

**MINUTES OF THE SEPTEMBER 1, 2015
MEETING OF TRAPPE BOROUGH COUNCIL**

Council Vice President Cathy Johnson called to order the regularly scheduled meeting of Trappe Borough Council on September 1, 2015 at 7:00 p.m. at Trappe Borough Hall, 525 West Main Street, Trappe, Pennsylvania. The Pledge of Allegiance was led by Mayor Connie Peck.

ANNOUNCEMENT OF EXECUTIVE SESSION: Council Vice President Johnson announced there would be an Executive Session after the public meeting this evening to discuss personnel and legal matters. A vote is expected to be taken.

ROLL CALL: Roll Call was made by the Municipal Secretary.

Those present were:

Vice President, Cathy Johnson
Tammy Liberi
Scott Martin
Phil Ronca
Fred Schuetz
Pat Webster

Also in attendance were:

Mayor Connie Peck
Solicitor David Onorato
Engineer John Sartor
Treasurer John Klink
Borough Manager Robert Umstead

Excused/Absent:

President Nevin Scholl

APPROVAL OF THE MINUTES: The members of Council reviewed the minutes of August 4, 2015 meeting of Borough Council. Minor amendments were made.

A motion was placed by Councilmember Fred Schuetz, seconded by Councilmember Phil Ronca, to accept the Minutes of the August 4, 2015 Meeting of Borough Council as amended. Motion approved. 6 – 0

PUBLIC FORUM/AGENDA AND NON-AGENDA ITEMS: Vice President Johnson called for public comment. There was none.

STEARLY PROPERTY/BEN GOLDTHROP - Mr. Goldthrop representing PPG Stearly, LLC equitable owner of the property located on West First Avenue formerly known as the Stearly Tract presented revised plans. The revised plans indicate 33 units, previously 31 units were approved. The revised plans indicate the original plan shows houses with a 26 foot width, the revised plan shows houses with a width of 22 feet and 20 feet. It is Mr. Goldthrop's intention to seek approval of the two additional units at a future date via a Conditional Use Application. The revised plan also relocated the parking areas.

One of the previously approved waivers provided a fee of \$18,000 in lieu of providing open space. It was determined that the previously approved waivers were still in effect. The fee in

lieu will be deposited into the Borough's Open Space Fund and will be used for that purpose. A well site was included in the previously approved plan and remains in the revised plan.

A question was raised concerning the changes in the rules; specifically stormwater management. Gilmore and Associates review letter advised that current stormwater management rules have been met.

Ownership of the street and sidewalks will be controlled by the Homeowners Association. The HOA Declaration and By-laws must be approved by Solicitor Onorato. The street lights have been shifted to provide maximum coverage for the new parking areas. Stormwater that flows off the property is to be controlled.

Three waivers are requested at this time:

1. SALDO Section 295.10D (4) permits only two driveways per single tract. The revised plan has six driveways. It was determined by Dave Onorato that the regulation only applies to PennDOT roads.

A motion was placed by Councilmember Fred Schuetz seconded by Councilmember Pat Webster to approve a waiver of SALDO Section 295.10D (4) concerning the number of driveways permitted on a single tract. Motion approved. 6 – 0

2. SALDO Section 295-10E (5) prohibits parking within ten (10) feet of any property line. The applicant believes the intention of the code is to limit parking adjacent to an existing property. In this case, the proposed parking is an integral part of the community and serves as additional parking for residents.

A motion was placed by Councilmember Pat Webster seconded by Councilmember Fred Schuetz to approve a waiver of SALDO Section 295-10E (5) concerning the location of parking facilities. Motion approved. 6 – 0

3. SALDO Section 295-15.I (2) and (3) requires a minimum slope of the basin bottom to be 2%. Flow from the inlet pipes to the outlet pipe will be directed in a sodded swale eight (8) feet wide by six (6) inches deep. The applicant has designed the stormwater management system in compliance with the DEP's NPDES requirements.

A motion was placed by Councilmember Phil Ronca seconded by Councilmember Scott Martin to approve a waiver of SALDO Section 295-15.I (2) and (3) concerning the construction of the stormwater basin. Motion approved. 6 – 0

Resolution 2015-08 was presented as prepared by Solicitor David Onorato which incorporates the three approved waivers.

A motion was placed by Councilmember Pat Webster, seconded by Councilmember Fred Schuetz to approve Resolution 2015-08 as presented. Motion approved. 6 – 0

Resolution 2015-09 which also was prepared by Solicitor David Onorato was presented. This resolution approves the final plan permitting 31 town houses, and stipulates that if the additional two town houses are sought, an additional Conditional Use Hearing must be requested.

Prior to issuance of any building permits the Developer shall execute a development agreement prepared and approved by the Borough Solicitor, along with financial security for public improvements. The Borough shall approve a Stormwater Management BMP Operations and Maintenance Plan. Developer shall construct the proposed development in accordance with the Plan and all notes in compliance with the preliminary approval resolution dated December 4, 2007. Developer shall comply with and satisfy all of the comments of the Borough Engineer set forth in the Gilmore & Associates letter dated August 27, 2015. Developer further agrees to pay a fee in lieu of open space in the amount of \$18,000 prior to any building permit being issued. The Developer will enter into a non-maintenance agreement with the Borough in regards to the improvements that will not be dedicated for public purposes. The Developer will enter into an agreement with the Borough for stormwater management. The Developer will provide an easement for the stormwater which flows from the development to West First Avenue. The Developer of lot BLU27 shall design and construct a traffic signal at First Avenue and Main Street if warranted by PennDOT. The Developer will comply with the Montgomery County Conservation District in regard to erosion and settlement control. The Fire Chief's recommendations for the locations of proposed fire hydrants will be followed. The development shall be served by public water and public sewer. Developer shall submit a homeowners association Declaration and Bylaws for review.

A question was raised concerning the approval of the previous plan versus the current plan. It was determined that the current plan meets all current ordinances and previous waivers which were approved.

A question was raised concerning the fee in lieu of Open Space. It was determined that the fee was more appropriate as adequate space was not available on the site and the fee would be used by the Borough for future open space needs/activities.

A motion was placed by Councilmember Tammy Liberi seconded by Councilmember Phil Ronca to approve Resolution 2015-09 as presented. Motion approved. 6 - 0

STAFF REPORTS:

Treasurer's Report: John Klink presented the Treasurer's Report dated September 1, 2015. Check numbers 1035 through 1064 from the Customers Bank General Checking Account and Payroll charges and check number 2952 from PNC Bank to close the PNC Bank account were presented for payment in the amount of \$308,396.90.

Two electronic transfers of funds to PECO from the Customers Bank Liquid Fuels Account were presented in the amount of \$2,591.22. Also, check number 1025 from PNC Bank to Customers Bank to close the PNC Bank account and check number 1002 to Reading Site Contractors for the East 7th Avenue project for a total of \$127,150.62.

The Treasurer's Report included check number 1170 from the PNC Escrow Fund to Customers Bank to close the PNC Bank account and check numbers 1003 and 1004 in the amount of \$11,014.14 for payment.

The Treasurer's Report included check number 1031 from the PNC Open Space Account to Customers Bank to close the PNC Bank account in the amount of \$29.01 for payment.

A copy of the Treasurer's Report was provided to all and is available for review at Trappe Borough Hall.

A motion was placed by Councilmember Tammy Liberi, seconded by Councilmember Phil Ronca, to make payment of invoices included in the September 1, 2015 Treasurer's Report, check number 2952 from PNC Bank General Fund and check numbers 1035 through 1062 and payroll charges from the Customers Bank General Checking Account in the amount of \$308,396.90. Motion approved. 6 – 0

A motion was placed by Councilmember Tammy Liberi, seconded by Councilmember Phil Ronca, to make electronic payment of the PECO invoices included in the September 1, 2015 Treasurer's Report from the Customers Bank Liquid Fuels Account in the amount of \$2,591.22 and check number 1002 to Reading Site Contractors and check number 1025 from the PNC Account to Customers Bank in the total amount of \$127,150.62. Motion approved. 6 – 0

A motion was placed by Councilmember Tammy Liberi, seconded by Councilmember Phil Ronca to make payment of invoices included in the September 1, 2015 Treasurer's Report, check number 1170 from the PNC Escrow Fund in the net amount of \$325.04 to Customers Banks to close the PNC Bank account and check numbers 1003 and 1004 from the Customers Bank Escrow Account in the amount of \$11,014.14. Motion approved. 6 – 0

A motion was placed by Councilmember Tammy Liberi, seconded by Councilmember Phil Ronca to make payment of check number 1031 from the PNC Open Space Fund in the amount of \$29.01 to Customers Bank to close the PNC Bank account. Motion approved. 6 – 0

Borough Manager's Report: Robert Umstead presented the Borough Manager's Report, a copy of which was provided to all and is available for review at Trappe Borough Hall. Mr. Umstead made the following comments:

E. Cherry Ave. – Bonds have been received and the work is expected to begin in September.

Clahor Storm Sewer Pipe – Bids were received and are being processed by Gilmore & Associate and Solicitor Onorato.

Customers Bank - Transition to the new bank is going smoothly. Most of the funds have been transferred. Deposits are being made regularly via the scanner.

Tax Collector's Report - Additional reports were received and the Tax Collector has been paid for all tax bills collected in accordance with the ordinance.

Workers Compensation Audit - The audit was received and provided an additional premium of \$5,600. It was my opinion the audit was in error and I objected to SWIF. The additional premium was reduced to \$725.

Property Liability Insurance - An inspection report was received with minor criticisms. They centered on the Borough Hall Playground and Rambo Park. Most have been corrected, the others are in process.

Snow Plowing and Salting - One bid was received for Snow Plowing and Salting for the 2015- 2016 Season. The bid was received from MAK Services, the same company that provided services to the Borough in the past. The hourly rate for each class of vehicle is slightly lower than last year.

A motion was placed by Councilmember Scott Martin, seconded by Councilmember Phil Ronca to award the 2015-2016 Snow Plowing and Salting Contract to MAK Services Inc. Motion approved. 6 – 0

Firearms - At the request of Council President Nevin Scholl the Borough Manager was directed to investigate the Borough's Code of Ordinances concerning Firearms. It was reported that Code of Ordinances Chapter 162 regulated Firearms. Section 162-2 prohibits the possession of a firearm on Borough property. Since the U. S. Supreme Court has ruled this unconstitutional, Section 162-4 voids that section of the ordinance. A brief discussion ensued.

Solicitor David Onorato was directed to prepare an ordinance that would conform to the U. S. Supreme Court's ruling, taking into consideration all instruments that would release a projectile.

MS4 - An MS4 statement was presented concerning reporting of stormwater pollution incidents. It was noted that any illicit discharge should be reported to the Borough. The Borough's website has a direct email link to do this. It is located on the home page.

Mayor's Report: The Mayor reported that plans are moving forward for Trappe Day, scheduled for September 12, 2015 with a rain date of September 19, 2015. All Council members are encouraged to attend and assist.

Mayor Peck officiated at the marriage of Danae Freed and Genesis Zvarik in Mount Joy, PA.

Mayor Peck presented objections to the Sign Ordinance and vetoed the ordinance. Further discussion will be presented by Solicitor Dave Onorato at a later portion of this meeting.

The Mayor requests that the sidewalks adjacent to the Trappe Center be inspected to determine if ADA requirements are met and if handicap curb cuts have to be installed. Also there are no

sidewalks from Main St. into the shopping center. The Borough Manager will inspect and make a report at the October Council meeting.

The Mayor has received a request from Trappe VFW to provide one Auxiliary Police Officer for their Car Show which is to be held on October 10, 2015. The VFW will pay the officer's salary.

A motion was placed by Councilmember Fred Schuetz seconded by Councilmember Pat Webster to authorize one Auxiliary Police Officer to assist the Trappe VFW with traffic control at the VFW Car Show to be held on October 10, 2015. The VFW is to be billed for the Officer's salary. Motion approved. 6 – 0

Engineer's Report: John Sartor presented the Engineer's Report dated August 28, 2015, a copy of which was provided to all and is available for review at Trappe Borough Hall. John made the following comments:

Borough Hall Parking Lot - Plans are being prepared and should be available for the October Council meeting.

Borough Hall Sidewalk Project - The project has been completed.

Cherry Ave Paving Project - Work should be completed by the end of September.

East 7th Ave Reconstruction - Construction is substantially complete.

Clahor Storm Sewer - Bids were received and will be discussed later by Solicitor David Onorato.

Solicitor's Report: The Solicitor reported he had a number of items to discuss in Executive Session. There may be a vote at the conclusion of the Executive Session.

Solicitor David Onorato outlined the process of overriding the Mayor's veto of the Sign Ordinance. An override requires a majority of Council plus one vote. Since there are six members present, override would require five (5) votes. No further action was taken except to refer the Sign Ordinance to the Ordinance Committee for further review.

A motion was placed by Councilmember Pat Webster, seconded by Councilmember Fred Schuetz to recognize the Mayor objections and letter of veto. Motion approved. 6 – 0

Councilmember Phil Ronca requested that anyone with any comments or suggestions about the sign ordinance contact the Ordinance Committee.

Clahor Avenue Storm Sewer Pipe Project – Three bids were received for this project. The bid from Phoenixville Plumber, Division of MG Property Management, LLC was deficient in that

the Agreement of Surety was improperly completed. Also the Bidder Qualifications did not provide experience with similar projects.

Eagle Contracting, Inc submitted a bid of \$75,310 for the replacement of the storm sewer pipe and related work included in the bid package. Eagle Contracting, Inc. submitted all of the necessary bid documents and is well qualified.

A motion was placed by Councilmember Fred Schuetz seconded by Councilmember Scott Martin to award the contract to Eagle Contracting, Inc. for the replacement of the storm sewer pipe and related work at a cost of \$75,310. Motion approved. 6 – 0

Two bids were received for the storm sewer relining; one from PIM Corporation and another from Eagle Contracting, Inc. A discussion ensued concerning the relining of the pipe from manhole number 4 to the end of the pipe which terminates in a catch basin. This pipe is on private property and cannot be repaired at the Borough's expense. It was determined that the agreement provides for change orders and the proposed project could be reduced if the owner does not agree to provide payment to the Borough for the privately owned portion. Both bids were complete and both companies were experienced in this type of work. Borough Manager Robert Umstead was directed to contact the property owners on Wednesday, September 2, 2015 and set up a meeting to discuss this issue.

A motion was placed by Councilmember Scott Martin, seconded by Councilmember Fred Schuetz to award the contract for the relining of the Clahor Avenue storm sewer pipe to PIM Corporation at a projected cost of \$133,925 less a change order if appropriate. Motion approved. 6 – 0

A discussion ensued concerning the Grading Erosion and Sediment Control Ordinance which Solicitor David Onorato is reviewing for possible amendments. Currently the ordinance provides that a permit is NOT required if the area disturbed at one time does not exceed 2,000 square feet. A discussion followed concerning the square footage not needing a permit. It was determined that the Montgomery County Planning Commission was to be contacted to determine if the Planning Commission has any regulations or suggestions and a report submitted at the October Council meeting.

A draft ordinance concerning Wireless Communication Facilities was presented to Council. Solicitor David Onorato briefly discussed the contents and need for such ordinance. The draft ordinance was referred to a committee composed of Councilmembers Pat Webster, Nevin Scholl and Cathy Johnson.

Solicitor David Onorato advised that applicants Matthew and Jane Wismer have received approval from the Montgomery County Farm Bureau to sub-divide a 21.1 acre parcel from their farm located on 29 East Third Ave. Other conditions were also enumerated. This sub-division will now be placed on the Planning Commission meeting agenda for the September 15, 2015 meeting.

Solicitor David Onorato reported that he continues to investigate the land at the end of Oak Road for ownership. More information will be forthcoming.

Representatives Jerry Gorski and John Riebow from Old School New House were present and explained the revisions to the plan for the former Collegeville-Trappe School. They also explained the waivers that they have requested. Solicitor David Onorato presented a Preliminary Plan Resolution to be advertised and to be considered at the October 6, 2015 Borough Council meeting.

A motion was placed by Councilmember Fred Schuetz, seconded by Councilmember Cathy Johnson to authorize the advertising of the Preliminary Plan Resolution for the Old School New House project for consideration at the October 6, 2015 Borough Council meeting. Motion approved. 6 – 0

A motion was placed by Councilmember Phil Ronca and seconded by Councilmember Scott Martin to approve the business reports. Motion approved. 6 – 0

COMMITTEE REPORT

Administrative Services: A report was presented listing the office hours of most of the surrounding boroughs and townships. Trappe Borough is the only municipality opened from 8:00 AM until 5:00 PM. It was suggested that the operating hours of Trappe Borough Hall be amended to 8:00 AM to 4:30 PM with the Administrative Assistant receiving only one half hour for lunch.

A motion was placed by Councilmember Pat Webster and seconded by Councilmember Phil Ronca that the operating hours of Trappe Borough Hall be amended to 8:00 AM to 4:30 PM with the Administrative Assistant receiving one half hour for lunch break, to be effective September 8, 2015.

Communications: The current newsletter is in the mail and should be reaching mailboxes within the next day or two. Information is needed for the Fall/Winter newsletter. The information should be received by September 15, 2015

Councilmember Pat Webster advised that she and Councilmember Cathy Johnson met with a representative from Ridge Technology in an attempt to determine needs to update the IT Network. Ridge Technology is a diversified company with over thirty years' experience and 10 employees. A report will be forthcoming.

Councilmember Pat Webster advised she along with Council President Nevin Scholl and Councilmember Scott Martin met with the Upper Providence Township Supervisors and the new Township Manager to discuss current common projects.

Finance & Streets: No report

Parks & Open Space: Councilmember Fred Schuetz reported that new signs are needed at Rambo Park with reference to dog feces. Examples of signs were submitted. It was determined after a brief discussion that the project be referred to the Park and Open Space Committee to report at the October 6, 2015 Council meeting with recommendations for two signs.

Councilmember Fred Schuetz reported additional lawn/shrub maintenance will be needed in the Spring. It was determined that Councilmember Fred Schuetz and Manager Robert Umstead should prepare a request for proposals for collection of estimates for the spring season.

Planning, Zoning & Ordinances: No meeting in September

Public Works & CTMA: Council Vice President Cathy Johnson presented the Public Works and CTMA Report.

CTJPWD and CTMA Minutes: Council Vice President Cathy Johnson stated that the minutes of the June 16, 2015 meetings of the Collegeville – Trappe Joint Public Works Department and the Collegeville – Trappe Municipal Authority are in the Council member's packet. Copies of the minutes are available for all to review at Borough Hall and at the CTJPWD offices.

It was announced that at the meeting of the CTMA a discussion was held concerning the application of a loan to the Collegeville Fire Dept. in the amount of \$1.1 million for the construction of a new fire house. A discussion ensued which was not favorable to the CTMA loaning any funds to Collegeville Fire Co. However, if a loan application was processed, the CTMA should require all the documentations a bank would require.

Traffic & Safety: Councilmember Scott Martin reported that the Trappe 300 Committee now has two co-chairs and that the next meeting of the committee would be held October 7, 2015 at 7:00 PM at the Dewees Tavern.

Walkable Community: Councilmember Phil Ronca reported that the Walkable Community Committee feels the connection between Main St. and Rambo Park is a vital part of the efforts of Trappe Borough and should be given high priority.

OLD BUSINESS: Council Vice President Johnson called for any old business. There was none

NEW BUSINESS: Council Vice President Johnson called for any new business. There was none.

EXECUTIVE SESSION:

At 10:00 p.m. Council entered into Executive Session to discuss legal and personnel issues.

COUNCIL RECONVENED AT 10:30 P.M.

A motion was placed by Council Vice President Cathy Johnson, seconded by Councilmember Scott Martin to appoint Robert T. Umstead as permanent part time manager at \$43.00 per hour for 20 hours each week. Motion approved. 6 - 0

There being no further business to come before Council, Vice President Cathy Johnson adjourned the meeting at 10:31 p.m.

Respectfully submitted,

**Robert T. Umstead
Borough Secretary**