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

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**MARCH 16, 2010  
7:00 P.M.**

A meeting of the Limerick Township Board of Supervisors was held on Tuesday, March 16, 2010, in the Public Meeting Room of the Limerick Township Municipal Building with Kenneth W. Sperring, Jr., Chairman, presiding.

**Members Present:** Supervisors D. Elaine DeWan, Thomas J. Neafcy, Jr., 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:** Mr. Sperring called the meeting to order at 7:05 P.M. Cory and Kathryn led the Pledge of Allegiance.

**Opening Comments/Announcements**

**THIS MEETING IS BEING RECORDED.**

The May 18<sup>th</sup> Board of Supervisors Meeting will be cancelled due to Primary Election Day and rescheduled to Thursday, May 20<sup>th</sup> at 7:00 P.M.

Yard and Leaf Waste Drop-Off will be held on Monday, April 5, 2010 at Limerick Community Park.

**Consideration of Minutes:** Upon motion made by Ms. DeWan and seconded by Ms. Shuler, the March 2, 2010 Board of Supervisors Meeting Minutes were unanimously approved.

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

**Bills List:** Upon motion made by Mr. St. Pedro and seconded by Ms. Shuler, Bills List #6 for the period of 2/27/10 through 3/12/10 in the amount of \$339,956.91 was unanimously approved.

**Monthly Reports:** Upon motion made by Ms. Shuler and seconded by Mr. Neafcy, the February, 2010 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.

**Subdivision and Land Development**

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

- a. Linfield Corporate Center Lot #53 (#08-09): Extended to 7/2/10
- b. 826 North Lewis Road (#09-08): Extended to 6/29/10

Development Projects:

Coale Subdivision (#09-09): Mr. McGrory noted that he reviewed the provisions of the proposed Resolution SLD #09-09 (P) at the last Board meeting. The only difference is that there is no formal Agreement of Sale between the Coales and some of the other property owners, and he has therefore, asked that all record owners execute the Resolution.

**Motion was made** by Ms. DeWan and seconded by Ms. Shuler, to approve Resolution SLD #09-09 (P) Granting Preliminary Plan Approval for the Coale Subdivision. Motion passed unanimously.

Iron Mountain Parking Expansion (#09-10): Marc Jonas, attorney for the Applicant was present and described the project as a proposal for parking lot expansion of the existing corporate center building, and the re-approval of a previously proposed addition to the building.

Ron Klos of Bohler Engineering noted the site is approximately 21 acres located at 1101 Enterprise Drive in Royersford. He described the project in further detail. In lieu of wheel stops at the edge of the handicap spaces, bollards are proposed. He further reviewed the waivers requested. Water run-off was discussed.

**Motion was made** by Ms. Shuler and seconded by Mr. St. Pedro, to authorize the Township Solicitor to prepare a Preliminary/Final Resolution for Board consideration. Motion passed unanimously.

Old Business

17 Faust Road – Planning Module: Marc Jonas, attorney for the Applicant was present along with Joseph Valentine of DelVal Soil. The site has been approved for an AB System and a Micromound. Mr. Nacarelli and Mr. Kingsepp have signed an agreement for approval of the alternative systems.

**Motion was made** by Ms. DeWan and seconded by Mr. Neafcy, to authorize the Township Manager to execute the Planning Module for the Cold Spring Development/17 Faust Road. Motion passed unanimously.

Discussion – Zoning Ordinance Amendment – Non-Conforming Uses for Setbacks: Mr. McGrory reviewed the entire Zoning Ordinance and identified the sections of the Zoning Ordinance that are impacted by the concept proposed by Jason Griggs, which is to eliminate set

backs related to residential use versus residential district. Mr. McGrory recommended that should the Board entertain this approach, all districts should be considered, not just the Residential District. The Board reviewed the lists provided to them of Non-conforming Residences and Residences in LLI District. A discussion ensued. It was decided that Mr. McGrory will prepare a draft Ordinance for review by the Board at an upcoming meeting.

### **New Business**

**Motion was made** by Ms. DeWan and seconded by Mr. Neafcy, to authorize advertisement of the following Public Works Department Projects and disposal of equipment. Motion passed unanimously.

- PWD Project #10-01 Recycle and Overlay
- PWD Project #10-02 Bituminous Surface Treatments
- Sale of 2004 Ford F-350 Pick-up w/Plow and Spreader
- Sale by Auction of Miscellaneous Parts/Tools

Agreement of Sale: Mr. McGrory said that the Board previously discussed the acquisition of the Linfield Athletic and Sportsman's Club in Executive Session, and he was directed to negotiate with the owner for its purchase. An appraisal was done valuing the property at \$1,071,000. An offer for the appraised amount was made to the Sportsman's Club, and accepted. The President of Linfield Athletic and Sportsman's Club has executed an Agreement of Sale, which is contingent upon a Title Report and Environmental. **Motion was made** by Ms. DeWan and seconded by Mr. Neafcy, to authorize the Chairman of the Board to execute the Agreement of Sale for purchase of the Linfield Athletic and Sportsman's Club. Motion passed unanimously.

Ms. DeWan asked if this would cause an increase in taxes in Limerick. The Administration concurred that the refinancing will not increase the debt limit, and therefore there will be no increase in taxes needed to fund the purchase of this property.

Phase I Proposal for Linfield Athletic and Sportsman's Club: **Motion was made** by Mr. St. Pedro and seconded by Mr. Neafcy, to approve Pennoni Associate's Phase I Proposal to perform an Environmental Site Assessment of Linfield Athletic and Sportsman's Club for the lump sum fee of less than \$2,400.00. Motion passed unanimously.

**Motion was made** by Mr. Neafcy and seconded by Mr. St. Pedro to officially name the park Linfield Sportman's Park in recognition of the Sportsman's Association upon completion of the sale.

Ms. DeWan suggested an alternative, naming it Linfield Sports Club.

Andrew Cushman, Linfield, suggested calling it Veteran Park.

Mr. Sperring recommended taking the suggested names under consideration at a later date.

MCEDC Proposal for Services: Mr. Kerr noted that the Township is actively participating with Lower Pottsgrove Township in a Master Plan Study of the Sanatoga area. Montgomery County Economic Development Corporation is also participating, and Carmen Italia has prepared a proposal for services not to exceed \$5,000.00. This fee would be split by the two Townships. **Motion was made** by Ms. DeWan and seconded by Mr. St. Pedro, to approve the Montgomery County Economic Development Corporation Proposal for Services at a cost not to exceed \$2,500.00 for Limerick Township for the Lower Pottsgrove/Limerick Township Master Plan. Motion passed unanimously.

Personnel: Mr. Kerr noted that at an Executive Session held at the end of the last meeting a proposal was discussed to eliminate the Mechanic position from the Sewer Maintenance Staff, based on the continued consolidation of services with the Sewer Department. **Motion was made** by Ms. DeWan and seconded by Ms. Shuler, to eliminate the Sewer Mechanic Position. Motion passed 4-1-0 with Mr. Neafcy casting the opposing vote.

### **Legal**

Assessment Appeal - Reitnour Investment Properties, Limerick, L.P. (Kohl's Department Stores, Inc.): Mr. McGrory explained that the School District negotiated a settlement decreasing the assessment on the Kohl's Department Store from \$4,005,300 to \$3,618,000 resulting in an overpayment in taxes to the Township in the amount of \$913.99. The School District and the County are in agreement with the settlement. **Motion was made** by Mr. St. Pedro and seconded by Ms. Shuler, to authorize the Township Solicitor to execute the Stipulation to Settle regarding the Reitnour Investment Properties-Limerick, L.P. (Kohl's Department Stores, Inc.) Appeal to the Montgomery County Board of Assessment.

Ms. DeWan noted that in the past when there were reductions in assessments the Township would approach the owners to see if they would consider making a contribution to the Township Fire Departments or Police Department, and she asked if that practice would still be continued. Mr. McGrory said that practice does not go well because usually the tax assessment appeal is done by agencies that are not the land owners' regular attorney. A discussion ensued.

Mr. McGrory suggested that he enter his appearance for all Assessment Appeals but not actually attend the hearings. That way at the time the matter is settled, if it is something that would have a great impact on the Township, he would be in a position to be able to negotiate with the owner for a contribution to the Township.

Motion passed unanimously.

**Public Comments**: None.

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Mr. Neafcy said he has concerns regarding what is going on with DEP and the residents of South Limerick Road, Springford Road, and Linfield-Trappe Road, regarding the contaminated well situation. He questioned how DEP determines what areas to test, and suggested that the Board play a more active roll in what is going on in the testing process. There is no advocate for the residents. A lengthy discussion ensued. Mr. Kerr will reach out to DEP for information, and Mr. McGrory will ask their Environmental attorney to follow up on the issues.

Mr. McGrory announced that the Board will need to adjourn into Executive Session to discuss pending litigation. No action will be taken.

**Adjournment:** There being no further business, **motion was made** by Mr. St. Pedro and seconded by Ms. DeWan, to adjourn the meeting at 8:14 P.M.

Respectfully submitted,

Daniel K. Kerr  
Township Manager