

## MINUTES TO THE MEETING OF TRAPPE BOROUGH COUNCIL

November 5, 2008

The regularly scheduled meeting of Trappe Borough Council was called to order at 7:00 p.m. by President Fred Schuetz.

**Pledge of Allegiance to the Flag:** The Pledge of Allegiance was led by Mayor Peck.

**Announcement of Executive Session:** President Schuetz announced an Executive Session would be conducted at the conclusion of the public portion of the meeting. President Schuetz noted that a matter of litigation would be discussed at this Executive Session, and that a motion would likely be made following the close of Executive Session.

**Appointment of Assistant Secretary:** M. Watson motioned to appoint Mr. Ryan as Assistant Secretary for the meeting, second by L. DiPrete, all ayes. Motion carried 7 – 0.

**Roll Call by the Assistant Secretary:** Those present were Mayor Connie Peck, President Fred Schuetz, Vice President Matt Watson, Nevin Scholl, Catherine Johnson, Lew DiPrete, Paul Edwards and Steve Kurcik. Also in attendance were Engineer Mary Lou Lowrie, Solicitor Dave Onorato, Treasurer Joe Lowe and Manager Tommy Ryan. Borough Secretary Pat Katona was an excused absence from the meeting.

**Borough Engineer:** President Schuetz introduced and welcomed Mary Lou Lowrie, Gilmore & Associates, to the meeting.

**Minutes of the Meeting of the October 7, 2008:** All received a copy of the meeting minutes for October 7, 2008; there were no revisions.

S. Kurcik motioned to accept the October 7, 2008 Monthly Meeting minutes as presented, second by L. DiPrete, all ayes. Motion carried 7 – 0.

**Election Day:** President Schuetz read a letter from Trappe Judge of Elections Jane Wismer, thanking Members and others who assisted in Election Day efforts at Borough Hall.

**Financial Reports (J. Lowe):** All received a copy of Accounts Payable for checks 1199 through 1241, and noted electronic transfers. J. Lowe noted the Borough had received \$14,000

reimbursement from the Department of Conservation and Natural Resources for design services pertaining to Main Street Park. J. Lowe likewise noted two bills proposed for payment, and totaling approximately \$110,000, for construction services provided at Rambo Park.

J. Lowe presented as additional payables:

- check #1246, in the amount of \$110.75, payable to Vordea Mingis, for services provided to the Planning Commission;
- check #1247, in the amount of \$356.58, payable to New Moon Nursery, for plants installed at Rambo Park; and,
- check #1248, in the amount of \$9,997.00, payable to Wojton's Nursery, for trees and shrubs installed at Rambo Park.

N. Scholl motioned to approve payment of bills for the checks noted above, and approval of the proposed wire transfers, second by L. DiPrete, all ayes. Motion carried 7 – 0.

M. Watson inquired as to electronic deposit for employee payroll. J. Lowe stated he would review this matter.

Solicitor Onorato stated that he would review his files to identify any invoices past due for Trappe Village Apartments.

N. Scholl noted year-to-date receipts for the real estate transfer tax and the earned income tax.

N. Scholl motioned to accept the Treasurer's Report, second by M. Watson, all ayes. Motion carried 7 – 0.

### **Manager's Report (T. Ryan)**

Central Perkiomen Valley Regional Planning Commission: S. Kurcik requested Member comments on the Trappe-specific portions of the Regional Transportation and Community Character Study ("Study"), as provided by the Central Perkiomen Valley Regional Planning Commission. S. Kurcik noted his opposition to on-street parking options proposed for West Main Street, stating the provision of a turning lane would both improve the flow of traffic and facilitate emergency vehicle responses.

President Schuetz noted traffic-calming considerations pertaining to off-street parking, and provided a brief history as to on-street parking on West Main Street. C. Johnson noted that decreasing vehicle speeds on West Main Street may serve to direct vehicles onto adjoining neighborhood streets. P. Edwards noted an option to permit on-street parking areas at select portions of West Main Street.

C. Johnson stated support for the Study's recommendation to install sidewalks and bicycle trails whenever possible.

President Schuetz noted areas in which the Study complements current Borough ordinance, including the requirement that parking areas be sited in the rear yard of developments in the Village Commercial zoning district.

S. Kurcik noted the Study's recommendations were not binding on the Borough; S. Kurcik stated he did not believe the Borough should amend its ordinances at this time.

The Members agreed to forward comments on the Study to Mr. Ryan.

Assignment Agreements, 227 & 237 East Seventh Avenue: Mr. Ryan presented assignment agreements to effect the transfer of a stormsewer easement from the Developer of Heatherview, the Rosen Organization, to the Borough. The easement – situated in the rear and side yards of 227 East Seventh Avenue and in the side yard of 237 East Seventh Avenue – serves a stormsewer line that extends from the basin in the rear yard of 148 Joan Drive to an inlet in the right-of-way of East Seventh Avenue. Mr. Ryan noted that, in a previously-approved agreement between the Developer and the Borough, the Borough assumed maintenance responsibility for the stormsewer line.

Solicitor Onorato confirmed assignment of the easement to the Borough would permit the Borough to access the stormsewer line the Borough was required to maintain.

N. Scholl motioned to enter into the assignment agreements as presented, second by M. Watson, all ayes. Motion carried 7 – 0.

Resolution 2008-20: Appointing the Borough Manager as Assistant Secretary: Mr. Ryan presented a Resolution to appoint the Borough Manager as Assistant Secretary. This would allow the Borough Manager to take meeting minutes, and to fulfill the other duties assigned to the Borough Secretary, in the absence of the Borough Secretary.

S. Kurcik motioned to approve Resolution 2008-20 as presented, second by M. Watson, all ayes. Motion carried 7 – 0.

Rambo Park, Change Order to the Engineering Contract: Mr. Ryan provided an overview of contracted engineering services for Rambo Park. Mr. Ryan stated the Borough contacted the Design Engineer, Czop/Specter, upon noting that expenses paid were approaching the contract limit. At the request of the Borough, the Design Engineer prepared an accounting of expenses incurred to date for both contracted services and for out-of-scope services directed to be completed by the Borough. The Members were provided with the accounting, dated October 29, 2008.

Jeff Amerine, Czop/Specter, noted park improvement progress to date.

Mr. Amerine reviewed the accounting, identifying out-of-scope services provided at the Borough's request.

Mr. Amerine addressed the additional hours required to amend the erosion and sediment control plan, stating this revision allowed the Borough to bypass NPDES permitting and PNDI approvals. Mr. Amerine added the revision decreased stormwater facilities required at the site. C. Johnson inquired if the resulting savings exceeded the additional cost, and President Schuetz confirmed this to be so.

Mr. Amerine stated Czop/Specter is seeking an additional \$5,765.25 to complete the project. Mr. Ryan noted that contracted services to be completed include construction surveying, contract administration, construction inspection and the preparation of an as-built plan.

Mr. Amerine noted a \$550 charge paid to a subcontractor for pedestrian bridge design services.

C. Johnson inquired if the Borough had authorized the out-of-scope services noted by Mr. Amerine, and President Schuetz confirmed this to be so.

C. Johnson stated she believes like change orders, and the approval of out-of-scope services, should be directed to the Members before the consultant is authorized to provide the service. C. Johnson requested Mr. Ryan to develop a policy addressing this matter.

P. Edwards inquired as to the status of construction inspections. Mr. Ryan stated that he believes the appropriate inspections have been completed to date. S. Kurcik asked if the trail base had been inspected, and President Schuetz confirmed he had examined the trail base.

N. Scholl recommended that of any additional amount authorized to be paid to the Design Engineer, that fifty percent of this amount be paid at the time half of the services were delivered, and that the balance be paid at the time the services were completed.

M. Watson, motioned to direct Mr. Ryan to prepare a change order agreement, for an amount not to exceed \$5,765.25 plus \$550.00 to reimburse for above-noted pedestrian bridge design services, said agreement to include the above-enumerated contracted services to be completed, and incorporating the hours and rates enumerated in the May 2007 agreement between the Borough and Czop/Specter, and further conditioned upon Czop/Specter being paid fifty percent of the amount of the change order agreement at the time half of the services are delivered, with the balance to be paid at the time the services were completed, second by N. Scholl, all ayes. Motion carried 7 – 0.

P. Edwards thanked President Schuetz for the many hours he has logged at the site.

C. Johnson recommended the creation of a task control committee, so to address future change order matters. C. Johnson stated the changes approved benefited the Borough, but noted that Council review of proposed changes was warranted.

Mr. Ryan confirmed that, due to time limitations, in-field changes were documented at the time the change is authorized, and that this information would subsequently be provided to Council.

P. Edwards motioned to direct Mr. Ryan to develop a change order policy, second by C. Johnson, all ayes. Motion carried 7 – 0.

Carriage Ridge Estates, Maintenance Bond: The Developer, Andre DiPrinzio, appeared before Council to request release from the maintenance bond for the Carriage Ridge Estates Community. Mr. Ryan confirmed Mr. DiPrinzio satisfactorily addressed all items noted in the Borough Engineer's last-issued review letter, and that the Borough Engineer recommends release from the maintenance bond conditioned upon the resolution of outstanding items pending before the Collegeville-Trappe Joint Public Works Department, Collegeville-Trappe Municipal Authority and/or Borough Solicitor. Mr. Ryan confirmed that there are no outstanding items before the Collegeville-Trappe Joint Public Works Department and the Collegeville-Trappe Municipal Authority, and Solicitor Onorato confirmed there are no outstanding matters before him at this time.

N. Scholl asked Mr. DiPrinzio if he will pay all outstanding bills. Mr. DiPrinzio stated he would pay all invoices due.

N. Scholl motioned to authorize the release of the maintenance bond, second by M. Watson, all ayes. Motion carried 7 – 0.

Tavern View (417 West Main Street), Escrow Release #2: The Developer, Andre DiPrinzio, appeared before Council to request release of \$6,122 from the improvement escrow for the Tavern View development. Mr. Ryan confirmed that he and the Borough Engineer have reviewed this request, and that both he and the Borough Engineer recommend the release as presented.

M. Watson motioned to approve escrow release #2 for the Tavern View development as presented, second by P. Edwards, all ayes. Motion carried 7 – 0.

Residential Rental Inspection & Licensing Program: Mr. Ryan presented a draft ordinance establishing residential rental inspection and licensing program. Mr. Ryan stated the ordinance had been reviewed by the Borough Solicitor.

M. Watson motioned to authorize the advertisement of the ordinance for consideration at the December 9 meeting, second by L. DiPrete, all ayes. Motion carried 7 – 0.

P. Edwards recommended the Members consider an amended inspection and license fee for larger rental units.

Mr. Ryan noted the Borough had adopted the Building Officials and Code Administrators International, Inc. (BOCA) Property Maintenance Code, 1996 Edition, prior to this Code being replaced by the International Property Maintenance Code. So to ensure the most recently promulgated property maintenance code is duly adopted by the Borough, Mr. Ryan recommended that he be directed to prepare an ordinance adopting the International Property Maintenance Code, 2006 Edition as the property maintenance code for the Borough, and to advertise same for consideration at the December 9 meeting.

P. Edwards motioned to authorize the ordinance be drafted and advertisement for consideration at the December 9 meeting, second by M. Watson, all ayes. Motion carried 7 – 0.

L. DiPrete motioned to accept the Manager’s Report, second by S. Kurcik, all ayes. Motion carried 7 – 0.

**MAYOR’S REPORT (C. Peck):** All received a copy of the Mayor’s Report. Mayor Peck noted that approximately 1860 residents cast a ballot on Election Day. She thanked Judge of Elections Jane Wismer, the poll workers and those Members who assisted throughout the day. The Mayor likewise thanked John Pelosi, who provided food and beverages to the volunteers throughout the day.

L. DiPrete motioned to accept the Mayor’s Report, second by M. Watson, all ayes. Motion carried 7 – 0.

**ENGINEER’S REPORT (J. Sartor):** All received a copy of the Engineer’s Report. Ms. Lowrie noted draft plans for the stormsewer improvement project at 227/237 East Seventh Avenue were delivered to the Borough on this day.

S. Kurcik inquired as to the partial payment made on outstanding review fees by the Developer of 433-439 West Main Street, in specific whether the Borough was continuing in the review of the project. Mr. Ryan confirmed the Borough would not continue the review of this project until all outstanding review fees were paid.

M. Watson motioned to accept the Engineer’s Report as presented, second by P. Edwards, all ayes. Motion carried 7 – 0.

**SOLICITOR’S REPORT (Solicitor Onorato):** There was no Solicitor’s Report for the month. There were no questions for the Borough Solicitor.

### **OPEN TO THE PUBLIC**

- There were no public comments.

### **COMMITTEE REPORTS**

**Finance (N. Scholl):** N. Scholl reviewed the proposed 2009 Budget. Item noted included:

- Earned Income Tax (\$575K) and Real Estate Transfer Tax (100K) revenues are projected as flat in the coming year;

- the Borough will audit the Earned Income Tax payments to ensure the taxes paid by Trappe Borough residents are being paid to Trappe Borough;
- \$210K for roadway improvements to Laurel Drive and Lilac Circle;
- \$40K for stormwater repairs at 227 and 237 East Seventh Avenue;
- \$175K for salaries and benefits; and,
- \$361K for solid waste, recycling and bulk item collection fee, as established by the contract extension with Allied Waste.

Council discussed current and proposed improvement projects at Rambo Park and Main Street Park.

P. Edwards conveyed recent discussions had with the Trappe Volunteer Fire Company (TVFC), in specific the many funding challenges TVFC will face during the upcoming years.

N. Scholl presented and reviewed a public funding comparison for the TVFC for the years 1998 to 2008. For 2008, it is projected that (a) 52% of TVFC's first primary response calls will be dispatched to Upper Providence Township locations, and (b) 14% of TVFC's revenue will be funded by Upper Providence Township. It was noted that Upper Providence Township does not contribute a portion of its share of Relief Funding to the TVFC; it was likewise noted that Trappe provides the Company's workers compensation coverage, and liability coverage for the Company's vehicles.

Jeremy Burke, TVFC, noted that primary response areas were based on geography, in specific the location of firehouse to properties. Mr. Burke commented on the County's role in establishing primary response areas.

Mr. Burke noted that funding received from Upper Providence Township had increased in 2008 from the previous year. He noted TVFC is continuing talks with Upper Providence Township officials.

Mr. Watson inquired about potential funding from the pharmaceutical companies located in Upper Providence Township. Mr. Burke noted volunteer fire companies have traditionally solicited donations from individuals and businesses located within their primary response area. Mr. Watson encouraged the company to solicit donations for the retail uses located within the primary response area and within Upper Providence Township.

Mr. Scholl stated the Borough will continue talks with the TVFC and Upper Providence Township, and noted that additional information will be provided to Council at a future meeting.

L. DiPrete motioned to advertise the proposed 2009 Budget for public inspection, second by S. Kurcik, all ayes. Motion carried 7 – 0.

Public Works and Recycling (M. Watson) – There was no report.

Collegeville-Trappe Municipal Authority (N. Scholl) – N. Scholl noted the Perkiomen Valley Regional Sewer Authority is no longer considering providing employees with life-time health care benefits. M. Scholl updated the Members on the Borough’s PGLIT investments.

Property, Streets, Traffic & Safety (P. Edwards) – P. Edwards reviewed items discussed at the October 14 meeting of the Property, Streets, Traffic & Safety Committee, including: a traffic survey for residents of North Borough Line Road; ongoing SpeedSentry monitoring; and, the status of a signal at West Seventh Avenue and Borough Line Road. P. Edwards likewise reviewed the monthly report provided by the TVFC and Pennsylvania State Police.

Council discussed improvements along the West Main Street corridor, in specific the replacement of curbs and sidewalks and other upgrades to the streetscape. Mr. Ryan recommended Council develop a consensus as to the improvements desired, and that a design manual be drafted to incorporate these improvements. P. Edwards noted he would review this matter and report recommended next steps at a future meeting.

Planning, Zoning & Open Space (President Schuetz) – President Schuetz provided an update on the improvements made to Rambo Park; he likewise noted that Main Street Park would be discussed the December meeting of the Open Space Committee.

Personnel, Appointments & Ordinances (L. DiPrete) – L. DiPrete provided an update of the position of the Borough Secretary, and the recent hiring of an Administrative Assistant. L. DiPrete thanked Mrs. Katona for her many years of service to the Trappe community.

L. DiPrete noted revised office hours at Borough Hall. Borough Hall is now open Monday to Friday, 8:00 a.m. to 5:00 p.m.

L. DiPrete noted the Borough was now in compliance with Act 3 of 2008, the Pennsylvania Right-to-Know Act.

## **OLD BUSINESS**

- There was no old business to report.

## **NEW BUSINESS**

Mr. Ryan noted the Perkiomen Valley School District (PVSD) may request a 15 mile per hour school zone to be established at South Elementary School. Mr. Ryan stated the Borough owns and maintains, and is the Highway Occupancy Permit (HOP) permittee to, the existing flashing school bus signal at this location, and that a conversion to a school zone may allow the current standards and over-arm masts to be reused. If Council is not adverse to the establishment of a school zone, Mr. Ryan recommended (a) the PVSD complete the required HOP application, (b) the Borough submit the HOP application to PennDOT, (c) the PVSD be required to fund all

improvements required by PennDOT, and (d) the Borough own and maintain the school zone signals, cabinet and associated equipment and signs.

S. Kurcik motioned to extend Mr. Ryan's recommendation to the Perkiomen Valley School District, second by C. Johnson, all ayes. Motion carried 7 – 0.

N. Scholl inquired as to a stop sign need analysis conducted at 390 Betcher Road. Mr. Ryan noted the analysis was completed at his direction; the analysis will be reviewed at the November meeting of the Property, Streets, Traffic & Safety Committee.

At 10:25 p.m. Council entered into Executive Session.

At 10:40 p.m. Council adjourned from Executive Session.

M. Watson motioned to direct the Mr. Ryan and Solicitor Onorato to draft an agreement in accordance with the direction approved in Executive Session, second by N. Scholl, all ayes. Motion carried 7 – 0.

N. Scholl inquired as to the Members' preference for the future organization of Trappe's water, sewer and public work operations. The Member consensus was to establish a joint committee to oversee said operations.

At 10:45 p.m., there being no additional business, a motion to adjourn was made by N. Scholl, second by P. Edwards, all ayes. Motion carried 7 – 0.

Respectfully submitted,

Tommy Ryan  
Borough Manager / Assistant Secretary