned whether there may be Grant money available for the homeowners to do some re-grading.

Mr. Lewis noted that the previous Board had an opportunity to gain access before the last property was developed. The major issue is the wall at the rear of his property as well as the open basin in front of the development. Final plan approval called for fencing around that basin, but it was never done. He noted that the entity of Fay Brothers that built Aronimink Development is in bankruptcy, leaving no funds or recourse for the homeowners.

Mr. McGrory advised that one of the issues of dedication was the condition of the wall.

Mr. Sperring added that Fay Brothers was supposed to give \$8,000.00 to the homeowners to repair the wall. Czop/Specter got estimates of \$60,000.00+ to repair the wall. The engineer that approved that development went bankrupt and the Township can't go after them.

Mr. Lewis said the \$8,000.00 was in the final plan approval for maintenance by the Township of the open space. It was never dedicated to go towards the wall. The \$60,000.00 estimate was for a 200 ft. long section of wall. A discussion ensued.

Adjournment: There being no further business, **motion was made** by Mr. Sperring and seconded by Ms. Chesler, to adjourn the meeting at 9:10 P.M.

Respectfully submitted,

Daniel K. Kerr
Township Manager