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

**JANUARY 5, 2009
7:00 P.M.**

A Reorganization Meeting of the Limerick Township Board of Supervisors was held on Monday, January 5, 2009, in the Public Meeting Room of the Limerick Township Municipal Building with D. Elaine DeWan, Acting 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, Jr., Esq., Township Solicitor; Khaled R. Hassan, P.E., Township Engineer; Daniel K. Kerr, Township Manager; Beth F. DiPrete, Asst. Twp. Mgr./Finance Director/Treasurer; William J. Albany, Chief of Police; Paul Chestnut, Planning, Zoning and Code Enforcement Officer; Karen M. Hegedus, Parks and Recreation Coordinator; and Stuart L. Rosenthal, P.E., Sewer Engineer.

Call To Order: Ms. DeWan called the meeting to order at 7:02 P.M. Albert Y. Herr led the pledge of Allegiance.

Opening Comments/Announcements: The audience was reminded that the meeting is being recorded.

- Christmas tree drop-off is available at Limerick Township Community Park through January.

Appointment of Officers

- Board - Temporary Chair

Motion was made by Mr. Sperring and seconded by Ms. Chesler, to appoint Mr. McGrory as the Temporary Chairman of the Board for the purpose of accepting nominations for the position of Chairman of the Board. Motion passed unanimously.

- Board - Chair

Mr. Kotch nominated Ms. DeWan for the position of Chairman of the Board. There being no other nominations, **motion was made** by Mr. Sperring and seconded by Ms. Shuler, to close the nominations.

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to nominate Ms. DeWan as Chairman of the Board. Motion passed unanimously.

- Board - Vice Chair

Mr. McGrory turned the meeting over to Ms. DeWan to call for nominations for the position of Vice Chairman of the Board. Mr. Sperring nominated Ms. Chesler for the position of Vice Chairman of the Board. There being no other nominations, **motion was made** by Mr. Kotch and seconded by Mr. Sperring, to close the nominations.

Motion was made by Mr. Kotch and seconded by Mr. Sperring, to nominate Ms. Chesler as Vice Chairman of the Board. Motion passed unanimously.

- Township Secretary

Motion was made by Mr. Kotch and seconded by Ms. Chesler, to appoint Mr. Kerr as Township Secretary. Motion passed unanimously.

- Township Assistant Secretary

Motion was made by Ms. Chesler and seconded by Mr. Sperring, to appoint Marianne Egan as Assistant Township Secretary. Motion passed unanimously.

- Township Treasurer and setting of Bond

Motion was made by Mr. Kotch and seconded by Ms. Chesler, to appoint Beth F. DiPrete as Township Treasurer and to set the bond at \$10 Million Dollars. Motion passed unanimously.

Appointment of Employees

- Resolution - Township Manager Compensation for 2009

Motion was made by Mr. Sperring and seconded by Ms. Chesler, to approve Resolution No. 2009-01 setting the compensation for Township Manager, Daniel K. Kerr. Motion passed unanimously.

- Approval of Manager Bond

Motion was made by Ms. Chesler and seconded by Mr. Sperring, to approve the Manager Bond in the amount of \$25,000.00. Motion passed unanimously.

- Appointment - Assistant Manager and Approval of Severance Agreement

Motion was made by Ms. Chesler and seconded by Mr. Sperring, to appoint Beth F. DiPrete as Assistant Manager and approve a Severance Agreement. Motion passed unanimously.

Notation is made that the Severance Agreement is before the Board and available for review by the public.

- Planning, Zoning and Code Enforcement Officer

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to appoint Paul Chestnut as Planning, Zoning and Code Enforcement Officer. Motion passed unanimously.

- Roadmaster

Motion was made by Mr. Sperring and seconded by Mr. Kotch, to appoint William R. Bradford as Roadmaster. Motion passed unanimously.

- Fire Code Official/Emergency Management Coordinator

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to appoint Dennis E. Rumler as Fire Code Official/Emergency Management Coordinator. Motion passed unanimously.

- Open Records Officer

Motion was made by Mr. Kotch and seconded by Ms. Shuler, to appoint Township Manager, Daniel K. Kerr, or Interim Township Manager in his stead, as Open Records Officer. Motion passed unanimously.

Appointment of Professional Consultants

- Solicitor

Motion was made by Mr. Sperring and seconded by Ms. Chesler, to appoint Joseph J. McGrory, Jr. as the Township Solicitor at the hourly rate of \$170.00 and \$ 235.00 for matters involving real estate as detailed in the letter dated 10/2/08. Motion passed unanimously.

- Conflict Counsel

Motion was made by Ms. Chesler and seconded by Ms. Shuler, to appoint Edward A. Skypala as Township Conflict Counsel at an hourly rate of \$160.00 as detailed in the letter dated 11/17/08. Motion passed unanimously.

- Special Labor Counsel

Motion was made by Mr. Kotch and seconded by Ms. Chesler, to appoint John P. McLaughlin as Special Counsel for Labor Matters at an hourly rate of \$300.00 for a partner and \$250.00 for an associate as detailed in the letter dated 10/21/08. Motion passed unanimously.

- Engineer

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to appoint Pennoni Associates, Inc. as Township Engineer according to the fee schedule detailed in the letter dated 11/3/08. Motion passed unanimously.

- Traffic Engineer

Motion was made by Ms. Chesler and seconded by Mr. Sperring, to appoint Traffic Planning and Design, Inc. as Township Traffic Engineer according to the fee schedule detailed in the letter dated 10/30/08. Motion passed unanimously.

Mr. Kerr noted that Mr. Dixson will be on a new assignment in Pittsburg, and he introduced Joseph P. Platt, who will be the Township's primary contact in the future.

- Sewer Engineer

Motion was made by Ms. Shuler and seconded by Mr. Kotch, to appoint Gilmore & Associates, Inc. as Township Sewer Engineer according to the fee schedule detailed in the letter dated 10/13/08. Motion passed unanimously.

- Auditing Firm

Motion was made by Ms. Shuler and seconded by Ms. Chesler, to approve Resolution No. 2009-02 appointing Maillie, Falconiero & Company, LLP as Township Auditing Firm to conduct the 2008 audit at a cost not to exceed \$21,500.00. Motion passed 4-1-0, with Mr. Kotch in opposition.

- Pension Investment Advisor

Motion was made by Mr. Kotch upon recommendation of the Pension Committee, and seconded by Ms. Chesler, to appoint Smith Barney as the Pension Investment Advisor for both the Uniform and Non-Uniform Pension Plans. Motion passed unanimously.

- Pension Actuarial Consultant

Motion was made by Ms. Chesler upon recommendation of the Pension Committee, and seconded by Mr. Sperring, to appoint Duda Actuarial Consulting as the Pension Actuarial Consultant for both the Uniform and Non-Uniform Pension Plans.

Appointments to Boards, Commissions and Committees

- **Planning Commission**

Motion was made by Mr. Kotch and seconded by Ms. Shuler, to appoint Michael J. McCloskey, Jr. to a 4-year term on the Limerick Township Planning Commission, with said term expiring on December 31, 2012. Motion passed unanimously.

Motion was made by Mr. Sperring and seconded by Ms. Chesler, to appoint Frank A. Kotch as the Board Liaison to the Planning Commission. Motion passed unanimously.

- **Zoning Hearing Board**

Motion was made by Mr. Kotch and seconded by Mr. Sperring, to approve Resolution No. 2009-03 expanding the Limerick Township Zoning Hearing Board from Three Members to Five Members in accordance with the MPC, and appointing Albert Y. Herr to a 5-year term expiring on December 31, 2013, and appointing Thomas J. Neafcy, Jr. to a 4-year term expiring on December 31, 2012, and leaving the 3-year term expiring on 12/31/11 temporarily vacant, and the Alternate Member position expiring on 12/31/10 temporarily vacant.

At 7:18 P.M. Mr. McGrory called the Board into Executive Session to discuss litigation.

The Board reconvened at 7:25 P.M. and Mr. McGrory announced that the purpose of the Executive Session was to discuss litigation that is pending before the Zoning Hearing Board regarding the Lawrence Junk Yard Enforcement Notices. That hearing is scheduled to be held prior to the next regularly scheduled Board of Supervisors meeting.

Mr. Kotch modified his motion as follows: **Motion was made** by Mr. Kotch and seconded by Mr. Sperring, to approve Resolution No. 2009-03 expanding the Limerick Township Zoning Hearing Board from Three Members to Five Members in accordance with the MPC, and appointing Albert Y. Herr to a 5-year term expiring on December 31, 2013, and appointing Thomas J. Neafcy, Jr. to a 4-year term expiring on December 31, 2012, and appointing Thomas J. Lane to a 3-year term expiring on December 31, 2011, and leaving the Alternate Member position, expiring on December 31, 2010, temporarily vacant. Motion passed unanimously.

Mr. McGrory explained the various terms on the Zoning Hearing Board.

- **Parks and Recreation Committee**

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to appoint Melissa Dougherty to a 5-year term on the Limerick Township Parks and Recreation Committee, with said term to expire on December 31, 2013. Motion passed unanimously.

Motion was made by Mr. Kotch and seconded by Mr. Sperring, to appoint Richard D. Panzarella to a 5-year term on the Limerick Township Parks and Recreation Committee, with said term to expire on 12/31/13. Motion passed unanimously.

Ms. DeWan announced that interviews are currently being conducted to fill the unexpired 2-year term position on the Limerick Township Parks and Recreation Committee. Therefore, that vacancy will be filled at a later date.

Motion was made by Ms. Shuler and seconded by Ms. Chesler, to appoint Margaret Schweitzer to fill an unexpired 1-year term vacancy on the Limerick Township Parks and Recreation Committee, with said term to expire on December 31, 2009. Motion passed unanimously.

Motion was made by Ms. Chesler and seconded by Mr. Kotch, to appoint Kenneth W. Sperring, Jr. as the Board Liaison to the Parks and Recreation Committee for 2009. Motion passed unanimously.

Ms. Hegedus introduced the two new members of the Parks and Recreation Committee, Melissa Dougherty and Richard D. Panzarella.

Ms. DeWan introduced the two new members of the Zoning Hearing Board, Albert Y. Herr and Thomas J. Neafcy, Jr.

- Emergency Services Committee

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to appoint the following members to the Emergency Services Committee for 2009: Renee K. Chesler as the Board of Supervisors representative; Beth F. DiPrete, Assistant Township Manager; William J. Albany, Chief of Police; Dennis E. Rumler, Emergency Management Coordinator; Citizen Representative, Jamie Harris; Citizen Representative, Jim Ginetti; 2 Representatives from Limerick Fire Company; 2 Representatives from Linfield Fire Company; 2 Representatives from Trappe Ambulance; and 2 Representatives from Friendship Ambulance. Motion passed unanimously.

- Limerick Township Municipal Authority

Motion was made by Mr. Kotch and seconded by Ms. Chesler, to appoint D. Elaine DeWan to a five-year term on the Limerick Township Municipal Authority Board of Directors, with said term to expire on December 31, 2013. Motion passed unanimously.

Motion was made by Mr. Kotch and seconded by Ms. Shuler, to accept the resignation of David F. Kane from the Limerick Township Municipal Authority Board of Directors. Motion passed unanimously.

Motion was made by Mr. Kotch and seconded by Ms. Shuler, to appoint Kenneth W. Sperring, Jr. to fill an unexpired vacancy on the Limerick Township Municipal Authority Board of Directors, with said term to expire on December 31, 2012. Motion passed unanimously.

- Vacancy Board Chair

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to appoint Thomas M. McGrory as the Vacancy Board Chair for 2009. Motion passed unanimously.

- UCC Board of Appeals

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to re-appoint Patrick M. Sullivan to a five-year term on the Limerick Township UCC Board of Appeals as a Fire Protection representative, with said term to expire on December 31, 2013. Motion passed unanimously.

- Industrial Development Authority

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to appoint Eugene Dinnocenti to a five-year term on the Limerick Township Industrial Development Authority, with said term to expire on December 31, 2013. Motion passed unanimously.

- Grant Writing Committee

Motion was made by Mr. Sperring and seconded by Mr. Kotch, to appoint the following members to the Limerick Township Grant Writing Committee for 2009: Joseph D. Buckley, Joseph P. Ciresi, Tad Radzinski, Alan Trobman, and Brian Reiter, with Kara Shuler as the Board Liaison. Motion passed unanimously.

Ms. DeWan introduced the newest member of the Grant Writing Committee, Brian Reiter.

- Pension Committee

Uniform Pension Plan: **Motion was made** by Ms. Shuler and seconded by Mr. Sperring, to appoint Beth F. DiPrete and Renee K. Chesler as Township Representatives, and R. Brian Skelton as a Member Representative for the Uniform Pension Plan for 2009. Motion passed unanimously.

Non-Uniform Pension Plan: **Motion was made** by Ms. Shuler and seconded by Mr. Sperring, to appoint Beth F. DiPrete and Renee K. Chesler as Township Representatives, and Gerard Giorgio as a Member Representative for the Non-Uniform Pension Plan for 2009. Motion passed unanimously.

Township Pension Administrator: **Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to appoint Daniel K. Kerr as Pension Administrator for 2009. Motion passed unanimously.

- Open Space Committee

Motion was made by Ms. Shuler and seconded by Mr. Sperring, to appoint the following members to the Limerick Township Open Space Committee for 2009: Mary DeAlba, Linda Lohr, Lin Braddick and William Miller, with D. Elaine DeWan as the Board of Supervisors Liaison. Motion passed unanimously.

- Act 209 Committee

Motion was made by Mr. Kotch and seconded by Ms. Shuler, to appoint the following members to the Limerick Township Act 209 Committee for 2009: Samuel F. Barilla, Jr., Allan Dovberg, Anthony C. Giamo, Rick Moscariello, James G. Reading, John W. Lightcap, III, and R. Gregory Richardson. Motion passed unanimously.

- Comprehensive Plan Committee

Motion was made by Ms. Chesler and seconded by Ms. Shuler, to appoint the following members to the Comprehensive Plan Committee for 2009: Samuel F. Barilla, Jr., Paul Chestnut, Michele Chrisman, Carmen S. Italia, Jr., Daniel K. Kerr, Cathy Regan, and Jason Griggs, with D. Elaine DeWan and Frank A. Kotch as the Board of Supervisors Representatives. Motion passed unanimously.

- Agricultural Security Committee

Motion was made by Mr. Kotch and seconded by Ms. Shuler, to appoint the following members to the Agricultural Security Committee for 2009: John B. Seber, Raymond Waltz, Mary DeAlba, and John Weaver, with Kenneth W. Sperring, Jr. as the Board of Supervisors Representative. Motion passed unanimously.

Mr. Kotch noted that 1 vacancy remains on this committee.

- National Flood Insurance Program - Official in Charge

Motion was made by Ms. Chesler and seconded by Mr. Sperring, to appoint D. Elaine DeWan as the national Flood Insurance Official in Charge for 2009. Motion passed unanimously.

Community Block Grant Program

- Community Development Officer

Motion was made by Ms. Chesler and seconded by Ms. Shuler, to appoint Daniel K. Kerr as the Limerick Township Community Development Certified Officer for 2009. Motion passed unanimously.

Depositories of Township Funds

Motion was made by Mr. Kotch and seconded by Ms. Chesler, to approve Resolution No. 2009-04 appointing Harleysville National Bank, Victory Bank and Phoenixville Federal Bank & Trust as depositories of all Township Funds for 2009. Motion passed unanimously.

2009 Fee Schedule

Motion was made by Mr. Sperring and seconded by Ms. Chesler, to approve Resolution No. 2009-05 setting the 2009 Fee Schedule for Limerick Township. Motion passed unanimously.

Appointment of EIT/LST Tax Collector and Tax Hearing Officer

Motion was made by Ms. Chesler and seconded by Ms. Shuler, to approve Resolution No. 2009-06 appointing H.A. Berkheimer Associates as Tax Collector for all EIT and LST taxes and as Limerick Township Tax Hearing Officer for 2009. Motion passed unanimously.

Township Meeting Dates

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to approve the 2009 meeting dates for the Board of Supervisors, Planning Commission, and Parks and Recreation Committee, as detailed in Exhibit "A" to these minutes. Motion passed unanimously..

Township Holidays

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to approve the 2009 Holidays for the Township Non-Uniform employees, as detailed in Exhibit "B" to these minutes. Motion passed unanimously.

Yard and Leaf Waste Drop-Off Dates for 2009

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to approve the 2009 Yard and Leaf Waste Drop-Off Dates, as detailed in Exhibit "C" to these minutes. Motion passed unanimously.

PSATS Convention - Certify Voting Delegate

Motion was made by Mr. Sperring and seconded by Ms. Chesler, to appoint Frank A. Kotch as voting delegate to the PSATS annual convention. Motion passed unanimously.

Mileage Rate Reimbursement

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to approve mileage reimbursement for Township employees from 50.5 cents to 55 cents per mile, the current rate established by the Internal Revenue Service. Motion passed unanimously.

Limerick and Linfield Fire Companies Schedule of Events

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to approve the Limerick Fire Company Schedule of Events for 2009, as detailed in Exhibit "D" to these minutes. Motion passed unanimously.

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to approve the Linfield Fire Company Schedule of Events for 2009 as amended, as detailed in Exhibit "E" to these minutes. Motion passed unanimously.

Regular Business

Consideration of Minutes: Upon motion made by Mr. Sperring and seconded by Ms. Shuler, the December 11, 2008 meeting minutes were unanimously approved.

Bills List: Upon motion made by Ms. Chesler and seconded by Mr. Sperring, Bills List #1 for the period of 12/11/08 through 1/04/09 in the amount of \$181,105.30 was unanimously approved.

Monthly Reports: Upon motion made by Mr. Sperring and seconded by Ms. Shuler, the November, 2008 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. Twin County Subdivision | (#08-08) | Extended to 4/13/09 |
| b. Linfield Corporate Center Lot #53 | (#08-09) | Extended to 4/13/09 |

Spring-Ford High School (#08-12): Applicant is in agreement with the terms and conditions as set forth in the Resolution, therefore Mr. McGrory requested formal action from the Board.

Upon motion made by Mr. Sperring and seconded by Mr. Kotch, Resolution SLD #08-12 (P/F) granting Preliminary/Final approval for Spring-Ford Area High School Expansion, was unanimously approved.

New Business

William Penn Villas – Settlement Agreement for Storm Water Improvements: Ms. DeWan recused herself from this issue as she has a conflict in this matter. **Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to authorize the Vice Chairman to execute the Mutual Release and Settlement Agreement for Storm Water Improvements in William Penn Villas. Mr. McGrory explained that the Release is between the Home Owners Association, the Township, and the Developer. Motion passed 4-0-1, with Ms. DeWan abstaining.

Central Perkiomen Rotary Club – Escrow: Mr. Kerr explained that the Rotary Club wishes to submit a land development application for expansion of their ball fields on Cemetery Road, and they are asking for a reduction in their escrow from \$7,500.00 to \$4,500.00. He advised that Administration is in agreement with this reduction. **Motion was made** by Mr. Kotch and seconded by Ms. Shuler, to approve the reduction of the escrow for the Central Perkiomen Rotary Club Land Development Plan Submission from \$7,500.00 to \$4,500.00. Motion passed unanimously.

Approval - Setting the Tax Collector's Compensation: **Motion was made** by Mr. Kotch and seconded by Ms. Shuler, to authorize the Solicitor to prepare a Resolution setting the Tax Collector's Compensation for the Board's consideration, including the provision that compensation shall not exceed five percent (5%) of the amount of taxes collected. Motion passed unanimously.

Approval - Hough Associates Recycling Contract: **Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to approve Hough Associates Recycling Contract. Motion passed unanimously.

Approval - Disposal of Police Contraband: **Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to approve disposal of Police Contraband as detailed in the memo from Chief Albany dated December 26, 2008. Motion passed unanimously.

Approval - Disposal of Police Speed Trailer: **Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to approve disposal of the Police Speed Trailer as detailed in the memo from Chief Albany dated December 26, 2008. Motion passed unanimously.

Approval - Police Rifle Donation: **Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to approve the donation of Police rifles received by Limerick Township as detailed in the memo from Chief Albany dated December 11, 2008. Motion passed unanimously.

Zoning Hearing Board Advisories

ZHB #2008-24, John and Tamara Lawrence – 412 Swamp Pike: Mr. McGrory advised that this application pertains to the junk yard/used car lot/landscaping business, etc. at 412 Swamp Pike. The Applicant has appealed the enforcement notice issued by the Limerick Township Zoning Officer. **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 #08-24, John and Tamara Lawrence. Motion passed unanimously.

Public Comments

Brian Reiter, 14 Grandview Drive, thanked the Board for his appointment to the Grant Writing Committee. He also requested that the Agendas for future Board of Supervisors meetings be posted on the Township website in a more timely fashion.

Mr. McGrory announced that an Executive Session will be held immediately after this meeting in order to discuss a real estate acquisition.

Adjournment: **Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to adjourn the meeting at 9:59 P.M.

Respectfully submitted,

Daniel K. Kerr
Township Manager