

**MINUTES TO THE MEETING OF  
TRAPPE BOROUGH COUNCIL**

August 4, 2009

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 President Schuetz.

**Announcement of Executive Session:** President Schuetz announced an Executive Session to discuss matters of litigation, personnel and land acquisition at the conclusion of the public portion of the meeting.

**Roll Call by the Borough Secretary:** Those present were Mayor Peck, President Fred Schuetz, Lew DiPrete, Paul Edwards, Catherine Johnson and Nevin Scholl. Also in attendance were Solicitor Dave Onorato, Engineer John Sartor, Treasurer Joe Lowe and Manager Tommy Ryan. Vice President Matt Watson and Steve Kurcik were absent.

**Minutes of the Meeting of July 7, 2009:** All received a copy of the minutes for the June 7, 2009 meeting.

N. Scholl motioned to accept the July 7, 2009 Monthly Meeting minutes as presented, second by L. DiPrete, all ayes. Motion carried 5 – 0.

**Financial Reports:** All received a copy of Accounts Payable for checks 1620 to 1649, and noted electronic transfers.

Treasurer Lowe presented as additional payables:

- check #1651, in the amount of \$30,099.00, payable to Allied Waste, for August waste removal services;
- check #1652, in the amount of \$14,523.00, payable to Selective Insurance, for the Borough's workers compensation and commercial policy premium;
- check #1653, in the amount of \$130.00, payable to Petty Cash, for petty cash replenishment;
- check #1654, in the amount of \$45.60, payable to USPS, for postage;
- check #1655, in the amount of \$84.42, payable to Staples, for office supplies;
- check #1656, in the amount of \$254.99, payable to KDI, for printer copies;
- check #1657, in the amount of \$78.28, payable to the Mercury, for legal advertisement; and,

- check #1073, in the amount of \$19,048.50, payable to R.J. Sell Excavating, Inc., for the payment of the Borough portion of Payment Request No. 1, as to the Laurel Drive and Lilac Circle Reclamation Project.

Mr. Ryan confirmed payment to Selective Insurance was the second of two payments to be made on the workers' compensation and general commercial insurance policies.

N. Scholl motioned to approve payment of the bills, electronic transfers and above-noted additional payables, as presented, second by C. Johnson, all ayes. Motion carried 5 – 0.

As to the approved transfer of Liquid Fuel Funds reimbursing the Borough for engineering services pertaining to the Laurel Drive and Lilac Circle reclamation project, Treasurer Lowe will amend his report to show this transaction as a transfer to the General Fund.

**Manager's Report:** Mr. Ryan presented the below-noted issues:

Public Hearing: Amendments to the Central Perkiomen Valley Regional Comprehensive Plan – Mr. Ryan noted two proposed amendments to the Central Perkiomen Valley Regional Comprehensive Plan. The first amendment, a transportation and community character study, has been the subject of several public meetings, and much review, throughout the previous months. The second amendment revises the location of future industrial uses along a segment of State Route 29.

Mr. Ryan introduced Joe Nixon, Montgomery County Planning Commission and planning liaison to the Central Perkiomen Valley Regional Planning Commission.

Solicitor Onorato opened the Public Hearing.

A transcript of the proceedings was taken by a court reporter.

C. Johnson motioned to close testimony, second by L. DiPrete, all ayes. Motion carried 5 – 0.

N. Scholl motioned to approve Resolution 2009-15, approving amendments to the Central Perkiomen Valley Regional Comprehensive Plan, as presented, second by C. Johnson, all ayes. Motion carried 5 – 0.

Public Hearing: CUA 2009-1, Providence Property Holdings, LLC – Mr. Ryan provided an overview of a conditional use application submitted as to the property at 115 West Main Street. The Applicant seeks to raze the existing structure, and to construct a two-story office building, of an approximate 2,800 sf footprint, to accommodate medical office and professional office uses. Mr. Ryan noted that, as this property is now home to a medical office use, the Applicant need conditional use approval for the proposed professional office use only.

Solicitor Onorato opened the Public Hearing.

A transcript of the proceedings was taken by a court reporter.

L. DiPrete motioned to close testimony, second by N. Scholl, all ayes. Motion carried 5 – 0.

C. Johnson motioned to grant conditional use approval of a professional office use at 115 West Main Street, pursuant to the hearing testimony as presented, and subject to the Borough Solicitor drafting the required Conditional Use Order, with said Order subject to the review and approval of Council at the September 1 meeting, second by N. Scholl, all ayes. Motion carried 5 – 0.

ZHB 2009-1, Providence Property Holdings, LLC – Mr. Ryan provided an overview of a Zoning Hearing Board application submitted as to the property at 115 West Main Street. The Applicant proposes a side yard building setback of five feet; the current building is situated less than two feet from the property line. Mr. Ryan recommended Council not take a position on this application.

N. Scholl motioned to not send the Borough Solicitor to attend the August 11, 2009 meeting of the Zoning Hearing Board, as to application ZHB 2009-1, second by L. DiPrete, all ayes. Motion carried 5 – 0.

Appointment of Alternative Delegates to the Montgomery County Tax Collection Committee – Mr. Ryan noted Act 32 requires the Borough appoint at least one alternate voting delegate to the Montgomery County Tax Collection Committee on or before September 15, 2009. Mr. Ryan presented a resolution to effect said appointment, should Council so desire at this evening's meeting.

L. DiPrete motioned to approve Resolution 2009-16, appointing Steven Kurcik as the first alternate voting delegate to the Montgomery County Tax Collection Committee for Trappe Borough, conditioned upon Mr. Kurcik's acceptance of said appointment, second by P. Edwards, all ayes. Motion carried 5 – 0.

Authorize an Intergovernmental Agreement For Legal Services to Negotiate a Model Franchise Agreement with Comcast – Per prior discussion, Mr. Ryan presented a resolution to authorize the Borough to join a consortium of Montgomery County municipalities for the purpose of negotiating a franchise agreement with Comcast. As of this date the consortium includes eleven municipalities, including Trappe Borough; the cost to each consortium municipality is \$2,345.45, and this reflects an \$800.00 per municipality contribution made by the Montgomery County Consortium of Communities.

N. Scholl motioned to approve Resolution 2009-17, approving the execution of the intergovernmental agreement as presented, second by L. DiPrete, all ayes. Motion carried 5 – 0.

Amending the Subdivision and Land Development Ordinance as to Driveways – Mr. Ryan presented a proposed ordinance establishing fill material standards, permitted compaction practices and like sub-base specifications made at certain residential and non-residential driveways. Mr. Ryan noted he drafted standards after reviewing similar language in other

municipal ordinances. The draft language has been reviewed by Engineer Sartor and, as presented, meets with his approval.

The Planning Commission has reviewed the proposed ordinance, and recommends Council approves same.

Mr. Ryan confirmed the proposed ordinance affects only those driveways subject to compliance with the Subdivision and Land Development Ordinance, more specifically driveways constructed or re-constructed in conjunction with a land development. The ordinance does not impact a property owner who is replacing and/or repairing an existing residential driveway.

P. Edwards motioned to authorize the advertisement of the proposed ordinance for consideration at the September 1 meeting, second by C. Johnson, all ayes. Motion carried 5 – 0.

T-Mobile lease – Mr. Ryan presented a lease for the installation of telecommunication equipment at the Collegeville-Trappe Joint Public Works Department water tower property, 233 West Seventh Avenue. Mr. Ryan noted the lease has been reviewed and approved by the CTJPWD Solicitor. Mr. Ryan noted Borough Council had previously granted waiver of land development approval for the proposed improvements.

C. Johnson motioned to execute an agreement with T-Mobile for the lease of property owned by the Collegeville-Trappe Joint Public Works Department, situated at 233 West Seventh Avenue, for the purpose of installing telecommunications equipment as approved by Trappe Borough Council pursuant to Resolution 2009-10, second by L. DiPrete, all ayes. Motion carried 5 – 0.

123 West Main Street – Sketch Plan review – Mark Wallace, architect for the Applicant, presented a sketch plan for improvements proposed at 123 West Main Street. In specific, the Applicant seeks to construct an approximate 4,800 sf addition to the existing structure. The addition would accommodate a medical office use and/or a professional office use.

Mr. Ryan confirmed conditional use approval for a medical office use and a professional office use is not required as the Borough recognizes both uses presently exist at this property.

Fire Marshal Mike Italia recommended the Applicant provide for emergency vehicle turning movements. Mr. Wallace stated this will be addressed when preparing preliminary plans. Mr. Wallace added a fire suppression system would be provided, as required by Borough Code.

C. Johnson inquired as to prospective tenants. Anthony Tosco, realtor for the Applicant, confirmed interest in this future office space had been expressed by prospective tenants.

President Schuetz asked the Applicant to consider granting a pedestrian easement extending from the property boundary's at the School District property to the property boundary's at the Reiff property. Mr. Tosco stated the Applicant would consider providing this pedestrian easement when preparing preliminary plans.

Mr. Wallace confirmed the Applicant would propose an addition to the existing building, and not a new, stand-alone structure.

Mr. Ryan confirmed he rendered a zoning determination as to the required number of parking spaces for sub-grade floors. In specific, Mr. Ryan stated said spaces would be calculated at the rate of one (1) parking space per four hundred square feet (400 sf) gross floor area, or fraction thereof.

MS4 announcement – As part of the Borough’s ongoing efforts to protect and preserve our community’s watershed, Mr. Ryan recommended residents collect pet waste and to dispose of same in the commode.

Mayor Peck recommended pet curb signage and/or facilities be installed at Water Works Park. The request will be considered by the Collegeville-Trappe Joint Public Works Department.

Non-residential fire inspection program; Knox Box installation program – Fire Marshal Italia appeared before Council to gauge interest in the development of an annual fire and safety inspection program at non-residential properties and uses in the Borough.

Fire Marshal Italia noted the program would likewise provide for the annual inspection of fire hydrants not dedicated to the Collegeville-Trappe Joint Public Works Department. Mr. Ryan believes only two fire hydrants are not dedicated as of this date, and both hydrants are located in the Pine Woods Apartment complex.

General discussion was had regarding the potential scope and operation of a non-residential fire and safety inspection program. Fire Marshal Italia noted the program expense would be funded via permit fee.

Fire Marshal Italia also sought Council comment regarding an ordinance to require developers to provide Knox Box systems at proposed non-residential developments.

P. Edwards motioned to direct the Borough Manager to draft an ordinance to require developers to provide Knox Box systems at proposed non-residential developments, said ordinance to be reviewed by Council at a future meeting, second by C. Johnson:

President Schuetz	YES	N. Scholl	NO
L. DiPrete	YES		
P. Edwards	YES		
C. Johnson	YES		

The motion carried, 4 ayes to 1 nay.

P. Edwards motioned to direct the Borough Manager to work with the Fire Marshal to develop a non-residential fire and inspection program, said program to be reviewed by Council at a future meeting, second by C. Johnson, all ayes. Motion carried 5 – 0.

Stearly – request to amend Condition Use Order – Mr. Ryan stated counsels for Longview Investments and a regional homebuilder, representing the Developer of and the prospective homebuilder at the Stearly residential development, respectively, have requested an amendment to a March 2007 Conditional Use Order so to confirm the party responsible to design and install a traffic signal at the intersection of West Main Street and First Avenue.

Joe McGrory, counsel for the prospective homebuilder, requested Council authorize a conditional use hearing so to amend the above-noted order to memorialize that Longview Development, LP is responsible for the design and installation of the traffic light, in the event PennDOT warrants are met within five years of the date of the March 2007 Order. Mr. McGrory confirmed his client would provide the required conditional use application, \$250.00 fee and \$1,000.00 escrow.

N. Scholl commented on the reduction of land available to be held as security for a required traffic signal; if the requested Order amendment was provided, the residential portion of the Stearly tract would be released from this obligation, leaving only the non-residential portion that may be attached should the Developer default in this obligation.

C. Johnson motioned to direct the Borough Manager to advertise for a conditional use hearing at the September 1 meeting, provided the required application is submitted and the required fee and escrow are paid, second by P. Edwards, all ayes. Motion carried 5 – 0.

Montgomery County Consortium of Communities Articles of Agreement – Mr. Ryan noted Trappe Borough had been accepted as a member of the Montgomery County Consortium of Communities. As such, the Borough is required to adopt the Consortium's Articles of Agreement, as presented to Council at this evening's meeting.

N. Scholl motioned to approve Resolution 2009-18, adopting the Montgomery County Consortium of Communities Articles of Agreement as presented, second by C. Johnson, all ayes. Motion carried 5 – 0.

Pennsylvania Department of Environmental Protection Energy Efficiency and Conservation Block Grant Program – Mr. Ryan presented a resolution to submit a grant application to the PA Conservation Works! program for the installation of 319 energy efficient high pressure sodium and LED fixtures in Trappe Borough and Collegeville Borough. Council had adopted a similar resolution in June, but Mr. Ryan stated a revised resolution was required as the Boroughs had amended the program to install high pressure sodium fixtures only at existing cobra street lights, at the recommendation of the Boroughs' street light contractor. The resolution provides for a municipal match from Trappe Borough up to \$12,000.00.

C. Johnson motioned to approve Resolution 2009-19, authorizing the submission of a grant application to the Pennsylvania Department of Environmental Protection PA Conservation Works! Program, second by L. DiPrete, all ayes. Motion carried 5 – 0.

**Mayor's Report:** Mayor Peck report on activities during the previous month, which included the officiating of a marriage ceremony. Mayor Peck called attention to recent vandalism at Water Works Park, and presented Members with information pertaining to the sponsorship of the Meals-on-Wheels program.

**Engineer's Report:** All received a copy of the Engineer's Report. C. Johnson requested the traffic control signs associated with the storm sewer improvements at 227 and 237 East Seventh Avenue to be removed. Engineer Sartor confirmed his office would see to this matter.

**Solicitor's Report:** There was no prepared Solicitor's Report. Solicitor Onorato noted several matters would be discussed in Executive Session.

L. DiPrete thanked Mayor Peck for officiating the marriage of his sister.

L. DiPrete motioned to approve all above-noted Reports, second by C. Johnson, all ayes. Motion carried 5 – 0.

**Open to the Public:**

- There was no public comment.

**Committee Reports:**

**Finance (N. Scholl)** –N. Scholl noted the Committee was working to schedule an August meeting date.

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

**Collegeville-Trappe Municipal Authority (N. Scholl)** – N. Scholl stated the Authority was searching for CD investment opportunities at local banks, given the lower interest rates presently paid by PLGIT.

**Property, Streets, Traffic & Safety (P. Edwards)** – P. Edwards distributed a copy of minutes for the Committee's June meeting. On behalf of P. Edwards, L. DiPrete noted this Committee did not meet in July, and would next meet on August 17.

C. Johnson provided a summary of the Trappe Borough Pace Car program now being developed by the Committee. C. Johnson noted residents participating in the program would sign a pledge agreeing to drive the speed limit, to drive with caution, and to display a program sticker on their vehicle.

C. Johnson distributed a copy of the proposed Pace Car program sticker to the Members, and requested Council approve funds for the printing of the sticker and collateral material.

L. DiPrete motioned to approve \$1,500.00 for the design and printing of a Trappe Borough Pace Car program sticker and collateral materials, subject to the Property, Streets, Traffic & Safety Committee's review and approval of the design of said items, second by N. Scholl, all ayes. Motion carried 5 – 0.

Planning, Zoning & Open Space (President Schuetz) – President Schuetz noted the cancellation of the August 10 meeting of the Central Perkiomen Valley Regional Planning Commission; the Commission will next meet on September 14.

President Schuetz spoke to the installation of a tot-lot at Rambo Park. President Schuetz reviewed planning efforts for this park dating to 1992, calling attention to various resolutions, grant applications, Committee recommendations and other approvals pertaining to the installation of a tot-lot.

President Schuetz provided a review of tot-lot proposals received during the previous year; he noted the current proposal of \$51,712.00, includes equipment purchase, shipping and installation.

As to the park classification, President Schuetz believes Main Street Park is an active facility and Rambo Park is a passive facility, due to the presence and absence of athletic fields, respectively.

President Schuetz noted the open space fee collected from developers is earmarked for open space improvements, per the Borough Code and the Pennsylvania Municipalities Planning Code; he noted that any cost for the development of Rambo Park not funded by grant dollars would be funded with open space dollars.

President Schuetz stated he contacted the Department of Conservation and Natural Resources as to a tot-lot not being constructed at Rambo Park, and the Department confirmed it would give careful review to any change that did not follow the intent of the grant application as submitted.

President Schuetz contacted the Pennsylvania Parks and Recreation Society and the National Parks and Recreation Society, and neither organization possesses per capita recreational facility standards.

N. Scholl thanked President Schuetz for his efforts to date as to the development of Rambo Park. N. Scholl stated he believes a more modest tot-lot than that now presented should be installed at the park.

N. Scholl noted there are 593 children in grades 6 and under residing in the Borough, per the Perkiomen Valley School District.

N. Scholl noted the projected cost to develop Rambo Park was approximately \$27,000.00 more than the estimated budget submitted with the grant application to the Department of Conservation and Natural Resources.

N. Scholl does not believe that there is overwhelming public support for the construction of additional tot-lots, citing 2000 and 2007 recreational surveys in which Borough residents ranked improved playground equipment as the number 5 and number 4 recreational priorities, respectively. N. Scholl noted that, subsequent to 2007, the Borough had installed tot-lots at both Water Works Park and Borough Hall Park.

N. Scholl noted the estimated one-third mile distance between the tot-lot at Borough Hall Park and the proposed tot-lot at Rambo Park.

Mayor Peck relayed this comment from P. Edwards: P. Edwards supports the development of a tot-lot at Rambo Park, believing this facility is accessible to youth residing in the Rosewood and Rittenhouse Square communities. Mayor Peck likewise voiced support for the installation of a tot-lot at Rambo Park.

There was general discussion regarding the Borough's open space fund.

P. Edwards motioned to authorize the purchase, shipping and installation of the tot-lot as last presented to the Open Space Committee, as provided by Progressive Products and at a cost of \$51,712.00, second by second by C. Johnson:

President Schuetz	YES	N. Scholl	NO
L. DiPrete	YES		
P. Edwards	YES		
C. Johnson	YES		

The motion carried, 4 ayes to 1 nay.

Personnel, Appointments & Ordinances (L. DiPrete) – There was no report.

### **Old Business**

- Mayor Peck announced a sidewalk sale to be conducted by the retailers at the Trappe Shopping Center on August 29 and August 30.

### **New Business**

- President Schuetz read into the record a statement from P. Edwards, a copy of which is appended to these minutes.
- Paul Benensky, Vice President of the Laurel Drive Homeowners Association, spoke to the status of the Association and Borough's cost sharing agreement as to the Laurel Drive and Lilac Circle reclamation project. The Association has defaulted on its agreement-required second project payment to the Borough. Mr. Benensky noted three of the nine HOA members who have not paid their project assessment as of this date had verbally agreed to do so. If these assessments are collected, the HOA will seek a loan in the

approximate amount of \$32,000.00. Mr. Benensky noted the HOA will continue to work with an area bank as to a loan, and Mr. Benensky will update Council as talks continue. It was agreed that Mr. Ryan will draft an amendment to the Declaration to effect the borrowing power of the HOA's executive committee.

At 9:58 p.m. Council entered into Executive Session.

At 11:04 p.m. Council adjourned from Executive Session.

L. DiPrete motioned to direct the Borough Manager to proceed with the matter of land acquisition as discussed in Executive Session, second by P. Edwards:

President Schuetz	YES	C. Johnson	NO
L. DiPrete	YES	N. Scholl	NO
P. Edwards	YES		

The motion carried, 3 ayes to 2 nays.

At 11:05 p.m., there being no additional business, a motion to adjourn was made by N. Scholl, second by P. Edwards, all ayes. Motion carried 5 – 0.

Respectfully submitted,

Tommy Ryan  
Borough Manager / Borough Secretary

President Fred Scheutz, Members of Trappe Borough Council,

I am putting my words to paper, as due to my recent vocal surgery, my doctor has ordered strict voice rest, and although I am unable to speak, I do have a voice and feel it is imperative that I speak not only for myself but for the residence of Trappe as well.

Please let me preface, that I do not wish to discredit, deface, misalign or insult any current or past council members with my words as sometimes the auditors true meaning can be misconstrued with the inability to utilize tone and deflection.

First, I must comment on the July Council meeting minutes (a meeting I did not attend). In open to the public: Bill Zerillo asked for Borough support for a sidewalk sale. I feel we as council should support our business community as it is the heart of any community and serves the needs of its people. I have spoken to numerous business owners and managers over the years about their concerns with the loss of anchor stores, theft and vandalism. They feel a disconnect or a seemingly lack of interest from Borough Council. As the Chairman of the Property, Streets, Traffic and Safety Committee, I take special concern to these issues and am always seeking ways that we as a community can make things better. How can we as a council work better with our business community?

Our Main Street should become our focal point, embraced and nurtured like so many other communities have done. Not an embarrassment of broken sidewalks and lack of fore thought. It is the heart of the community. It supports commerce and a sense of pride with in the hearts of the residence. Many other aspects come into play such as, how our streets are maintained, the flow and speed of traffic and the safety of our community.

Grant monies are getting harder to come by with the State tighten down on funds. Maybe it is time for us to rally around our business community, historic organizations and residence to work towards a common goal. Much can be accomplished when the community gets behind it. Everyone I have spoken with is in favor of moving forward, so how can we get out of neutral?

In multiple surveys, formal and informal, our residence have all along asked for the same thing, safer streets with sidewalks to get from point a to point b. Paths for biking and walking with connections to Main Street and shopping. A park to enjoy and embrace. This fits into the whole Green Initiative and what a community is about.

In the above referenced meeting minutes, there seems to be opposition to installing playground equipment in Rambo Park. Why are we denying Trappe residence of this? "If you build it they will come", was my mind set as I watched many enjoy the playground equipment recently at the Grange Fair in Water Works Park. In my research, I see there have been grant applications dating back to the early 1990's with requests in the plans for playground equipment at Rambo Park. Previous councils have voted and approved these same plans and grant applications. We now have the monies (\$60,000.00) awarded to us to spend. Please explain why there are some who wish to deny the families in Trappe a playground which has been on their wish list for years. Much time and effort has been put forth by many on council and Trappe committees to see this through to fruition. This is free money given to us to make Trappe a better place to live. Let's spend it as it was intended.

Currently our State legislators are voting on a new bill that would require all municipalities throughout the state, without their own police force, to pay for State Police protection. This Bill HB 1500, called, The State police Municipal Patrol Services Act will charge each municipality regardless of size a fee for police protection. This will be a sliding scale of \$52.00 the first year, \$104.00 the second year and \$156.00 the third year per capita (per head). You can guess based on our states budget, it will probably go up each year after as well.

Many folks have stated they really never could tell when they drove down Main Street, if they were in Trappe or Collegeville. Pretty soon it won't be hard to tell the difference when Collegeville makes their section of Main Street beautiful. Of course this will be in part to Trappe's contribution of the Grant money we lost.

The reason I bring these issues to light and to remind those with short memories, is Trappe lost an opportunity to join Collegeville in developing our Main Street. All that time, effort and money spent in administrative and engineering costs lost to the people of Trappe. Since Trappe declined the free money, the state was generous enough to give it to Collegeville. But at least it didn't go to waste and they gave it to our neighbor. These figures hover in the range of \$50,000.00.

In 2006 Trappe council was party to a "free" regional police study that would have educated the residence as to what it may cost to have our own police protection by joining with one or more municipalities. Unfortunately, due to another short sighted decision, Trappe council, at the last minute decided to back out of the study. We now, will never know what it may have costs. If you do the math, it would seem that it may be cheaper to start a regional police force than to pay for the State Police protection.

Why are we wasting tax payer's money, spending countless administrative and volunteer man hours applying for grant money from the state only to give it back? It seems illogical, backwards and almost criminal.

It is time for this council to get on the same page and work in a responsible way for the residence of Trappe.

Sincerely,

Paul Edwards  
Trappe Borough Councilman  
Property, Streets, Traffic, Safety Committee Chair