

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

January 4, 2010

The regularly scheduled meeting of Trappe Borough Council was called to order at 7:38 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: President Schuetz announced an Executive Session to discuss a matter of litigation would be held at the conclusion of the public portion of this evening's meeting, and that a vote on same matter was anticipated..

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 Eric Kaufman, Treasurer Joe Lowe and Manager Tommy Ryan.

Minutes of the Meeting of December 21, 2009: All received a copy of the minutes for the December 21, 2009 Special Meeting.

N. Scholl motioned to accept the December 21, 2009 meeting minutes as presented, second by M. Watson, all ayes. Motion carried 7 – 0.

Open to the Public for Non-Agenda Items:

- There was no comment.

Financial Reports: All received a copy of the Treasurer's Report dated December 31, 2009. Noted in the report was a \$35,000 receipt from the Collegeville-Trappe Joint Public Works Department, representing the Department's annual contribution to the Borough for revenues generated by telecommunication equipment leases at the West Seventh Avenue water tower. The report likewise reflected a \$38,000 contribution to the Trappe Volunteer Fire Company, representing the Borough's annual contribution to the Company for a payment in lieu of real estate taxes.

All received a copy of the Treasurer's Report dated January 4, 2010, which included checks #1940 to #1949, inclusive, but sans check #1945, which was approved at the December 29 Close-Out Meeting. There were no additional payables.

N. Scholl motioned to approve payment of the bills included in the January 4 report, second by C. Johnson, all ayes. Motion carried 7 – 0.

N. Scholl noted four proposed fund transfers: (1) the transfer of \$87,120.00 from the Open Space Fund to the Open Space East Fund; (2) the transfer of \$60,470.00 from the Open Space Fund to the Open Space West Fund; (3) the transfer of \$49,000.00 from the Water Fund to the General Fund; and, (4) the transfer of \$363,312.00 from the Water Fund to the General Fund. The transfers close the Open Space Fund and Water Fund, and create the Open Space East Fund and the Open Space West Fund.

N. Scholl motioned to approve the above-noted four transfers, 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:

Public Hearing: Comcast Franchise Agreement renewal – Mr. Ryan noted Federal law required the Borough to conduct a public hearing in advance of the renewal of the Comcast Franchise Agreement.

Solicitor Onorato opened the Public Hearing.

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

C. Johnson motioned to close the hearing, second by P. Edwards, all ayes. Motion carried 7 – 0.

Resolution 2010-01: 2010 Fee Schedule – Mr. Ryan presented the proposed 2010 Fee Schedule.

P. Edwards inquired as to the previously-discussed fee additions, with said funds to provide for sidewalk, streetscape and other improvements. Mr. Ryan stated he was preparing information for the Borough Solicitor's review and consideration. C. Johnson stated she did not favor fee additions, but requested the Borough estimate the revenues generated by same.

There was general discussion regarding the proposed curb permit and fee. Engineer Kaufman confirmed curb improvements were inspected by his office. The consensus of Council was to require a permit for curb improvements, and to set a \$50.00 permit fee for same.

Mr. Ryan reviewed the proposed residential rental inspection and license fee, and the proposed fee for residential underground tank installation and replacement.

T. Patrick motioned to approve Resolution 2010-01, adopting the 2010 Fee Schedule as proposed with one revision, that revision being the establishment of a \$50.00 fee for curb permits, second by P. Edwards, all ayes. Motion carried 7 – 0.

Resolution 2010-02: DeMutis Amended Final Plan Approval – Mr. Ryan presented a resolution amending final plan approval for the DeMutis development. In specific, the resolution requires the developer to make a \$60,000.00 contribution to the Borough in lieu of the construction of a pedestrian trail at Main Street Park. Mr. Ryan noted the developer is still required to make a separate open space contribution. Mr. Ryan confirmed the contribution in lieu of pedestrian trail can be used for general purposes. Mr. Ryan noted Solicitor Onorato had reviewed the resolution.

N. Scholl motioned to approve Resolution 2010-02, to amend final plan approval for the DeMutis development, second by C. Johnson, all ayes. Motion carried 7 – 0.

Order: CUA 2009.4 – Mirabile (430 West Main Street) – Mr. Ryan presented Council with a conditional use order approving a proposed restaurant use at 430 West Main Street. The Order was prepared by the Borough Solicitor, in accordance to testimony presented at a public hearing conducted at Council’s December 1 meeting.

N. Scholl motioned to approve the Conditional Use Order for 430 West Main Street, as presented, second by T. Patrick, all ayes. Motion carried 7 – 0.

ZHB 2010.1 – Weber (123 West Main Street) – Mr. Ryan provided an overview of an application to the Zoning Hearing Board; the Applicant seeks a variance to allow a five-foot setback from a parking facility to a residential use property in the Village Commercial zoning district, and to permit a buffer yard of same width.

President Schuetz noted the area of variance encompassed a portion of the previously-discussed pedestrian easement, a segment in a link between the Trappe School property and the Speaker’s House property. President Schuetz noted it might be possible to site this easement on the Reiff property only, or to establish a direct connection from the Trappe School property to the Speaker’s House property.

Mr. Ryan confirmed potential alternate easement locations, and stated he recommends the Borough to “bank” as many easement locations as possible, so to provide the Borough with readily available connection options in the future. Mr. Ryan noted that any easement not utilized can be extinguished.

The consensus of Council was to seek a pedestrian easement at the pole portion of 123 West Main Street, and to direct the Borough Solicitor to work with the Applicant as to making this easement a condition of any variance granted.

M. Watson motioned to direct the Borough Solicitor to attend the January 25, 2010 meeting of the Zoning Hearing Board, with the aim of obtaining a pedestrian easement at the pole portion of

123 West Main Street, and memorializing this as a condition of any variance granted, second by P. Edwards, all ayes. Motion carried 7 – 0.

proposed Ordinance: amendments to the Borough Code – As directed at the December 1 meeting, Mr. Ryan did draft, and is presenting to Council, an ordinance as to (1) permitted parking of recreational vehicles, boats and trailers on public streets, (2) the spacing of street trees, and (3) the installation of parking area wheel stops.

P. Edwards asked if Council wished to consider restrictions on where recreational vehicles, boats and trailers can be located on private property. In specific, P. Edwards asked if Council would favor requiring these vehicles to be sited in a side or rear yard only, and/or if these vehicles should be screened from view from the property frontage and/or from neighboring properties.

C. Johnson stated her opposition to this proposal.

N. Scholl inquired as to the constitutionality of such a measure. Solicitor Onorato noted similar restrictions had been enacted by several municipalities; Solicitor Onorato stated he is not aware of this issue being litigated.

T. Patrick asked if the parking of these vehicles on private property is viewed as a problem in the Borough. P. Edwards believes this is a problem, and C. Johnson believes this is not a problem.

Council requested Mr. Ryan to provide additional information on this topic for review at the February 2 meeting.

N. Scholl motioned to advertise the ordinance as to (1) permitted parking of recreational vehicles, boats and trailers on public streets, (2) the spacing of street trees, and (3) the installation of parking area wheel stops, as presented, second by M. Watson, 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 a tour guide of regional stormwater management facilities was available to the public. President Schuetz stated he had participated in this tour, and had found the facilities very interesting.

Mayor's Report: Mayor Peck congratulated new Council Member Ted Patrick, and those Members re-elected to Council at the General Election.

Engineer's Report: All received a copy of the Engineer's Report. President Schuetz requested the Borough Engineer to re-print a recently completed as-built plan for a portion of Rambo Park at a scale of one inch to ten feet.

Solicitor's Report: There was no Solicitor's Report.

P. Edwards motioned to approve the reports as presented by the Borough Manager, Mayor Peck, Borough Engineer and Borough Solicitor, second by T. Patrick, 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 is reviewing if the fire truck loan can be retired early, so to save interest. He will report his findings to Council at a future meeting.

President Schuetz inquired as to the status of the proposed independent audit. N. Scholl noted he had sent information to the Finance Committee for Members' review. In that he does not favor the proposed independent audit, N. Scholl stated he would permit other Members to select the firm of their choice.

After general discussion, the consensus of Council was to solicit additional proposals for this service. M. Watson will see to this solicitation.

Public Works & Recycling (M. Watson) – M. Watson noted meetings of the Collegeville-Trappe Joint Public Works Department would be conducted at Trappe Borough Hall in 2010.

Collegeville-Trappe Municipal Authority (N. Scholl) – N. Scholl reported an approved ten percent increase in sewer rate effective the second quarter of this year; the increase is required to offset the increase in fees paid to the Lower Perkiomen Valley Regional Sewer Authority. N. Scholl noted residents would receive a letter as to the rate increase.

Property, Streets, Traffic & Safety (P. Edwards) – P. Edwards reviewed the monthly report submitted by the Pennsylvania State Police, and the monthly and 2009 annual reports submitted by the Trappe Volunteer Fire Company.

Jeremy Burke noted calls for service received in 2009. N. Scholl asked if the Ambulance Corps loan from the Trappe Volunteer Fire Company had been paid; Mr. Burke stated he believes this loan has been paid in full.

Planning, Zoning & Open Space (President Schuetz) – President Schuetz noted the Park and Recreation Group would meet on Wednesday, January 5.

President Schuetz provided an update as to Rambo Park activities, including ongoing Eagle Scout projects and the preparation of an as-built plan.

C. Johnson noted the Planning Commission will meet on Thursday, January 19.

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

Old Business:

- Mr. Ryan distributed a revised proof of the winter newsletter, and asked for Members' review and comment on or before Thursday, January 6.

New Business: There was no new business.

At 9:20 p.m. Council entered into Executive Session.

At 9:35 p.m. Council adjourned from Executive Session.

T. Patrick motioned to direct the Borough Manager and Borough Solicitor to proceed as to the matter of earned income taxes owed to the Borough, second by N. Scholl, all ayes. Motion carried 7 – 0.

At 9:36 p.m., there being no additional business, a motion to adjourn was made by T. Patrick, second by L. DiPrete, all ayes. Motion carried 7 – 0.

Respectfully submitted,

Tommy Ryan
Borough Manager / Borough Secretary