

MINUTES TO THE MEETING OF
TRAPPE BOROUGH COUNCIL
MAY 1, 2007

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

Pledge of Allegiance to the Flag was led by Mayor Peck. After the Pledge, President Strauss called for a moment of silence to honor the Virginia Tech students that were slain and those that were victims as a result of the shooting that occurred in April, 2007, our hearts and prayers are with them and their families.

Roll Call by the Secretary – Those present were Mayor Connie Peck, President Stu Strauss, Vice President Nevin Scholl, Mark Carrig, Steve Kurcik, Jim Durrell, Matt Watson and Ken Fulmer. Others in attendance were Engineer Doug May, Solicitor Bob Kerns, Treasurer John Klink and Manager Chuck Sardo.

President Strauss announced that there was an executive session after the April, 2007 meeting, the purpose of the meeting was to talk about personnel issues.

Minutes of the Meeting of April 3, 2007 – Everyone received a copy of the Minutes of April 3, 2007. President Strauss called for amendments/corrections to the Minutes; there were none.

N. Scholl motioned to accept the Minutes as presented, second by J. Durrell, all ayes. Motion carried 7 – 0.

Presentation of the Bills – J. Klink

Everyone received a copy of Accounts Payable. There were additional bills as follows:

Selective Insurance	\$6,175.00 (comm. & w/comp)
Kerns Pearlstine Onorato & Hladik	\$2,570.00 (April)
Sacks Contracting	\$1,500.00
All Cleaning Services & More	\$ 500.00
Barry Stott (Aux Police)	\$ 32.50
John Klink (reimbursement)	\$ 391.09

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

Financial Statements – J. Klink

Everyone received a copy of the Financial Statements. There were no questions or comments.

S. Kurcik motioned to accept the financial statements as presented, second by N. Scholl, all ayes. Motion carried 7 – 0.

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MANAGER'S REPORT – C. Sardo (Copy of Report on file in Borough office)

Borough Hall Park – A quote was received from the supplier, Camellian Playscapes, in the amount of \$47,000 and he is presently working with a church in Douglassville that is interested to remove the old equipment with their plan to erect at the equipment at their church; that will save \$1800 toward the removal of the old equipment. The purchase of the equipment would be through a State contract.

M. Watson motioned to authorize purchase of the equipment in the amount of \$47,000, second by M. Carrig. President Strauss called for comments, there was discussion. There were questions regarding the new drainage system that was installed across the playground relative to the efficiency of the perforated pipes to achieve a positive correction for the standing water problem and to determine whether it is actually working. Secondly, Nevin was interested in public input regarding the surveys and whether we actually want to make a final decision for the purchase of the equipment until the effectiveness of the drainage is determined. He further stated that by the next meeting, all the information will be available representing two critical sources of information to help make the best decision. Chuck elaborated about the drainage stating this drain is not a drain that is going to collect a lot of water, the drain was installed to drain the area in the corner of the playground, and it was decided to extend it out into the swale to try to stop some of the water going out to Main Street. The 12" field drain that was installed is not going to collect 100% of the water, it is not a big inlet and not designed to collect all the water, but we don't want the water sitting there. Another point was that of the liability with regard to playing on the equipment vs. the dismantling of the equipment; before the equipment is dismantled, there would have to be a Certificate of Insurance or document in hand that the Borough would be covered for liability purposes.

M. Watson amended his motion to authorize the purchase of the playground equipment in the amount of \$47,000 and to wait one month to determine the effectiveness of drainage before the installation of the equipment, second by M. Carrig, all ayes. Motion carried 7 – 0.

Chuck advised he made application for a grant through DCNR in the amount of \$5,000 that could be used for the purchase of playground equipment.

Montgomery County Planning Commission Assistance Contract – Council action is needed on the County contract that is now due June 1, 2007 until May 31, 2010 in the amount of \$9,630.00 per year; the contract was previously forwarded to all Council members. There was discussion centering on the price of the contract and consideration of MCPC cutting their cost, possibly of paying for specific hours vs. a contract price. The Manager indicated that the planning commission will have considerable work in the future and therefore; it would behoove the Borough to proceed on a contract basis vs. an hourly rate.

J. Durrell motioned to accept the Manager's recommendation to proceed on a contract basis with MCPC, second by S. Kurcik, all ayes. Motion carried 7 – 0.

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J. Durrell motioned to accept the Manager's report, second by S. Kurcik, all ayes.
Motion carried 7 – 0.

ENGINEER'S REPORT – D. May (copy of Report on file in borough office)

Drainage Issues – 438 West Main Street – Czop/Specter was called upon to review two site outfall drainage options, one going down Fifth Avenue and one going into the Trappe parking lot. The Fifth Avenue Drainage option is better to deal with and with information from Public Works; the developer will tidy up his plans based upon the Engineer's last review and prepare another submission.

New Covenant Church – Information presented to Council included a list of all approvals as of last week. This included the punch list completion statements from Public Works and Czop/Specter, the Montgomery County Conservation District, Highway Occupancy Permit, and NPDES approvals, lot pin certification, the fire marshal has approved the work that has been completed, and a maintenance bond has been calculated at \$55,210. There are some items the Engineer wants the developer to check with regard to the as-built plans and metes and bounds. A plan was received yesterday (Monday) and a review finished today. There are minor items that need to be done on the plan i.e. referencing New Covenant Church on the plan, (New Covenant Ministries was referenced on one location and another New Covenant Church, Inc.); want consistency to be sure it is all tied together. More information on storm sewer is needed – additional profiles on the as-built plans and identifying the inverts. Basically the above items are for consideration.

With these minor issues resolved Doug recommended Council approve the development to enter into the 18-month maintenance period and concurrently approve the final escrow release for \$57,974.00 and begin an 18-month maintenance bond in the amount of \$55,210.00.

Attorney Joe Ciccitto was before Council on behalf of New Covenant Church and expressed the feeling that \$55,210 maintenance bond amount was excessive and asked Council consider a \$25,000 amount that is more reasonable for the Church. He assured Council that if there were problems that the Church is reputable and would take care of any issues. Attorney Ciccitto's particular concern was that of the parking area being included in the cost of the maintenance bond. Additionally, financing with the bank is being held up until entering into the maintenance bond period.

President Strauss stated he is reluctant to approve a bond without everything being completed in light of the number of items that need to be completed and would recommend the i's and t's be dotted and crossed and everything done 100%; he asked for other opinions from Council. J. Durrell pointed out that the amount of \$30,000 the difference between the calculated amount and the \$25,000 asked for from the developer, is about the amount for items not being dedicated as presented earlier. Doug advised that some of the "soft items" were taken off the amount being asked for the maintenance bond, before the 15% was applied, according to the agreement. Further at the pre-dedication meeting about a week or so ago, nine more minor items were deleted because they felt that would not put the Borough at risk. The issue is that the Church wants to

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take off five more and there is concern that it is not just the parking lot, but the curb and the underground drainage under the parking lot. The Engineer reviewed the Developer's Agreement which ties these improvements with what is in the escrow, which is everything. At the Borough's recommendation, C/S took two looks at these things trying to shave the amount back and the only issue that remains is the parking lot.

The Solicitor advised he also did a review after receiving the Engineer's letter. The reason agreements are written the way they are is, and in this case, because there is a "mixed bag" with the parking lot which has drainage and curbing attached to it. The parking lot itself is not considered to be a public improvement, but there is drainage underneath it and because it exists and if something happens to the drainage and the curbing, the Borough would then be accountable for that. He offered/suggested was that we might be able to give a dedication to the Church based on the blacktop and other improvements relative to the parking lot, curbing and storm water; Attorney Ciccitto agreed that is acceptable. N. Scholl stated that Council would like this to be accomplished by the next meeting so there can be approval of the whole plan at one time, and all the minor items that remain, get them done.

Solicitor Kerns suggested that the motion be that Mr. May put together the minor issues, and if a number could be arrived at by which Mr. May, the Solicitor and Borough Manager are comfortable along with the resolution of the other minor issues, Council would approve the maintenance period beginning at that point; thus would avoid coming back to Council again, and accept the maintenance bond allowing allow the maintenance period to start before the next Council meeting, this would allow them to get their financing in place, put up their maintenance bond, and be a resolution to help them finalize their project and would protect the Borough.

J. Durrell made the motion to approve the Solicitor's recommendation as outlined above by the Solicitor, second by M. Carrig, all ayes. Motion carried 7 – 0.

N. Scholl motioned to accept the Engineer's Report, second by J. Durrell, all ayes. Motion carried 7 – 0

SOLICITOR'S REPORT – B. Kerns (Copy of Report in Borough Office)

MC Weeks, Inc – At the last meeting, MC Weeks was asked to submit official information before a decision could be rendered on their conditional use hearing. They asked for a little more time to get the drawings put together and a letter was received waiving the requirement for the decision to June 12, 2007.

TH Properties – Borough Manager advised Council that we were under the impression that the Borough is responsible for Fairway, the roadway is not on our liquid fuels listing of acceptable streets and roads in the Borough. Through the process of getting it included on the liquid fuels report, it was discovered that this is a private road and not a responsibility of the Borough and it was understood that the Borough has been plowing

it, and the Manager will send a letter to all the homeowners advising them it is their responsibility for maintenance.

Ordinance No. 396 – An amendment for the Realty Transfer Tax that will allow a 10% penalty be mandated on any delinquent payments for Trappe Borough will allow the Borough to collect the penalty amount should an exemption be filed for and the tax not paid. The State discovered this situation through audit is able to determine if the tax is actually due and require interest to be paid on the unpaid tax. The State discovered the situation and now each municipality may amend their ordinances to say we are charging 10% on any delinquent realty transfer.

N. Scholl motioned to adopt ordinance No. 396, the delinquent realty transfer tax, second by J. Dull, all ayes. Motion carried 7 – 0.

MAYOR’S REPORT – C. Peck

Eagle Scout Award – Mayor Peck attended the Eagle Scout award for Cory Capofferi-Sutton’s award ceremony to make the plaque presentation.

Muhlenberg Historical – Mayor Peck represented the Borough as the Garden Club presented the plantings and the trees for Arbor Day to the Historical Society on the Muhlenberg property; Senator Dinniman also sent a representative.

Water Works Park Dogwood Tree – The Mayor attended the planting of a dogwood tree in the park in honor of Stella Styles for the many years she did the beautification in Trappe and Collegeville.

Keystone Grange Fair – Mayor Peck announced the Fair will take place August 4, 2007 at 10:00 AM in Water Works Park and asked that she be present for opening ceremonies and festivities.

OPEN TO THE PUBLIC

Arnold Bender, 500 Hancock Court – Mr. Bender was before Council and had words of encouragement for the recent Newsletter, layout and information presented by the principals of the Borough. He pointed out that there was a reference to blogging, specifically blog pi, which did not identify the writer(s), and it appeared to be derogatory writings. There was discussion and exchange of comments regarding the Newsletter. M. Watson made reference to a printing of the Newsletter that he felt was of a slanderous nature regarding an individual. President Strauss stated that anything that is sponsored by the Borough should be of a positive nature and not give derogatory negative/false information to or about anyone.

Sam Mancuso, Harvard Court – was before Council commenting on the Web page and that he felt it is better than before. He also re-addressed the water situation from Main Street and running back into College Woods development asking how the situation can be corrected. There is concern that the problem originates on the State road and what can be done in this instance as Trappe has no authority on State roads. Mr. Mancuso asked that Council be in touch with the State to ask their consideration to alleviate the situation.

The Solicitor stated he would like to take a look at the ownership/interest of the affected road and before the borough takes any action whatsoever. He would like to have a chance to take a look at it to make sure it does not change the position of the borough relative to that becoming a public drive that becomes an issue at this point with council’s

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position with Harvard Drive and what you are requesting is not a borough road and was never offered or meant to be through dedication. If the borough takes responsibility to deal with storm water or drainage work even as an applicant that may very well impact the borough's position as far as any litigation is concerned.

Sam suggested that he is not asking for storm water drainage along Harvard Drive, he is asking for drainage along Main which is not in a question of litigation.

J. Durrell motioned that the Borough, Homeowners' Association and PennDOT look at this issue for a response from PennDOT as to how to help with the situation, second M. Carrig subject to Bob's input in that he wants to be certain the letter is along the line of the municipality working for the benefit of the its residents, he will not have a problem with the letter, but wants to be certain that it doesn't lead to any relation back Harvard Drive, all ayes. Motion carried 7 – 0.

C. Sardo stated that in conversation with PennDOT, they advised they will not install a drain on Main Street, but rather it is the responsibility of the Borough even on a State highway and council previously indicated in the negative.

N. Scholl asked that the Engineer retrieve any information already paid for by the Borough, evaluating the situation to be up to speed on the Czop/Specter recommendation was for the next meeting.

COMMITTEE REPORTS

Finance/Waste/Recycling/Streets –N. Scholl

Northing further to report.

Property/Open Space/Traffic – J. Durrell

Property at Borough Hall, Jim reported the Community Club is putting in flowers for the summer through a donation.

Recreational Survey – Main Street Park – Jim presented information with regard to the approximate 235 survey forms that have been tabulated and returned. He noted that some residents do not feel the Main Street Park is acceptable for walking or bicycling. Specifically, he feels that it is reasonable to say that walkways are a concern for residents and encourages the Committee to look at that when addressing issues by the Committee. Nevin noted that results from this survey are consistent with the previous survey and feels we do need more trails, sidewalks or a means of getting safely from point A to point B; ways for kids to get from where they live to the Park that is being planned.

President Strauss publicly thanked the McDowell's, Kathleen and Richard, for the tabulation of the surveys, a super job for seeing it to its completion.

Traffic Calming Survey – Lots of work and initiative going door to door in handing out the survey forms for College Avenue traffic calming. 42 surveys have been returned. Outstanding issues were speed, stop signs, not on the list, rather written in. The PennDOT traffic calming plan is the one that will be followed and Jim asked council to take the results of the survey and accept them a completed step #1 saying that residents are interested and want to be in this process, the next step is to form a neighborhood

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committee and begin looking at the specific issues and interacting the plan, it does not commit to any funding or specific plan approval, just to begin drafting a plan.

President Strauss stated no motion is required; all that is being asked is that the community gets involved with residents – Jim to head up the Committee.

Parking – Rittenhouse Square – there is an area marked fire zone no parking by order of the fire marshal. There is ambiguity as to whether the fire marshal has authority to write tickets and requested clarification. The Solicitor stated that the problem that probably exists is non-public thoroughfares and the jurisdiction as to whether they can be enforced. The Solicitor will research.

Public Safety – K. Fulmer

Pennsylvania State Police Report – Ken reviewed the April State Police Report (Copy on file in Borough office)

Election Day Auxiliary Police

K. Fulmer motioned to authorize the use of the Auxiliary Police on Election Day, May 15 from approximately 7:00 AM to 11:00 AM and again from 3:30 PM until the poles close, second by J. Durrell, all ayes. Motion carried.

Historical Society Police Request – Mayor Peck advised she received a request from the Historical Society for May 12, 2007, the same day Ursinus College has their graduation exercises. All Auxiliary Police are at Ursinus College. Her concern is the crossing of persons from the Church to the Historical grounds is dangerous and there is not coverage for their safety. Vendors will begin to arrive a 7:00 AM to carry their wares to the grounds, a particularly dangerous time. Fire Chief Brian Long indicated he would assist with having the event covered.

Ordinances/Personnel/Appointments – M. Carrig

Nothing further at this time.

Public Works/CTMA – M. Carrig

Mark reported that the negotiating committee for CTMA/PW provided dates and times they will be available for meetings. There was discussion regarding a new auditor for CTMA/PW, Nevin was in contact with the previous auditor and authorized them to release information to Styer and Associates who have offered to attend the next meeting to answer questions cash vs. accrual accounting and whether we should have the same method of accounting for both entities, CTMA and PW. It should be noted that there were other prices received, Styer and Associates the low bidder realizing a difference of approximately \$7,000 less expensive than previously. Styer and Associates will look at the years 2004 and 2005 in addition to doing the full year's audit for 2006 as figured into their proposal.

Planning and Zoning – S. Kurcik

Meeting Date Change – Due to the Election Day on May 15, the regularly scheduled meeting date has been changed to May 22, 2007 – the Secretary will advertise the change of the meeting date. Also to be advertised is the public hearing for adoption of the Regional Plan, the Secretary will advertise. Steve also indicated it would be wise to have the Solicitor available on May 22, 2007.

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Trappe Days – President Strauss reminded everyone that the Trappe Days committee meeting the first Wednesday at 7:00 PM at Borough Hall. Anyone interested in volunteering and being part of the event is invited to attend the Committee meetings at that time.

OLD BUSINESS

David Morgan, 36 West Third Avenue – Mr. Bob Newton of Urwiler and Walter, inc. representing the applicant again briefed Council on a recommendation to approve the David Morgan Tract. Council deferred approval and gave direction that a contact with PennDOT was to be made to see if a 24-foot driveway opening at this location could have been approved by PennDOT. Previously, there was concern expressed because the applicant was asking for a waiver after completion of the project, approval of waivers to be established at the time of final approval of the plan. The Solicitor felt it should be determined whether or not PennDOT approval could have been granted for a 24-foot driveway. Until Council has those facts to review and plan to bring to closure one way or the other at the next meeting.

NEW BUSINESS

Nothing noted.

With no other business to come before Council the meeting adjourned at 9:20 PM on motion by M. Carrig, seconded by M. Watson, all ayes. Motion carried 7 – 0.

Respectfully submitted,

Patricia Katona
Secretary.