

**MINUTES OF THE JULY 6, 2010
MEETING OF TRAPPE BOROUGH COUNCIL**

President, Fred Schuetz called to order the regularly scheduled meeting of Trappe Borough Council on July 6, 2010 at 7:00 p.m. at Trappe Borough Hall, 525 West Main Street, Trappe, Pennsylvania. The Pledge of Allegiance followed, led by Mayor Connie Peck.

Roll Call was made by the Borough Secretary. Those present were: President Fred Schuetz, Vice President Matthew Watson, Lewis DiPrete, Catherine Johnson, Theodore Patrick, Nevin Scholl and Mayor Connie Peck. Also in attendance were Solicitor David Onorato, Esquire, Engineer John Sartor, P.E., Treasurer Joseph Lowe and Borough Manager, Jacqui Guenther.

Excused: Paul Edwards.

ANNOUNCEMENT OF EXECUTIVE SESSION: President Schuetz announced that an Executive Session pertaining to real estate and personnel matters would be conducted at the conclusion of the public portion of this evening's meeting.

APPROVAL OF THE MINUTES: A true and correct copy of the Minutes of the June 1, 2010 Borough Council Meeting was provided to all and is available for review at Trappe Borough Hall.

On a motion by N. Scholl, seconded by Matt Watson, and carried unanimously, the Minutes of the June 1, 2010 Borough Council Meeting were approved as presented. Motion carried 6 – 0.

A true and correct copy of the Minutes of the June 10, 2010 Special Meeting of Borough Council was provided to all and is available for review at Trappe Borough Hall.

On a motion by N. Scholl, seconded by Lew DiPrete, and carried unanimously, the Minutes of the June 10, 2010 Special Meeting of the Borough Council were approved as presented. Motion carried 6 – 0.

PUBLIC FORUM/NON-AGENDA ITEMS: President Schuetz called for public comment.

Andrew Mantey, who resides at 24 Oak Road, spoke at length about problems he and his neighbors have been experiencing with vandalism and crime on Oak Road.

Bill Tagney, who resides at 110 E. First Avenue, also related his concerns about vandalism on Oak Road and the State Police response time.

Joe Morrison, who resides at 69 Oak Road, related his concerns about crime and vandalism on Oak Road and asked Lt. Buckley what he could do as a citizen to protect his family.

M. Watson asked if they knew who was speeding and inquired if the suspects were from the apartment complex.

N. Scholl asked if the residents knew who the persons perpetrating the crimes are and if so that they should give those names to the police.

Lt. Buckley, Pennsylvania State Police, responded to the concerns about Oak Road. Lt. Buckley stated that there were only five incidents on record of crimes reported on Oak Road over the last six months. Lt. Buckley also stated that he would send more patrol cars down Oak Road in an attempt to catch the culprits. Lt. Buckley suggested a neighborhood “crime watch” and suggested that we contact Trooper Hulstine of the Pennsylvania State Police who can assist with organizing a crime watch in our community. Lt. Buckley stated that if the Borough of Trappe elected to have its own local police force we would lose the use of 50 State Police Officers, helicopters and all of the other equipment available to them that local police would not have access to. Lt. Buckley further stated that if the Borough of Trappe invoked a curfew the State Police would not be able to enforce it because it is a local ordinance.

Kelly Tagney, who resides at 110 East First Avenue, reiterated the concerns about vandalism and asked what she could do as a citizen due to the fact that the persons she believed to be committing the crimes were minors.

Dave McKeon, who resides at 54 Oak Road, also voiced his concerns about vandalism and crime on Oak Road.

Nancy Plichta, who resides at 32 Oak Road, stated that she does not know the name of the person she saw on Oak Road, but she might be able to identify him on sight.

President Schuetz, referring to the flyer that was circulated by the residents on Oak Road, asked the Solicitor to look into a curfew and how we would go about enforcing same. President Schuetz also stated that we would need to explore options regarding a police department.

President Schuetz also asked the solicitor about rezoning the existing apartment complex on Oak Road. D. Onorato responded that even if the Borough were to rezone the apartment complex as residential, it would continue to operate under a non-conforming use even if the property was sold. D. Onorato stated that unless the property was abandoned, it can continue to operate under the non-conforming use indefinitely.

President Schuetz further directed the Borough Manager to touch base with the State Police representative to form a community crime watch program.

C. Johnson stated that she would speak to the Streets, Traffic and Safety Committee about speed humps on Oak Road. C. Johnson invited the residents of Oak Road to attend their meeting which is held on the third Thursday of each month.

Jim Durell, who resides at 405 Silver Leaf Circle, thanked the Borough Manager for her efforts regarding the email alerts and website. J. Durell asked if J. Guenther would be willing to post the minutes on the website prior to them being officially approved. J. Guenther stated that she would not be comfortable doing that. The solicitor stated that he would advise against posting the minutes prior to approval. J. Guenther agreed to send the Agenda the week prior to the Borough Council meeting to be posted on the website so that residents could see what was going to be discussed giving them the opportunity to attend the meeting if they had an interest. Whereupon a discussion ensued regarding the website.

STAFF REPORTS:

Treasurer's Report: Joseph Lowe, Treasurer, presented the Treasurer's Report dated June 30, 2010, which included checks numbers 2174 through 2221 inclusive and electronic transfer of funds. There were no additional payables. A true and correct copy of the Treasurer's Report was provided to all and is available for review at Trappe Borough Hall. L. DiPrete called into question the payment to General Code, check no. 2204, and stated that it should not be paid until the Treasurer could look further into this invoice.

On a motion by N. Scholl, seconded by M. Watson, and carried unanimously, payment of invoices included in the June 30, 2010 Treasurer's Report, check nos. 2174 through 2221, with the exception of check no. 2204, and electronic transfer of funds were approved. Motion carried 6 – 0.

On a motion by M. Watson, seconded by T. Patrick, and carried unanimously, the June 30, 2010 Treasurer's Report was accepted as presented. Motion carried 6 – 0.

Borough Manager's Report: Jacqui Guenther presented the Manager's Report a true and correct copy of which was provided to all and is available for review at Trappe Borough Hall. J. Guenther made the following comments:

Montgomery County Tax Collection Committee (Act 32) Delegate: Ms Guenther stated that Tommy Ryan was named as the delegate to the Montgomery County Tax Collection Committee and after his resignation Ed Gillespie was named in his place. Ms. Guenther stated that Ed Gillespie resigned from the Montgomery County Tax Collection Committee (Act 32) and that Council would need to pass a Resolution naming another delegate from the Borough of Trappe. Ms. Guenther further advised that Steve Kurcik is currently named as the alternate delegate and has agreed to remain as such.

On a motion by L. DiPrete, seconded by C. Johnson, and carried unanimously, Resolution 2010-8 appointing the Borough Manager Jacqui Guenther to the Montgomery County Tax Collection Committee to serve as the voting delegate for the Borough of Trappe, effective July 6, 2010 was enacted. Motion carried 6 – 0.

Line Painting - Main Street and Third Avenue: J. Guenther stated that pursuant to Council's request she inquired about the products being used by State Line to paint the lines on the shoulder of West Main Street and Third Avenue. Ms Guenther explained that they offered four types of service for the painting: (1) paint single coat (1.5 mils) with traffic beads for \$600.00; (2) paint two coats (1.5 mils) with traffic beads for \$900.00; (3) Hot Thermoplastic (90 mils) glass beads which are embedded for \$3,250.00; or (4) Hot Thermoplastic (125 mils) glass beads which are embedded for \$3,500.00. J. Guenther advised that the problem with the Hot Thermoplastic substance is that it is melted onto the road surface and it is thick so that when snow plows come through they have a tendency to chip large sections of the plastic off the street surface. J. Guenther recommended the use of two coats of paint and traffic beads at a cost of \$900.00.

On a motion by C. Johnson, seconded by T. Patrick, and carried unanimously, authorization to hire State Line Services, Inc. to perform the roadway painting as described in their proposal using the double coat paint (1.5 mils) with traffic beads option for the sum of \$900.00 was approved. Motion carried 6 – 0.

N. Scholl stated that he would like the lines repainted at Betcher Road. C. Johnson stated that she would bring the line painting issue for Betcher Road before the Street, Traffic and Safety Committee.

Insurance Coverage & Faithful Performance Insurance Coverage: J. Guenther stated that she met with Tom Hovancik on June 8, 2010 to go over insurance coverage. The pavilion (\$28,000.00), bridge (\$8,000.00) and play equipment (\$58,000.00) at Rambo Park were not included in the policy and have since been added. Ms. Guenther presented Council with a rider to “*Add Faithful Performance of Duty Coverage*” at the cost of \$102.00 per year. J. Guenther explained that the rider would cover an employee who made an honest mistake as opposed to fraud.

On a motion by N. Scholl, seconded by C. Johnson, and carried unanimously, the insurance rider to “Add Faithful Performance of Duty Coverage” was approved. Motion carried 6 – 0.

Census Bureau Certificate of Appreciation: J. Guenther reported that the Borough of Trappe received a Certificate of Appreciation from the United States Census Bureau for outstanding service during the Twenty Third Decennial Census.

Montgomery County CCC/Storm Water Regulatory Support: J. Guenther stated that the Borough has been asked to participate in a shared initiative to work with other municipalities to keep DEP and EPA requirements for stormwater management reasonable. J. Guenther presented Council with a proposed resolution for their consideration which would authorize the Borough of Trappe’s participation along with other municipalities for legal, engineering and legislative support for storm water regulatory support for a pro-rata shared sum of \$100,000.00, based on population.

D. Onorato stated that Council should be careful about entering into this Resolution until they have an understanding of how many municipalities will be part of the \$100,000.00 fee.

N. Scholl stated that he attended a Borough Association dinner where an attorney spoke about this Consortium and he was very impressed by what he heard. N. Scholl suggested we enter into this resolution however he had no reservations about trying to determine how many other municipalities were going to be included.

J. Sartor stated that the reason the Consortium is encouraging participation immediately is because the of the September deadline date where municipalities must apply for their new permit. J. Sartor stated that we will need to get our *Notice of Intent* filed prior to that time. J. Sartor also explained that the additional requirements under the new proposed DEP ordinance provides minimum control measures requiring more detailed information to be sent to the DEP. The new requirements are very cumbersome and include, but are not limited too, the mapping and tracking of swales on every property in the Borough which will add significant costs to the Borough’s engineering fees. J. Sartor stated that in addition we will be required to perform annual inspections on water outfall and may be required to take samples.

N. Scholl stated that we should wait another month to determine how many other municipalities sign the resolution. Council decided to table this item until next month.

Non-Residential Fire Safety Inspection Program: J. Guenther reported that she met with Mike Italia, Fire Marshal to discuss the non-residential fire safety inspection program. These inspections would include checking fire extinguishers to see that they are not expired; checking smoke detectors to make certain they are operating properly and to check fire exits for hazards and the like. Mike agreed that he would charge \$30.00 per inspection. J. Guenther explained that Council would need to adopt an ordinance if they decide these inspections should be conducted in the Borough of Trappe on an annual basis.

C. Johnson asked how much the administrative costs would be and how much time would be involved. Whereupon discussion ensued regarding the proposed inspection program.

N. Scholl recommended that J. Guenther speak to Dianne and put together an analysis of what the administrative time spent would be and the costs. Council agreed to table this item until the next Borough Council meeting.

Weber (123 W, Main Street) LD. 2009.2 Waiver Request: J. Guenther stated that she received correspondence from Susan Rice, Dr. Weber's engineer, requesting a waiver of Section 295-25 A and E requiring 64 replacement trees be placed on the property. In lieu of the 64 trees Dr. Weber offered a \$1,000.00 fee to the Borough of Trappe. Council has in the past granted this same request for the land development next door to Dr. Weber (Jacob Malikkal), 115 W. Main Street.

C. Johnson questioned the \$1,000.00 fee and stated that the other property owner paid \$1000.00 for 10 trees and that Dr. Weber's waiver of 64 trees for the same fee was unreasonable. Whereupon discussion ensued regarding the waiver request.

On a motion by C. Johnson, seconded by M. Watson, and carried unanimously, the waiver of Sections 295-25A and E requiring 64 replacement trees be placed on the property development at 115 West Main Street, known as L. D. 2009.2 Weber Land Development, and his in lieu of offer of \$1,000.00 to Trappe Borough was not approved. Motion carried 6 – 0.

Mayor's Report: Mayor Connie Peck reported that she swore in our new tax collector, Gretchen E. Lawson, on June 10, 2010. Mayor Peck also commented on the Rambo Park Dedication which took place on June 12, 2010 and stated that there was an article regarding the dedication in the Valley Item on June 24, 2010.

President Schuetz stated that there were inaccuracies printed in the Valley Item article and that corrected articles were being printed in the Mercury and Times Herald.

Engineer's Report: John Sartor presented the Engineer's Report, a true and correct copy of which was provided to all and is available for review at Trappe Borough Hall. J. Sartor made the following comments.

Malikkal Land Development: J. Sartor stated that he is in receipt of Escrow Release No. 1 from Jacob Malikkal requesting the release of \$13,583.34.

On a motion by N. Scholl, seconded by M. Watson, and carried unanimously, Escrow Release No. 1 was granted and authorization to Phoenixville Federal Bank and Trust Company to reduce the Letter of Credit for the Malikkal/Providence Property Holdings, LLC Land Development located at 115 West Main Street by the sum of \$13,583.34 was approved. Motion carried 6 – 0.

Solicitor's Report: Dave Onorato, Esquire reported that in the matter of *College Woods v. Borough of Trappe* he has filed an Answer and Counterclaim on behalf of the Borough of Trappe. D. Onorato also reported receiving numerous correspondences from Mr. Colavita.

D. Onorato stated that he asked the Borough Manager to place the Zayo Bandwidth Site Lease Agreement on the agenda and would address that under new business.

D. Onorato stated that he received a phone call from Joe Gambone who is interested in purchasing the property at 120 Clahor Avenue and has many legitimate questions concerning the approved plans for that property. D. Onorato proposed that Council entertain the idea of entering in an agreement with Mr. Gambone whereby Mr. Gambone would escrow money to cover the Borough's costs pertaining to the legal and engineering fees. D. Onorato proposed that after said agreement was signed, and the escrowed monies deposited, then D. Onorato, J. Sartor and the Borough Manager meet with Mr. Gambone to answer his questions. Whereupon discussion ensued.

On a motion by C. Johnson, seconded by M. Watson, and carried unanimously, the Borough Manager was directed to draft a "Pre-Submission Plan Review Process Agreement" with a provision for escrowed monies and with a stipulation that the applicant be in good standing with the Borough and not have any outstanding fees. Motion carried 6 – 0.

On a motion by M. Watson, seconded by T. Patrick, and carried unanimously, the Borough Manager's Report, Mayor's Report, Engineer's Report and Solicitor's Report were approved as presented. Motion carried 6 – 0.

Andrew and Chris Grasburger: Two scouts from troop 113 who are working for their Eagle Scout badges who were in attendance were acknowledged by Borough Council.

COMMITTEE REPORTS:

Finance: N. Scholl reported that the Finance Committee has prepared a letter to Upper Providence Township requesting that they pay their proportionate share of the costs associated with Trappe Fire Company servicing Upper Providence Township as well as to include Trappe Fire Company as part of their annual allocation of Fire Relief Funds. N. Scholl asked Council to review and agree to sign and send said letter. Whereupon discussion ensued.

On a motion by C. Johnson and seconded by T. Patrick, the letter prepared by the Finance Committee addressed to Upper Providence Township requesting them to pay their proportionate share of the costs associated with Trappe Fire Company servicing Upper Providence Township and to include Trappe Fire Company as part of their annual allocation of Fire Relief Funds was approved. There were 5 ayes. M. Watson dissented with a nay. Motion carried 5 – 1.

N. Scholl reported that he attended the “Pot Luck” dinner at the Speaker’s House where they had some of the digs available for observation before they filled them in the next day. N Scholl stated that he found it very interesting.

N. Scholl further stated that he would discuss personnel issues regarding the CTJPDW in executive session.

Public Works & Recycling: C. Johnson stated that she would speak about the CTJPDW in executive session as it pertains to personnel.

Collegeville-Trappe Municipal Authority: There was no report given.

Streets, Traffic & Safety: P. Edwards submitted the Streets, Traffic and Safety Committee’s June, 2010 Report, a true and correct copy of the STS Committee’s Report is available for review at Trappe Borough Hall. C. Johnson stated that there would be a STS meeting on July 15, 2010.

Planning, Zoning & Ordinances: C. Johnson reported that the Planning Commission met on June 15, 2010. C. Johnson stated that there were many public comments at that meeting regarding the Recreational Vehicle Ordinance and that the overwhelming response was that this was not a necessary ordinance. C. Johnson reported that the Planning Commission voted not to enact this ordinance but rather to direct the Borough Manager to reach out to the homeowners who have extensive amounts of recreational vehicles on their property. C. Johnson further stated that the Planning Commission made the following recommendations to the ordinance in the event Borough Council does decide to adopt it: (1) change the word “mobile home” to “motor home”; (2) allow crushed gravel or stone for a pad site as an alternative to concrete or macadam; (3) rather than limiting where you can park the recreational vehicles just stick to limiting the number of vehicles allowed on the property as written; (4) a process for a waiver of the 5 foot set back requirement for residents who currently own an RV and do not have enough space; and (5) allow parking on Laurel Drive extensions and in apartment parking lots. Whereupon discussion ensued.

Council agreed to take the Planning Commission’s recommendations as well as the Montgomery County Planning Commission’s recommendations, if any, under advisement and place this item on the agenda for consideration at the August 3, 2010 Borough Council Meeting.

Property & Open Space: T. Patrick reported that he received three quotes for lawn care at Borough Hall from Scotts Lawn Care, Moyer Indoor/Outdoor and Lawn Doctor. T. Patrick stated that Moyer Indoor/Outdoor offered the most comprehensive plan for treatment which included fertilization, weed control, aeration and seeding. T. Patrick also stated that they were the only company to take soil samples. T. Patrick recommended that Council engage Moyer Indoor/Outdoor to perform the lawn care work at Borough Hall.

On a motion by M. Watson, seconded by N. Scholl, and carried unanimously, authorization to contract with Moyer Indoor/Outdoor to perform the lawn care work for the remaining part of the summer and fall of 2010 at Borough Hall as described in their proposal for an amount not to exceed \$1,000.00 was approved. Motion carried 6 – 0.

T. Patrick asked the Borough Manager to get estimates to have the Borough Hall railings painted and restoration and painting of the basement windows along the front of the building.

President Schuetz stated that he would like to get a *Rambo Park Maintenance Plan* drafted and he has provided documentation and information to the Borough Manager. President Schuetz stated that the Fire Company has offered to maintain Rambo Park according to the plan after Borough Council enacts one. President Schuetz is concerned about the plantings being watered properly and said that they have lost some of the plants at Rambo Park. Council instructed the Borough Manager to draft a *Rambo Park Maintenance Plan*.

Brian Long, Fire chief, suggested the Fire Company also handle the permitting of the pavilion at Rambo Park. J. Guenther responded that because it is a permit issued by the Borough it should be done through the Borough office. D. Onorato agreed that the permits should be issued through the Borough because the park is Borough property.

Personnel, Appointments & Ordinances: L. DiPrete stated that Borough Council appointed a new tax collector, Gretchen E. Lawson, on June 10, 2010.

At the Treasurer's request for an additional signatory of checks due to vacations and other emergencies, Council decided that L. DiPrete would become the additional "signatory" on behalf of the Borough of Trappe.

On a motion by T. Patrick, seconded by M. Watson, and carried unanimously, Councilmember Lewis DiPrete was appointed as the additional signatory for checks on behalf of the Borough of Trappe. Motion carried 6 – 0.

OLD BUSINESS:

Main Street Survey: J. Guenther reported that Van Rieker would give a presentation of the Main Street Survey results at the Planning Commission meeting to be held on July 20, 2010 and that the meeting is open to the public and all were invited to attend.

Muhlenberg 300th Anniversary: President Schuetz stated that there is a small notice in the current Newsletter about the Muhlenberg 300th Anniversary, but that they would grace the front cover the next newsletter. President Schuetz stated that the committee will meet the second Monday of each month at Borough Hall and that they are looking for support from the Borough. C. Johnson said she would be available to attend their meeting on July 12, 2010.

NEW BUSINESS:

Speaker's House/Waiver of Zoning and Permit Fees: Lisa Minardi, a representative of the Speaker's House, asked Council to waive \$140.00 in fees associated with the demolition permit and building permit for work being performed at the Speaker's House based on the fact that they are a non-profit organization. Whereupon discussion ensued.

On a motion by L. DiPrete, seconded by C. Johnson, and carried unanimously, the waiver of \$140.00 in fees associated with the demolition permit and building permit for work being performed at the Speaker's House was approved. Motion carried 6 – 0.

Site Lease Agreement – Zayo Bandwidth, LLC: Dave Onorato presented Council with a Communications Site Lease Agreement and Memorandum of Agreement for Zayo Bandwidth to put a pad site at the water tower located in Trappe, the term of the lease being five years with the beginning rent set at \$450.00 per month. Whereupon discussion ensued.

On a motion by L. DiPrete, seconded by T. Patrick, and carried unanimously, the Communications Site Lease Agreement and Memorandum of Agreement for Zayo Bandwidth to put a pad site only at the water tower located in Trappe for a five year lease term with the beginning rent set at \$450.00 per month, was approved. Motion carried 6 – 0.

Trappe Fire Company Certificate of Appreciation: President Fred Schuetz presented the Trappe Fire Company with a Certificate of Appreciation for their outstanding performance hanging the Banner over Main Street.

PUBLIC FORUM FOR AGENDA ITEMS: President Schuetz called for public comment. There was no comment.

At 10:44 p.m. Council entered into Executive Session.

At 11:35 p.m. Council adjourned from Executive Session.

On a motion by N. Scholl, seconded by T. Patrick, and carried unanimously, the appointment of William J. McCauley, III as the negotiator for the Collegeville Trappe Joint Public Works contract negotiations was approved. Motion carried 6 – 0.

There being no additional business to conduct, at 11:45 p.m. a motion to adjourn was made by C. Johnson, seconded by T. Patrick, and carried unanimously. Motion carried 6 – 0.

Respectfully submitted,

**Jacqui Guenther
Borough Manager / Borough Secretary**