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

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

A meeting of the Limerick Township Board of Supervisors was held on Thursday, November 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, 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; Daniel K. Kerr, Township Manager; Beth F. DiPrete, Asst. Twp. Mgr./Finance Director/Treasurer; William J. Albany, Chief of Police; Karen M. Hegedus, Parks and Recreation Coordinator; Martena Roshon, Director of Sewer Department and Community Planning; and Stuart L. Rosenthal, P.E., Sewer Engineer.

Call To Order: Ms. DeWan called the meeting to order at 7:15 P.M. The Pledge of Allegiance was led by Cub Scout Pack 230 Webelos Den 2.

Opening Comments/Announcements:

Ms. DeWan acknowledged Veteran's Day and thanked all veterans for their service.

THIS MEETING IS BEING RECORDED.

Supervisor Salary Donations: **Motion was made** by Ms. Shuler and seconded by Mr. Sperring, to authorize the donation of Ms. Chesler's Supervisor Salary to the Limerick Economic Development Council in the amount of \$1,000.00, and to Cub Scout Pack 230 in the amount of \$100.00. Motion passed unanimously.

Motion was made by Ms. Shuler and seconded by Mr. Sperring, to authorize the donation of Mr. St. Pedro's Supervisor Salary in the amount of \$1,500.00 to the Montgomery County Foundation. Motion passed unanimously.

Motion was made by Ms. Shuler and seconded by Mr. Sperring, to authorize the donation of Ms. DeWan's Supervisor Salary to Project Outreach in the amount of \$1,000.00, Trappe Ambulance in the amount of \$1,700.00, Friendship Ambulance in the amount of \$325.00, and Lower Frederick Regional Ambulance in the amount of \$225.00. Motion passed unanimously.

Project Outreach Canned Food Drive - November 12 thru December 10, 2009 at the Township Building

Yard & Leaf Waste Drop-Off Date – November 14, 2009 at Limerick Township Public Works Facility

Appointment - Parks & Recreation Committee Student Representative: Ms. Hegedus introduced Alyson Lavin, a Junior at Spring-Ford High School. She was recommended by the Chairman of the Government Department at Spring-Ford High School to fill the Student Representative position on the Parks and Recreation Committee for Limerick Township.

Motion was made by Ms. Chesler and seconded by Mr. St. Pedro, to appoint Alyson Lavin as the Parks & Recreation Committee Student Representative for the 2010 calendar year. Motion passed unanimously.

Holiday Tree Lighting – Friday, December 4, 2009 at 6:00 P.M. at the Township Building: Ms. Hegedus announced the festivities for the evening of the tree lighting.

The new playground equipment has arrived and installation will begin next week.

Ms. Hegedus also announced the upcoming “Trip Extravaganza” which will be held on November 30th with a presentation of the 2010 trips that will be available to Township residents in conjunction with Upper Providence, Lower Providence, Skippack and Worcester Township Parks and Recreation Departments.

Consideration of Minutes: Upon motion made by Mr. St. Pedro and seconded by Ms. Shuler, the November 7, 2009 Board of Supervisors Meeting Minutes were approved 4-0-1, with Mr. Sperring abstaining from the vote.

Public Comments on Agenda Items: None.

Bills List: Upon motion made by Ms. Chesler and seconded by Mr. Sperring, Bills List #19 for the period of 10/31/09 through 11/06/09 in the amount of \$295,423.07 was unanimously approved.

Monthly Reports: Upon motion made by Ms. Chesler and seconded by Mr. St. Pedro, the October, 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 Ms. Shuler and seconded by Ms. Chesler, the following extensions to the 90-day review period were unanimously accepted:

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| a. Limerick View Shopping Center (#04-09): | Extended to 02/12/10 |
| b. Ely Property Subdivision (#05-21): | Extended to 02/16/10 |

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|-------------------------------|-----------|----------------------|
| c. Sanatoga Springs | (#08-14): | Extended to 12/31/09 |
| d. Tomaselli Land Development | (#08-06): | Extended to 03/03/10 |
| e. Spring Valley YMCA | (#09-07): | Extended to 03/03/10 |

Development Projects:

17 Faust Road (#09-02): Paul Newlin was present on behalf of Cold Springs Development, LLC, along with owner Don Nacarelli. He described the property as 24 acres located at 17 Faust Road. The property was previously subdivided separating the 6.4 acres that Mr. Nacarelli currently lives on from the remaining 16.4 acres. The proposal is for a 6-lot residential subdivision for single family dwellings. He reviewed the requested waivers that require discussion, and noted that the remaining waivers listed in the Township Engineer's review letter dated September 21, 2009 will be complied with. A discussion ensued.

Mr. Newlin noted that 24% of the property is open space. A discussion ensued, and the consensus of the Board is to restrict the open space by Conservation Easement instead of a fee in lieu of, requiring that the Conservation Easement be noted on the plans.

Five of the lots are sand mound systems and one is a spray irrigation system. A Planning Module will be submitted indicating that an AB system will be used as an alternative.

William Kingsepp, 2708 Faust Road, owner of the adjacent property, pointed out the area encroaching on his property, and he indicated that he has a problem with not being able to drill a well on the site in addition to other issues.

A discussion ensued regarding the Planning Module submission.

David Doleman, owner of the property to the right of the development, asked where the storm water drain-off will be going. He currently has a severe erosion problem with his driveway washing out and he wants to ensure that there will not be any additional drain-off onto to property. Mr. Hassan explained how the storm water system will work upon completion of the project.

Motion was made by Mr. Sperring and seconded by Ms. Chesler, to authorize the Township Solicitor to prepare a Resolution for Board consideration for 17 Faust Road (#09-02) based on the discussions at this evening's meeting. Motion passed unanimously.

Sanatoga Springs (#08-14): Brian Finnegan and Bill Tierney, with O'Neill Properties, and Chris Hager with Langan Engineering were in attendance on behalf of the Applicant. Mr. Finnegan described the location, and gave a brief overview of the 189,000 s.f. project, which consists of

142,000 s.f. for a proposed Cosco, and a 47,000 s.f. collection of restaurant, bank pad, and in-line retail stores. The project received recommendation for Preliminary approval from the Planning Commission on October 15, 2009, and they were before the Zoning Hearing Board on October 28, 2009 to discuss going forward with a subdivision for the Cosco site. It is the Applicant's hope that any outstanding issues be resolved this evening in order that the Board may authorize the Township Solicitor to prepare a Preliminary/Final Resolution for consideration at the up-coming meeting in December.

It is the consensus of the Board to go ahead and discuss the waivers that are being requested at this time. Chris Hager from Langan Engineering, reviewed the ten waivers that are requested, and they are classified into four different classes:

- 1) Roadways – Lightcap and Evergreen Road
- 2) Parking
- 3) Common Boundary with Philadelphia Premium Outlets (2 waivers)
- 4) Consistency with Philadelphia Premium Outlets approval (3 waivers)

1) Roadways - Applicant is not proposing sidewalks along Lightcap Road although it is graded so that sidewalks could be accommodated. Applicant noted that there are no sidewalks along Evergreen Road/Philadelphia Premium Outlets.

Within the development there are internal sidewalks lending the availability to cross over to any future development. Also in Phase 2, at the traffic light intersection the appropriate crosswalks connect to those sidewalks providing pedestrian access to adjacent properties.

Ms. Chesler said she would prefer to defer the sidewalks. Mr. McGrory explained that deferrals must be noted on the plan indicating that after notification by the Township, within one year the owner must install sidewalks.

Applicant is providing significant improvements along Lightcap Road including a new traffic signal and road widening to accommodate the various turn lanes and traffic signal tying into the outlets and onto the Evergreen Road system, as well as providing additional right-of-way along Evergreen Road to meet the 50 ft. right-of-way requirement. No improvements are proposed to Evergreen Road. These road improvements will accommodate both Phase 1 and Phase 2.

2) Parking – SALDO requirement is for minimum 9.5 ft. wide parking spaces. Applicant is requesting a minimum of 9 ft. wide parking spaces in certain areas, in particular in front of the smaller retail stores. Cosco requires 10 ft. wide parking spaces. A discussion ensued. It was determined that the Applicant will have to negotiate the 10 ft. wide parking spaces in the Cosco area with Cosco, and the Board requires the minimum 9.5 ft. wide parking spaces elsewhere.

SALDO requirement is for minimum 25 ft. wide parking access isles. Applicant is requesting a minimum of 24 ft. wide parking access isles. A discussion ensued. Mr. Hassan advised the Board that the 24 ft. wide parking access isles have proven to be sufficient for all vehicles, including emergency vehicles.

The Applicant is requesting an allowance for more than 20 parking spaces in a row. A discussion ensued, and the consensus of the Board is to grant this request. The resulting issue of trees was also discussed, and the Board will require the Applicant to provide the appropriate number of trees based on the number of islands that would be in place as required by the Code.

3) Common Boundaries - Regarding the common boundary between Sanatoga Springs and Philadelphia Premium Outlets, the Applicant is requesting allowance for a driveway within five feet of the property line. The grading is also a waiver request with the understanding that the appropriate easements will be obtained and signed between the two parties. A discussion ensued. It was the consensus of the Board to allow this request.

Regarding the Applicant's request for consistency with the Philadelphia Premium Outlets, request is made to allow one tree per planting island in the parking lot instead of two trees. The reason being that in certain areas there are lights, utilities, or sidewalks. It was suggested that the appropriate number of trees be planted around the perimeter of the site, at the Community Park, or elsewhere on Township property.

Request is made to allow pole height of 35 ft. as opposed to required 20 ft.

Request is made to not adhere to the IESNA Handbook intensities and uniformities. The minimum requirements around the perimeter will be met. The requirements will be noted on the plan.

Applicant is in compliance with all other items as noted in the review letters, and to the satisfaction of Township consultants and engineers.

Mr. Sperring requested the possibility of the developer and/or Cosco paying a Police Officer's salary for at least the first three years (approximately \$300,000.00) since this additional 189,000 s.f. of mixed use development will utilize Township services. This is a request to help out with the Police Department Budget, and it in no way interferes with the Preliminary or Final Approvals. A discussion ensued.

Rob Lewis, 88 Masters Drive, addressed the Board's approval of a waiver request resulting in a deferral on sidewalks, in particular along Lightcap Road. It is his opinion that there is nothing else to wait for along that road, and the sidewalks are needed now.

Tom Neafcy, 103 W. Linfield-Trappe Road, said that as a Supervisor Elect, he would highly recommend that sidewalks be put in now.

Chief Albany added that at this point in time there is no volume of pedestrian traffic along Lightcap Road.

Mr. Kerr made a suggestion for Board consideration referring to Joint Planning with Lower Pottsgrove that is in the up-coming Budget. He suggested limiting a sidewalk interconnection to the outlet mall entry with only these two development phases at this time. A lengthy discussion ensued. It was the consensus of the Board not to grant the waiver of sidewalks for Sanatoga Springs.

Motion was made by Ms. Chesler and seconded by Mr. Sperring, to authorize the Township Solicitor to prepare a Resolution for Board consideration for Sanatoga Springs (#08-14). Motion passed unanimously.

Carr-Penn Road (#09-03): Amy Houseknecht with All County & Associates, Inc. was present on behalf of the Applicant. She described the project for a proposed 5,000 s.f. warehouse/shop building, parking and gravel drive for an electrical business, on approximately 7-3/4 acres located at 57 North Penn Road. Applicant proposes to connect to public sewer, but will utilize on-site water. Planning Module exemption approval was received from DEP. She briefly reviewed the project particulars. There was a discussion regarding the softening of a curve/realignment of the roadway. There was also discussion on how the property is deeded and consolidation of the parcels. Sewer issues were discussed as well. IDA financing was suggested to the Applicant.

Motion was made by Mr. Sperring and seconded by Mr. St. Pedro, to authorize the Township Solicitor to prepare a Resolution for Board consideration for Carr-Penn Road (#09-03). Motion passed unanimously.

New Business

Discussion – RedGo Properties – Lewis Road: A representative from Advanced GeoServices, planner/project engineer for the project located at 508 Lewis Road, gave a brief overview of the Sketch Plan where the former Stanley Tools Building was located. The proposal is for 300 residential units along Route 422, which will be age-restricted with a condo association. The project proposes 52,000 s.f. of office buildings along Lewis Road as well as a total of 38,000 s.f. of retail on either end of the offices. A discussion ensued. Mr. Kerr pointed out that this is just a concept plan, and if the Board is in agreement with the scope of Mr. Reading's plan, then we will look to formalize the Lewis Road Overlay District Zoning Master Plan next year.

A discussion ensued regarding the differences in a 55 and over community vs. a progressive care facility and the related office/retail requirements for the surrounding businesses, including the appropriate streetscapes to coincide with the whole combination or mixture of uses. It was the consensus of the Board to agree to proceed with this concept, with further discussions in the future.

Escrow Release – JRM, Penn Road (#08-07): Mr. Kerr noted that that the Township Engineer has reviewed the requested release and is in agreement with all construction issues. The Administration is recommending the release of the Final escrow funds.

Motion was made by Ms. Shuler and seconded by Ms. Chesler, to approve the release of Escrow funds in the amount of \$40,759.54 for JRM, Penn Road (#08-07). Motion passed unanimously.

Approval – TPD Proposal for Preparation of a Transportation Impact Assessment for Zoning Application of Girish Sheth, ZHB #08-25: Mr. Kerr noted that the Applicant is asking for the Township Engineer to prepare the Traffic Impact Study for the proposed hotel and restaurant at Lewis and Linfield-Trappe Roads. If the Board approves the scope of work from TPD, the Applicant will be required to execute a Professional Services Agreement, and all costs will be collected from the Applicant.

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to approve the preparation of a Traffic Study by Traffic Planning & Design for the Zoning Application of Girish Sheth (ZHB #08-25) in an amount not to exceed \$4,750.00. Motion passed unanimously.

Approval of Bid - Municipal Liquid Sewage Sludge Transportation and Disposal Hauling Bid: Mr. Kerr explained the contract is for the removal of sludge from the King Road and Possum Hollow Sewage Treatment Plants. Administration recommends that a three (3) year contract be awarded to Potty Queen, with Pottstown as the primary site of disposal.

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to award the Municipal Liquid Sewage Sludge Transportation and Disposal Hauling Bid to Potty Queen at a cost of \$.066 per gallon. Motion passed unanimously.

Public Works Department – Authorization to Advertise the 2010 Annual Quantities: Mr. Kerr explained that this is the Public Works Department’s annual request for blacktop, diesel, gasoline, and heating fuel.

Motion was made by Mr. Sperring and seconded by Ms. Chesler, to authorize advertisement of the 2010 Annual Quantities Bid for the Public Works Department. Motion passed unanimously.

Resolution – Ron Diesinger Subdivision (#04-17) – Planning Module: **Motion was made** by Ms. Chesler and seconded by Mr. Sperring, to table the Ron Diesinger Subdivision Planning Module. Motion passed unanimously.

Mr. McGrory noted that an Executive Session will be necessary at a future date for discussion in this matter under the category of real estate.

Approval - Road Dedication – Red Fox Run (#03-08): Mr. Kerr explained that the Home Owners Association has requested that the Township take over the roads in Red Fox Run. The Township has completed all inspections and is in agreement with acceptance of the roads for dedication. The development has been under Home Owners Association control for the past 18 months and has been found to still be in conformance with all Township requirements.

Motion was made by Mr. Sperring and seconded by Ms. Shuler, to approve Resolution No. 2009-43 Accepting the Deeds of Dedication for the Red Fox Run Subdivision (#03-08). Motion passed unanimously.

Approval – Expenditure for Emergency Management Act 147 Grant: Mr. Kerr explained that Dennis Rumler has obtained a County Grant to purchase equipment for the Emergency Operations Center. Unlike normal grants, the Township will be reimbursed for the purchase of the equipment after the fact.

Motion was made by Mr. St. Pedro and seconded by Ms. Chesler, to approve the purchase of equipment for Limerick Township Emergency Operations Center in an amount not to exceed \$1,600.00, with said funds to be reimbursed to the Township by Montgomery County through the Act 147 Grant. Motion passed unanimously.

Resolution – Adoption of Main Street as S.R. 4014 by PennDOT: Mr. Kerr explained that many years ago when the commercial development was approved and built at Walnut Street and Royersford Road an agreement with PennDOT was part of the approval process in which Main Street would be turned back over to State control. Because the project traversed the boundaries of both Limerick Township and Royersford Borough, a Resolution was needed by both municipalities approving the road swap. Limerick adopted such a resolution, but PennDOT recently became aware of the fact that Royersford never completed their requirements. PennDOT is asking that a new Resolution be adopted by Limerick so it is consistent with a Resolution that Royersford recently adopted. The Board should be aware that the State has been maintaining this road and has no adverse affect on Township operations.

Motion was made by Ms. Chesler and seconded by Mr. Sperring, to approve Resolution No. 2009-44 Requesting that the Commonwealth of Pennsylvania, Department of Transportation Adopt Main Street as S.R. 4014). Motion passed unanimously.

Approval – Administrative/Investment Services – Defined Contribution Plan: Ms. DiPrete explained that Request for Proposals (RFP's) for administrative and investment services for the Defined Contribution Pension Plan were sent to three firms. The Pension Committee has recommended VALIC to administer and invest the assets of the Defined Contribution Plan.

Motion was made by Mr. Sperring and seconded by Mr. St. Pedro, to accept the proposal of VALIC for Administrative and Investment Services for the Defined Contribution Plan, and authorize the Township Manager to execute the contract. Motion passed unanimously.

Authorization to Advertise Traffic Signal - Ridge Pike and Sunset Road: Mr. Kerr noted that the Township has completed all engineering work and has received all easements from property owners for a new traffic signal at Sunset Road and Ridge Pike. The project is in a position to place it out for bid upon Board approval to advertise.

Motion was made by Ms. Chesler and seconded by Mr. St. Pedro, to authorize advertisement of the Traffic Signal at Ridge Pike and Sunset Road. Motion passed 4-1-0, with Mr. Sperring in opposition.

Approval – Limerick Township IDA Financing for Sly Fox Holdings, LLC: Ms. Chesler explained that the IDA accepted an Application from Sly Fox Holdings, LLC to expand their brewing operation as well as to create a keg manufacturing plant.

Motion was made by Mr. St. Pedro and seconded by Ms. Chesler, to approve the project of Limerick Township Industrial Development Authority and Sly Fox Holdings, LLC. Motion passed unanimously.

2010 Budget Presentation: Mr. Kerr noted that a Budget Workshop Meeting was held on November 7th and Administration is requesting authorization to advertise the resulting Proposed Preliminary Budget as provided by the Second Class Township Code. It is the intent of Administration to have the Final Budget approved at the December 10th Board meeting. In the meantime, any changes to the Preliminary Budget are limited to an amendment of 25% aggregate. The trends and observations noted by the Administration are that there has been a decline in revenues, generally due to development, in particular, the Real Estate Transfer Tax. He reviewed the actions taken to reduce costs to the Township, and noted that the general operations of the Township must be funded with recurring revenues. He proceeded to give a brief presentation of the 2010 Preliminary Budget.

Dana Bieber, report for The Mercury, asked how many residents have filed tax assessment appeals and how much this will affect the Budget. A discussion ensued regarding the cost effect of the Township Solicitor's appearance at assessment appeals hearings.

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Motion was made by Mr. Sperring and seconded by Mr. St. Pedro, to authorize advertisement of the 2010 Budget. Motion passed unanimously.

Public Comments: None.

Ms. DeWan announced that the Board will adjourn into Executive Session to discuss real estate.

Adjournment: There being no further business, **motion was made** by Ms. Chesler and seconded by Mr. St. Pedro, to adjourn the meeting at 10:40 P.M.

Respectfully submitted,

Daniel K. Kerr
Township Manager