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

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**OCTOBER 8, 2009  
7:00 P.M.**

A meeting of the Limerick Township Board of Supervisors was held on Thursday, October 8, 2009, in the Public Meeting Room of the Limerick Township Municipal Building with D. Elaine DeWan, Chairman, presiding.

**Members Present:** Supervisors D. Elaine DeWan, Joseph St. Pedro, Kara Shuler, and Kenneth W. Sperring, Jr.

**Members Absent:** Supervisor Renee K. Chesler

**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; William J. Albany, Chief of Police; and Martena Roshon, Director of Sewer Department and Community Planning.

**Call To Order:** Ms. DeWan called the meeting to order at 7:17 P.M. Members of the Student Government Class from Spring-Ford High School led the pledge of Allegiance.

**Opening Comments/Announcements**

**THIS MEETING IS BEING RECORDED.**

Police Association – Manderach Playground Donation - Sgt. Paul Marchese presented a \$500 donation to Steven Krauss, Chairman of the Parks and Recreation Committee, for the Manderach Memorial Playground Renovation Project. The funds came from the recent Police Association Golf Outing proceeds.

Ms. DeWan read a statement from Karen Hegedus, Parks and Recreation Coordinator, thanking the school and various service organizations and businesses who participated in making Limerick Community Day a huge success.

Also, Ms. Hegedus thanked the Police Association for their generous donation of \$500 to the Manderach Memorial Playground Renovation Project. The playground renovation began October 1<sup>st</sup> in preparation for the installation of new playground equipment scheduled in the beginning of November.

Annual Holiday Tree Lighting – Friday, December 4, 2009

Yard & Leaf Waste Drop-Off Date – October 24, 2009 at Limerick Township Public Works Facility

Gateway Employment Resources, Inc. Night at the Races – Friday, November 6, 2009 from 6:00 P.M. to 10:00 P.M. at The Loft at Limerick Golf Club, 675 North Lewis Road

Budget Work Shop Meeting – Saturday, November 7, 2009 at 9:00 A.M.

DEP Recycling Grant-Hough Associates - The Township received a memo from Hough Associates noting that Limerick Township has achieved the highest per capita return of \$9.00 within all of Montgomery County. It should be noted that over the four years Hough Associates has been handling the Township's application, an additional \$200,000 of proceeds have been received.

Fire Prevention Week - Limerick Fire Company is holding an Open House on Sunday, October 11, 2009 from 10:00 A.M. to 4:00 P.M.

Linfield Fire Company – Halloween Haunted Hayride at Trinley Park on October 16 through October 18, 2009.

**Consideration of Minutes:** Upon motion made by Mr. Sperring and seconded by Mr. St. Pedro, the September 24, 2009 Board of Supervisors Meeting Minutes were unanimously approved.

Upon motion made by Ms. Shuler and seconded by Mr. St. Pedro, the October 1, 2009 Board of Supervisors Special Meeting Minutes were approved 3-0-1. Mr. Sperring was not present at the time of the vote.

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

**Bills List:** Upon motion made by Mr. Sperring and seconded by Ms. Shuler, Bills List #17 for the period of 9/19/09 through 10/02/09 in the amount of \$689,252.86 was unanimously approved.

### **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. Robert & Carol Ganovsky        | (#09-05): | Extended to 11/12/09 |
| b. Limerick Car Wash & Quick Lube | (#09-06): | Extended to 01/12/10 |

### **Development Projects**

Robert & Carol Ganovsky (#09-05): Mr. McGrory reviewed the provisions of Resolution SLD #09-05 (F) which includes a series of Waivers. The conditions of approval are in compliance with all the outstanding review letters. The Traffic Impact Fee as discussed in detail at the last

meeting is \$30,420.00, and the Waiver Fee is \$5,655.00. The Resolution was executed by the developer prior to the meeting.

**Upon motion made** by Mr. Sperring and seconded by Mr. St. Pedro, Resolution SLD #09-05 (F) granting Final Plan Approval to the Robert and Carol Ganovsky Project. Motion passed unanimously.

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

- |                                 |           |                       |
|---------------------------------|-----------|-----------------------|
| a. Telvil-Landis                | (#03-06): | Extended to 1/28/10   |
| b. Northpointe Community Church | (#08-10): | Extended to 1/27/10   |
| c. 1310 Main Street             | (#08-15): | Contingency Extension |

### **New Business**

Ganovsky/Epps Beverage - Approval for Foundation Only Construction Permit: Mr. Kerr noted that upon Final Plan Approval, the next steps in the process for development of the site would be for the Applicant to work with the Township to finalize the Land Development Agreement and have the Plan recorded at the County. A request has been submitted to permit the issuance of a Foundation Only Construction Permit. They wish to begin the concrete work and have the foundation of the new building addition in before the severe winter weather hits. While a Foundation Permit is routine with the Code Department, the issuance ahead of all Final Land Development issues is not a matter of policy. Normal Construction Permits are not issued until all outside agency permits have been received such as PennDOT, Conservation District, and DEP. The Land Development Agreement must also be completed and recorded along with the Final Record Plan. The Applicant does have a unique condition because the area in which the addition will be built is currently impervious surface. So long as they do not disturb more than the perimeter of the 5,400 ft. addition, no additional storm run-off will be created. If additional storm run-off was being created the Administration would not be recommending this request.

Ms. DeWan expressed her concern with possible disapproval from the outside agencies for not following the proper procedures if the Township would approve a Foundation Only Permit.

Mr. Kerr reviewed the Administration's recommended conditions to be placed in the motion:

- Foundation only to first floor level. No construction permitted beyond this point until the Final Plan has been recorded.
- No site disturbance beyond the perimeter of the building until Grading Permits are approved by the Township Engineer.
- Must submit Standard Permit Application and receive approval from Code Department.
- Must pay all applicable permit and plan review fees.
- Must call for all required inspections.

**Motion was made** by Mr. St. Pedro and seconded by Ms. Shuler, to permit the issuance of a Foundation Only Construction Permit for Ganovsky/Epps Beverage with the conditions as listed. Motion passed unanimously.

Resolution - PennDOT Five-Year Winter Maintenance Agreement: Mr. Kerr explained that this is a standard agreement for renewal. It is a 5-Year Winter Maintenance Agreement which will reimburse the Township for winter maintenance of the PennDOT roads listed. Bill Bradford states that historically the reimbursement does cover all costs during an average winter season. The PennDOT reimbursement totals \$21,085.16 per year. The last two years the Township was in the black with the mild weather. Since the Township can clear the roads in a more timely manner it is the recommendation of the Administration that the Board approve the new contract.

**Motion was made** by Ms. Shuler and seconded by Mr. St. Pedro, to approve Resolution No. 2009-41 Authorizing the Chairman of the Board to Sign the 5-Year Winter Services Agreement with PennDOT. Motion passed unanimously.

Municipal Liquid Sewage Sludge Transportation and Disposal Bid Proposal: Mr. Kerr noted that this is a request for approval to advertise. **Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to authorize advertisement of the Request for Proposal for the Transport and Disposal of Municipal Liquid Sludge. Motion passed unanimously.

Final Escrow Release – Latitude Hotels (#08-03): Mr. Kerr noted that Pennoni has reviewed The Staybridge Suites Hotel as-built plans against the final approved plans, and the site improvements have been constructed according to the final approved plans. The Administration requests the release of the final escrow funds for this project.

**Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to approve the release of Escrow funds in the amount of \$118,184.93 for Latitude Hotels (#08-03). Motion passed unanimously.

### **Old Business**

Resolution – Inclusion of 69 Sankey Road in the Agricultural Security Area (ASA): Mr. Kerr explained that the owner of the property, Diane Seddon, was in recently to review issues concerning a complaint about manure odors from her property. She was shocked that her property was not listed on the Township's Agricultural Security Area files. After an investigation it was discovered that she did make application in January of 2004. The Township's ASA Committee reviewed and approved the application accordingly, but the staff at that time did not schedule it before the Board for final approval. The County Farmland Preservation Administrator advised that the Board should approve a Resolution at this time.

**Motion was made** by Ms. Shuler and seconded by Mr. Sperring, to approve Resolution No. 2009-42 to Include Property Located at 69 Sankey Road in the Limerick Township Agricultural Security Area. Motion passed unanimously.

### **Legal**

Walnut Crossing and Chestnut Pointe Associates – Stipulation to Settle: Mr. McGrory explained that the School District handled an Assessment Appeal for Walnut Crossing and Chestnut Pointe Associates, and the Board of School Directors approved the most recent settlement offers which would set the fair market values of the property owned by Walnut Crossing Associates at \$29 million for tax year 2009 and \$28.5 million for tax year 2010, and set the fair market values of the property owned by Chestnut Pointe Associates at \$23.5 million for tax year 2009 and \$23 million for tax year 2010. A discussion ensued.

**Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to table this matter temporarily for more information. Motion passed unanimously.

Review County Assessment Appeals: Mr. Kerr noted that the Township has begun to receive an increasing number of Assessment Appeals which appear to be a result of the current economic situation. Past policy has been that the Township would defer to the School District and follow their lead on any appeal. A listing of Assessment Appeals that were filed in September was presented to the Board. The total property taxes received from the properties listed is approximately \$44,000 annually.

Mr. McGrory recommended that a policy be adopted to determine how active the Board wants the Solicitor to become in these Assessment Appeals. He advised that it does not generally pay for the Solicitor to get involved because the amount that you would save through litigation rarely corresponds to the amount that you would spend by being involved. A discussion ensued.

It was decided that Mr. McGrory will enter his appearance and monitor the litigation, attend the hearings, and participate in any settlement conferences. **Motion was made** by Mr. St. Pedro and seconded by Mr. Sperring, to review any assessments over \$1,000,000.00.

A discussion ensued regarding the Assessment Appeal of Spring-Ford Country Club. The conflict attorney would have to handle this appeal because Mr. McGrory is an equitable member of the Country Club. Mr. St. Pedro is also an equitable member and would be exempt from any discussions or decisions.

With regard to the Walnut Crossing and Chestnut Pointe Associates Stipulations to Settle, it was decided that the Township will reach out and contact the developer to see if he would be willing to make some sort of donation toward Manderach Memorial Playground or some other cause within the Township.

**Zoning Hearing Board Advisories**

ZHB #09-18, James & Beth Connelly - 155 Bayberry Drive, Limerick: The Board decided not to send opposition, and allow the Zoning Hearing Board to hear the application.

ZHB #09-19, Richard and Theresa Khan-Malek - 32 Woodly Road, Limerick: The Board decided not to send opposition, and allow the Zoning Hearing Board to hear the application.

ZHB #09-20, Sanatoga Interchange Associates, L.P. – 116, 124, 142, 154 and 168 Evergreen Rd.: Attorney Edmund Campbell was present on behalf of the Applicant, and he gave a brief overview of their position in the land development process, as well as a review of the zoning relief that is being requested. **Motion was made** by Ms. Shuler and seconded by Mr. St. Pedro, to support the variances if granted by the Zoning Hearing Board, and in turn, the Applicant will withdraw the request for interpretations. Motion passed unanimously.

ZHB #09-21, Limerick HC Realty Partners, LP - Heritage Crossing Shopping Center (Ridge Pike & Township Line Road): The Board decided not to send opposition, and allow the Zoning Hearing Board to hear the application.

ZHB #09-22, G & B Sheds – North Lewis Road (vacant lot – former school bus depot): A discussion ensued regarding the Variances, Interpretations and Special Exceptions requested by the Applicant. **Motion was made** by Mr. Sperring and seconded by Mr. St. Pedro, to direct the Township Solicitor to attend the Zoning Hearing in opposition regarding ZHB Application #09-22. Motion passed unanimously.

**Public Comments:** None.

**Adjournment:** There being no further business, **motion was made** by Mr. Sperring and seconded by Mr. St. Pedro, to unanimously adjourn the meeting at 8:24 P.M.

Respectfully submitted,

Daniel K. Kerr  
Township Manager