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

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**JANUARY 22, 2009  
7:00 P.M.**

A meeting of the Limerick Township Board of Supervisors was held on Thursday, January 22, 2009, in the Public Meeting Room of the Limerick Township Municipal Building with D. Elaine DeWan, Chairman, presiding.

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

**Members Absent:** Renee K. Chesler

**Others Present:** Joseph J. McGrory, Esq., and John J. Iannozzi, Esq., Township Solicitors; Khaled R. Hassan, P.E., Township Engineer; Chad E. Dixon and Joseph P. Platt, Traffic Engineers; Daniel K. Kerr, Township Manager; Beth F. DiPrete, Asst. Twp. Mgr./Finance Director/Treasurer; Karen M. Hegedus, Parks and Recreation Coordinator; Martena Roshon, Director Sewer Department; and Stuart L. Rosenthal, P.E., Sewer Engineer.

**Call To Order:** Ms. DeWan called the meeting to order at 7:18 P.M. Taylor Wintersteen, a student from the Local Government Class, led the pledge of Allegiance.

**Opening Comments/Announcements:**

- Ø Executive Session - Prior to meeting to discuss real estate, litigation, and the Calamia case.
- Ø **THIS MEETING IS BEING RECORDED.**
- Ø Christmas Tree Collection until January 31<sup>st</sup> at the Community Park.
- Ø Yard & Leaf Waste Drop Off on February 2, 2009 – 8:00 A.M. until 12:00 Noon at the Township Building

**Consideration of Minutes:** Mr. Kotch asked that the following correction be made on Page 4 under Auditing Firm: The second paragraph should be stricken, and it should be noted that he (Mr. Kotch) voted in opposition. **Upon motion made** by Mr. Kotch and seconded by Mr. Sperring, the January 5, 2009 meeting minutes were unanimously approved, as amended.

**Public Comments on Agenda Items:** Ms. DeWan reviewed the Rules for speaking at all Public Meetings of the Board of Supervisors. There were no public comments on Agenda items.

**Bills List:** **Upon motion made** by Mr. Sperring and seconded by Ms. Shuler, Bills List #2 for the period of 1/05/09 through 1/21/09 in the amount of \$331,061.11 was unanimously approved.

**Monthly Reports:** Upon motion made by Mr. Sperring and seconded by Ms. Shuler, the December, 2008 reports of the Treasurer (Preliminary), Zoning/Code Enforcement Office (including Year End Report), 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 Mr. Kotch and seconded by Mr. Sperring, the following extensions to the 90-day review period were unanimously accepted:

- |                                 |           |                    |
|---------------------------------|-----------|--------------------|
| a. Telvil-Landis                | (#03-06): | Extended to 5/5/09 |
| b. Northpointe Community Church | (#08-10): | Extended to 5/4/09 |
| c. Sanatoga Springs             | (#08-14): | Extended to 4/3/09 |
| d. 1310 Main Street             | (#08-15): | Extended to 5/5/09 |

**Ziegler Estate Subdivision (#07-20):** An attorney from the law firm of Fox, Rothschild, O'Brien & Frankel LLP was present on behalf of the Ziegler Estate, along with the Project Engineer, John Aston. He described the project as a 5-lot subdivision on North Limerick Road on a 13.6328 tract with on-site sewer, and he made a presentation in further detail. There was a brief discussion regarding the open space area. The Applicant has complied with all review letters, and the Planning Commission has recommended Preliminary Plan Approval. Since the area in question is neither open space nor would it be a conservation easement, Mr. McGrory requested that the Applicant's attorney draft the Easement Agreement in order to work out the terms now. He also advised that the Applicant may want to review the list of waivers requested.

**Upon motion made** by Mr. Kotch and seconded by Mr. Sperring, the Township Solicitor was unanimously authorized to prepare a Preliminary Resolution for Board consideration.

### **Public Hearing**

**Conditional Use #08-05- PhyCare Real Estate Holdings II, L.P.:** Mr. McGrory suspended the Public Meeting and opened the Public Hearing for consideration of Conditional Use Application #08-05, PhyCare Real Estate Holdings II, LP, introducing various exhibits into the record. Witnesses were called upon and sworn in for examination. Discussion ensued. There being no further questions from the Board, nor questions from the audience, Mr. McGrory closed the Public Hearing and moved back into the Public Meeting. No action was taken.

**Conditional Use #08-04 - Sanatoga Interchange Associates, L.P.:** Mr. McGrory suspend the Public Meeting and opened the Public Hearing for consideration of Conditional Use Application #08-04, Sanatoga Interchange Associates, L.P., introducing various exhibits into the record.

Witnesses were called upon and sworn in for examination. Discussion ensued. There being no further questions from the Board, nor questions from the audience, Mr. McGrory closed the Public Hearing and moved back into the Public Meeting. No action was taken.

Lawrence Junk Yard Permit: Mr. McGrory advised that the Lawrence Junk Yard Permit matter has been pulled from this evening's Agenda and will be rescheduled to be heard on February 26, 2009.

### **New Business**

Website Review: Ms. Hegedus made a presentation on the Township website, noting that it is more user friendly than the previous website, allowing Residents to navigate the website more quickly and easily.

Hiring of Part-time Recreation Program Specialist: Ms. Hegedus introduced Angela Russell and made the recommendation to the Board that she fill the new Part-time Recreation Program Specialist position. Ms. Hegedus described the duties and responsibilities of the position.

**Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to approve hiring Angela Russell to fill the new Part-time Recreation Program Specialist position in the Parks and Recreation Department at an hourly rate of \$12.00. Motion passed unanimously.

Gilmore – Sewer Bid Proposal – Removal of Tanks: Mr. Kerr explained that this project involves a great deal of DEP paperwork and bid services. Gilmore & Associates, Inc. proposes to oversee this project for a fee in the amount of \$16,600.00.

**Motion was made** by Mr. Kotch and seconded by Ms. Shuler, to approve Gilmore & Associates, Inc. to prepare the bid documents for removal of Treatment Tanks Nos. 1 and 2 at the King Road Wastewater Treatment Plant in Limerick, for a fee in the amount of \$16,600.00. Motion passed unanimously.

Resolution - Approval of H2O Grant Application: Mr. Kerr explained the H2O Grant Application process. **Motion was made** by Mr. Kotch and seconded by Mr. Sperring, to approve Resolution No. 2009-07, Designating Certain Township Staff to Execute All Paperwork Necessary to Obtain an H2O PA Grant. Motion passed unanimously.

Approval of Limerick Township Emergency Management Grant Application: Mr. Kerr explained that under this Grant, the Township could be eligible for up to \$250,000.00 for renovations to our Emergency Operations Center. **Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to approve the submission for an Emergency Operations Center Grant through Homeland Security. Motion passed unanimously.

Request for Support - Towamencin Township – Emergency Power Grant: Mr. Kerr explained that if there would ever be the need for evacuation of Limerick Township residents, Towamencin Township is the alternate seat of government. That being said, Towamencin is asking for a letter of support from Limerick Township to submit along with their Grant Application to PECO for the purchase of a new emergency generator for their EOC Center.

**Motion was made** by Mr. Kotch and seconded by Mr. Sperring, to approve Mr. Kerr sending a letter of support to Towamencin Township to submit along with their Grant Application to PECO for the purchase of a new emergency generator for their EOC Center. Motion passed unanimously.

Update - Central Perk Rotary – Ball Field Expansion: Mr. Kerr explained that Administration is requesting the Board's approval for the Central Perk Rotary Club to proceed to the Zoning Hearing Board to clear up a minor zoning variance for a non-conforming use. They would be responsible for all costs associated with the advertising as usual, but the main issue is that they won't have the funds readily available for the application fee until registrations are received for the upcoming season.

**Motion was made** by Mr. Kotch and seconded by Mr. Sperring, to waive the Zoning Application fees for Central Perk Rotary Club. Motion passed unanimously.

Legal Update - RHG Properties, LLC vs. Limerick Township: Withdrawn from the Agenda.

Motion to Advertise Public Hearing for Zoning Ordinance Amendment: **Motion was made** by Mr. Sperring and seconded by Mr. Kotch, to authorize advertisement of a Public Hearing to consider the adoption of an Ordinance Amendment to change the Zoning Hearing Board from 3 to 5 Members. Motion passed unanimously.

Discussion – Lewis Road Right-of-Way: **Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to authorize Administration to proceed with appraisals for all ten (10) properties at issue, if needed, to continue through the right-of-way acquisition phase of the Lewis Road Project. Motion passed unanimously.

Teleflex - Waiver of Conflict of Interest: **Motion was made** by Mr. Kotch and seconded by Ms. Shuler, to waive any conflict of interest there may be regarding Teleflex retaining Ballard, Spahr, Andrews & Ingersoll, LLP to represent them with regard to the Lewis Road Right-of-Way issues, contingent on a waiver for previous work done by Hamburg, Rubin, Mullin, Maxwell & Lupin. Motion passed unanimously.

Pottstown Honda (#05-11) – Maintenance Bond: **Motion was made** by Mr. Kotch and seconded by Ms. Shuler, to authorize the Solicitor to act against Pottstown Honda's Letter of Credit if an extension is not received on that Letter of Credit by February 11, 2009. Motion passed unanimously.

Calamia Project – Sunset and Heffner Roads – Maintenance Bond: **Motion was made** by Ms. Shuler and seconded by Mr. Sperring, to authorize the Solicitor to carry out the Court Order and execute against the Letter of Credit, conditioned upon receiving Indemnification and a Hold Harmless Agreement. Motion passed unanimously.

UCC Appeals Board – Acceptance of Resignation – Michael D. Durante: **Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to accept the resignation of Michael D. Durante from the UCC Appeals Board. Motion passed unanimously.

Moscariello – Fruitville Road Project – Sewer Discussion: Mr. Kerr explained that Mr. Moscariello has 42 homes plus a couple of commercial lots next to and behind the Limerick Deli property, and he is required to run a sewer line out of the development and down Fruitville Road. Therefore, he must obtain a Planning Module and design and install all laterals from the new line to each property in order that homeowners can connect to the gravity line. Mr. Moscariello is entitled to reimbursement to do this. Mr. Rosenthal explained the process in detail.

**Motion was made** by Ms. Shuler and seconded by Mr. Kotch, to authorize Administration to send a letter to Mr. Moscariello confirming that the Township will honor the Agreement made between LTMA and Mr. Moscariello to reimburse his engineer, Bursich Associates, for completion of the design of public sewer lines to Cement and Faust Roads. Also to confirm that Mr. Moscariello is responsible for the entire cost of the Planning Module. Motion passed unanimously.

### **Zoning Hearing Board Advisories**

ZHB #2008-25, Girish Sheth – West Linfield Trappe, Northwest Corner Parcel: Mr. Kerr explained that the Planning Commission was in opposition to the height of the proposed building. Also at issue is the setback as well as two (2) uses on the site.

**Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to have the Township Solicitor attend the Zoning Hearing on this matter in order to send opposition to Zoning Application #2008-25, Girish Sheth. Motion passed unanimously.

ZHB #2008-26, Albert and Debra Herr – 838 N. Lewis Road: No action was taken.

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**Code Hearing Advisory**

Code Hearing #09-01, Gilbert Architects – 77 Graterford Road: No action was taken.

**Public Comments**: None

**Adjournment**: There being no further business, the meeting was adjourned by mutual consent at 9:28 P.M.

Respectfully submitted,

Daniel K. Kerr  
Township Manager