

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS
DECEMBER 3, 2009 MEETING MINUTES**

1) Executive Session:

- a) Mr. Dininny called the session to order at 6:30 p.m., seconded by Mrs. Altieri. The following supervisors were present: Mr. Sassu, Mrs. Altieri, Mr. Brown, Mr. Dininny and Mr. DiPaolo. Also present were Township Manager Mr. Dunbar, Solicitor Onorato, and Supervisors-Elect Mrs. Eckman and Mr. Thomas. Project analyst Mr. Dysard sat in for a portion of the session. Legal, personnel and real estate matters were discussed. Mr. Dininny adjourned the session at 7:30 p.m., seconded by Mrs. Altieri.

2) Public Meeting: Call to Order

- a) Chairman Sassu called the public meeting to order at 7:34 p.m.
- b) Chairman Sassu requested a moment of silence in remembrance of the four police officers killed in the line of duty in Washington State.

3) Pledge of Allegiance

4) Roll Call:

- a) The following members were present: Supervisors Altieri, Brown, Dininny, DiPaolo, and Sassu.
- b) Also present were Solicitor David Onorato, Township Engineer John Chambers, Police Chief Francis Carroll, Director of Public Works David Shaffer, Project Analyst Nate Dysard, and Township Manager Joseph Dunbar.

5) Chairman's Comments:

- a) Chairman Sassu announced that an executive session was held prior to the meeting to discuss legal, personnel, and real estate matters.

6) Consent Agenda:

- a) **MOTION** – Supervisor Dininny made a motion to adopt the consent agenda. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0. There was no public comment on this matter.

7) Presentations & Commendations:

- a) Presentation to Randall E. Lyster and William J. O'Donnell III on attainment of Eagle Scout status:
 - i) Chairman Sassu presented awards to the Scouts and asked them to speak about their Eagle projects. William O'Donnell, of Troop 182 ,explained that he cleared trails and installed trail marking signs at Eagleville Park. Randall Lyster, a member of Troop 313, installed a wheelchair accessible swing at Camp Joy in Schwenksville.
- b) Presentation to Joe Chillano, Crew Leader for the Public Works Department on 10 Years of Service with Lower Providence Township.
 - i) Chairman Sassu presented Mr. Chillano with a certificate from the Township. David Shaffer, Director of the Public Works Department, commented on Mr. Chillano's hard work and said it was an honor to have him as part of the department.
- c) Presentation to Matthew L. Kuhnert on Promotion to the rank of Corporal with the Lower Providence Township Police Department.
 - i) Chairman Sassu noted that Cpl. Kuhnert had earned numerous awards, including the David Hancock Award, the highest award given by the Montgomery County FOP.
- d) Presentation to Det. Sgt. Terrence Kennedy on Receiving the Pennsylvania Attorney General's Award for Excellence.
 - i) Det. Sgt. Kennedy was honored for his participation in the investigation, arrest and successful conviction of an online sexual predator who had targeted a 15-year-old Lower Providence Township resident.
- e) Presentation to Superior Tube Company in Recognition of their 75th Anniversary.

- i) Chairman Sassu presented Anthony Jost, president of Superior Tube Company, with a framed proclamation. With Mr. Jost were employees of the company whom he said represented the 200+ currently working at the company and the thousands that have worked at Superior Tube over the years. He introduced John Berry, a recent retiree, who had worked for the company for 58 years.

8) Public Hearing:

- a) *Mr. Tim Kurek was present to create a complete record of testimony for the hearing.*
- b) An Ordinance Amending Chapter 143 of the Code of the Township of Lower Providence for the Purpose of Amending Article XXXIII Ridge Pike Business District:
 - i) **MOTION** – Supervisor Brown made a motion to enter into a public hearing, seconded by Mrs. Alitieri. The motion *passed* 5-0. There was no public comment on this matter.
 - ii) Solicitor Onorato explained that the hearing pertained to an amendment to the Zoning Code adding a paragraph to allow self-storage within the Ridge Pike Business District with certain limitations, including no outdoor storage.
 - iii) During the course of the hearing the following exhibits were entered into the record:
 - (1) Exhibit T1 – The ordinance that is the subject of the hearing, a picture of the self-storage facility proposed by Kimco, a review letter dated 11/24/2009 from the Montgomery County Planning Commission, and proof of publication from the Times Herald.
 - iv) The following individuals commented during the hearing:
 - (1) Rob Lewis, attorney for Kimco
 - (2) Supervisor Brown
 - v) **MOTION** – Supervisor Altieri made a motion to close the public hearing. Supervisor Brown seconded the motion. The motion *passed* 5-0.
 - vi) **MOTION** – Chairman Sassu made a motion to move to item 4a(1). Supervisor Altieri seconded the motion. The motion *passed* 4-1. Supervisor DiPaolo opposed the motion.

9) Ordinances and Resolutions

- a) An Ordinance Amending Chapter 143 of the Code of the Township of Lower Providence for the Purpose of Amending Article XXXIII Ridge Pike Business District:
 - i) **MOTION** – Supervisor Altieri made a motion to adopt an Ordinance Amending Chapter 143 of the Code of the Township of Lower Providence for the Purpose of Amending Article XXXIII Ridge Pike Business District. Supervisor DiPaolo seconded the motion. The motion *passed* 4-1. Supervisor Dininny opposed the motion. There was no public comment on this matter.
 - ii) **MOTION** – Supervisor Altieri made a motion to resume the regular order of business with item 3b. Supervisor Brown seconded the motion. The motion *passed* 5-0.

10) Public Hearing Cont'd.:

- a) *Mr. Tim Kurek was present to create a complete record of testimony for the hearings.*
- b) **MOTION** – Supervisor Brown made a motion to enter into a public hearing. Supervisor Altieri seconded the motion. The motion *passed* 5-0.
- c) Five ordinances pertaining to the Valley Forge Corporate Center were the subject of the hearing:
 - i) An Ordinance Amending the Zoning Map Changing the Zoning Classification of Certain Areas of Land from VC-Village Commercial to IP-Industrial Park.
 - ii) An Ordinance Amending the Zoning Map Adding Certain Areas of Land to the Mixed Use Overlay Sector.
 - iii) An Ordinance Amending the Zoning Map Changing the Zoning Classification of an Area of Land from IP Industrial Park to IP Industrial Park-Office Technology Campus Sector.
 - iv) An Ordinance Amending Chapter 143 of the Code of Lower Providence Township for the Purpose of Amending Article XVIII, I Industrial Districts.
 - v) An Ordinance Amending Chapter 123 of the Code of Lower Providence for the Purposes of Adding the Land Use and Design Manual for the Lower Providence Township Valley Forge Corporate Park as Appendix C.
 - vi) The following exhibits were entered into the record:

- (1) Exhibit T1: Public meeting and hearing notices for all ordinances (November 19, 2009)
- (2) Exhibit T2: Public meeting and hearing notices for all ordinances (November 26, 2009)
- (3) Exhibit T3: Sign posting location maps
- (4) Exhibit T4: Postal mailing notifications with 500 feet
- (5) Exhibit T5: Letter from Montgomery County Planning Commission Community Planner Jean Holland dated November 18, 2009.
- (6) Exhibit T6: Response to Community Planner Jean Holland from Solicitor Onorato dated November 25, 2009.
- (7) Exhibit T7: Act 247 letter to Lower Providence Township from Community Planner Jean Holland dated November 25, 2009.
- (8) Exhibit T8: Response to Montgomery County Planning Commission Review letter by Russell Benner, CMX, dated December 3, 2009.
- (9) Exhibit T9: Valley Forge Corporate Center Zoning Plan Map Diagram
- (10) Exhibit T10 – T14: – Proposed ordinances
- (11) Exhibit T15: Valley Forge Corporate Center PowerPoint Presentation
- (12) Exhibit T16: Letter to Solicitor Onorato from Mountain Development Corporation regarding 2500 and 2600 Monroe Boulevard.
- (13) Exhibit T17: Land Use and Design Manual for the Valley Forge Corporate Center

vii) The following individuals commented during the hearing:

- (1) William Roth, Lower Providence Township Special Projects & Technology Director and member of the Township's Valley Forge Corporate Center Redevelopment Implementation Committee
- (2) Dave Robert, CMX principal and member of the Township's Valley Forge Corporate Center Redevelopment Implementation Committee
- (3) Russell Benner, CMX principal and member of the Township's Valley Forge Corporate Center Redevelopment Implementation Committee
- (4) Supervisor Brown
- (5) Richard Sibley, 2615 Audubon Road
- (6) Pat Devitt, 2623 Audubon Road
- (7) Tom Kreg, 975 Madison Avenue
- (8) Joe Grisafi, 2626 Audubon Road
- (9) John Pell, 2639 Audubon Road

viii) **MOTION** – Supervisor Brown made a motion to close the public hearing on the VFCC ordinances, seconded by Supervisor Altieri. The motion *passed 5-0*.

d) An Ordinance Authorizing the Tax Collector to Charge a Fee for Tax Certifications not to exceed Thirty Dollars (\$30.00).

- i) **MOTION** – Supervisor Dininny made a motion to enter into a public hearing. Supervisor Brown seconded the motion. The motion *passed 5-0*.
- ii) The following exhibit was entered into the record:
 - (1) Exhibit T1: Email from Tax Collector Kirsten Deal to Township Manager Joe Dunbar requesting the fee increase, and the proposed ordinance.
- iii) The following individual commented during the public hearing:
 - (1) Kirsten Deal, S. Park Ave., Tax Collector for Lower Providence Township
- iv) **MOTION** – Supervisor Brown made a motion to close the public hearing, seconded by Supervisor Altieri. The motion *passed 5-0*.

11) Ordinances and Resolutions cont'd.

- a) An Ordinance Amending the Zoning Map Changing the Zoning Classification of Certain Areas of Land from VC-Village Commercial to IP-Industrial Park; an Ordinance Amending the Zoning Map Adding Certain Areas of Land to the Mixed Use Overlay Sector; an Ordinance Amending the Zoning Map Changing the Zoning Classification of an Area of Land from IP Industrial Park to IP Industrial Park-Office Technology Campus Sector; an Ordinance Amending Chapter 143 of the Code of Lower

Providence Township for the Purpose of Amending Article XVIII, I Industrial Districts; an Ordinance Amending Chapter 123 of the Code of Lower Providence for the Purposes of Adding the Land Use and Design Manual for the Lower Providence Township Valley Forge Corporate Park as Appendix C.

i) **MOTION** – Supervisor Altieri made a motion to accept the ordinances and changes. Supervisor Dininny seconded the motion. The motion *passed* 5-0.

b) An Ordinance Authorizing the Tax Collector to Charge a Fee for Tax Certifications not to exceed Thirty Dollars (\$30.00).

i) **MOTION** – Supervisor Dininny made a motion to accept the ordinance, seconded by Mr. Brown. The motion *passed* 5-0.

12) New Business

a) Application S-09-08 Dr. Nilesh Patel – 2793 Egypt Road for Preliminary/Final Plan Approval.

i) The applicant's engineer, C.J. Rufo of Gilmore Associates, briefly described the project.

ii) Solicitor Onorato noted that the applicant agrees to place a note on the plan that the driveway will be removed when shared access among the property owners is available. It was also noted that the traffic impact fee is required in the resolution.

iii) Waiver requests:

(1) Waiver 4a – Section 123-31.B - Waiver from widening Egypt Road to 52 feet, maintaining existing 40 feet

(a) **MOTION** – Supervisor Brown made a motion to grant the waiver, seconded by Mrs. Altieri. The motion *passed* 5-0.

(2) Waiver 4b – Section 123-33 – The waiver was removed as the applicant agrees to put in sidewalks now

(3) Waiver 4c – Section 123-36.F - Waiver from providing a driveway with minimum width of 20 feet and curb line radius of 15 feet. The applicant proposes driveway width of 18 feet and curb line radius of 5 feet.

(a) **MOTION** – Supervisor Brown made a motion to grant the waiver, seconded by Mr. Dininny. The motion *passed* 5-0.

(4) Waiver 4d – Section 123-37.H(3) - The applicant is requesting approval to use porous paving material.

(a) **MOTION** – Supervisor Brown made a motion to grant the use of porous paving material. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0.

iv) **MOTION** – Supervisor Dininny made a motion to grant preliminary and final approval. Supervisor Altieri seconded the motion. The motion *passed* 5-0.

b) Consideration of 2660 Audubon Road Improvement Construction Agreement.

i) Mr. Onorato explained that the proposed agreement would allow for extension of the five-year clock to 2012 for the previously approved land development agreement. The agreement stipulates that the \$100,000 tree replacement fee must be paid by December 15, 2010 otherwise the extension would be null and void.

(1) **MOTION** – Supervisor Altieri made a motion to approve the agreement. Supervisor Dininny seconded the motion. The motion *passed* 5-0.

c) Discussion on Investment Strategy

i) The item was continued to a future meeting.

d) Authorization to Approve Township Solicitor's Written Order on the Approved Conditional Use Application for 2874 Ridge Pike.

i) **MOTION** – Supervisor Dininny made a motion to accept the Solicitor's written order on the Approved Conditional Use Application for 2874 Ridge Pike. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0.

13) Comments and Other Business

a) Supervisor Altieri noted that the Township's first annual tree lighting event will be held Friday, Dec. 4 at 7 p.m.

- b) Chairman Sassu said the East Norriton Township holiday parade will be held Saturday, Dec. 5 and he will be participating as a member of the Blue Knights.

14) Courtesy of Floor

- a) Individuals who commented were:
 - i) Howard Gribben – 161 Farmhouse Drive, inquired about the trash decision
 - ii) Charles Mandracchia - 1068 Hildebidle Drive, apologized for his previous actions before the Board and spoke in support of J.P. Mascaro & Sons
 - iii) Gary Greco – 110 Church Road, spoke in support of J.P. Mascaro & Sons
 - iv) Dan Wagner – 3852 Nancy Lane, spoke in support of J.P. Mascaro & Sons

15) Adjournment

- a) MOTION – Supervisor DiPaolo made a motion to adjourn, seconded by Supervisor Altieri. The motion *passed* 5-0. The meeting adjourned at 9:50 p.m.

Respectfully submitted,

Joseph C. Dunbar, Secretary