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

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**FEBRUARY 12, 2009  
7:00 P.M.**

A meeting of the Limerick Township Board of Supervisors was held on Thursday, February 12, 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, Frank A. Kotch, Kara Shuler , and Kenneth W. Sperring, Jr.

**Others Present:** Joseph J. McGrory, Esq. and John J. Iannozzi, Esq., Township Solicitors; Khaled R. Hassan, P.E., Township Engineer; Chad E. Dixon, Traffic Engineer; Daniel K. Kerr, Township Manager; Beth F. DiPrete, Asst. Twp. Mgr./Treasurer; William J. Albany, Chief of Police; and Stuart L. Rosenthal, P.E., Sewer Engineer.

**Call To Order:** Ms. DeWan called the meeting to order at 7:10 P.M. Two members of the Boy Scouts, Josh and Joseph, led the pledge of Allegiance.

**Opening Comments/Announcements:**

**Executive Session:** Prior to meeting to discuss Calamia litigation.

**THIS MEETING IS BEING RECORDED.**

**Exelon Presentation:** Ed Cowlen, Plant Manager for Limerick Generating Station, announced a donation in the amount of \$500,000.00 to Limerick Township which will be used to support the parks and recreation facilities, Limerick and Linfield Fire Departments, and the Limerick Police Department. The portion of this donation for 2009 is \$150,000.00.

**Retirement of K-9 Dog:** Chief Albany presented Jago and Sgt. Matalavage with a plaque commemorating Jago's years of service to Limerick Township. **Motion was made** by Mr. Sperring and seconded by Ms. Chesler, to approve the sale of Jago to Sgt. Matalavage for \$1.00. Motion passed unanimously.

**State Police/Camp Cadet Award Presentation:** Ernie Morris presented Service Awards to various individuals and organizations for their support of the Camp Cadet Program.

**Appointment to Parks & Recreation Committee:** **Motion was made** by Mr. Kotch and seconded by Ms. Chesler, to appoint Patti Kaufman to a 2-year term on the Limerick Township Parks and Recreation Committee, with said term to expire on December 31, 2010. Motion passed unanimously.

**Yard & Leaf Waste Drop-Off Date:** Monday, March 2, 2009 – 8:00 A.M. to 12:00 Noon

**Consideration of Minutes:** Upon motion made by Mr. Sperring and seconded by Ms. Shuler, the January 22, 2009 meeting minutes were approved. Motion passed 4-0-1, with Ms. Chesler abstaining.

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

**Bills List:** Upon motion made by Ms. Chesler and seconded by Mr. Kotch, Bills List #3 for the period of 1/22/09 through 2/11/09 in the amount of \$416,646.40 was unanimously approved.

### **Public Hearing**

**Ordinance Changing the Zoning Hearing Board Members From Three to Five Members:** Mr. McGrory suspended the Public Meeting and opened the Public Hearing for consideration of an Ordinance changing the Zoning Hearing Board Members from three (3) to five (5) members. He introduced various exhibits into the record. There being no questions from the Board, nor questions from the audience, Mr. McGrory closed the Public Hearing and moved back into the Public Meeting.

**Upon motion made** by Mr. Kotch and seconded by Ms. Shuler, Ordinance No. 304, Changing the Zoning Hearing Board Members From Three to Five members, was unanimously adopted.

**Upon motion made** by Mr. Kotch and seconded by Ms. Chesler, Resolution No. 2009-08, acknowledging that Mark J. John and Michael D. Durante will continue to serve on the Zoning Hearing Board in accordance with their current terms, and to appoint Albert Y. Herr to a five (5) year term expiring on December 31, 2013, and to appoint Thomas J. Neafcy, Jr. to a four (4) year term expiring on December 31, 2012, and to appoint Thomas J. Lane to a three (3) year term expiring on December 31, 2011. Motion passed unanimously.

### **Subdivision and Land Development**

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

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|----------------------------------|-----------|---------------------|
| a. Chevrolet of Limerick         | (#03-11): | Extended to 5/19/09 |
| b. Limerick View Shopping Center | (#04-09): | Extended to 5/20/09 |
| c. Ely Property Subdivision      | (#05-21): | Extended to 5/22/09 |

### **Old Business**

**Conditional Use Decision and Order – CU #08-05 PhyCare Real Estate Holdings II, LP:** Motion was made by Mr. Sperring and seconded by Ms. Shuler, to approve the Conditional Use

Decision and Order regarding CU #08-05 PhyCare Real Estate Holdings II, LP. Motion passed 4-0-1, with Ms. Chesler abstaining.

### **New Business**

Discussion – Motion to Advertise Public Hearing for Sign Ordinance Amendment: Mr. McGrory previously requested that the Township's Civil and Traffic Engineers give the Board their input on how to permit electronic signage as well as regulate it so as not to create a traffic hazard or nuisance. A discussion ensued.

**Motion was made** by Mr. Sperring and seconded by Ms. Chesler, to authorize the advertisement of a Public Hearing to consider an Ordinance to amend the signage provisions of the Zoning Ordinance. Motion passed unanimously.

Resolution - Set Compensation Rate for Tax Collector: Mr. Kerr advised that the reimbursement rate for the elected tax collector has been a flat 3 percent (3%) for the past four years. The Board has decided they want to amend the compensation from a commission system to a per bill system consistent with the rates paid by Montgomery County.

**Motion was made** by Ms. Shuler and seconded by Ms. Chesler, to approve Resolution No. 2009-09 Amending the Compensation of the Limerick Township Tax Collector. Motion passed unanimously.

Discussion – Road Dedication Policy: Mr. Kerr reviewed the current policy for dedication of roads. A discussion ensued. No action was taken.

Discussion – Employee Pension Plans: Mr. Kerr explained that the Municipal Sewer Employees are provided with a Defined Contribution Pension Plan whereby the Authority was contributing a set amount into the pension fund and the investments are controlled by the individual employee. The Township's Non-Uniform employees are provided with a Defined Benefit Pension Plan whereby the Township is obligated to put money into the pension plan to insure a specific benefit when the employee retires. Mr. Kerr advised that the Defined Contribution Plan has been amended to comply with Act 205 which means if the Township were to enact the Defined Contribution Plan for the Sewer employees, the Township would be entitled to State reimbursement. Ultimately, the budget will realize a benefit by providing for a Defined Contribution Plan vs. a Defined Benefit Plan. Therefore, Administration proposes that any new employee hired after January 1<sup>st</sup> of this year will be on the Defined Contribution Plan.

**Motion was made** by Mr. Sperring and seconded by Ms. Chesler, to authorize the advertisement of a Public Hearing to consider amending the Non-Uniform Pension Plan. Motion passed unanimously.

It was decided that the Special Labor Counsel will prepare the ad for the newspaper and provide the Township with a checklist for advertising the proposed Ordinances. Mr. McGrory will handle the advertising.

Release of Construction Escrow – Outback Steakhouse (#05-17): Mr. Kerr advised that the Township Engineer recommends the release of all remaining construction escrow funds associated with this project. All public and private construction improvements have been completed in accordance with the approved and recorded land development plans.

**Motion was made** by Ms. Chesler and seconded by Ms. Shuler, to approve the release of the construction contingency for Outback Steakhouse (#05-17) in the amount of \$610,943.16. Motion passed unanimously.

Swamp Pike Sewer Connection: Mr. Kerr advised that the project is located along Swamp Pike on the side of the road that is not in the 537 area, almost directly across from William Penn Villas. There is an existing house on site with a failing on-site septic system. DEP does not require the submission of planning modules because the project does not meet the definition of a subdivision under the Pennsylvania Sewage Facilities Act. Since the sewer line runs along the front of the subject property, and the Health Department has designated the on-site septic system as failed with the homeowner having no other options available, the consensus of the Board is to allow the homeowner to connect to the sewer line.

Calamia Project Release: Mr. Kerr noted that the builder for this project, which is located at the corner of Sunset and Heffner Roads, went bankrupt a few years ago, and the Township has been holding \$27,800.00 of construction escrow for the project. Mr. McGrory explained that two of the homeowners finished improvements on the property, and their attorney requested that the homeowners be reimbursed for putting in the public improvements that the builder was supposed to put in.

**Motion was made** by Mr. Kotch and seconded by Ms. Shuler, to authorize the Solicitor to seize the Letter of Credit for the Calamia Project. Motion passed unanimously.

**Motion was made** by Mr. Kotch and seconded by Ms. Shuler, to authorize the Chairman of the Board of Supervisors to execute a Settlement Agreement releasing the escrow held by the Township to the homeowners. Motion passed unanimously.

### **Zoning Hearing Board Advisories**

ZHB #2009-02, John & Danielle Bruder – 1030 Main Street: **Motion was made** by Mr. Sperring and seconded by Ms. Chesler, to authorize the Solicitor to Enter his Appearance in opposition of the Zoning Application, unless the Zoning Hearing Board conditions their approval

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on being within the existing footprint, and not to exceed 25% expansion from the existing footprint for a non-conforming use in the future. Motion passed unanimously.

**Public Comments:** None.

**Adjournment:** There being no further business, **motion was made** by Mr. Sperring and seconded by Ms. Chesler, to adjourn the meeting at 8:33 P.M.

Respectfully submitted,

Daniel K. Kerr  
Township Manager