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

**JULY 16, 2009
7:00 P.M.**

A meeting of the Limerick Township Board of Supervisors was held on Thursday, July 16, 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; Joseph P. Platt, and Chad E. Dixon, Traffic Engineers; Daniel K. Kerr, Township Manager; Beth F. DiPrete, Asst. Twp. Mgr./Finance Director/Treasurer; William J. Albany, Chief of Police; Martena Roshon, Director of Sewer Department and Community Planning; Peter M. Simone and Oliver Carley, Planning Consultants.

Call To Order: Ms. DeWan called the meeting to order at 7:28 A.M. Margie Schweitzer 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.

BOS & PC 2009 Summer Meeting Schedule: Ms. DeWan reviewed the 2009 Summer Meeting Schedule for the Board of Supervisors and the Planning Commission for the months of July and August. The schedule is posted in the Township Building.

Yard & Leaf Waste Drop-Off: August 3, 2009 at Limerick Twp. Public Works Facility 8:00 A.M. to 12:00 Noon.

Recognition – Student Representative to Parks and Recreation Committee: Ms. Robin was unable to attend the meeting, but Ms. DeWan and Ms. Schweitzer both spoke very highly about Ms. Robin's involvement on the Parks and Rec Committee.

Motion was made by Mr. Sperring and seconded by Ms. Chesler, to ratify Resolution No. 2009-24 Honoring Lindsey Robin for her Community Service in serving as a Student Representative on the Limerick Township Parks and Recreation Committee. Motion passed unanimously.

Blood Drive Recap: Ms. DeWan announced that the Township held a Red Cross Blood Drive on July 1st reaching a total of 49 pints of blood being donated, and exceeding its goal of 40 pints. The next Red Cross Blood Drive is scheduled here at the Township Building for Monday, October 5, 2009.

Consideration of Minutes: Upon motion made by Mr. Sperring and seconded by Mr. St. Pedro, the June 25, 2009 Board of Supervisors Meeting Minutes were unanimously approved.

Public Comments on Agenda Items: None.

Bills List: Upon motion made by Ms. Chesler and seconded by Mr. St. Pedro, Bills List #13 for the period of 6/25/09 through 7/15/09 in the amount of \$704,324.73 was unanimously approved.

Monthly Reports: Upon motion made by Mr. Sperring and seconded by Ms. Shuler, the June, 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.

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. Telvil-Landis | (#03-06): | Extended to 10/30/09 |
| b. Limerick View Shopping Center | (#04-09): | Extended to 11/16/09 |
| c. Ely Property Subdivision | (#05-21): | Extended to 11/18/09 |
| d. Northpointe Community Church | (#08-10): | Extended to 10/29/09 |
| e. 1310 Main Street, Linfield | (#08-15): | Extended to 10/30/09 |

Development Projects:

Giant Food Stores Fueling Center (#09-04): Erik Schroeder with J. Michael Brill & Associates was in attendance on behalf of the Applicant. He noted that the project received a favorable recommendation from the Planning Commission on July 13, 2009. They also filed a Zoning Application and were granted relief for seven (7) variances. He then briefly described the Land Development Project. There were a couple of questions from the Board with a brief discussion.

Cheryl Himes, 19 Steinmetz Road, questioned the exact location of the project.

Mr. Hassan noted that all PennDOT improvements will be shown on the plan.

Mr. McGrory read the provisions of Resolution SLD #09-04 (P/F) including waivers requested. Applicant is in agreement/compliance with the terms and conditions as set forth in the Resolution.

Mr. Kerr noted that it is anticipated that the Applicant will be submitting a separate Zoning Application for a sign variance. A discussion ensued.

Ms. DeWan noted that the Planning Commission questioned the waiver for street trees, and that request has to do with sight distance.

Motion was made by Mr. St. Pedro and seconded by Mr. Sperring, to approve Resolution SLD #09-04 (P/F) granting Preliminary/Final approval for the Giant Fueling Center, including waivers. Motion passed unanimously.

Limerick Garden of Memories Request for Relief from Land Development: Mike Bursich was present on behalf of the Applicant and gave a brief overview of the proposal for Limerick Garden of Memories to place a mausoleum centrally located on the property. The proposal is for two phases to each include a 2,700 s.f. mausoleum with associated storm water management facilities.

Mr. Kerr advised that the Applicant requested that the Board waive the land development process because of the minor nature of the expansion. A Professional Services Agreement was executed to cover the cost for the Township's professional staff to make sure that although the Board is waiving the land development approval process, the Applicant is still in compliance with the Township Codes. Mr. Hassan reviewed the specifics in terms of storm water, etc.

Mr. McGrory read the provisions of Resolution No. 2009-26. Applicant is in agreement/compliance with the terms and conditions as set forth in the Resolution. There are no waivers.

Paul Chestnut, 355 Gerloff Road, Schwenksville, questioned whether the Board should give a waiver for the 5,000 s.f. Ordinance.

Motion was made by Mr. Sperring and seconded by Ms. Chesler, to approve Resolution No. 2009-26 granting Relief from Land Development and Preliminary/Final Approval for Limerick Garden of Memories. Motion passed unanimously.

Sabol 78, LLC Request for Relief from Land Development: Mr. Kerr advised that the Applicant requested a waiver of the land development process due to the minor nature of the request. Their new location will be only twenty feet (20') to the right of the present building. The Applicant explained that they are proposing to convert the existing dwelling to a commercial retail with a proposed addition and parking lot. They are also requesting a waiver of minimum radius of arc of forty (40) feet at the entrance off of Ridge Pike due to the width of the lot. Mr. Hassan affirmed that the Applicant's request is for a waiver of the land development process only. The Applicant will be in compliance with Zoning and Land Development Ordinances.

Motion was made by Mr. Sperring and seconded by Mr. St. Pedro, to approve Resolution No. 2009-27 granting Relief from Land Development and Preliminary/Final Approval for Sabol 78, LLC. Motion passed unanimously.

NEW BUSINESS

Lewis Road Master Plan – Simone Collins/Redgo: Mr. Kerr commented that this presentation is an update on the overall look at how the Lewis Road Corridor will develop for the future. The developer for the old Stanley Tools Building agreed to cover the cost of the study which has been prepared by the Township Planner, Simone Collins Landscape Architecture. Oliver Carley gave a presentation of the Lewis Road Zoning Analysis and Conditional Use Overlay District Proposal, including some solutions that might provide a more coherent approach for future growth. Thereafter, a discussion ensued.

Jesse James, 183 Abbey Drive, asked what the motivation is for this project and when the residents living in that district will find out about the plans.

Ms. DeWan explained that the Comprehensive Plan is the driving force that sets the goals for the next ten years. Ms. Chesler added that the vacancy of the Stanley Tools Building offers the opportunity to make changes to the zoning/zoning overlay to attract a business or businesses to that site.

Paul Chestnut, 355 Gerloff Road, asked where the dimensional standards are coming from to implement these changes. Isn't most of the area in question residential? And the only issue touched on when working on the Comp Plan was that everyone agreed to keep the apartments and the commercial near the interchange. Nothing was discussed past the Stanley Tools Plant to Brook Elementary. That wasn't part of the Comp Plan.

Mr. Kerr explained that the residents along that section of Lewis Road are not being forced to sell their houses and make it commercial, but they are allowing the opportunity for the Township to be proactive to a trend that they see where Lewis Road is turning commercial.

Mr. Chestnut commented that the reason that so few zoning variances are granted is because most of the properties don't work. The residents who live there should be asked if they even want this change. He stated that as a resident he feels the Township is making a mistake if dimensional standards are not in place where you are doing zoning overlay.

Mr. McGrory commented that the Township is giving the homeowners more rights, not less. Dimensional standards are in place.

Drew Rambo, 156 Buckwalter Road, said the Township is forcing these people to feel like they have to sell because it is going commercial. Selling is the only option they have.

Ms. DeWan said this issue will be back for discussion and will have to be adopted as an Ordinance. The residents affected must be notified by mail.

A discussion ensued regarding apartments vs. condos, the noise factor of Route 422, and the burden on the schools vs. an age restricted complex.

Cheryl Imes, 19 Steinmetz Road, asked if the Board is taking into consideration the traffic along that stretch when discussing the zoning overlay. Lewis Road needs to be looked at not only for road improvements, but improvements on the traffic as well.

Lewis Road Improvement Project – Update on Scope of Work: Mr. Kerr noted that the focus here is from Cherry Lane to the Wawa. Things are going very well with the Teleflex property acquisition. Funding for this project is very sound. We are ready to progress to the next stage, and TPD must continue with the right-of-way project. He gave a brief update on the scope of work to be done.

Motion was made by Ms. Chesler and seconded by Mr. St. Pedro, to approve the TPD Lewis Road design change order per letter dated July 10, 2009 for an amount not to exceed \$65,000.00. Motion passed unanimously.

Approval - Disposal of Police Department Equipment/Weapons: Mr. Kerr reviewed the memo prepared by Chief Albany listing various items for disposal. **Motion was made** by Ms. Chesler and seconded by Mr. Sperring, to approve Resolution No. 2009-28 for the disposal of Police Department equipment and weapons per the memo from Chief Albany dated June 22, 2009. Motion passed unanimously.

Penn Liberty Bank – Sewer Deed of Dedication and Maintenance Agreement: Mr. Rosenthal noted that the sanitary sewer easement is in the right-of-way of Lewis Road, and it is just an extension of the sewer line. **Motion was made** by Mr. St. Pedro and seconded by Ms. Chesler, to accept the Deed of Dedication and the Maintenance Agreement of the Penn Liberty Bank sewer collection system. Motion passed unanimously.

Spring-Ford Area School District – Reservation of Capacity Agreement: Mr. Kerr described the location of the property along Swamp Pike across from the Blessed Teresa High School, and he explained that they will be participating in the sewer line that will be extended to the Blessed Teresa site. An easement has been established through the property, and the sewer pipe will run through the easement. The School District does not wish to tie into this because there is no building there at this time, but they want to reserve the capacity in the system.

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to approve Spring-Ford School District Reservation Agreement for Parcel No. 37-00-05074-00-1. Motion passed 4-0. Ms. Chesler was not present at the time of the vote.

Evans Tract – Operation, Maintenance and Oversight Agreement: Mr. Kerr described the location of the property across from the Phoenixville Hospital on Linfield-Trappe Road. It is approved for office and industrial uses. The owner has been designing the sewer pump station for the tract, and the Operation, Maintenance and Oversight Agreement is required in order to receive DEP plan approval.

Mr. St. Pedro asked for clarification on paragraph 13, specifically what the fee schedule would be. Mr. Rosenthal replied that this would be something that must be agreed upon at a later date.

Motion was made by Ms. Shuler and seconded by Mr. St. Pedro, to approve the Operation, Maintenance and Oversight Agreement for the Evans Tract Project.

Approval - Advertisement of Bid for Police Building Renovation: Mr. Kerr explained that he would like to adjust the current plans with the architect to include an alternate bid for the redesign of the baseboard radiator system in the Police Station. He is requesting another \$5,000 in design costs to redesign the baseboard heat and add an alternate bid.

Motion was made by Ms. Chesler and seconded by Ms. Shuler, to approve the additional design charge at a cost not to exceed \$5,000.00 and authorize the advertisement of bids for the Police Building Renovation Project. Motion passed unanimously.

Finance: Mr. Kerr reviewed the 2009 Mid-Year Report and Projections, emphasizing the downward trend in Land Development Applications. The Proposed Resolution with the attached Budget Amendment showing the various line items for adjustment were reviewed as well.

Motion was made by Ms. Chesler and seconded by Ms. Shuler, to approve Resolution No. 2009-29 amending the 2009 Budget. Motion passed unanimously.

Resolution – Amending the Fee Schedule for Contractor Registration: Mr. McGrory explained that the State legislature recently passed the Pennsylvania Home Improvement Consumer Protection Act requiring contractors to register with the Commonwealth of Pennsylvania. This applies to existing Residential Dwellings for projects of \$500.00 or more. The Township currently has a Fee Schedule that requires contractor registration. With this new law, Limerick Township will no longer be charging a registration fee and must therefore, amend the Fee Schedule.

Motion was made by Ms. Chesler and seconded by Mr. St. Pedro, to approve Resolution No. 2009-30 amending the 2009 Fee Schedule. Motion passed unanimously.

Authorization to Advertise for Public Hearing on Contractor Registration Ordinance: **Motion was made** by Ms. Chesler and seconded by Ms. Shuler, to approve the advertisement of an Ordinance amending the Township's Contractor Registration Requirements. Motion passed unanimously.

Zoning Hearing Board Advisories

ZHB #09-14, CVS – 342 North Lewis Road: Ms. DeWan advised the Planning Commission recommends that the Board send opposition to the Zoning Hearing regarding the CVS Zoning Application for a variance to install an electronic changeable-copy sign panel to be placed on the existing freestanding sign. The concerns are:

- 1) If CVS installs an electronic changeable-copy sign, then everyone else will be applying for the same type of sign as well; and
- 2) Safety is an issue due to the close proximity of the sign to Brook Elementary School and the fact that the changeable-copy sign would be a distraction to motorists passing by.

Ms. Chesler pointed out that the Township already does allow electronic signs, but they are only for time and temperature. The issue is that the Applicant is looking for the electronic sign as well as the changeable copy in the variance. A discussion ensued.

Cheryl Imes, 19 Steinmetz Road, asked if a new day care will be located near the Wawa and new Penn Liberty on Lewis Road. She also noted that there is a changing sign at Swamp and Ridge Pike.

Michele Chrisman, 688 North Limerick Road, Schwenksville, commented that the flashing light is before the sign. The changing sign at CVS would be more of a distraction.

Motion was made by Ms. Chesler and seconded by Mr. St. Pedro, to send the Township Solicitor in opposition to Zoning Hearing Board Application #09-14 for a variance for the electronic sign at CVS on the basis of safety and location of the school zone. Motion passed 4-1-0, with Ms. Shuler opposing.

Public Comments

Paul Chestnut, 355 Gerloff Road, Schwenksville, commented on a budget issue in regard to the Code Department, noting that in March the savings were reported to be \$205,000, and currently the savings are reported to be \$85,000.

Mr. Kerr said that is not correct. The Board was told that by going through this transition, \$205,000 of fixed costs could be cut out. The analysis was that there would be a savings of \$75,000 to \$125,000 for the current year.

Mr. Chestnut asked Mr. St. Pedro if the numbers that he voted on were for a \$205,000 savings.

Mr. St. Pedro said that any amount saved is still a saving.

Mr. Chestnut requested a PowerPoint presentation of the savings to date for the Code Department at the next Board meeting. He requested the salaries of the current Township employees included along with the insurance, and he said this would result in a negative because they are both over \$85,000.

Ms. DeWan said that the Agenda is set at the discretion of the Chairman of the Board, and that he does have the right to ask for that information through the Right-To-Know Law.

Mr. Chestnut said he could ask for the information in this format.

Mr. St. Pedro asked in what format Mr. Chestnut would like the information.

Mr. Chestnut said he would like a PowerPoint presentation, total money brought in and total expenses to-date. He asked if anyone knows the total cost to-date.

Mr. St. Pedro itemized some of the fixed costs to be calculated.

Ms. Chesler noted that the Township has lost \$40,000+ of interest income, and it was determined that the Code Office could be effectively out-sourced.

Mr. Chestnut commented that the Code Office costs more now than it did a year ago.

Mr. McKendric, 118 Buckwalter Road, said that with the decline of revenue stream presented, as well as a decline in interest, how could the Board casually give \$5,000 to look at (not do) baseboard heating?

Beat Jucker, 71 Long Meadow Road, Walnut Grove Subdivision, said that he, along with other residents who were in attendance at the Conditional Use Hearing for Sam's Club 5-1/2 years ago are very concerned about the new proposal for the Wal-Mart (across the street). It is no longer the same size store as the original Sam's Club proposal. It is not in the same position, nor are the entrance ways the same. The previous Board had concerns about the traffic impact along Long Meadow Road. The original Agreement states that one of the conditions to the approval was to

mitigate the traffic on Long Meadow Road. However, Wal-Mart has done nothing to mitigate the traffic, and the complexion of the neighborhood has changed since the original Conditional Use Hearing. He is requesting that a new Conditional Use Hearing be set in order to inform the current residents and consider the new dynamics of the area.

Ms. DeWan advised that this is currently a matter in litigation and the Board is not at liberty to discuss it at this time.

Mr. Jucker presented petitions from over 100 residents to the Board.

Mr. McKendric asked if there will be another review or hearing.

Mr. McGrory advised that the matter will either be settled and there will be a side Settlement Agreement, at which time Wal-Mart would petition the Court and a hearing would be scheduled in order to give the current residents an opportunity to be heard. If not settled, it would then go through the Conditional Use process, where there would be more public input than through the Court system. Also, the Settlement Agreement will not be signed unless it goes to a public meeting and the Board motions to execute the Agreement, at which time the public will be heard. He recommended that interested parties leave their names and addresses with the Township Manager so they may be notified of any public meetings scheduled in this matter. He assured residents that the Board will continue to communicate with them regarding the status of this matter.

Ms. DeWan advised that the Board will meet in Executive Session immediately following this meeting to discuss personnel.

Adjournment: There being no further business, and **upon motion made** by Mr. Sperring and seconded by Ms. Chesler, the meeting was unanimously adjourned at 10:05 P.M.

Respectfully submitted,

Daniel K. Kerr
Township Manager