

## MINUTES TO THE MEETING OF TRAPPE BOROUGH COUNCIL

April 6, 2010

The regularly scheduled meeting of Trappe Borough Council was called to order at 7:02 p.m. by President Fred Schuetz.

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

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

**Announcement of Executive Session:** President Schuetz announced an Executive Session pertaining to personnel and litigation matters was conducted prior to this evening's meeting.

President Schuetz announced Borough Manager Tommy Ryan had tendered a letter of resignation, effective April 12, 2010. President Schuetz presented a plaque of appreciation to Mr. Ryan for his service to the Borough.

L. DiPrete noted the Personnel Committee has initiated the search for a Borough Manager. L. DiPrete also noted the Personnel Committee recommends the appointment of Robert Umstead to the position of Interim Borough Manager.

T. Patrick motioned to appoint Robert Umstead to the position of Interim Borough Manager effective April 13, 2010, second by C. Johnson, all ayes. Motion carried 7 – 0.

M. Watson motioned to accept the resignation of Thomas Ryan from the positions of Borough Manager and Borough Secretary, effective April 12, 2010, second by P. Edwards, all ayes. Motion carried 7 – 0.

President Schuetz announced an Executive Session pertaining to personnel and land acquisition matters would be conducted at the conclusion of the public portion of this evening's meeting. President Schuetz noted a vote was expected on a matter of land acquisition.

**Minutes of the Meeting of March 2, 2010:** All received a copy of the minutes for the March 2, 2010 Monthly Meeting.

N. Scholl motioned to approve the minutes for the March 2, 2010 Monthly Meeting, as presented, second by C. Johnson, all ayes. Motion carried 7 – 0.

**Open to the Public for Non-Agenda Items:**

- Aileen Johnson, Branch Manager for the Perkiomen Valley Library, thanked Council for their past and continued support.

**Financial Reports:** All received a copy of the Treasurer's Report dated March 31, 2010, which included checks #2042 to #2094, inclusive. There were no additional payables.

J. Lowe noted the receipt of approximately \$96,000 from Montgomery County, which represents the County's final reimbursement payment for the Rambo Park development project. J. Lowe likewise noted the 2009 audit was recently completed and submitted to the Pennsylvania Department of Community and Economic Development.

N. Scholl motioned to approve payment of the bills included in the March 31, 2010 Treasurer's Report, and electronic transfer, second by M. Watson, all ayes. Motion carried 7 – 0.

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

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

non-residential fire safety inspection program – Fire Marshal Mike Italia outlined a proposed fire safety inspection program for non-residential units and properties. Fire Marshal Italia noted the annual inspection would include a review of fire suppression systems, emergency lighting and exits, and like items. Fire Marshall Italia noted he would provide for all application processing, scheduling, the issuance of permits and regular reporting to the Borough. Fire Marshall Italia estimated a \$100 fee per inspection, with said fee payable to the Borough and remitted to him on a monthly basis.

If Council wishes to further consider this program, the next step is to provide additional program details for Council's review at the May 4 meeting. The consensus of Council was to request this additional information. Fire Marshal Italia and the Interim Borough Manager will prepare this information.

P. Edwards recommended that any fire inspection conducted be coordinated to coincide with any building inspections conducted at non-residential units and properties.

LD 2009.2 – Weber (123 West Main Street) – Mr. Ryan provided an overview of a proposal to construct an approximate 6,500 sf addition to an existing medical use and professional office use building at 123 West Main Street. Tom Keenan, attorney for the Applicant, noted the Planning Commission had recommended Council grant preliminary/final plan approval, with conditions.

Mark Wallace, architect for the Applicant, provided an elevation for Council's review. President Schuetz inquired as to additional landscaping to be provided, and Mr. Wallace confirmed the Applicant will provide all landscaping as required by Borough ordinances.

Dr. Weber noted he may not remove trees at the site, as is shown on the plan set as last revised. Mr. Ryan clarified that the preservation of existing trees will not significantly affect the number of trees and bushes to be planted, as these materials are required by buffer yard and other landscape regulations.

P. Edwards inquired as to the trash enclosure area. Susan Rice, engineer for the Applicant, confirmed the Applicant will provide information to demonstrate the six-foot high fence surrounding this area is sufficient to screen the dumpster from view from all abutting properties and from West Main Street. Dr. Weber noted the fence will be of a shadow-box variety, and will not consist of chain link, as is shown on the plan set as last revised.

Mrs. Rice reviewed requested waivers. Engineer Sartor confirmed three waivers pertaining to stormwater were required because site soils do not permit infiltration.

N. Scholl noted that, due to previous business dealings with Dr. Weber's engineer, he will abstain from voting on this application.

C. Johnson motioned to grant preliminary/final plan approval for the L.D. 2009.2 – Weber (123 West Main Street, as follows:

Council grants a Resolution of Preliminary-Final Land Development Approval as to an application filed by Robert B. Weber, (the "Applicant"), for a land development situate 123 West Main Street in the Borough of Trappe, being further identified as Tax Map Parcel No. 23-00-00835-00-6 (the "Property"), in accordance with the following plans, as prepared by Stout Tacconelli & Associates, Inc.:

1. Sheet 1 of 9, titled "Record Plan of Land Development", dated September 21, 2009 and last revised March 17, 2010;
2. Sheet 2 of 9, titled "Existing Features and Demolition Plan", dated September 21, 2009 and last revised March 17, 2010;
3. Sheet 3 of 9, titled "Construction Improvement Plan", dated September 21, 2009 and last revised March 17, 2010;
4. Sheet 4 of 9, titled "Landscape & Lighting Plan", dated September 21, 2009 and last revised March 17, 2010;
5. Sheet 5 of 9, titled "Erosion and Sediment Control Plan", dated September 21, 2009 and last revised March 17, 2010;
6. Sheet 6 of 9, titled "Erosion and Sediment Control Detail Sheet", dated September 21, 2009 and last revised March 17, 2010;
7. Sheet 7 of 9, titled "Post-Construction Stormwater Management Plan", dated September 21, 2009 and last revised March 17, 2010;
8. Sheet 8 of 9, titled "Construction Details & Storm Sewer Profiles Sheet", dated September 21, 2009 and last revised March 17, 2010; and,
9. Sheet 9 of 9, titled "Construction Details & Storm Sewer Profiles Sheet", dated September 21, 2009 and last revised March 17, 2010.

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

With Approval conditioned upon the following:

1. the Applicant shall comply with all items noted in the Gilmore & Associates review letter to be issued subsequent to this Approval, sans those items below and hereby waived;
2. the Applicant shall offer to the Borough the right-of-way at West Main Street as shown on the Plan Set; and
3. the Borough shall accept the existing driveway as Alternative 3 per Subdivision and Land Development §296.10.D.10.

With Approval of the following waivers:

1. Borough Code §179.16.B.1 so as not to require the Applicant to maintain the pre-development volume of groundwater recharge;
2. Borough Code §179.16.B.2 so as to not require the Applicant to prevent an increase in surface runoff volumes;
3. Borough Code §179.18.C.1 so as to not require the Applicant to maintain pre-construction stormwater infiltration conditions in the post-development condition;
4. Subdivision and Land Development §295.10.E.2 so to allow a front yard parking area sans curbing, provided the Applicant provides wheel stops at each parking space in the front yard parking area;
5. Subdivision and Land Development §295.10.E.5 so to permit parking at a five foot setback to side and rear property lines, as granted by a variance of the Trappe Borough Zoning Hearing Board, pursuant to the Order Entered January 25, 2010;
6. Subdivision and Land Development §295.14.B so to permit the top or bottom of slopes to be located within three feet of a property line, provided the Applicant provide spot elevations as noted in the Gilmore & Associates review letter to be issued subsequent to this Approval;
7. Subdivision and Land Development §295.25.B so to provide tree protection fencing less than one foot inside tree drip-lines;
8. Subdivision and Land Development §295.26.E.2.D.1 so to submit a landscape plan sans the signature and seal of a Pennsylvania-licensed Landscape Architect; and,
9. Subdivision and Land Development §295.34.C.1 and SALDO 295.34.E.1 so as to not require the Applicant to survey and to show on the Plan Set those features situate up to four hundred feet from the property boundaries.

And conditioned upon the Applicant obtaining approvals from all other entities as may be required, which include but are not limited to the following:

1. Collegeville-Trappe Municipal Authority
2. Collegeville-Trappe Joint Public Works Department
3. Lower Perkiomen Valley Regional Sewer Authority
4. Montgomery County Conservation District
5. Pennsylvania Department of Transportation
6. Pennsylvania Department of Environmental Protection

And further conditioned upon the Applicant entering into a Developer's Agreement and a Financial Security Agreement in a form acceptable to the Borough Solicitor, and as required by the Pennsylvania Municipalities Planning Code.

The above motion was seconded by L. DiPrete:

President Schuetz	YES	N. Scholl	ABSTAIN
Vice President Watson	YES		
L. DiPrete	YES		
P. Edwards	YES		
C. Johnson	YES		
T. Patrick	YES		

The motion carried, 6 ayes to 0 nays to 1 abstain.

Recreational vehicle, boat and trailer storage restrictions – Per Council's direction at the March 2 meeting, Mr. Ryan presented a draft ordinance restricting the location and count of recreational vehicles, boats, trailers and like vehicles on private property.

General discussion was had regarding the benefits of the proposed ordinance. The consensus of Council was to revise the draft ordinance as follows:

1. amend "vehicles owned" to "vehicles owned, leased or rented";
2. amend "owner of a property" to "owner of, or tenant residing at, a property";
3. decrease to three feet from five feet the minimum setback to a property line;
4. decrease to two vehicles from three vehicles the maximum number of recreational vehicles, boats, trailers and/or like vehicles on a property;
5. denote that a boat on trailer is deemed to be one vehicle;
6. clarify language as to enclosed garages; and,
7. clarify language as to vehicles that may be utilized for emergency or temporary residence.

Mr. Ryan will so amend the ordinance; the ordinance will be presented at the May 4 meeting.

Resolution 2010-05: Appointing an Assistant Secretary – Mr. Ryan presented a Resolution to create and appoint to the position of Assistant Borough Secretary.

L. DiPrete motioned to approve Resolution 2010-05, creating the position of Assistant Borough Secretary and appointing Interim Borough Manager Robert Umstead to said position, second by T. Patrick, all ayes. Motion carried 7 – 0.

MS4 announcement – As part of the Borough's ongoing efforts to protect and preserve our community's watershed, Mr. Ryan noted watershed information that is available at the Pennsylvania Department of Environmental Protection website.

**Mayor's Report:** Mayor Peck reported on her activities during the previous month, which included her attendance at collaborative planning meeting hosted by the Perkiomen Valley School District.

Mayor Peck thanked Mr. Ryan for his service to the Borough, and presented the outgoing Borough Manager with a “Borough Manager Extraordinaire” cap.

L. DiPrete motioned to authorize Auxiliary Police service to be provided at (1) the Grange Fair, scheduled for July 31, 2010, and (2) Trappe Community Day 2010, scheduled for September 11, 2010, and with a rain date of September 25, 2010, with the Borough to assume the cost of this service for both events, second by P. Edwards, all ayes. Motion carried 7 – 0.

Mayor Peck noted planning was underway for the 300<sup>th</sup> anniversary of the Muhlenberg House. Mayor Peck will serve as the Borough’s liaison to this event, with the assistance of President Schuetz, P. Edwards, C. Johnson and M. Watson.

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

**Solicitor’s Report:** There was no Solicitor’s Report.

Solicitor Onorato stated he addressed matters of litigation and personnel in the Executive Session conducted prior to this evening’s meeting. Solicitor Onorato noted he will address matters of personnel and land acquisition in the Executive Session to be conducted at the conclusion of the public portion of this evening’s meeting.

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

**Open to the Public for Non-Agenda Items:** There was no comment.

**Committee Reports:**

**Finance (N. Scholl)** – N. Scholl noted a change in the processing of tax bills whereby the current Tax Collector is mailing all tax bills to the owners of record at addresses noted in the tax duplicate. The previous Tax Collector had mailed several notices to mortgage companies. Mr. Ryan confirmed the law requires tax bills to be mailed to the owners of record at addresses noted in the tax duplicate, unless an owner authorizes this bill be sent to the mortgage company, in which instance the Tax Collector may grant said request.

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

**Collegeville-Trappe Municipal Authority (W. Bryant)** – There was no report.

**Streets, Traffic & Safety (P. Edwards)** – P. Edwards noted the Committee will not meet in April. P. Edwards requested the Borough Manager determine what is required to permit installation of pedestrian walkways and “stop” signage on West Main Street. N. Scholl requested the Committee review the conditions of the lane markings at Betcher Road, East Seventh Avenue and North Borough Line Road.

Planning, Zoning & Ordinances (C. Johnson) – C. Johnson noted the Committee will not meet in April.

Property & Open Space (F.Schuetz) – President Schuetz noted the Park and Recreation Group will meet on April 7. President Schuetz noted several planned improvements at Rambo Park, and discussed a dedication ceremony for the West Fifth Avenue facility.

Personnel, Appointments & Ordinances (L. DiPrete) – L. DiPrete noted the Borough had received more than thirty resumes for the position of Borough Manager, and that these resumes were currently being reviewed by the Committee.

### **Old Business:**

- President Schuetz inquired as to the status of the West Main Street Vision Study. Mr. Ryan noted a photographic inventory of West Main Street properties was underway, and a draft survey to residents and business would be forwarded to Members by week's end.
- M. Watson noted the ongoing review of independent auditor firms.

### **New Business:**

- Mr. Ryan noted the Borough's Year 7 MS-4 report has been completed.
- Council considered a request from the Community Music School to utilize a portion of the West Main Street Park property for a special event. The consensus of Council was to approve this request, conditioned on the Community Music School (1) providing a certificate of insurance, with coverage acceptable to the Borough and listing the Borough as an additional insured, and (2) providing for the collection and disposal of all trash and pet wastes generated by the event. Council also requested the Community Music School be reminded of an outstanding invoice for past land development services. It was additionally agreed the Borough will mow the area of the property to be utilized for the event.

C. Johnson motioned to authorize the use of the West Main Street Park property, per the April 1, 2010 request as submitted by the Community Music School, and per the above-noted conditions, second by P. Edwards, all ayes. Motion carried 7 – 0.

- Mr. Ryan noted his resignation from the post of Trappe Borough voting delegate to the Montgomery County Tax Collection Committee. Mr. Ryan noted standing alternate delegate Steve Kurcik did not wish to be appointed to this position. Tax Collector Cathy Kelemen stated she did not wish to be appointed to this position. Mr. Ryan noted former Tax Collector Ed Gillespie would serve in this position, and the consensus of Council was that Mr. Gillespie would make for a fine delegate.

L. DiPrete motioned to approve Resolution 2010-06, appointing Edward Gillespie to the position of Trappe Borough voting delegate to the Montgomery County Tax Collection

Committee, for a term to expire on December 31, 2010, second by N. Scholl, all ayes. Motion carried 7 – 0.

- President Schuetz noted the Borough had received a citation from State Senator Andrew Dinniman, in recognition of Local Government Services Week.
- President Schuetz noted the Borough will receive the 2010 Governor’s Award for Local Government Excellence at an April 15 luncheon in Harrisburg. The award is in recognition of the Borough’s 5-Year Budget.

At 9:10 p.m. Council entered into Executive Session.

At 9:40 p.m. Council adjourned from Executive Session.

P. Edwards motioned to authorize the Interim Borough Manager to proceed as to the matter of a pedestrian easement at a property at West Seventh Avenue, and at two properties at West Main Street, provided the consent of the owners of said properties is obtained, as directed in Executive Session, second by L. DiPrete, all ayes. Motion carried 7 – 0.

At 9:43 p.m., there being no additional business, a motion to adjourn was made by T. Patrick, second by P. Edwards, all ayes. Motion carried 7 – 0.

Respectfully submitted,

Tommy Ryan.  
Borough Manager / Borough Secretary.