

MINUTES TO THE MEETING OF TRAPPE BOROUGH COUNCIL

June 2, 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 Mayor Peck.

Announcement of Executive Session and Executive Session: President Schuetz announced there would be an Executive Session to discuss matters of litigation and personnel at the conclusion of the public portion of the meeting.

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

Minutes of the Meeting of May 5, 2009: All received a copy of the minutes for the May 5, 2009 meeting.

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

Financial Reports: J. Lowe noted the receipt of two grant payments in May. J. Lowe noted the building permit application fee for the DeMutis improvements had been incorrectly posted as a grant receipt; J. Lowe will correct this error.

All received a copy of Accounts Payable for checks 1528 to 1567, and noted electronic transfers.

J. Lowe presented as additional payables:

- check #1568, in the amount of \$30,099.00, payable to Allied Waste, for June waste removal services;
- check #1569, in the amount of \$132.00, payable to United States Post Office, for postage stamps;
- check #1570, in the amount of \$135.52, payable to Dianne Green, for reimbursement – Katona retirement;
- check #1576, in the amount of \$69.98, payable to Staples, for office supplies;

- check #1577, in the amount of \$29.66, payable to Tommy Ryan, for reimbursement – Katona retirement;
- check #1578, in the amount of \$429.98, payable to Tommy Ryan, for reimbursement – Katona retirement;
- check #1579, in the amount of \$2,952.00, payable to Environmental Landscape Services, Inc., for the Rambo Park pavilion base.

Mr. Ryan confirmed check #1579 was a change order to the contract with Environmental Landscape Services. Mr. Ryan noted the Rambo Park budget included a cost to install a pavilion, but stated this improvement was not included in the Borough's contract with Environmental Landscape Services.

N. Scholl motioned to approve payment of bills and wire transfers as presented, including the above-noted additional payables, second by L. DiPrete, all ayes. Motion carried 7 – 0.

Mr. Ryan confirmed Signal Service and Lenni Electric tended to the Borough's traffic signals and street lights, respectively.

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

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

Tavern View (417 West Main Street) – Letter of Credit Reduction Request #4 – Mr. Ryan presented a letter of credit reduction request for the Tavern View development, 417 West Main Street, in the amount of \$1,000.00. Mr. Ryan noted the Borough Engineer had reviewed this request, and was agreeable to the release. Mr. Ryan noted he is likewise agreeable to the release.

L. DiPrete motioned to approve Tavern View Letter of Credit Reduction #4, as presented, second by P. Edwards, all ayes. Motion carried 7 – 0.

Resolution 2009-10: T-Mobile Waiver of Land Development – Mr. Ryan provided an overview of an application for a Waiver of Land Development; the Applicant seeks to install telecommunications equipment at the Collegeville-Trappe Joint Public Works Department water tower, 233 West Seventh Avenue. In specific, the Applicant proposes to construct an approximate 200 square foot concrete pad, upon which will be located one (1) utility cabinet and up to six (6) equipment cabinets; the Applicant likewise proposes to install up to nine (9) antenna arrays, upon existing braces, and at a height equal to existing arrays.

Nick Cuce, Esquire, attorney for the Applicant, stated the improvements would serve in lieu of the construction of a new cellular tower. Mr. Cuce noted the proposed equipment would be serviced on an approximately monthly basis.

N. Scholl asked if the lease provided for payment of a prorated share of real estate taxes. Jim Rogers, representative for the Applicant, stated he believed this provision to be included in the lease.

S. Kurcik motioned to approve Resolution 2009-10, granting a Waiver of Land Development for T-Mobile, second by L. DiPrete, all ayes. Motion carried 7 – 0.

Resolution 2009-11: Appointment of a Borough Secretary – Mr. Ryan presented a Resolution to appoint the position of Borough Secretary to the position of Borough Manager. Solicitor Onorato recommended page 1, line 23 be revised to read as follows: “*NOW THEREFORE BE IT RESOLVED, the position of Assistant Borough Secretary is eliminated effective July 8, 2009; and,*”.

P. Edwards motioned to approve Resolution 2009-11, as to the appointment of a Borough Secretary, with the above-noted revision, second by M. Watson, all ayes. Motion carried 7 – 0.

Amendment to the Zoning Ordinance: proof of contractor registration – Mr. Ryan presented a draft ordinance to amend the Borough Code so to require home improvement contractors subject to the Pennsylvania Home Improvement Consumer Protection Act (Act 132) to provide a valid home improvement contractor registration number, as assigned by the Office of Attorney General, upon an application for a building or zoning permit. Mr. Ryan summarized key components of Act 132, which takes effect July 1, 2009.

M. Watson motioned to authorize the advertisement of the proposed Ordinance, for consideration at the July 7 Monthly Meeting, second by N. Scholl, all ayes. Motion carried 7 – 0.

Amendment to the Zoning Ordinance: political signs – Mr. Ryan presented a draft ordinance to amend the Borough Code so to delete posting limitations for temporary political signs, and to permit the Zoning Officer to remove same with the prior consent of the owner of the property at which said signs are posted.

N. Scholl motioned to authorize the advertisement of the proposed Ordinance, for consideration at the July 7 Monthly Meeting, second by P. Edwards, all ayes. Motion carried 7 – 0.

Laurel Drive & Lilac Circle – cost-sharing agreement – Mr. Ryan presented a proposed cost-sharing agreement for the Laurel Drive & Lilac Circle Reclamation Project, and between the Laurel Drive Homeowners Association and the Borough.

Solicitor Onorato recommended the agreement be revised so to denote the dates for the first and second payments to the Borough are in 2009.

Paul Benensky, representative for the Laurel Drive Homeowners Association, presented a check for the first payment to the Borough, in the amount of \$148,000.00. Mr. Benensky confirmed the Association had been approved for a loan in an amount to fund the second payment to the Borough, and confirmed this payment would be made to the Borough in accordance to the proposed cost-sharing agreement.

P. Edwards asked if the Borough should assess interest on certain change order funding as permitted by the proposed cost-sharing agreement. S. Kurcik stated he did not favor the assessment of interest. The consensus of Council was not to assess interest.

P. Edwards motioned to execute the proposed cost-sharing agreement with the Laurel Drive Homeowners Association, with the payment dates revised per Solicitor Onorato's above-noted comment, second by N. Scholl, all ayes. Motion carried 7 – 0.

Laurel Drive & Lilac Circle – bid award – Mr. Ryan recommended Council award a contract for the Laurel Drive & Lilac Circle Reclamation Project to the qualified lowest bidder for this project, R.J. Sell, in the amount of \$324,772.06.

N. Scholl motioned to award a contract for the Laurel Drive & Lilac Circle Reclamation Project to R.J. Sell, in the amount of \$324,772.06, second by L. DiPrete, all ayes. Motion carried 7 – 0.

Laurel Drive & Lilac Circle – proposal for survey, contract administration and inspection services – Mr. Ryan presented a proposal for survey, stake-out, contract administration and construction inspection services for the Laurel Drive & Lilac Circle Reclamation Project, as provided by Gilmore & Associates, in the amount of \$13,100.00. Mr. Ryan noted the scope of services and cost had not changed since that proposal reviewed by the Borough in September 2008. Mr. Ryan recommended Council approve the proposal as presented.

M. Watson motioned to accept the proposal for survey, stake-out, contract administration and construction inspection services for the Laurel Drive & Lilac Circle Reclamation Project, provided by Gilmore & Associates, in the amount of \$13,100.00, as presented, second by L. DiPrete, all ayes. Motion carried 7 – 0.

Resolution 2009-12: Authorization to Submit a Grant to the Pennsylvania Department of Environmental Protection Energy Efficiency and Conservation Block Grant Program – Mr. Ryan presented a resolution authorizing the submission of a grant application to the Pennsylvania Department of Environmental Protection Energy Efficiency and Conservation Block Grant Program. The multi-municipal application seeks funding to upgrade approximately 250 existing street lights in Trappe Borough and Collegeville Borough from high pressure sodium and metal halide fixtures to LED fixtures.

In Trappe Borough, Mr. Ryan stated the program of street lights to be upgraded included all fixtures along the following roadways: East First Avenue, West First Avenue, East Third Avenue, West Third Avenue, West Fifth Avenue, East Seventh Avenue and West Seventh Avenue. In addition, the program includes all street lights in the following subdivisions: Heatherview, Meadowview and Silver Leaf Farms. Mr. Ryan noted the program may be revised to include additional or fewer fixtures, contingent upon final cost estimates.

General discussion was had regarding the benefits of LED lighting. Mr. Ryan stated a preliminary calculation estimated an energy consumption savings of 58% and 30% for lights to be upgraded and for all Borough street lights, respectively.

Mr. Ryan noted the application would seek the maximum grant amount of \$375,000.00. This amount requires a ten percent local match, half of which (\$18,750.00) would be funded by Trappe Borough.

P. Edwards motioned to approve Resolution 2009-12, authorizing the submission of a grant application to the Pennsylvania Department of Environmental Protection Energy Efficiency and Conservation Block Grant Program, second by S. Kurcik, all ayes. Motion carried 7 – 0.

S. Kurcik noted Council may wish to revisit the Borough Code as to lighting requirements.

Solicitation Ordinance – Mr. Ryan presented a draft ordinance, revised pursuant to Council’s discussion in May. Mr. Ryan noted the draft ordinance eliminated permit requirements for all solicitors, enacted seven regulations applicable to all solicitors, and established a “Do Not Knock” registry.

Mr. Ryan noted a survey had been distributed to a random sample of 100 Borough households, and 24 of 28 respondents favored of the enactment of a “Do Not Knock” registry.

N. Scholl noted Section 6-2082.a.v prohibited all solicitors from depositing materials on a property without the consent of the property owner. N. Scholl noted this would impact the Boy Scouts and like organizations, and recommended this provision be deleted. Solicitor Onorato stated no persons are authorized to deposit materials on a property without the consent of the property owner.

There was general discussion on the merits of the draft ordinance. The consensus of Council was to table the draft ordinance.

2010 budget preparation – Mr. Ryan presented a sample four-year budget format. Mr. Ryan noted the primary benefits of the proposed budget to be (1) improved communications to Borough residents, and (2) improved long-term planning for future expenses. Solicitor Onorato noted that, in his experience with municipal budgets, similar budgets helped to manage multi-year capital improvement projects.

P. Edwards motioned to forward the proposed four-year budget format to the Finance Committee for additional consideration, second by M. Watson, all ayes. Motion carried 7 – 0.

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

Mayor’s Report: Mayor Peck noted candlelight tours to be offered by the Trappe Historical Society.

Mayor Peck noted an electrical service at Water Works Park is being billed to the Grange. Mr. Ryan stated he would follow-up with Public Works to see this account is corrected to the name

of Public Works, and to see to that this service is inspected. Mr. Ryan likewise noted he would ask Public Works to ensure the Water Works Park electrical boxes are locked.

Mayor Peck noted Auxiliary Police coverage had been requested by the Trappe Historic Society, for events on September 19 from 10:30 a.m. to 4:30 p.m., and on December 6 from 3:30 p.m. to 7:30 p.m..

S. Kurcik motioned to provide Auxiliary Police coverage to the Trappe Historic Society, for events on September 19 from 10:30 a.m. to 4:30 p.m., and on December 6 from 3:30 p.m. to 7:30 p.m., with the Borough to pay for this service, second by M. Watson, all ayes. Motion carried 7 – 0.

S. Kurcik motioned to accept the Mayor's Report, second by M. Watson, all ayes. Motion carried 7 – 0.

Engineer's Report: All received a copy of the Engineer's Report. Mr. Ryan confirmed the Pongras subdivision has been recorded, and a thank you note was sent to the Pongras family.

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

Solicitor's Report: There was no prepared Solicitor's Report. Solicitor Onorato noted he would discuss two matters of litigation in Executive Session.

M. Watson motioned to accept the Solicitor's Report, second by S. Kurcik, all ayes. Motion carried 7 – 0.

Open to the Public:

- Stu Strauss inquired as to the traffic study for the DeMutis development. Engineer Sartor confirmed this item was outstanding, as noted in his review letters.
- Stu Strauss urged Council to oppose an increase in public water rates. Mr. Strauss recommended Council work to establish a higher hourly labor rate billed to Trappe Borough and Collegeville Borough for services provided by Public Works employees.

Committee Reports:

Finance (N. Scholl) – There was no report.

Public Works & Recycling (M. Watson) – Solicitor Onorato noted his office had received a proposed lease agreement for the MetroPCS telecommunications equipment at the Collegeville-Trappe Joint Public Works Department water tower, 233 West Seventh Avenue. Solicitor

Onorato likewise noted a proposed lease addendum as to the use of the Public Works-approved contractor for required maintenance services.

N. Scholl noted the lease must require MetroPCS to fund the pre- and post-installation inspections, with said inspections to be conducted by the Public Works-approved contractor. N. Scholl noted the lease must require MetroPCS to pay prorated taxes.

S. Kurcik inquired as to site access, in specific if a log is maintained that enumerates who accesses the property, the date and time the property is accessed, the reason the property is accessed, and the activities undertaken at the site. M. Watson stated this information is maintained by the leasees and/or contractors, and not Public Works. Mr. Ryan noted leasees are normally required to submit a report to the lessor, detailing each access to the lessor's property.

M. Watson motioned to execute a lease agreement and lease agreement addendum with MetroPCS as to telecommunications equipment at the Collegeville-Trappe Joint Public Works Department water tower, 233 West Seventh Avenue, conditioned upon the lease being revised so to require MetroPCS to (1) fund the pre- and post-installation inspections, with said inspections to be conducted by the Public Works-approved contractor, and (2) pay prorated taxes, second by N. Scholl, all ayes. Motion carried 7 – 0.

Collegeville-Trappe Municipal Authority (N. Scholl) – N. Scholl stated clean findings and opinions were noted in draft audits for the Collegeville-Trappe Joint Public Works Department and the Collegeville-Trappe Municipal Authority.

N. Scholl requested Stu Strauss, the Borough's representative to the Perkiomen Valley Regional Sewer Authority, to request the Authority notify the Borough of any proposed rate increase at the earliest date possible, so to permit the Collegeville-Trappe Municipal Authority with additional time for review and comment.

Property, Streets, Traffic & Safety (P. Edwards) – P. Edwards distributed copies of the Property, Streets, Traffic & Safety Committee March meeting minutes.

P. Edwards reviewed monthly reports prepared by the Trappe Volunteer Fire Company and the Pennsylvania State Police.

P. Edwards recommended safety awareness materials and property maintenance materials be prepared and made available for distribution at Trappe Community Day.

Planning, Zoning & Open Space (President Schuetz) – Mr. Ryan noted the public hearing on the proposed amendments to the Central Perkiomen Valley Regional Comprehensive Plan would be conducted at the August 4 Monthly Meeting.

President Schuetz spoke to the installation of the pavilion at Rambo Park. President Schuetz detailed the following proposed improvements and costs:

- pavilion purchase and shipping - \$ 15,433.00

- lightening protection - \$ 1,000.00
- electrical outlet preparation - \$ 240.00

N. Scholl inquired as to protections taken to ensure the concrete slab does not crack. President Schuetz noted the base and concrete specifications. Engineer Sartor stated the specifications seemed adequate.

N. Scholl requested the Borough confirm insurance coverage during the transit of the pavilion.

T. Ryan confirmed the pavilion would be purchased through the COSTARS program, thus satisfying bidding requirements.

M. Watson motioned to authorize the purchase of the above noted pavilion, with lightening protection and electrical outlet preparation, at a cost not to exceed \$16,673.00, second by L. DiPrete, all ayes. Motion carried 7 – 0.

President Schuetz proposed the purchase of benches for Rambo Park, and noted specifications of said benches.

P. Edwards motioned to authorize the purchase of twenty-four concrete end pieces, so to construct twelve (12) benches, at a cost not to exceed \$95.00 per set of concrete end pieces, a total of \$1,140.00, second by M. Watson, all ayes. Motion carried 7 – 0.

Personnel, Appointments & Ordinances (L. DiPrete) – L. DiPrete noted the retirement of Pat Katona, Borough Secretary. Council thanked Ms. Katona for fifteen years of dedicated and faithful service to the Trappe community.

Old Business

- There was no old business.

New Business

- Mr. Ryan noted the Borough had submitted its MS4 Year 6 Annual Report to the Pennsylvania Department of Environmental Protection.
- Brian Long, Fire Chief for the Trappe Volunteer Fire Company, reported continued progress as to ongoing consolidation discussions with the Collegeville Fire Company.

At 9:35 p.m. Council entered into Executive Session.

At 10:14 p.m. Council adjourned from Executive Session.

L. DiPrete motioned to authorize Solicitor Onorato to proceed in the matter of Scottsdale Insurance, in the manner set forth in Executive Session, second by M. Watson, all ayes. Motion carried 7 – 0.

M. Watson recommended the Borough acknowledge the Pongras family's contribution to Rambo Park with a bench at said park.

At 10:15 p.m., there being no additional business, a motion to adjourn was made by M. Watson, second by P. Edwards, all ayes. Motion carried 7 – 0.

Respectfully submitted,

Tommy Ryan
Borough Manager / Borough Secretary