

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

May 5, 2009

The regularly scheduled meeting of Trappe Borough Council was called to order at 7:01 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, Nevin Scholl, Catherine Johnson, Lew DiPrete and Steve Kurcik. Also in attendance were Solicitor Dave Onorato, Engineer John Sartor, Treasurer Joe Lowe and Manager Tommy Ryan. Paul Edwards and Borough Secretary Pat Katona were excused absences from the meeting.

Minutes of the Meeting of April 7, 2009: All received a copy of the minutes for the April 7, 2009 meeting. N. Scholl noted a revision on page 2, line 1, so to delete “most”. N. Scholl noted a revision to page 3, line 22, so to clarify (1) New Covenant Church would reimburse the Borough for Auxiliary Police coverage for their event on May 30, and (2) the Borough would provide Auxiliary Police coverage for the 2009 Trappe Community Day on September 12, at no charge to this event.

N. Scholl motioned to accept the April 7, 2009 Monthly Meeting minutes, with the above-noted two corrections, second by M. Watson, all ayes. Motion carried 6 – 0.

Financial Reports: All received a copy of Accounts Payable for checks 1487 to 1524, and noted electronic transfers. J. Lowe noted a correction to the solid waste disposal expenditures.

J. Lowe presented as additional payables:

- check #1525, in the amount of \$30,099.00, payable to Allied Waste, for May waste removal services;
- check #1526, in the amount of \$126.00, payable to United States Post Office, for postage stamps;
- check #1527, in the amount of \$66.34, payable to Fred Schuetz, for reimbursement – grass seed;

- check #1531, in the amount of \$25.00, payable to Fred Schuetz, for reimbursement – playground seminar fee;
- check #1532, in the amount of \$353.99, payable to Staples, for office supplies;
- check #1533, in the amount of \$131.72, payable to Keystone Digital Imaging, for copy charges and supplies;
- check #1534, in the amount of \$5,663.20, payable to Gilmore & Associates, for March engineering services; and,
- check #1535, in the amount of \$14,306.00, payable to Selective Insurance, for commercial and workers compensation policy premium.

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 6 – 0.

Mr. Ryan confirmed that reimbursement to Collegetown Borough for the purchase of sodium chloride was for materials used during the winters of 2007-08 and 2008-09. Mr. Ryan noted the Boroughs had previously agreed to equally share in this cost.

C. Johnson requested J. Lowe to e-mail a copy of the Treasurer’s Report to the Members, and in advance of the Monthly Meeting. J. Lowe agreed to provide this information.

S. Kurcik motioned to accept the Treasurer’s Report, second by N. Scholl, all ayes. Motion carried 6 – 0.

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

Laurel Drive & Lilac Circle Reclamation Project – Mr. Ryan stated bids were opened on April 28, and the low bid calculated to approximately \$5,425 for each unit in the Laurel Drive & Lilac Circle Homeowners’ Association, below the Association-approved cap of \$6,000 per unit. Mr. Ryan recommended he and the Borough Solicitor be directed to prepare cost-sharing and other required agreements, to be considered at the June 2 meeting.

N. Scholl motioned to direct the Borough Manager and the Borough Solicitor to prepare cost-sharing and other required agreements, for consideration at the June 2 meeting, second by C. Johnson, all ayes. Motion carried 6 – 0.

Mr. Ryan confirmed the Gilmore & Associates last-submitted proposal on this project included site survey, contract administration, site inspection and the preparation of an as-built plan. In that the proposal was valid until the end of 2008, Mr. Ryan has directed Gilmore & Associates to prepare a new proposal, for consideration at the June 2 meeting.

Resolution 2009-07: Northern Star Farm Waiver of Land Development – Mr. Ryan provided an overview of an application for a Waiver of Land Development; the Applicant seeks to construct a lean-to roof at the existing dairy barn, 96 East Third Avenue. The proposed roof measures 22’ in width, 40’ in length and 8’ in height. The lean-to roof would provide shelter for the sale for

farm goods and products, in lieu of a tent currently used. The proposed roof is approximately 130' removed from East Third Avenue.

N. Scholl motioned to approve Resolution 2009-07, granting a Waiver of Land Development for Northern Star Farm, second by M. Watson, all ayes. Motion carried 6 – 0.

Resolution 2009-08: MetroPCS 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 install (a) two (2) equipment cabinets, each measuring approximately 3' x 3', (b) a cable bridge that connects the cabinets to the water tower, and (c) six (6) antenna arrays. The Applicant likewise seeks to relocate an existing concrete pad, measuring approximately 10' x 10', on which the cabinets would be sited; the relocation comes at the request of the Public Works Department.

N. Scholl asked if the improvements provide new coverage to the area. Nick Cuce, Esq., attorney for the Applicant, confirmed the improvements provide new coverage to the area. N. Scholl asked if the improvements necessitated a new lease agreement. Trevor McNeill, representative of the Applicant, confirmed the improvements required a new lease agreement to be executed.

M. Watson noted the lease agreement is being reviewed by the Joint Public Works Committee. M. Watson confirmed the Boroughs would ratify the lease agreements.

N. Scholl asked if the pending lease agreement detracts from, or in any way alters, the existing lease agreements. M. Watson stated the pending lease agreement does not impact existing lease agreements.

S. Kurcik motioned to approve Resolution 2009-08, granting a Waiver of Land Development for MetroPCS, second by L. DiPrete, all ayes. Motion carried 6 – 0.

UCC Board of Appeals Inter-municipal Agreement – Mr. Ryan noted municipalities that have adopted the statewide building code are required to establish a board of appeals, so to address contested decisions of the building officer and other matters as permitted by the UCC. Mr. Ryan stated that while Trappe Borough had agreed to participate in an inter-municipal board of appeals with six other municipalities, this inter-municipal agreement was never duly-approved by Council. Mr. Ryan recommended approval of the inter-municipal agreement presented to the Members.

There was general discussion regarding the timing of the appointment of Trappe's representative to the board of appeals. Solicitor Onorato confirmed this appointment is typically made at the reorganization meeting.

L. DiPrete motioned to approve the inter-municipal agreement to create a joint board of appeals as required by the UCC, as presented by the Borough Manager, second by M. Watson, all ayes. Motion carried 6 – 0.

Resolution 2009-09: Revisions to the 2009 Fee Schedule – Mr. Ryan presented a resolution to revise the fee schedule, so to establish a \$750.00 escrow for an application made to the UCC Board of Appeals. Mr. Ryan noted the escrow would fund the actual costs incurred by the Borough for (1) legal advertisement, (2) court reporter costs, and (3) administrative expenses, as permitted by the UCC.

N. Scholl motioned to approve Resolution 2009-09, Revisions to the 2009 Fee Schedule, so to establish a \$750.00 escrow for an application made to the UCC Board of Appeals, second by L. DiPrete, all ayes. Motion carried 6 – 0.

Solicitation Ordinance – Mr. Ryan presented a draft ordinance revising the Borough’s solicitation regulations to reflect recent court rulings on the matter. In addition to addressing “free speech” concerns, Mr. Ryan noted the draft ordinance incorporates oft-requested provisions absent in the current code, including a provision prohibiting solicitations within a right-of-way (as prohibited by the Pennsylvania Motor Vehicle Code) and a provision prohibiting the placing of solicitation materials in, or attached to, curbside mailboxes (as prohibited by Federal law).

Mr. Ryan noted the draft ordinance likewise establishes a “Do-Not-Knock” registry, which would allow residents to add their property to a list of properties at which solicitors are not welcomed.

C. Johnson expressed concern with the impact upon certain organizations, including the Girl Scouts.

Solicitor Onorato discussed municipal limitations on the regulating of solicitation activities.

There was general discussion on the extent of permit requirements, and on the value of a “Do-Not-Knock” registry. The consensus of Council was to direct the Borough Manager to (1) revise the ordinance so to remove permit requirements for all solicitors, and (2) conduct a survey to gauge resident interest as to the establishment of a “Do-Not-Knock” registry.

C. Johnson requested the survey likewise include questions not pertaining to the “Do-Not-Knock” registry. Mr. Ryan stated he would provide for said survey.

Montgomery County Consortium of Communities – Mr. Ryan provided an overview of the Montgomery County Consortium of Communities, noting the group of approximately thirty-six municipalities had joined forces to address matters of common concern and mutual interest. Mr. Ryan recommended he be directed submit a membership application for Trappe Borough. If invited to join the Consortium, Trappe Borough would pay a \$250 annual membership fee, plus any costs associated with studies, special projects and like activities pursued by the Borough.

C. Johnson motioned to approve the Borough to submit a membership application to the Montgomery County Consortium of Communities, second by M. Watson, all ayes. Motion carried 6 – 0.

M. Watson motioned to accept the Manager's Report, second by N. Scholl, all ayes. Motion carried 6 – 0.

Mayor's Report: Mayor Peck reported events at which she attended during the prior month.

Mayor Peck noted Auxiliary Police coverage had been requested for the Grange Fair, scheduled for July 24 and July 25.

N. Scholl motioned to provide Auxiliary Police coverage to the Grange Fair event, scheduled for July 24 and July 25, with the Borough to pay for this service, second by S. Kurcik, all ayes. Motion carried 6 – 0.

M. Watson motioned to accept the Mayor's Report, second by L. DiPrete, all ayes. Motion carried 6 – 0.

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

L. DiPrete motioned to accept the Engineer's Report as presented, second by M. Watson, all ayes. Motion carried 6 – 0.

Mr. Ryan noted twelve companies attended the pre-bid meeting for the stormsewer improvement project at 227 and 237 East Seventh Street.

Solicitor's Report: There was no prepared Solicitor's Report. There were no questions or comments for the Solicitor Onorato.

M. Watson motioned to accept the Solicitor's Report, second by L. DiPrete, all ayes. Motion carried 6 – 0.

Open to the Public:

- C. Michele Haytko, Branch Manager for the Perkiomen Valley Library, thanked Council for their support of the public library. Ms. Haytko noted the library's circulation and computer usage increased 50% and 300% during the previous twelve months, respectively. Ms. Haytko distributed promotional materials and copies of the children's book If You Were A Penguin, in conjunction with the library's ongoing efforts to promote early literacy.
- Sue Leighton requested street light service for a fixture at College Avenue and East First Avenue. Mr. Ryan stated he would arrange for said service.

- John Pelosi inquired as to Auxiliary Police coverage for Election Day. Mr. Ryan stated he arranged for coverage for both the morning (7:00 to 10:00 a.m.) and afternoon (4:00 to 7:00 p.m.) rush periods.

Committee Reports:

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

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

Collegeville-Trappe Municipal Authority (N. Scholl) – There was no report.

Property, Streets, Traffic & Safety (P. Edwards) – Mr. Ryan updated Council on the status of the proposed lane markings at Betcher Road, East Seventh Avenue and North Borough Line Road. Mr. Ryan will forward the lane marking plan, as prepared by Gilmore & Associates, to the Members.

C. Johnson discussed the Pace Car program now being considered by the Property, Streets, Traffic & Safety Committee.

M. Watson commented on the line of sight at the intersection of West Third Avenue and Borough Line Road.

Planning, Zoning & Open Space (President Schuetz) – President Schuetz noted his attendance at a playground safety seminar, and distributed materials on this topic to the Members.

President Schuetz provided an update on the treatment of invasive species at Rambo Park.

S. Kurcik noted ongoing discussions regarding the tolling of Route 422, and expressed concern with the potential impact upon local roads.

Personnel, Appointments & Ordinances (L. DiPrete) – L. DiPrete noted a personnel matter would be discussed in Executive Session.

Old Business

- There was no old business.

New Business

- There was general discussion on Act 32. Mr. Ryan noted the School District and its member municipalities were considering if an advantage were to be had in the appointment of a joint delegate to the Tax Collection Committee. Mr. Ryan noted some

advantages and disadvantages to this arrangement. It was the consensus of Council to consider all options in more detail at a subsequent meeting.

- There was general discussion on the maintenance of Borough Hall grounds. It was the consensus of Council to not shop this service at this time.
- Mr. Ryan discussed the Borough's restrictions on political signs. In specific, Mr. Ryan commented on time limitations as to political sign postings, and noted that courts had generally deemed said limitations to be unconstitutional. The Borough Solicitor concurred in this position. There was general discussion on the merits of the current ordinance restrictions, and it was the consensus of Council to delete time limitations for the posting of political signs.

N. Scholl motioned to direct the Borough Manager to draft an ordinance to delete time limitations for the posting of political signs, and to draft a resolution to amend the fee schedule so to delete the security deposit for same postings, second by M. Watson, all ayes. Motion carried 6 – 0.

At 9:02 p.m. Council entered into Executive Session.

At 9:55 p.m. Council adjourned from Executive Session.

At 9:55 p.m., there being no additional business, a motion to adjourn was made by L. DiPrete, second by M. Watson, all ayes. Motion carried 6 – 0.

Respectfully submitted,

Tommy Ryan
Borough Manager / Assistant Secretary