

MINUTES OF THE MEETING OF
THE BOROUGH OF TRAPPE COUNCIL
REORGANIZATION MEETING

January 3, 2006

Call to Order and Pledge of Allegiance to the Flag: The meeting was called to order by Solicitor Richard Watt at 7:00 PM and led the Pledge of Allegiance to the Flag.

Oath of Office of the Mayor: District Justice Ben Crahalla administered the Oath of Office to newly elected Mayor Connie Peck.

Oath of Office for Elected Officials: District Justice Ben Crahalla administered the Oath of Office to newly elected Council Members Ed Kane, Mark Carrig, Steven Kurcik, Auditor Cathryn Johnson and Tax Collector Ed Gillespie. At this time Paul Greco and Nevin Scholl also received the Oath of Office.

Roll Call by the Secretary: Those present were Mayor Connie Peck, Stu Strauss, Nevin Scholl, Matt Watson, Paul Greco, Mark Carrig, Ed Kane, Steve Kurcik, Engineer John Sartor, Solicitor Dick Watt, Planning Commission Chairman Fred Schuetz, Building Inspector Sal Capizzi, and Fire Chief Brian Long.

Reorganization

Nominations for President: Solicitor D. Watt called for nominations for president of Council. N. Scholl nominated S. Strauss, second by E. Kane. M. Watson nominated M. Carrig, second by P. Greco. Nominations were declared closed.

There were 4 aye votes for S. Strauss (N. Scholl, E. Kane, S. Kurcik, M. Carrig), there were 2 aye votes for M. Carrig (P. Greco and M. Watson). S. Strauss was declared Council President.

The gavel was turned over to President Strauss.

Nominations for Vice President: President Strauss called for nominations for Vice President.

M. Carrig nominated N. Scholl, second by E. Kane. There were no other nominations and N. Scholl was declared Council Vice President.

Nominations for Vice President ProTem: N. Scholl nominated E. Kane for Vice President ProTem, second by M. Carrig. There were no other nominations; E. Kane was declared Vice President ProTem.

Appointments

2006 Appointments:

Treasurer – J. Klink

Motion N. Scholl; second M. Carrig all ayes

Engineer – Gilmore and Associates (G&A)

Motion M. Carrig, second M. Watson

To keep G&A temporarily

2 nay votes (M. Watson & P. Greco) 2 nay votes

remainder of Council 4 aye votes

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Solicitor – Kerns Pearlstine Onorato & Fath			
Motion by N. Scholl; second by M. Watson	all ayes		1-year term
Building Inspector – Sal Capizzi			
Motion by N. Scholl; second P. Greco	all ayes		
Plumbing Inspector – Gilmore & Associates			
Hank Clemmer			
Motion by N. Scholl; second M. Watson	all ayes		
Fire Marshal – Mike Italia			
Motion by N. Scholl; second by P. Greco	all ayes		1-year term
Planning Commission – Ray Spaid			
Motion by N. Scholl; second by E. Kane	all ayes		5-year terms
Zoning Hearing Board – Al Douglas			
Motion by N. Scholl, second by M. Carrig,			
1 nay vote (P. Greco) remainder	all ayes		3 year term
Accept the resignation of Charles Wismer from the Zoning Hearing Board			
Motion by N. Scholl; second M. Watson	all ayes.		
Zoning Hearing Board replacement for Mr. Wismer unexpired term - Charles Whitson			
Motion by N. Scholl; second by E. Kane	all ayes		
Central Perkiomen Valley Regional Planning Commission – S. Kurcik			
Motion by N. Scholl; second by P. Greco	all ayes		1-year term ends 02/06/07
Shade Tree Commission – Eva Jaeger			
Motion by N. Scholl; second by E. Kane	all ayes		6-year term ends 12/31/11
Vacancy Board – Earl Crist			
Motion by N. Scholl, second by E. Kane	all ayes		ends 12/31/06
Lower Perkiomen Valley Regional Sewer Authority - M. Carrig			4 year term
Motion by N. Scholl, second by E. Kane	all ayes		ends 12/31/09

Standing Committee Appointments – President Strauss listed the following Standing Committee appointments for 2006 as follows:

Finance, Waste/Recycling	N. Scholl, M. Watson, M. Carrig
Public Safety & Streets	P. Greco, E. Kane, M. Carrig
Public Works/CTMA	M. Watson, N. Scholl, S. Strauss
Property/Open Sp/Traffic	E. Kane, S. Kurcik, M. Watson
Ordinance/Personnel/Appts.	M. Carrig, S. Kurcik, N. Scholl
Planning & Zoning	S. Kurcik, E. Kane, P. Greco

Minutes of the December 6, 2005 Meeting: Everyone received a copy of the December 6, 2005 meeting. There were no noted amendments or corrections.

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N. Scholl motioned to accept the Minutes as presented, second by M. Watson, all ayes. Motion carried.

Presentation of the Bills – J.Klink

Everyone received a copy of the December Accounts Payable. There were additional bill presented as follows:

B. Stott (Aux. Police)	\$ 24.00
J. Wentworth (Aux. Police)	\$120.00
I. Simpson (Aux. Police)	\$ 30.00
Richter Office Supply	\$ 4.40

N. Scholl motioned to pay the bills including the additional bills, second by M. Carrig, all ayes. Motion carried 7 – 0.

Financial Report – J. Klink

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

N. Scholl motioned to accept the Financial Reports as presented, second by M. Carrig, all ayes. Motion carried 7 – 0.

OPEN TO PUBLIC FOR NON-AGENDA ITEMS

College Woods – S. Mancuso - Discussion regarding the Peden tree replacement issue – S. Mancusco made presentation regarding the landscaping buffer (tree) issue between the Pedens as it pertains to College Woods. President Strauss questioned was how does Council want to proceed, whether to proceed as the prior Borough Council ruled or not. Previously there was discussion in an executive session wherein the Solicitor would be brought in basically to communicate and arbitrate between the principal parties (HOA & Pedens) as to what we discussed or to find fault. President Strauss noted that the finance end was never an issue, never talked about and that was an oversight because there is a cost incurred and we did not discuss that.

M. Carrig motioned that the Solicitor write a letter to both parties indicating basically what the Council has done with the stipulation that the cost be split between both parties and send the costs to the Solicitor, second by N. Scholl, all ayes. Motion carried.

Fire Chief's Report – B. Long

Everyone received a copy of the Fire Company's Report. Presently looking into certain fire calls that are billable calls – allowed to bill for services only be effective for Trappe Borough – Brian indicated this is something new in Pennsylvania, other fire companies are doing the same thing – can bill for use of truck or apparatus provided, as little as gas used in a chain saw to cut a hole in the roof of a house, certain liability, accidents on the streets, time of service, a lot that can be billed for that goes with the job. As a primary, Trappe covers approximately a little less than one-third of Upper Providence. Discussion

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as far as spreading the billings out to wherever the Fire Company makes calls, not only to Trappe. Still in the fact-finding mode, Council will be supportive. Fire Hydrants are checked on a rotation basis from time to time maybe twice a year.

ENGINEER'S REPORT – J. Sartor

Everyone received a copy of the Engineer's Report as reviewed by J. Sartor.

Carriage Ridge Estates – There were two escrow release requests received in the month of December. A Letter of Recommendation was submitted the middle of the month and then shortly thereafter, an additional escrow release request. The paperwork was consolidated and combined both requests into one letter and issued on December 22 as escrow release #16 revised.

In that letter the Engineer made a recommendation for the release of \$25,285.66. The request is before Council for action. In the December 22 letter G&A found that some of the work could not be generally reflective of G&A inspections i.e. those items are bulleted in the letter. The first item has to do with topsoil, a request of \$2600 for 1500 cu yds. of topsoil and material, the Engineer recommended that the \$2600 not be released. The fence request was made also and G&A recommended that 75% of the \$10,218 and \$7,662 be released, some deficiencies were identified at the northwest corner along the west side of the fence line. G&A would like DiPrinzio to contact O. Schierenbeck of G&A (construction manager) and Mr. Scheirenbeck will schedule a site meeting to review those deficiencies with the developer. The last item was the as-built plan, the developer asked for release of \$8,260 for the plans, but plans have not been received to date. The Engineer recommended that the above items not be released and is recommending a release in a total amount of \$25,285.66 at this time.

The Engineer expressed concern about the amount of money in the escrow fund and felt it is time to re-visit the remaining escrow monies in this account to determine whether sufficient funds exist. The wearing course is not in place, the as-built plans have not been received as noted in the letter; therefore, it is not his recommendation to release money for an as-built plan. The amount of money recommended for release at this time is legitimate for work that has been completed to date and inspected by G&A and found to be justified, that is what the \$25,285.66 represents. The amount remaining in escrow is represented by the spread sheet attached to the December 22 letter, what remains in the account, if Council approves release of the \$25,285.66, is \$167,828.49 that includes retaining, inspection, difference between the escrow and new letter of credit that was posted, \$56,171.00 remaining to complete the public improvements.

N. Scholl asked if a plan was received to address the water remaining in the detention basin, John advised, not yet. There would be no way of estimating the costs of that project. John indicated the other issue that should be done prior to the as-built plan is the whole issue of the basin needs to be worked out because whatever ultimate configuration of that basin that we all agreed to makes sense, needs to be reflected on the as-built plan.

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President Strauss stated the Borough paid Strouse Landscaping directly from Borough funds to complete this project and the Borough has not received reimbursement from the DiPrinzio Bank for the bill from Strouse Landscaping. The Solicitor advised that the Borough hired a landscaper to go in and do work, the arrangement with Strouse was that the bank would reimburse contractor, and needs a final bill to turn in directly to the bank for payment. It would be the recommendation of the Solicitor a condition of that release upon the bank reimbursing the Borough for landscaping bill.

M. Carrig motioned to release \$25,285.66 in escrow funds conditional upon the Borough receiving \$19,000 in landscaping fees, second by P. Greco, one nay vote by S. Kurcik, the remainder of Council all ayes. Motion carried 6 – 1

M. Watson motioned to revisit each development's escrow fund to determine the current balance and detail, second by M. Carrig, all ayes. Motion carried 7 – 0.

College Woods: - There was discussion regarding the Borough taking dedication of the roads in College Woods. N. Scholl indicated the borough should obtain the recorded plan, have the Solicitor review the plan to make a determination.

DCED Floodplain Management Reimbursement Form – J. Sartor asked whether G&A should assist in the preparation of a DCED submittal for reimbursement of costs associated with floodplain management. He was advised by Council to prepare an estimate for the costs.

Main Street Corridor Revitalization – All required submissions to PennDOT, DVRPC, Environmental Evaluation, and the Federal Highway Administration have been completed. Phase II regarding the Revitalization Plan is expected in April 2006. John asked Council whether G&A is authorized to begin the Traffic Review Submission. He was advised to invite Eric Kaufman to the February Council meeting to give a presentation on the proposed Main Street corridor Project.

Silver Leaf Farms – The maintenance period ends February 4, 2006. The Solicitor was authorized to extend the period of the maintenance for one year until May 4, 2006.

M. Carrig motioned to accept the Engineer's Report, second by P. Greco, all ayes. Motion carried 7 – 0.

SOLICITOR'S REPORT – R. Watt

Zollers Zoning Hearing – Regarding the zoning application for the Zollers Hearing, there was discussion with regard to the Solicitor appearing at the Hearing.

M. Carrig motioned to challenge the hardships on the application and have the Solicitor appear, second by N. Scholl, one nay vote (M. Watson), the remainder of Council all ayes. Motion passed 6 – 1.

EMS Tax – Ordinance #387 - This Ordinance has been appropriately advertised for enactment. It is essentially an increase of \$52 per person working in the Borough. The emergency and municipal services (EMS) tax must be applied to certain specific items, either police, fire or emergency services, road maintenance or real estate tax reduction. The draft of the ordinance contains provision exempting anyone earning less than \$12,000

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Would not reap the anticipated collection and felt that the number of people working in the Borough is calculated to be more than actually work in the borough. N. Scholl recommended on voting on the real estate tax first and then the EMS Ordinance – there was discussion. No action at this time during the meeting. (See Page 8)

M. Carrig motioned to accept the Solicitor's Report, the motion passed 7 – 0.

COMMITTEE REPORTS

Mayor's Report – C. Peck

No Report. She commented and thanked all the voters for coming out to vote in the last election.

Finance, Waste/Recycling – N. Scholl

Nothing further to report.

M. Carrig motioned to adopt the Corporate Authorization Resolution for Sovereign Bank, second by N. Scholl, all ayes. Motion carried.

Property/Open Space/Traffic – E. Kane

Nothing further to report – it was noted there is an Open Space meeting the first Wednesday of every month.

Appraisal for Wismer Property – F. Schuetz advised Council of the need for an appraisal of the Wismer property and expenditure in the approximate amount of \$1500 to have Indian Valley Appraisal Company do an appraisal for about five acres of the Wismer property.

P. Greco motioned to authorize Indian Valley Appraisal to do the appraisal, second by M. Watson, all ayes. Motion carried 7 – 0.

Public Safety and Streets – P. Greco

Everyone received a copy of the Fire Company report that was reviewed by Fire Chief Brian Long. There was discussion with regard to receiving financial assistance from Upper Providence when Trappe Fire Company goes into UP for fires or to assist. Paul suggested Trappe communicate with Upper Providence with regard to realizing some funding for the Borough when Trappe Fire Company goes into their Township. Paul and Brian Long will follow up.

Ordinances, Personnel, Appointments – M. Carrig

Mark advised to proceed to advertise for a Borough Manager

Public Works/CTMA – M. Watson

Nothing further to report.

Planning and Zoning – S. Kurcik

Thanked the voters of Trappe for coming out to vote and look forward to working together and with the people of Trappe.

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OLD BUSINESS

2006 Budget

N. Scholl recommended re-evaluating the budget and motioned to open up discussion on the 2006 budget, second by M. Carrig. There was one nay vote (M. Watson), the remainder of Council all ayes. Motion carried 6 – 1.

Nevin stated that last year the Finance committee presented two budgets, Plan A and Plan B. Both plans called for the EMS tax. Plan A maintained the current real estate tax running about \$30/\$45 per home per year. Plan B eliminated that tax and the thought was that Plan B was to use part of the EMS tax for the intended purpose, which was real estate tax reduction. The previous council approved Plan A, Nevin recommended Plan B.

N. Scholl motioned to implement Plan B instead of Plan A which eliminates the real estate tax of about \$37,000 per year. One of the reasons why it is not a good tax is that it is an inefficient tax meaning it costs about 16% of the tax to collect it and we should not collect a tax that costs that much money to collect. There was discussion. Both Plans provide about the same amount of money to the Fire Company (\$37,000) neither Plan reduces the amount of money to the Fire Company. The EMS tax is an increase but the increased portion is for those people that work in Trappe. Those people that live in Trappe and work elsewhere do not pay the tax.

There were questions as to whether or not the information was solid, the source and how long ago was it collected (about one year ago) and recently confirmed, part time vs. full time employees, effect of exempting people who earn under \$12,000 per year. The tax decrease portion will be less than anticipated within 5 years due to the growth in other tax income. One consideration is to look at Berkheimer, the collector, to make sure the statistics are correct.

The Solicitor commented that essentially what is happening is that the budget was adopted and Council is contemplating the revision of the adopted budget and that can be done if Council so wishes. M. Watson comments with regard to what is on the table now is one budget vs. another and the decision cannot be made until we get that information when we already adopted Plan A.

J. Klink comments regarding changes already made in the law regarding the extension of time limits. Two issues relating to the law: 1) less that \$12,000 you are exempt 2) because it went from a \$10 occupational privilege tax to \$52 EMS tax they are allowing employers and extended period of time, previously it had to be out by the first quarter.

Ed Gillespie comments that we should do more research on the EMS tax, he does not believe there are 1700 working people in Trappe, all we have are mom/pop business along Main Street, we should go back to Berkheimer and have them tell us under \$12,000 vs. the people that make over \$12,000. Shortly the current bills have to be out by and Ed needs to know what council is going to do.

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Other discussion focused to try the EMS tax for one year and get rid of it next year, no reason why not. Nevin stated he tried to eliminate the real estate tax last year, but we didn't and ended up with a surplus last year this year well in excess of the \$37,000; it is time to make a move.

J. Klink, we will have a waste disposal cost that will be substantially more. As an up date, there was a net surplus for 2005 was \$120,000; we were anticipating \$144,000 realizing a shortage. Further, he prefers to have the Borough wait a year to see what happens, he is uncomfortable doing it this year but rather wait a year.

Discussion regarding return of tax money, line striping, playgrounds, give something back to the taxpayer.

N. Scholl motioned to adopt Plan B to eliminate the real estate tax, second by S. Kurcik, two nay votes (M. Watson, P. Greco), the remainder of Council all ayes. Motion carried 5 – 2. There was a roll call: W. Matson, nay, P. Greco, nay, N. Scholl, aye, E. Kane, aye, M. Carrig, aye, S. Kurcik, aye, S. Strauss, aye. Motion carried 5 – 2.

E. Kane exited the meeting at 10:45 PM.

Police Study – this issue was tabled at this meeting.

NEW BUSINESS

Borough Manager Search Committee – Members of this Committee will be S. Strauss, N. Scholl and M. Carrig. Will advertise for prospects and Council will be able to interview.
EMS Tax (From Page 4) – Previously described by the Solicitor, imposes a \$52 tax on occupations in the Borough – revenues to be used for emergencies, road maintenance, real estate tax reduction, does not pertain to those making less than \$12,000 per year, provisions for collection at end of first quarter.

N. Scholl motioned to adopt Ordinance 387 as outlined by the Solicitor, second by M. Carrig, all ayes. Motion carried 7 – 0.

CTMA Bylaws – President Strauss asked the Solicitor to review the CTMA Bylaws in that to serve on CTMA a requirement is to be a resident of the municipality and asked for confirmation of that requirement.

Employee Benefit Manual – The Personnel Committee is to look at and come up with an employee benefit manual, every Borough employee will know how much vacation/sick time is extended to the employee.

Sexual Predator Ordinance – P. Greco gave everyone a copy of a proposed sexual predator and the establishment of residential restrictions for registered adult sexual offenders within boundaries of 2500 feet of a school/school ground. Paul wanted council concurrence for J. Sartor to prepare a map that indicated the 2500 feet boundary. Council will review and address.

With no other business to come before Council, the meeting adjourned at 11:00 PM.

Respectfully submitted,