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

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**APRIL 9, 2009  
7:00 P.M.**

A meeting of the Limerick Township Board of Supervisors was held on Thursday, April 9, 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; 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 7:02 P.M. Barbara Ann Sharon and Tammy Jordan from SNAP, led the pledge of Allegiance.

**Opening Comments/Announcements:**

**THIS MEETING IS BEING RECORDED.**

The Yard & Leaf Waste Drop-Off is scheduled at the Public Works Building behind the Township Offices on Saturday, May 4, 2009.

Ms. Chesler presented a portion of her Supervisor Salary to Spring-Ford Area School District's SNAP (Students Need an Alternate Party) Committee. Barbara Ann Sharon and Tammy Jordan were in attendance to accept the donation.

Ms. Chesler explained the function of the Limerick Township Industrial Development Authority, and announced that the IDA is accepting Applications from area organizations who are interested in obtaining low interest rate loans. She also noted the various organizations to which the IDA has made donations.

Linfield Fire Company is currently holding their Annual Easter Flower Sale until Saturday, April 11, 2009.

Limerick Fire Company will be holding a Benefit Comedy Show on Saturday, May 2, 2009. Cost is \$25.00 per person. Doors open at 6:30 P.M., Dinner Buffet at 7:00 P.M., Show at 8:15 P.M. This benefits the Limerick Fire Company as well as the Trappe Fire Company.

Limerick Fire Company will be holding their 12<sup>th</sup> Annual Golf Outing on Wednesday, June 3, 2009 at Turtle Creek Golf Club. Cost is \$90.00 per person. Registration deadline is May 27, 2009. All proceeds benefit Limerick Fire Company.

As a reminder, the public is invited to ask questions or comment on Agenda topics as we move through the Agenda. Please keep your comments on topic, and the Board of Supervisors and professional staff will do our best to answer any questions.

**Consideration of Minutes:** Upon motion made by Mr. Sperring and seconded by Ms. Shuler, the March 5, 2009 meeting minutes were approved 4-0-1, with Ms. Chesler abstaining.

Upon motion made by Ms. Chesler and seconded by Mr. St. Pedro, the March 12, 2009 meeting minutes were unanimously approved.

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

**Bills List:** Upon motion made by Ms. Chesler and seconded by Mr. Sperring, Bills List #7 for the period of March 24, 2009 through April 8, 2009 in the amount of \$307,701.90 was unanimously approved.

**Monthly Reports:** Upon motion made by Ms. Chesler and seconded by Ms. Shuler, the February, 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 accepted 4-0-1, with Mr. St. Pedro abstaining.

### **Public Hearing**

**2009 Community Development Block Grant (CDBG) Application:** Carl B. Royer, CDBG Administrator, explained that the purpose of the Public Hearing is to obtain citizen views and comments on Limerick Township's 2009 Community Development Block Grant (CDBG) Application. The Township expects to receive an entitlement grant of approximately \$240,000 from the Pennsylvania Department of Community and Economic Development (DCED) for Federal Fiscal Year 2009, which is the same as last year's allocation, plus approximately an additional \$35,000 from the Stimulus Package. These funds benefit those with low to moderate income. Examples of repairs requested are for roofs, electric, plumbing, replacement windows, and reduction of lead paint.

Dana Bieber, Freelance Journalist for The Mercury, asked if there is a cap on the amount of funds available to recipients of the CDBG funds, and Mr. Royer advised that it is \$40,000.00, although the average allocation for the past year has been approximately \$16-17,000.00.

### **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:

- a. Twin County Subdivision (#08-08): Extended to 7/10/09
- b. Lot #53 Linfield Corporate Ctr. (#08-09): Extended to 7/10/09
- c. Central Perkiomen Rotary Club (#08-18): Extended to 7/14/09

Pottstown Honda (#06-04): Stuart Cohen, attorney for the Applicant, Adam Brower, Engineer for the Project, Dan Piazza, Vice-President of Operations for Piazza Companies, and Joseph Risotti were present. Applicant has addressed the comments in the Township Engineer's last review letter and there are no outstanding issues.

Ms. DeWan indicated that since the islands in the parking area have been reduced in size she wants to be assured that the trees being planted will still be in a safe area. A discussion ensued regarding trees and planting islands.

Ms. Chesler had questions regarding coordinating the positioning of the sidewalk at the property line with Tri-County Toyota, and whether it is their intention to have a curb-cut on their side. A discussion ensued.

Mr. Cohen advised that the Deed of Dedication for a Traffic Signal right-of-way on Lewis Road has been reviewed and will be executed by Mr. Piazza upon his return.

**Motion was made** by Ms. Chesler and seconded by Mr. St. Pedro, to authorize the Township Solicitor to prepare an Amended Final Resolution for the Board's consideration. Motion passed unanimously.

Limerick Gardens – Request for Relief of Land Development: Tom Smith of Conver and Smith Engineering, and Joe Lombardi, Director of Family Services for Limerick Garden of Memories, were present. Mr. Smith advised that their proposal is to request relief from Land Development to allow an additional 4,800 sq. ft. +/- building behind the mausoleum. This would be Phase I, with a future plan for a mirror Phase II. Total footage for both phases is approximately 10,000 sq. ft. Applicant is also requesting that they be allowed to work with the Township Engineer on grading and stormwater. There is no foreseeable impact on parking or traffic.

Mr. Kerr explained that the Board must decide whether they prefer that the Applicant execute a Professional Services Agreement for an initial review, or whether the Board would prefer that the Applicant submit a Land Development Application and follow that process.

**Motion was made** by Mr. St. Pedro and seconded by Ms. Chesler, to authorize the Staff to prepare a Professional Services Agreement for execution by Limerick Gardens. Motion passed unanimously.

Epps Beverage – Relocation Proposal: Tom Smith of Conver and Smith Engineering, and Ernie Schmidt of Epps Beverage were present. The existing Epps Beverage (79 West Ridge Pike) is across the street from the proposed relocation site at 84 West Ridge Pike and consists of 4-1/4 acres. Mr. Smith gave a Power Point presentation describing the proposed plans. They will be meeting with the Township and PennDOT to discuss coordinating their work with the Home Depot project driveway entrance, etc. Mr. Schmidt gave a brief description of the proposed renovations to the existing warehouse building on the new site. He advised that settlement is scheduled for April 27<sup>th</sup>, and the Applicant is negotiating a lease-back from the new owner as there is the possibility that the current Epps Beverage would have to maintain their business at the current location while Home Depot is proceeding with their land development project. Mr. Smith said they have asked for a zoning review to see if there might be any issues that would require them to go before the Zoning Hearing Board.

Mary DeAlba, School Road, asked if there would be a drive-through.

Mr. Sperring advised that the Board has agreed on a new policy to hear proposed land development discussions at their public meetings instead of at Staff Meetings in order that the developers and the public may hear the impact from the Board and their direction before submitting a Land Development Application.

Consensus of the Board is that Epps Beverage Relocation Proposal will be handled as an expedited land development.

Majestic Flooring – Relocation Proposal: Tom Smith also made a presentation on the Majestic Flooring project. The proposal is to convert the existing dwelling into a flooring business, and to install a parking lot with a loading area. A Highway Occupancy Permit will be required for the driveway access. He requested a waiver of land development which would expedite their PennDOT approval and allow them to move the project forward expeditiously. Total impact for the project would include parking, stormwater, landscaping, and any improvements required as part of the PennDOT application process. There is under 5,000 s.f. of new impervious coverage. A zoning review was done by the Township Engineer, and it is believed that no zoning relief is required, although there is a question about the set-back of the driveway from the property line. A discussion ensued.

**Motion was made** by Mr. Sperring and seconded by Ms. Chesler, to authorize the Staff to prepare a Professional Services Agreement for execution by Majestic Flooring. Motion passed unanimously.

Sanatoga Springs: Ed Campbell was present on behalf of O'Neill Properties. He described the location of the property as Route 422 and Evergreen Road, previously known as the Overstreet Property, and it adjoins the Philadelphia Premium Outlets. The first phase is proposed as retail, with Cosco as the anchor store. The plan also shows a gas station, which would be run by Cosco, a bank, and several units for retail or restaurants.

The perimeter of Phase 2 is expected to include complimentary retail, restaurant, and banking establishments. The inner side would hold larger units such as larger retailers, hotels and entertainment/movie theaters. The back third of the property would be where residential development could occur, or offices or other retail. The issue at hand is with the appropriate design of the intersection, given its relative short distance between traffic lights.

Chris Jambrone, ??? Road, asked for clarification regarding the existing traffic light where the road bears to the left leading to the Outlets, and there is currently a small no-throughway road that leads down Evergreen Road. With all of the new development in that area, if a new entrance were proposed for future residential development, wouldn't the no-throughway road become obsolete? Is there any discussion at this point of changing the configuration?

Mr. Kerr explained that the Township will be discussing with Lower Pottsgrove the issue of the developers on the Lower Pottsgrove side needing access to this intersection, so he believes there will be some modifications to that intersection once development on the Lower Pottsgrove begins.

Ms. DeAlba, had a question regarding open space and the percentage of impervious coverage.

Paul Chestnut, 355 Gerloff Road, asked if it would be correct to say that the Zoning Board ????? were written specifically for this property?

**Motion was made** by Ms. Shuler and seconded by Ms. Chesler, to authorize the Staff to prepare a Professional Services Agreement for execution by O'Neill Properties for services of TPD with a \$5,000.00 escrow. Motion passed unanimously.

O'Neill Keystone Opportunity Zone: Stephen Forster from O'Neill Properties, explained that a KOEZ stands for Keystone Opportunity Expansion Zone. This program allows local governing bodies (municipalities, school districts, and counties) to work together to identify pieces of property that could be targeted for facilitation of additional development. He gave a history of the KOZ Program. The KOZ will begin January 1, 2010 and there will only be fifteen (15) KOZ's throughout the State of Pennsylvania.

O'Neill proposes to ask the Township to consider, and ultimately approve a Resolution adopting the designated property as a KOZ Zone. It is requested that the KOZ be imposed on the entire property. Representation is made by O'Neill that they are willing to work with the Township Solicitor to insure that any KOZ benefit only flows through to an office development.

Ms. Chesler reminded the audience that the Board previously authorized a KOZ and wrote a letter of support for the Boyd Parcel, although the KOZ was never submitted for the May 1<sup>st</sup> deadline. That parcel currently has an OLI designation. Mr. McGrory advised that a KOZ is generally used to aid property that is not easily marketed or developed, but the O'Neill property doesn't fit that description.

Someone in the audience asked if the Publicker site in Linfield would be more suited for a KOZ designation. A discussion ensued.

Cathy Regan, 135 Sunny Brook Road, asked what the current taxes are on the O'Neill property. She urged the Board not to support the KOZ for the O'Neill property.

Ms. DeAlba asked the Board to explain why they say that it could be 10 years before the Township would realize an increased benefit from the KOZ.

It was the consensus of the Board to wait to see what the School Board and the County decide to do with the KOZ issue before making their decision.

Tom DiBello, 33 Fieldstone Lane, asked about subdividing the KOZ parcel.

### **Old Business**

New Comprehensive Plan: Oliver Carley from Simone Collins, was present to answer any questions. Michele Chrisman, 688 North Limerick Road, commented on the numbers submitted in the Comprehensive Plan at last week's Planning Commission meeting. The percentage of commercial land in the Township for 2000 was noted as 3%. The Comprehensive Plan has since then been updated to 3.3% commercial land in 2005.

**Motion was made** by Ms. Shuler and seconded by Mr. Sperring, to approve Resolution No. 2009-12 adopting the New Township Comprehensive Plan. Motion passed unanimously.

Lawrence Junk Yard – Zoning Hearing Board Enforcement Notice: Mr. McGrory explained the circumstances surrounding the issuance of the Enforcement Notice as well as the negotiations to bring the property in compliance. Mr. Lawrence has complied with all conditions set forth by the Board. There is a County HOP for the driveway. The County Conservation District has confirmed there are no violations.

Mr. Hassan recommends that the Board withdraw the Enforcement Notice. Mr. McGrory explained that Mr. Lawrence is permitted to store the construction equipment on site, but he may not operate a construction business on the site. Ms. DeWan expressed concern that Mr. Lawrence may revert back to non-compliance if the Board agrees to withdraw the Enforcement Notice

Ms. Regan questioned what happens when Mr. Lawrence is sited, and what the cost is to the taxpayer to go through all the various steps to enforce compliance.

Mr. Chestnut asked if anyone has done a site inspection on the property recently because he saw there were cars for sale on the property earlier in the day. A discussion ensued.

Mr. Sperring asked if Mr. Lawrence obtained a permit to put up the pole barn.

Ms. Regan feels that since one resident can cost so much money, it might be a good time to reinstate the Code and Zoning Department. She feels this is a good illustration of why that department is such a valuable service.

**Motion was made** by Ms. Shuler and seconded by Mr. St. Pedro, to withdraw the Board's opposition but continue with the enforcement citation. Motion passed 4-1-0, with Mr. Sperring opposing.

Mr. McGrory pointed out that if the Township pursues the enforcement citation, the Board should hire Mr. Chestnut to testify at the hearing, if he is willing to do so.

**Motion was made** by Ms. Chesler to hire Paul Chestnut to testify at the hearing. The motion was defeated due to a lack of a second.

Preparation of Lewis Road Bid Documents: **Motion was made** by Ms. Chesler and seconded by Mr. St. Pedro, to approve the TPD proposal to prepare bid documents for Lewis Road at the fixed price of \$25,000.00. Motion passed unanimously.

Mr. Sperring advised that he would like to see TPD provide the Township with some pro bono work, or at least provide services at a reduced rate.

### **New Business**

Lewis Ridge Retail – Sewer Dedication: Mr. Rosenthal noted that this dedication is on the Moore Tract /Wawa section of Lewis Road and Ridge Pike. **Motion was made** by Mr. St. Pedro and seconded by Mr. Sperring, to accept the Deed of Dedication and Easements for Lewis Ridge Retail, LP. Motion passed unanimously.

**Motion was made** by Ms. Chesler and seconded by Mr. St. Pedro, to approve the Maintenance Agreement for Lewis Ridge Retail, LP. Motion passed unanimously.

Release of Construction Escrow – 292 Ridge Pike (Moscariello)(#05-02): Mr. McGrory explained that Mr. Moscariello is requesting the release of his construction escrow because we received a letter from the bank saying they are not going to renew the Letter of Credit. In speaking with the bank this date, they now say they will renew the Letter of Credit. **Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to exercise against the Letter of Credit unless the Township receives a renewal before April 19, 2009, which is the expiration date for the existing Letter of Credit. Motion passed unanimously.

Release of Construction Escrow – Saturn of Limerick (#03-12): **Motion was made** by Ms. Shuler and seconded by Mr. Sperring, to approve the release of the Construction Escrow for Saturn of Limerick in the amount of \$54,297.20. Motion passed unanimously.

Release of Construction Escrow – Limerick Nissan (#04-03): **Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to approve the release of the Construction Escrow for Limerick Nissan in the amount of \$52,099.30. Motion passed unanimously.

Approval – Resolution Amending the 2009 Budget: Ms. DiPrete reviewed the proposed Amendments to the 2009 Budget. **Motion was made** by Ms. Chesler and seconded by Ms. Shuler, to approve Resolution No. 2009-13 amending the 2009 Budget. Motion passed unanimously.

Approval - Resolution Approving the Submission of a DCNR Grant for a Greenways Trail Master Plan: **Motion was made** by Ms. Chesler and seconded by Mr. Sperring, to approve Resolution No. 2009-14 for the submission of a DCNR Grant for a Greenways Trail Master Plan. Motion passed unanimously.

Approval - Resolution Approving the Submission of a DCNR Open Space Grant for Acquisition of the Linfield Sportsman Club: **Motion was made** by Mr. Sperring and seconded by Ms. Chesler, to approve Resolution No. 2009-15 for the submission of a DCNR Grant for the Acquisition of the Linfield Sportsman Club. Motion passed unanimously.

Authorization to Prepare and Submit COPS Hiring Recovery Program Grant: Mr. Kerr asked the Board to consider submitting a Grant to the Federal government under the Stimulus Package for the cost of hiring up to two police officers. **Motion was made** by Mr. Sperring and seconded by Mr. St. Pedro, to approve the submission of the COPS Grant Application for up to two police officers. Motion passed unanimously.

**Public Comments**

Ms. Chrisman presented a Petition with 250 signatures, and will provide more signatures at the next Board of Supervisors meeting.

Andrew Cushman, Hill Road, asked why the Township left the Linfield Industrial Park go so long in the condition it is in. The tower is rusting and the run-off goes into the ground water. Mosquitoes breed there in the summer, and kids have been getting into the buildings and on the roof tops.

Mr. Kerr agreed to have property maintenance codes reviewed and to contact the County to add this location to their list of properties for spraying.

Anna Mae Chestnut, 355 Gerloff Road, had a question regarding dissolving the Code Office.

Ms. Chesler noted that the Board reviewed information regarding the possibility of dissolving the Code Office during discussions held at the Budget Workshops, and talked about consolidations as early as November 1, 2008.

Ms. Chestnut asked why the Code Office employees were not advised that their department was going to be outsourced, and why they were not kept in order to transition the new people into their positions since the safety of residents is involved.

Ms. Chesler requested residents and developers to call and let the Township know how the services are being performed, saying that it is not about the people and won't compromise any safety. It is a cost savings. There is no compromise of services.

Ms. Chestnut asked for an explanation on how this move will be a cost saving as she does not believe that the cost of the outsourcing was not factored into the equation.

Ms. Chesler explained that the outsourcing is on an hourly basis as needed. The cost saving is in benefits, including liability, medical insurance, etc.

Thomas Roach, Harnett Lane, asked if alternatives were looked into regarding budget cuts. He questioned how the loss of experience to the Township compares to the benefits of outsourcing. And how many people are now doing the work of 3 people?

Mr. Kerr advised that the Zoning Officer appointed from Pennoni works 4 hours a day, 3 days a week. The flow of permit reviews and calls is being handled. There is a site inspector who is scheduled 4 hours a day, 3 days a week, and he is doing 4-5 inspections a day. There is also a person who is doing plan reviews, but he reminded the Board that the plan reviews that are being done now are the result of land development activity over the past 2 years. The flow of land development applications is virtually dry.

???? said that Greta Martin Washington told a resident that she is getting to the Township at noon and not leaving until 7:00 P.M. and there are things that she has not familiarized herself with as yet, adding that it is a much larger job than part-time.

Mr. Kerr advised that is due to two rather large plans that came in – the High School addition and the Holiday Inn. Also, this is the busy time for Code inspections. It does slow up over the summer as far as permits that come in.

Mr. Chestnut commented that he absolutely disagrees. This is the slow time. Summer is the busy time for inspections. The Township has picked the three slowest months of the year to take numbers from, and there are seven people doing the work of three. Anything in the Budget that is not backed up by a developer's escrow from Pennoni is coming out of the Code Office Budget.

Frank Breslin, Long Meadow Road, asked if the Board could share any information on the proposed Wal-Mart.

Ms. DeAlba asked Mr. St. Pedro, since he was sworn into office just two weeks prior to the vote on outsourcing the Code Office employees, when the figures were presented to him for review. All other Board members were asked the same question.

Ms. Regan asked Ms. DeWan if she regrets the decision she made to outsource the Code Office employees, and she commented that the Township is still consulting Mr. Chestnut because he is so valuable to the Township.

Ms. Chestnut referred to a copy of the Press Release which was printed prior to the vote, and accusing the Board of making the decision to outsource the Code Office prior to the March 12, 2009 meeting.

???????, says he attended a Board meeting last year and brought up the Linfield Bridge. It has gotten worse since then.

It was determined that the bridge is not in Limerick Township and the gentleman was advised to contact his Congressman and State Representative.

The solicitor advised that the Board will meet in an Executive Session after the meeting is adjourned. There being no further business, **motion was made** by Ms. Chesler and seconded by Mr. St. Pedro, to adjourn the meeting at 10:05 P.M.

Respectfully submitted,

Daniel K. Kerr, Township Manager