

MINUTES OF THE MEETING  
OF TRAPPE BOROUGH COUNCIL

April 4, 2006  
7:00 PM

President Strauss called the regularly scheduled meeting of Trappe Borough Council to order at 7:00 PM.

Mayor Connie Peck led the Pledge of Allegiance to the Flag.

President Strauss acknowledged the excused absence of Borough Manager, Chuck Sardo, due to the death of his father and the excused absence of Council Member Mark Carrig due to the death of his mother.

Roll Call by the Secretary: Those present were Mayor Connie Peck, President Stu Strauss, Vice President Nevin Scholl, Members Matt Watson, Paul Greco, and Steve Kurcik. Absent was Ed Kane; excused were Mark Carrig and Manager Chuck Sardo. Also in attendance were Treasurer John Klink, Engineer John Sartor, Solicitor Bob Kerns, Planning Commission Chairman Fred Schuetz, Building Inspector Sal Capizzi and Fire Chief Brian Long.

Minutes of the Meeting of March 7, 2006: Everyone received a copy of the Minutes of the March 7, 2006 meeting. There were minor edits as noted by the Secretary, particularly on Page 4, fifth paragraph, last sentence to read: "Lower priorities are dispatched as secondary issues."

S. Kurcik motioned to accept the Minutes with the above noted amendment, second by M. Watson, all ayes. Motion carried 5 – 0.

Presentation of the Bills – J. Klink

Everyone received a copy of April Accounts Payable. There were no additional bills.

N. Scholl motioned to approve payment of the bills, second by S. Kurcik, all ayes. Motion carried 5 – 0.

Financial Reports – J. Klink

Everyone received a copy of the Financial Reports. There were no noted amendments or corrections.

N. Scholl motion to accept the Financial Reports as presented, second by S. Kurcik, all ayes. Motion carried 5 – 0.

MANAGER'S REPORT (Copy of Report on file in Borough office)

Williams Way Lighting – Council was presented a proposal for replacement of a pole and light and the installation of new aluminum base covers along Williams Way.

The cost for the light pole replacement across from Bentley Drive was \$2900.00 and non-rusting metal collars on all existing light poles along Williams Way located in

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the grass strip between the curbing and sidewalk except for the one located across from Bentley Drive at \$55.00 each.

N. Scholl motioned to accept the proposal as presented, second by P. Greco, all ayes. Motion carried 5 – 0.

ENGINEER'S REPORT – John Sartor (Copy of Report on file in Borough office)  
Active Construction Projects Status Summary – At the request of Council, John prepared and reviewed the active projects summary report (copy on file in Borough office).  
Bentley Manor (M/D) – There was discussion regarding the remaining items on the punch list. Council directed the Solicitor to send a letter to the developer indicating they have two weeks to live up to contract or Borough will take his money and bid out the work. The letter from M/D should indicate dates of designated start and completion. The list is to be to the Solicitor no later than April 18, 2006.

Carriage Ridge – John advised that the plan recently submitted did not adequately address the aeration of the detention basin. Council indicated that the Manager is to inform DiPrinzio (developer) that he has two weeks to line up his subcontractors for completion of the development or the Borough will use escrow money to do so.

Escrow release #17 in the amount of \$6,595.20 was approved contingent on revised as-built plans being submitted and reviewed/approved by G&A and Council.

Main Street Corridor Revitalization – There was discussion as to whether G&A should proceed with the construction review submission. It was determined that pricing for one block be submitted for Council review at a meeting to be determined within two weeks or so. Funding to include streets and landscaping, includes the engineer fees, but no legal fees. There was a question with regard to use of open space money for the project. John will have all information to the Borough Manager within two weeks.

N. Scholl motioned to instruct our Engineer to do one block only of the design rendering plan for the Main Street Corridor project to determine how much it is going to cost, second by M. Watson, one nay vote by S. Kurcik, the remainder of Council ayes. Motion carried 4 – 1.

Question by council member: is there any Council interest in receiving this information within two weeks and have a special meeting to discuss it?. Council responded positively and suggested perhaps at the upcoming Planning Commission meeting. President Strauss indicated he wanted everyone to be able to attend. J. Sartor advised he would have information for Council Friday, the 14<sup>th</sup>. Questions with regard to the plan included whether we can do only trees or other along the demonstration area, do engineering costs include inspection fees, can we do only street lights or trees along the entire length of Main Street in Trappe, can the plan be amended once the application is submitted, pavement markings/crosswalks, trees, street lights, primary questions presented to G&A. Some discussion regarding possible easement and right-of-way acquisition.

NPDES Phase II MS4 Stormwater Management Program Consultation – There was discussion regarding G&A and preparation of the Year3 Annual Report.

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P. Greco motioned to have G&A prepare and submit the Year3 Annual Report, second by Matt Watson, all ayes. Motion carried 5 - 0

New Covenant Church Land Development Plan – The New Covenant Church will be coming before Council at the May meeting for final approval. The Planning Commission recommended Council grant the waivers outlined in the Engineer’s report of April 4, 2006. Specifically, the waivers pertain to alternative pavement structuring, installation of parking spaces, installation of proposed structures within 3 ft of property line, post and rail fencing, side slopes on the detention basin’s interior and exterior, erosion control blankets, acceptance of aerial photograph in lieu of showing existing features.

Additionally, Council will also be asked to make a decision with regard to the condemnation of a strip of land between the eastern property line and Heritage Park Blvd right-of-way to install a curb cut and stabilized emergency access route from Heritage Park Blvd to the proposed church parking lot.

Gambone Bros./Silver Leaf – Council wants to extend the maintenance period in order to evaluate the concrete work that may have deteriorated this past winter. Most of the work remaining on the punch list pertains to concrete. Council directed G&A to do maintenance period punch list and update in the month of April. S. Kurcik advised that some streetlights should be checked, some are out.

M. Watson motioned to have G&A do the maintenance period punch list and respond to the final punch list, second by P. Greco, one abstention by President Strauss, the remainder of Council all ayes. Motion passed 4 – 0 with one abstention.

SOLICITOR’S REPORT – B. Kerns (Copy of Report on file in Borough office)

Everyone received a copy of the Solicitor’s Report as reviewed by Solicitor Kerns. Most issues were covered in the Engineer’s Report.

President Strauss stated that Council is re-opening the trash collection bid for re-negotiations with the contractor, Allied Waste. When the contract was presented for approval by Council last year, the Council was under the impression it was as the same contract approved previously except for the addition of Carriage Ridge and Rosewood homeowners. In the month of January, a letter was received from Allied Waste stating all they were doing was picking up one item for the scheduled quarterly bulk pickup which differed from the previous contract. Two months passed to locate the signed contracts, the old document and the new document. In the meantime the quarterly pickup took place and there was inconsistency in the number of item(s) picked up or not picked up.

Direction was given to the Solicitor to open up negotiations with the contractor to ensure the bulk situation is corrected by the next quarterly pickup.

N. Scholl motioned to accept the Solicitor’s Report as presented, second by S. Kurcik, all ayes. Motion carried 5 – 0.

MAYOR’S REPORT – C. Peck (Copy of Report on file in Borough office)

Mayor Peck reviewed her Report.

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Eagle Scout Awards – Mayor Peck sent congratulatory letters to Eagle Scouts John Hasson and Michael Moore on their achievement. She was present to present the plaque to Michael Moore at his ceremony.

Trappe Historical Society – A letter was received from President Myrna Knaide requesting police coverage for Main Street crossing from St. Luke’s Church to the Muhlenberg House scheduled for May 20 between 7:00 AM and 1:00 PM. This is an annual event and coverage has been provided in past years.

M. Watson motioned to approve coverage for the above noted hours for the event, second by S. Kurcik, all ayes. Motion carried 5 – 0.

MONTGOMERY COUNTY PLANNING COMMISSION

Summer Frederick, County Planner for Trappe – Open Space Plan – President Strauss complimented the Open Space Committee in that they did a good job with getting the Plan approved. The purpose of getting the Plan approved will enable an amount of \$700,000 for use of eligible projects within the Borough; hopefully to be approved by August. Copies of the DRAFT Open Space Plan were presented to Council for review. She first addressed the edited portions of the Plan noting changes on pages 18 (Matrix), 26 (historic structures) and 35 (concept). County grants come with conditions; the most important being any land purchased with grant money must be permanently preserved as open space or for active recreation. The Borough must complete and adopt an updated Open Space Plan which, must be approved by the County’s Open Space Board before grant money can be received. Summer advised that they are open to receive any further suggestions, recommendations to be considered for incorporation into the Plan. The final DRAFT plan will be available at Borough Hall for review on the 21<sup>st</sup> of April. There will be 45 days for the comment period. She indicated that on April 25 any changes from Council or the public that are received will be forwarded to MCPC. After their review she will email Council members MCPC responses which may push back the approval time to May 8.

Sidewalks in the Borough were made a priority, not specifically for East Seventh and along Rt.113. N. Scholl indicated he felt it is important that people in the Borough are able to get to the parks, we have a traffic problem and weight problem with adults and sidewalks are a “step” in the right direction in addressing the problems. We also are trying to encourage people to walk around Main Street to our stores and shops. We should provide a means for people to get to Main Street Park and other parks in the Borough safely. Sidewalks and trails are a priority for the Borough.

M. Watson motioned to submit the Plan to the MC Open Space Board and any corrections; suggestions to be accepted until April 19<sup>th</sup>, second by S. Kurcik, all ayes. Motion carried 5 – 0.

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS

Shawn Skelly, Bentley Manor – Shawn was before Council with regard to the punch list items for M&D Development and the progress of the list. He noted that a meeting has

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not yet been scheduled for review of the punch list. With regard to the landscaping, he wanted to urge Council to establish a timeline to meet with M& D and what they intend on doing.

President Strauss stated we need to have a time line and that the Manager was in contact with them, he further asked the Solicitor to establish a time line. His recommendation was that a letter to be sent to M&D immediately telling them that within two weeks executed contracts must be submitted to the Borough indicating the completion time for the remaining punch list items.

S. Kurcik motioned to have the Solicitor prepare and send a letter to M&D stating that executed contracts must be received within two weeks indicating when and who will finish the remaining punch list items or the Borough will seek bids to complete the work, second by P. Greco, all ayes. Motion carried 5 – 0.

It was noted that should the Borough have to seek bids, that enough funds remain in escrow to complete the paving and then finish the landscaping with the remaining escrow funds. The paving is a priority.

Paul Edwards – Council heard Paul with regard to the Police Study and concerns for not having police protection. President Strauss advised that a letter would be sent out, it was not done because of Mark's situation with his mother and Stu stated he would get information on what the proposed study was supposed to entail. Paul made reference to putting the police study up for a referendum.

There was discussion/comments regarding the legalities of E. Schmitt being a member of CTMA. An opinion was rendered by the Solicitor that E. Schmitt has to be a resident of an active municipality in CTMA. Under the statute that applies “why are you here” – “why are you serving” – District Attorney Castor is going to have a conference relative to that because a letter of opinion was submitted stating Mr. Schmitt is not a citizen, and that is a requirement for a CTMA member. At this point it will be conferenced by Mr. Castor, that is the next step in the process. It is the opinion of the Solicitor that Mr. Schmitt is not qualified to serve on CTMA due to his residency.

Cathy Kelemen, 362 Laurel Drive – Mrs. Kelemen was before Council to voice that this discussion is a personal issue with certain individuals. There was further discussion with regard to the residency of Mr. Schmitt and qualifications of Mr. Schmitt and representation for the Borough of Trappe.

Linda Rebstock – Was before Council regarding the potholes, cracks and the deplorable condition of that roadway. President Strauss indicated that the Manager would be out to go over all her concerns.

Ralph Zollers – Ralph was before Council with regard to obtaining a Form 1099 and W9 for reporting to the IRS for the year 2004. Point being the Borough records should be maintained at Borough Hall. Zoning hearing fees – there are fees being backbilled beyond the \$500 application fee. N. Scholl advised Council is looking into changing the fee schedule so that the residents do not subsidize the charges.

Sam Mancuso – Sam expressed concern for the spending of public funds for spray painting of the inlets as required by DEP. President Strauss advised that first thing –

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public works didn't do it, the Boy Scouts did it – so it was free – and they did it in Collegetown too – it was volunteer work. Cleaning of storm drains, clarification for only dedicated streets.

Regarding the Peden issue, Sam was looking for copies of photographs that he was expecting to receive taken in response to the letter from the Solicitor. What action is the Borough going to take in order to go forward with the hiring of the arborist? President Strauss advised he spoke with Mr. Watt, Kerns' associate, in order to have someone independent both signatures of College Woods and the Pedens authorizing the hiring of an independent arborist. Mr. Watt instructed that College Woods did not sign a document indicating they wanted to go along with the plan and the Peden's have not. Both parties must sign off on an agreement before the Borough moves forward for paying for arbitration.

There was no further discussion regarding the dedication of streets in the project. Community Music School (CMS) – N. Scholl inquired about Community Music School and the wall. He stated that we received a letter from Mr. Gold to sign off on the wall that it was "structurally adequate as constructed to support anticipated lateral pressure." I am wondering if it would be wise, to have or maybe we already have it a Certificate of Insurance with him with respect to liability coverage, is that something that is normally done, is it appropriate here? Solicitor Kerns responded positively: yes it is. There are two issues here. The first is the liability issue, the second issue if the wall is structurally unsound, then it becomes a safety hazard and that goes past the liability issue as to whether or not somebody is harmed. He stated that is what we have to look for, our Borough Engineer has basically given us an opinion as to whether or not the wall is safe. Discussions last month allowed CMS to give whatever information they could. Our Engineer has to be satisfied that it is in a safe condition. The alternative is to have them take it down and start out with the footings again, that becomes an issue.

N. Scholl asked the Engineer if he was ready to sign off on Mr. Gold's letter, J. Sartor replied "not at this time." John's involvement was when he met with the Borough Manager last week. At that time he contacted the architect for CMS for additional information. He received an email prior to that phone call and the Manager provided all of that information which was passed onto G&A's structural engineer. John is waiting to get a final response from him and stated he is not in a position to offer a recommendation at tonight's meeting.

Edwina & John French and John Aston, CMS Project Manager were present at the meeting and there was discussion regarding the wall. They offered that it is beautiful wall, professionally installed and that to remove the wall would be ridiculous. It was their request that Council allow CMS to continue this project as they are almost finished. The only thing remaining is to pave the parking lot. They are ready to move into this building, the building is an asset to the community, to hold up this project is something so ridiculous.

There was discussion. The Borough Manager had contacted the architect and so did Melanie Hicks of the Architectural Group and asked that the design plans and

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calculations be submitted. John is still waiting for those calculations and plans and all the information. He was asking for this information back in January when this first came to light, it is now April and the information still has not been received.

John was asked if he could make the project a priority should he receive all the information. He indicated that the earliest he will be able to speak with him would be Monday.

Solicitor Kerns stated that at this point all we are looking for is that our Engineer is satisfied, that ends the whole issue as far as the solicitor is concerned from a legal and liability point. If there is anything that John is not satisfied with, it was the Solicitor's suggestion that CMS meet with him and the Borough Manager to try to work out what the issue would be. He also suggested that CMS go ahead with the paving and get that completed. Council permitted the paving to occur with the condition that plans and calculations are submitted to G&A for review and approval. Mrs. French was in agreement.

John reminded the CMS group that they have to understand that you have to call Owen Schirenback and we do have to inspect the paving.

COMMITTEE REPORTS

Finance/Waste/Recycling – N. Scholl

Nothing further to report.

Property/Open Space/Traffic – E. Kane

Main Street Park – Fred Schuetz, Planning Commission Chairman, gave status report of the grant application. DCNR approved the application and now a map is required.

Open Space Trail Acquisition – With regard to the Wismer property and the proposed trail, permission to enter into and proceed with negotiations with the Wismers for purchase of a tract of land as sought by Fred on behalf of the Borough.

N. Scholl motioned to have Fred continue with negotiations with the Wismer principals for implementation and purchase of the Wismer trail tract, second by M. Watson, all ayes. Motion carried 5 – 0.

Public Safety and Streets – P. Greco

Information received with suggestions from Jeff Obrecht, Traffic Committee, relative to stop signs and traffic concerns. President Strauss requested all the information be given to Chuck and have him follow up on it.

Ordinances/Personnel/Appointments – M. Carrig

Nothing further to report.

Public Works/CTMA – M. Watson

Nothing further to report.

Planning and Zoning – S. Kurcik

Nothing further to report.

OLD BUSINESS

Zoning Hearing Fees – Ordinance No. 385 – Proposed Changes to Zoning Hearing Fees was presented to Council for approval for advertising. The Solicitor advised that

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additional information from different municipalities was provided to Council and at his suggestion advertisement be delayed one more month. Any future backbilling to the applicant will not be permitted and fees will have to be received at the time the application is made.

NEW BUSINESS

Evaluation of Current Procedures and Recommendation for Changes – was presented to Council by Engineer J. Sartor. No action was taken on the Changes at this time.

At 10:50 PM Council went into Executive Session. The Secretary exited the meeting at that time.

Respectfully submitted,

Patricia Katona  
Secretary