

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

March 3, 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 potential litigation and personnel issues at the conclusion of the public portion of the meeting. President Schuetz then announced Council would convene an Executive Session to discuss a matter of potential litigation at this time.

At 7:01 p.m. Council entered into Executive Session.

At 7:25 p.m. Council adjourned from Executive Session.

**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 Solicitor Bob Kerns, Engineer John Sartor, Treasurer Joe Lowe and Manager Tommy Ryan. Borough Secretary Pat Katona was an excused absence from the meeting.

**Minutes of the Meeting of February 3, 2009**: All received a copy of the meeting minutes for February 3, 2009. No revisions or comments were noted.

N. Scholl motioned to accept the February 3, 2009 Monthly Meeting minutes as presented, second by M. Watson, all ayes. Motion carried 7 – 0.

**Financial Reports**: All received a copy of Accounts Payable for checks 1401 to 1437, and noted electronic transfers.

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

J. Lowe presented as additional payables:

- check #1438, in the amount of \$170.15, payable to Staples, for office supplies;

- check #1439, in the amount of \$55.00, payable to Association of Mayors of the Boroughs of Pennsylvania, for membership dues;
- check #1440, in the amount of \$100.00, payable to Trappe Borough, for petty cash;
- check #1441, in the amount of \$30,099.00, payable to Allied Waste, for waste removal services for March 2009; and,
- check #1442, in the amount of \$19.50, payable to Vordea Mingis, for Planning Secretary services.

N. Scholl motioned to approve payment of the five (5) additional payables noted above, second by S. Kurcik, all ayes. Motion carried 7 – 0.

Mr. Ryan confirmed Gambone Development had paid the amount required per the Settlement Agreement as to outstanding review fees for the Silver Leaf Farms development; Mr. Ryan recommended the balance noted on the A/R Aging Summary be reduced to zero dollars (\$0.00).

N. Scholl motioned to reduce to zero dollars (\$0.00) that balance noted on the A/R Aging Summary pertaining to outstanding review fees for the Silver Leaf Farms development, second by C. Johnson, all ayes. Motion carried 7 – 0.

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

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

Resolution 2009-4: DeMutis Final Plan Approval – Mr. Ryan provided an overview of an application for final plan approval to construct a 9,900 s.f. office building and thirty-two single family attached dwelling units at West Main Street and East Seventh Avenue.

Bernadette Kearney, attorney for the Applicant, noted the Applicant had forwarded to the Borough and Solicitor Kerns a Remediation Action Progress Report. Mr. Ryan confirmed receipt of the report earlier this day. Ms. Kearney stated the Applicant will continue remediation efforts as required by the Pennsylvania Department of Environmental Protection.

Ms. Kearney noted that, in addition to the waivers granted at preliminary plan approval, the Applicant is requesting a waiver as to surveying features within four hundred feet of the property boundaries.

With regard to the replacement of trees, Ms. Kearney noted the Applicant was agreeable to constructing a pedestrian trail at Main Street Park in lieu of tree replacement or a fee in lieu of this planting. Mr. Ryan stated this trail would consist of a six inch (6”) 2A stone sub-base and a four inch (4”) BCBC 19mm wearing course, and would not exceed three thousand and two hundred square yards (3,200 SYs). Mr. DeMutis indicated that he is agreeable to installing the trail as described by Mr. Ryan.

Ms. Kearney confirmed the Applicant will comply with all items noted in the Gilmore & Associates review letter.

Ms. Kearney confirmed the Applicant will provide the additional traffic study information.

Ms. Kearney stated the Applicant is agreeable to withdrawing the appeal of the Conditional Use Decision as this pertains to Phase II environmental testing.

Mr. Ryan read the following motion to grant conditional Final Plans approval:

Council of the Borough of Trappe desires to grant a Resolution of Final Land Development Approval for the following plans, as prepared by Wilkinson & Associates, Inc.:

1. Sheet 1 of 15, titled "Cover Sheet", dated May 7, 2007 and last revised February 20, 2009;
2. Sheet 2 of 15, titled "Record Plan", dated May 7, 2007 and last revised February 20, 2009;
3. Sheet 3 of 15, titled "Existing Features Plan", dated May 7, 2007 and last revised February 20, 2009;
4. Sheet 4 of 15, titled "Grading Plan", dated May 7, 2007 and last revised February 20, 2009;
5. Sheet 5 of 15, titled "Utilities", dated May 7, 2007 and last revised February 20, 2009;
6. Sheet 6 of 15, titled "Profiles", dated May 7, 2007 and last revised February 20, 2009;
7. Sheet 7 of 15, titled "Landscape Plan", dated May 7, 2007 and last revised February 20, 2009;
8. Sheet 8 of 15, titled "Lighting Plan", dated May 7, 2007 and last revised February 20, 2009;
9. Sheet 9 of 15, titled "Erosion and Sedimentation Plan", dated May 7, 2007 and last revised February 20, 2009;
10. Sheet 10 of 15, titled "Erosion and Sediment Details", dated May 7, 2007 and last revised February 20, 2009;
11. Sheet 11 of 15, titled "Construction Details", dated May 7, 2007 and last revised February 20, 2009;
12. Sheet 12 of 15, titled "Landscaping Details", dated May 7, 2007 and last revised February 20, 2009;
13. Sheet 13 of 15, titled "PennDOT Details", dated May 7, 2007 and last revised February 20, 2009;
14. Sheet 14 of 15, titled "Post Construction Stormwater Management Plan", dated May 7, 2007 and last revised February 20, 2009;
15. Sheet 15 of 15, titled "Aerial Photograph", dated May 7, 2007 and last revised February 20, 2009;
16. Sheet 1 of 1 [typo], titled "Turning Template Exhibit Plan", dated May 7, 2007 and last revised February 20, 2009; and,
17. Sheet 2 of 2, titled "Turning Template Exhibit Plan", dated May 7, 2007 and last revised February 20, 2009.

And further in accordance with the following architectural renderings, as prepared by VLBJR Architects, Inc.:

1. Sketch A-2, titled "Main Street Office & Retail Building – Front Elevation", dated November 18, 2003;
2. Sketch A-3, titled "Main Street Office & Retail Building – Side Elevation", dated November 18, 2003;
3. Sketch A-1, titled "Main Street Trappe Apartment Building – Front Elevation", dated November 18, 2003; and,
4. Sketch A-2, titled "Main Street Trappe Apartment Building – Side Elevation", dated November 18, 2003.

The above-noted plans and renderings collectively and hereinafter referred to as the "Plan Set".

In accordance with this Final Land Development Approval the Applicant shall revise the Plan Set:

1. so to comply with all items noted in the Gilmore & Associates review letter dated February 27, 2009, absent items hereby and below waived and deferred; and,
2. so to comply with all items noted in the Entech Engineering, Inc. review letter dated January 27, 2009.

In accordance with this Final Land Development Approval the Borough hereby grants the following waivers:

1. all waivers enumerated in Trappe Borough Resolution 2008-10, A Resolution Granting Preliminary Land Development Approval For The DeMutis Development, adopted July 1, 2008, except for the waiver granted therein as to SALDO 319.1.A.5, which is revised to read as follows:  
  
*"SALDO Section 319.1.A.5 – as to tree replacement, so to permit the Applicant to provide an off-site improvement in lieu of replacing trees. In specific, the Applicant shall construct a pedestrian trail at Main Street Park, at the time of the installation of Phase I improvements at said park. The pedestrian trail shall consist of a six inch (6") 2A stone sub-base and a four inch (4") BCBC 19mm wearing course. The total area of trail to be installed by the Applicant shall not exceed three thousand and two hundred square yards (3,200 SYs)"; and,*
2. SALDO Section 402.C.1 – as to surveying features within four hundred feet (400') of property lines, so to accept in lieu thereof (a) that survey information shown on the Plan Set, and (b) the Aerial Photograph included in said Plan Set.

In accordance with this Final Land Development Approval the Borough hereby grants the following deferral:

1. all deferrals enumerated in Trappe Borough Resolution 2008-10, A Resolution Granting Preliminary Land Development Approval For The DeMutis Development, adopted July 1, 2008.

In accordance with Final Land Development Approval the Applicant shall:

1. comply with the Conditional Use Approval dated September 26, 2007, absent the requirement to conduct a Phase II study, in lieu of which the Applicant shall (a) continue to provide groundwater monitoring and other testing, in accordance with the Remedial Action Plan as approved by the Pennsylvania Department of Environmental Protection on February 16, 2007, and (b) shall work with the owners of the neighboring Nolan property so to provide any removal and/or remediation of contamination that may be required by the Pennsylvania Department of Environmental Protection;
2. pay a fee in lieu of open space in the amount of fifty-seven thousand six hundred dollars (\$57,600 = 32 residential units x \$1,800 per unit fee), prior to the Borough signing and releasing the Record Plan for recordation;
3. provide off-site improvements at Main Street Park as noted above, in lieu of replacing trees;
4. replenish the escrow presently posted with the Borough, to the amount of five-thousand dollars (\$5,000.00), so to reimburse the Borough for all engineering, legal and other expenses to be incurred in assuring compliance to this Final Land Development Approval; said escrow shall be replenished within thirty (30) days of the date of the Applicant's acceptance of this Resolution. In addition, the Applicant shall be required to replenish said escrow to the amount of five-thousand dollars (\$5,000.00) within fifteen (15) days receipt of written notice from the Borough and in the event the escrow balance falls below fifteen-hundred dollars (\$1,500.00);
5. obtain all approvals from, and to pay all required fees to, the Collegeville Trappe Municipal Authority so to furnish public sanitary sewer service to the proposed improvements, prior to the Borough signing and releasing the Record Plan for recordation;
6. obtain all approvals from, and pay all required fees to, the Collegeville Trappe Joint Pubic Works Department so to furnish public water service to the proposed improvements, prior to the Borough signing and releasing the Record Plan for recordation;
7. obtain all approvals from, and pay all required fees to, the Lower Perkiomen Valley Regional Sewer Authority, so to furnish public sewer service to the proposed improvements, prior to the Borough signing and releasing the Record Plan for recordation;
8. enter into a Subdivision and Land Development agreement with the Borough, in a form acceptable to the Borough Solicitor, which shall include escrows and financial securities pursuant to the Pennsylvania Municipalities Planning Code prior to the Borough signing and releasing the Record Plan for recordation;
9. obtain all required approvals from other government entities, agencies and/or authorities, including but not limited to the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Protection, the Collegeville Trappe Joint Pubic Works Department, the Collegeville Trappe Municipal Authority, the Lower Perkiomen Valley Regional Sewer Authority and the Montgomery County Conservation District prior to the Borough signing and releasing the Record Plan for recordation;

10. prepare a Residential Disclosure Statement, record a deed restriction prohibiting cat and dog ownership, and prepare other community documents, in a form acceptable to the Borough Solicitor;
11. furnish to the Borough two (2) mylar copies and two (2) paper copies of the Record Plan, for recordation at the Office of the Montgomery County Recorder of Deeds, Norristown, Pennsylvania; and,
12. comply with all other conditions enumerated in Trappe Borough Resolution 2008-10, A Resolution Granting Preliminary Land Development Approval For The DeMutis Development, adopted July 1, 2008.

Solicitor Kerns asked the Applicant if he were agreeable to the above-noted conditions. Mr. DeMutis stated he would comply with all said conditions.

John Pelosi, Bonny Brook Lane, questioned the retaining wall. John Deimer, engineer for the Applicant, confirmed this retaining was included on the plan set that received preliminary plan approval in July 2008.

Mr. Pelosi requested the Applicant consider the relocation of dumpsters. Mr. Deimer stated landscaping was proposed adjacent to the dumpster fencing. Mr. Sartor confirmed the dumpster fencing was six feet (6') in height.

Mr. Pelosi stated stormwater issues must still be addressed. Mr. Pelosi provided an overview of neighboring stormwater facilities, including those sited at, and servicing, the Borough Hall property. Mr. Pelosi requested the Applicant provide remediation along the creekway north of the DeMutis property; example remediation measures noted were the planting of live stakes and the installation of rip-rap.

Mr. Pelosi requested Council to approve a "contingency" or a motion addressing the dumpster and stormwater issues.

President Schuetz discussed the restoration of riparian buffers, in specific the need for mature wooded materials to be established along the creekway. President Schuetz noted the root structure of grass only was not sufficient to curb erosion.

Mr. Deimer provided a general overview of the proposed stormwater management system. Mr. Sartor confirmed the proposed stormwater management system satisfied Borough ordinance.

Mr. Pelosi asked the Borough and Applicant to "move" on providing remediation along the creekway north of the DeMutis property. Mr. DeMutis stated he was willing to work with the Borough to help address this problem, but was concerned with the permitting that may be required to undertake remediation efforts at this location.

Mr. Pelosi again expressed his desire for the dumpsters to be relocated.

Mr. Pelosi requested the stormwater management system at the Borough Hall property be addressed.

Mr. Pelosi recommended staked vegetation be planted at various points along the creekway north of the DeMutis property. And Mr. Pelosi requested repairs to be made to a small footbridge that spans said creekway.

Mr. Ryan amended his motion to grant conditional Final Plans approval to include the following two items:

1. the Applicant shall work with the Borough to investigate stormwater erosion and related concerns along the creek to the north of the property, and to identify possible solutions to any problems so noted; and,
2. the Applicant shall document, to the satisfaction of the Borough, that all trash dumpsters are shielded from the view of properties situated to the north of the property.

A resident questioned the stormwater management system that serves the Borough Hall property. President Schuetz stated he did not participate in the design or the construction of this system. Solicitor Kerns confirmed the Borough is responsible to maintain this system.

A resident asked if trees in the basin area were proposed to be removed. Mr. Deimer confirmed no existing trees in this area would be removed.

N. Scholl inquired as to fire suppression sprinklers in the proposed buildings. Mr. DeMutis did not know if the building code required sprinklers in these buildings. Mr. DeMutis confirmed construction would meet all applicable building codes.

Mr. DeMutis stated firewalls would extend through the apartment building trusses and up to the roof-line.

M. Watson motioned to approve Resolution 2009-4, granting final plan approval with the conditions noted in the motion read by Mr. Ryan, including the two (2) items amending said motion, second by P. Edwards, all ayes. Motion carried 7 – 0.

Resolution 2009-5: Authorization to Submit a Grant Application to the Montgomery County Green Fields / Green Towns Program – Mr. Ryan presented a resolution to authorize the Borough to submit a grant application to the Montgomery County Green Fields / Green Towns Program, in the amount of \$513,194.00, for Phase I improvements to Main Street Park.

Mr. Ryan confirmed the grant, if awarded in the amount sought, would extinguish the open space funds available to Trappe Borough under the program's non-competitive round of funding. Mr. Ryan noted all like earmarked funds not sought by their respective communities on or before April 1, 2009 would be made available in a future and competitive round of funding.

Mr. Ryan noted the Green Fields / Green Towns Program requires municipalities to post non-program funds equal to, at minimum, twenty percent of the total project.

L. DiPrete motioned to approve Resolution 2009-5, Authorization to Submit a Grant Application to the Montgomery County Green Fields / Green Towns Program, second by P. Edwards, all ayes. Motion carried 7 – 0.

Main Street Park engineering contract – A proposal for engineering services for Phase I improvements to Main Street Park, as prepared by Gilmore & Associates, was provided to the Members. The consensus of the Members was to not approve the proposal at this time.

Mr. Ryan noted the proposal included the engineering of items not included as Phase I improvements per the *Main Street Park Master Site Plan*, as prepared by Simone Collins Landscape Architecture and Horstman Associates, Inc.. In specific, Mr. Ryan noted all site grading, stormwater management, retaining wall installation and landscaping were proposed to be included in Phase I, so as to not require additional engineering following the completion of Phase I improvements.

Mr. Ryan noted the project cost estimate as prepared by Simone Collins was over one year old. Mr. Ryan recommended Gilmore & Associates be contracted to review and update this cost estimate prior to the Main Street Park Phase I improvement grant submission to the Montgomery County Green Fields / Green Towns Program.

L. DiPrete motioned to authorize Gilmore & Associates to review the project cost estimate for Main Street Park, as prepared by Simone Collins Landscape Architecture in January 2008, at a cost not to exceed \$1,650.00, second by N. Scholl, all ayes. Motion carried 7 – 0.

Borough Hall re-key – Mr. Ryan obtained quotes to re-key Borough Hall, and this cost is approximately \$575.00. Mr. Ryan noted the proposals provide for the replacement of all existing locks and the installation of a lock on the door from the meeting room to basement level. Mr. Ryan recommended he be directed to authorize this work.

C. Johnson motioned to approve the re-keying Borough Hall, as presented by Mr. Ryan, second by M. Watson, all ayes. Motion carried 7 – 0.

MS-4 Annual Report – DEP webcasts – Mr. Ryan announced archived webcasts pertaining to various stormwater education issues were now available at the website of the Pennsylvania Department of Environmental Protection.

Comcast Franchise Agreement – Mr. Ryan noted a consortium of Montgomery County municipalities was interested in “joining forces” to negotiate a new franchise agreement with Comcast. The consortium would hire a telecommunications attorney experienced in this variety of negotiation, and the consortium would share expenses in this effort. Mr. Ryan noted the first meeting of the Consortium, which included six municipalities to date, was scheduled for March 12. Mr. Ryan recommended he be directed to attend this meeting, and to have Trappe join the Consortium provided (1) Consortium costs were both reasonable and shared among the member municipalities, and (2) the arrangement lends to the best interests of the Borough.

P. Edwards motioned to direct Mr. Ryan to attend the March 12 Consortium meeting, second by N. Scholl, all ayes. Motion carried 7 – 0.

Montgomery County Lands Trust – President Schuetz recommended the Borough renew its annual membership with the Montgomery County Lands Trust, at a cost of \$250.00.

N. Scholl motioned to renew the Borough’s membership with the Montgomery County Lands Trust, as presented by President Schuetz, second by P. Edwards, all ayes. Motion carried 7 – 0.

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

**Mayor’s Report:** Mayor Peck reported events at which she officiated during the prior month.

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

**Engineer’s Report:** All received a copy of the Engineer’s Report. There were no questions or comments.

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

**Solicitor’s Report:** There was no Solicitor’s Report distributed to the Members. Solicitor Kerns had no items to report.

P. Edwards motioned to accept the Solicitor’s Report as presented, second by L. DiPrete, all ayes. Motion carried 7 – 0.

**Open to the Public:**

- Sue Kelly spoke to the ongoing efforts of the Perkiomen Valley School District Post Prom Committee. President Schuetz noted individual Members had contributed both time and money to this worthy cause in the past, but stated the Borough, in keeping with standing practice, would not make a contribution to this year’s event.

**Committee Reports:**

Finance (N. Scholl) – N. Scholl noted a meeting of the Finance Committee would be scheduled so to review proposed revisions to the Borough Fee Schedule.

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

Collegeville-Trappe Municipal Authority (N. Scholl) – N. Scholl noted the bankruptcy of a bank holding one of Authority's certificates of deposit. N. Scholl stated the funds, accrued interest and a portion of fees had been recovered.

Property, Streets, Traffic & Safety (P. Edwards) – P. Edwards noted the Property, Streets, Traffic & Safety Committee would next meet at Borough Hall at 7:00 p.m. on Monday, March 16. P. Edwards stated the Borough was obtaining estimates for lane markings proposed at Betcher Road, East Seventh Avenue and North Borough Line Road. P. Edwards likewise stated the Committee was working to update the Borough's sidewalk and street light maps.

Brian Long, Trappe Volunteer Fire Company Fire Chief, reported a productive and positive meeting was recently had with the Collegeville Fire Company. Mr. Long noted the companies would next meet in approximately three weeks.

Mr. Ryan noted Upper Providence had proposed three dates for the regional emergency services meeting. Consensus was a March 26 meeting worked best for both Council and the Trappe Volunteer Fire Company. Mr. Ryan stated he would confirm the meeting date, time and location.

Planning, Zoning & Open Space (President Schuetz) – S. Kurcik had no report as to the Central Perkiomen Valley Regional Planning Committee.

President Schuetz noted the Planning Commission was continuing in its review of the historic preservation ordinances. Shawn Skelly noted the Planning Commission would mail invitations to attend an upcoming Planning Commission meeting to those property owners most affected by the proposed ordinances. Mr. Ryan will coordinate this mailing with Mr. Skelly.

President Schuetz stated the Natural Lands Trust was finalizing the stewardship report for Rambo Park and Main Street Park; this report is expected to be received in mid-March.

President Schuetz updated the Members as to ongoing planning efforts at Rambo Park.

Personnel, Appointments & Ordinances (L. DiPrete) – L. DiPrete noted a personnel matter would be discussed at the Executive Session conducted at the conclusion of the public portion of the meeting.

President Schuetz recommended Council appoint Shawn Skelly as a second Borough representative to the Central Perkiomen Valley Regional Planning Committee.

S. Kurcik motioned to appoint Shawn Skelly as a Borough representative to the Central Perkiomen Valley Regional Planning Committee, second by N. Scholl, all ayes. Motion carried 7 – 0.

## **Old Business**

- There was no Old Business to report.

## **New Business**

- Mr. Ryan noted an error in the 2009 bulk item pick-up schedule as published in the Borough's January newsletter. Mr. Ryan stated a corrected schedule, on a postcard mailer, will be sent to Borough residents this week.
- Mr. Ryan spoke on a recent Supreme Court decision that affects municipal regulation of solicitation permits. Given the Borough's solicitation ordinance is dated, Mr. Ryan recommended he be directed to draft a new ordinance, and that this ordinance then be reviewed by the Borough Solicitor, before submission to Council for consideration. General discussion was had as to the limitations imposed on the Borough as to this issue.

C. Johnson motioned to direct the Borough Manager to draft a solicitation ordinance, and for the Borough Solicitor to review said ordinance as to standing case law, second by P. Edwards, all ayes. Motion carried 7 – 0.

At 9:41 p.m. Council entered into Executive Session.

At 10:32 p.m. Council adjourned from Executive Session.

L. DiPrete, Chairman of the Personnel Committee, recommended Council recognize the Borough Manager's outstanding performance for the past year by (1) increasing the annual salary of the Borough Manager in the amount of \$2,500.00, (2) awarding a \$1,500.00 bonus to the Borough Manager, to be paid on March 18, and (3) increasing the Borough Manager's annual paid vacation day allotment to ten (10) days.

C. Johnson motioned to approve the above-noted salary adjustment, bonus and vacation day allotment, second by L. DiPrete, all ayes. Motion carried 7 – 0.

At 10:35 p.m., there being no additional business, a motion to adjourn was made by P. Edwards, second by L. DiPrete, all ayes. Motion carried 7 – 0.

Respectfully submitted,

Tommy Ryan  
Borough Manager / Assistant Secretary