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

**AUGUST 20, 2009
7:00 P.M.**

A meeting of the Limerick Township Board of Supervisors was held on Thursday, August 20, 2009, in the Public Meeting Room of the Limerick Township Municipal Building with D. Elaine DeWan, Chairman, presiding.

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

Members Absent: Supervisors Renee K. Chesler and Joseph St. Pedro

Others Present: Joseph J. McGrory, Esq., Township Solicitor; Khaled R. Hassan, P.E., Township Engineer; Daniel K. Kerr, Township Manager; and William J. Albany, Chief of Police

Call To Order: Ms. DeWan called the meeting to order at 7:15 P.M. Laura Miller and her father, Chris led the pledge of Allegiance.

Opening Comments/Announcements:

THIS MEETING IS BEING RECORDED.

Prior to this evening's meeting the Board of Supervisors was in Executive Session to discuss litigation.

Yard & Leaf Waste Drop-Off Date – September 19, 2009 at Limerick Township Public Works Facility.

American Red Cross Blood Drive – Monday, October 5, 2009 from 1:00 P.M. to 7:00 P.M. in the Township Building

Consideration of Minutes: Upon motion made by Mr. Sperring and seconded by Ms. Shuler, the July 16, 2009 Board of Supervisors Meeting Minutes were unanimously approved.

Public Comments on Agenda Items: None.

Bills List: Upon motion made by Mr. Sperring and seconded by Ms. Shuler, Bills List #14 for the period of 7/16/09 through 8/14/09 in the amount of \$928,727.89 was unanimously approved.

Ms. DeWan commented on the cost for PIRMA which is the annual property and liability insurance for the Township, noting that it is about \$21,000.00 less than budgeted, and it includes the Sewer Department.

Monthly Reports: Upon motion made by Mr. Sperring and seconded by Ms. Shuler, the July, 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 – Contractor Registration Ordinance

Mr. McGrory suspended the public meeting, and opened the public hearing for consideration of the proposed Contractor Registration Ordinance. He noted that this proposed Ordinance was discussed previously. He explained that the Pennsylvania General Assembly passed a new Act saying that contractors under certain circumstances no longer need to register with a municipality and pay a fee, but they must register with the Commonwealth and pay a fee. This applies to home improvements in excess of \$500.00 on an existing residential dwelling. Contractors would have to provide proof to the Township that they are registered with the Commonwealth and that they have the appropriate insurance associated with that registration prior to a Building Permit being issued. Contractors would be required to register with the Commonwealth once each year.

Jason Griggs, 25 Heffner Road, asked if a stenographer is necessary for a public hearing.

Mr. McGrory answered that a public hearing does not require a stenographer; but a stenographer is required for a Zoning Hearing.

Mr. McGrory presented the following Exhibits to be incorporated in the record: Proof of Publication dated August 13, 2009, the letter dated August 12, 2009 to The Times Herald, copy of the attested Ordinance to the Law Library, and a copy of the Ordinance itself. There being no discussion from the Board nor questions from the public, Mr. McGrory closed the public hearing and moved back into the public meeting. **Upon motion made** by Mr. Sperring and seconded by Ms. Shuler, Ordinance No. 308 Amending the Township Code to Require Contractors Performing Home Improvement Contracts to Demonstrate Registration With the Commonwealth of Pennsylvania Prior to Performing Said Contracts in the Township and to Comply With All Terms of Act 132, was unanimously adopted.

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. Tomaselli Land Development | (#08-06): | Extended to 12/3/2009 |
| b. Sanatoga Springs | (#08-14): | Extended to 11/27/2009 |

Development Projects:

Robert L. & Carol A. Ganovsky (#09-05): Tom Smith of Conver & Smith Engineering and Robert and Carol Ganovsky, owners/applicants, were present. Mr. Smith reviewed the plan, noting the proposal is for a new building to be constructed at 84 West Ridge Pike which is across the street from the current location of Magestic Flooring. A parking lot will be constructed at the rear of the new building, with one access point on the West side of Ridge Pike. The Applicant is in compliance with all review letters, and is in Agreement with the proposed Preliminary Resolution with the exception of the Traffic Impact Fee, for which they request a deferral until Final as their traffic consultant has not yet had a chance to meet with DEP.

The Applicant's position is that the new operation is smaller than the present one, and they feel they should get full credit for any traffic impact made from transferring the business across the street. The TPD review letter did not account for any past 5 trips, and they required the Applicant to provide the Impact Fee based on all of the traffic going into the site, and not new traffic. Therefore, the Applicant feels the Traffic Impact Fee should be significantly reduced or eliminated. The applicant requests the Board's reconsideration of the amount of the Traffic Impact Fee at the time of Final Plan approval. A discussion ensued. Thereafter, Mr. McGrory recommended that the Applicant agree to the Preliminary Resolution as prepared, and in the time period between now and Final Plan consideration, have their Engineer meet with the Township's Traffic Engineer to discuss these issues for a possible reduction of the Traffic Impact Fee.

Mr. McGrory read the provisions of Resolution SLD #09-05 (P), noting that all waivers and deferrals are being postponed until the time of Final Plan consideration. Mr. Smith advised that the Applicant is hooking up to public water. Applicant is in agreement with the terms and conditions as set forth in the Resolution.

Ernest Schmitt had questions about a possible Planning Module for the property and related costs involved with sewer. A discussion ensued.

Upon motion made by Mr. Sperring and seconded by Ms. Shuler, Resolution SLD #09-05 (P) granting Preliminary Plan Approval for Robert L. & Carol A. Ganovsky, was unanimously approved.

Central Perkiomen Rotary Club (#08-18) – Ernest Schmitt was in attendance, representing the Central Perkiomen Rotary Club, along with Kenny Clay. Mr. Schmitt briefly described the location and the Applicant's proposal to install two little league ball fields on the vacant lot with parking and storm water improvements. The Planning Commission's recommendation to shift the driveway 15 ft. to the West is not feasible because it interferes with the sight distance.

Mr. McGrory read the provisions of Resolution SLD #08-18 (P/F). Applicant is in agreement with the terms and conditions as set forth in the Resolution. **Upon motion made** by Mr. Sperring and seconded by Ms. Shuler, Resolution SLD #08-18 (P/F) granting Preliminary/Final Plan Approval for Central Perkiomen Rotary Club, including waivers requested, was unanimously approved.

Resolution – Limerick Diner Request for Relief from Land Development Process – Paul Massing was present on behalf of Limerick Diner. He explained that they are proposing to add a deck to the side of the diner. Ms. DeWan noted that the Montgomery County Planning Commission review letter indicated a concern regarding the parking area, including the location of the handicap parking spaces.

Mr. Hassan stated that this is a Request for Relief From the Land Development Application Process only. Full compliance with both Zoning and SALDO is expected.

The Applicant has read and is in agreement with the terms and conditions as stated in the Resolution. **Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to approve Resolution No. 2009-31 Granting Relief from Land Development for Limerick Diner. Motion passed unanimously.

Old Business

CVS Pharmacy – Zoning Hearing: Pulled from the Agenda

Approval – Ziegler Conservation Easement Agreement: Mr. McGroory explained that the Ziegler Project is a 5-lot subdivision, with 4 lots on one side of the road and 1 lot on the other side. Because the road is a dedicated road, the lot on the other side of the street is a free-standing, independent lot. Therefore the Plan was amended to reflect a 4-lot subdivision instead of 5 lots. The Planning Commission raised an issue over having a Conservation Easement along the frontage of the road. In order to have that apply to the free-standing lot which is not part of the subdivision, the owner must agree to a Conservation Easement separate and apart from the land development approval.

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to authorize the Chairman to execute the Ziegler Conservation Easement Agreement. Motion passed unanimously.

New Business

Release of Contingency – Moore Tract (#04-06): Mr. Kerr explained this is the Wawa property on Lewis Road and Ridge Pike. All site issues have been completed and there are no public improvements to be dedicated. It is the recommendation of the Township Engineer and Administration to release the Contingency Funds in the amount of \$76,988.95 to the Applicant. **Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to approve the Release of Contingency Funds for the Moore Tract in the amount of \$76,988.95. Motion passed unanimously.

Release of Contingency – Kiddie Academy (#06-10): Mr. Kerr explained that all site issues have been completed and there are no public improvements to be dedicated. It is the recommendation of the Township Engineer and Administration to release the Contingency Funds in the amount of \$29,466.40 to the Applicant. **Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to approve the Release of Contingency Funds for Kiddie Academy in the amount of \$29,466.40. Motion passed unanimously.

Approval – Authorization to Sell Vehicles at Auction: Mr. Kerr described the items of equipment that have been replaced. The Public Works Superintendent has requested authorization to sell these items at public auction. **Motion was made** by Mr. Sperring and seconded by Ms. Shuler to authorize the sale of equipment at the J.J. Kane Auction in Norristown, PA as detailed in Mr. Bradford's Memo dated July 15, 2009. Motion passed unanimously.

Resolution – Conversion of Debt, Series A of 2001: Mr. Kerr explained that while Ms. DiPrete was reviewing the Sewer Bonds, it was discovered that the Township has the option to significantly reduce the fixed rate on the Series A Bond. **Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to approve Resolution No. 2009-32 Approving the Termination of the Current Loan Fixed Rate and Approving the Conversion of Debt Related to the Guaranteed Sewer Revenue Note, Series A of 2001. Motion passed unanimously.

Jason Griggs, 25 Heffner Road, asked if the amount of savings quoted is for the remainder of the year, or if it is an annual savings, and Mr. Kerr advised that it is an annual savings.

Zoning Hearing Board Advisories

ZHB #09-15, Penn Liberty Bank – 543 North Lewis Road: Ms. DeWan noted that the Appellant is seeking an interpretation or variance from the Limerick Township Zoning Ordinance to permit an electronic changeable-copy sign panel to display time and bank product information. The Board elected not to send opposition and allow the Zoning Hearing Board to hear the application.

ZHB #09-16, Giant Food Stores, LLC – 20 West Ridge Pike: Ms. DeWan noted that the Appellant is requesting variances to install signage on the proposed fueling facility (which has received land development approval) to identify the facility and install signage on behalf of the Township which welcomes people to Limerick Township. The Board elected not to send opposition and allow the Zoning Hearing Board to hear the application.

Public Comments: None.

Adjournment: There being no further business, **motion was made** by Mr. Sperring and seconded by Ms. Shuler, to adjourn the meeting at 8:00 P.M.

Respectfully submitted,

Daniel K. Kerr
Township Manager