

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS
DECEMBER 7, 2009 MEETING MINUTES**

1) Executive Session:

- a) Mr. Brown called the session to order at 6:00 p.m., seconded by Mrs. Altieri. The following supervisors were present: Mr. Sassu, Mrs. Altieri, Mr. Brown, Mr. DiPaolo and Mr. Dininny. Also present were Township Manager Mr. Dunbar, Solicitor Onorato and Supervisor-Elect Mrs. Eckman. Supervisor-Elect Mr. Thomas arrived at the adjournment of the session. Legal, personnel and real estate matters were discussed. Mr. DiPaolo adjourned the session at 6:32 p.m., seconded by Mrs. Altieri.

2) Public Meeting: Call to Order

- a) Chairman Sassu called the public meeting to order at 7:00 p.m.
- b) Chairman Sassu requested a moment of silence in remembrance of Pearl Harbor.

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 Lonnie Manai, Police Chief Francis Carroll, Director of Public Works David Shaffer, Code Enforcement Manager Tom Heisner, Director of Special Projects & Technology William Roth, Community Relations Coordinator Denise Walsh, and Township Manager Joseph Dunbar.

5) Chairman's Comments:

- a) Chairman Sassu announced that an executive session was held prior to this special business 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 Altieri seconded the motion. The motion *passed* 5-0. There was no public comment on this matter.

7) New Business:

- a) The following agenda items were removed from this evening's agenda:
 - i) Item 2d – Conditional use decision for 3976-4000 Ridge Pike, Collegeville Inn property;
 - ii) Item 2e – Authorization to approve Township Solicitor's written order on the approved Conditional Use application for 2874 Ridge Pike.
- b) Approval of the request for an amendment to resolution 07-73, Item 1.I, specifically the requirement to install granite curbs, on behalf of HTC Associates for 324 Level Road:
 - i) Mr. Onorato explained that the Board previously approved this plan. The previous plan called for granite curbing, which was required at the time of that approval. Subsequent to that approval the ordinance changed, and granite is no longer required.
 - ii) Mr. Michael Clement, Esq., was present to represent the applicant. Ms. SuSanne Creveling the project engineer, and Mr. Lou Gambone the principle of the applicant, were also present.
 - iii) Mr. Clement noted that resolution 2007-73 required certain items such as granite curbs for the plan that was filed, however a change in the ordinance no longer requires them for this project. Per the PA Municipal Code, Section 508.4.II a change in SALDO that costs the developer more money cannot be enforced, however if the change would cost the developer less money they can apply it to the plan.
 - iv) Mr. Onorato asked if the applicant intended to use Belgium Block curbs instead of granite? Mr. Clement indicated that they did.
 - v) **MOTION** – Supervisor Dininny made a motion to permit the use of Belgium Block curbing for this plan instead of granite. Supervisor Altieri seconded the motion.

- (1) Supervisor Brown indicated that he does not agree with the interpretation of this ordinance. Section 102.B indicates that curbing outside of the public right-of-way may be Belgium Block or granite. He asked if the streets would be dedicated to the Township? Mr. Clement indicated that they would be. Mr. Brown noted that the Township would then be liable for any future maintenance related to the curbs.
 - (2) **MOTION VOTE** – The motion *passed 3-2*. Supervisors Brown and DiPaolo opposed the motion. There was no public comment on this matter.
- vi) Mr. Clement reviewed the list of various plans and approvals that would be submitted for this project. He questioned the requirement for a Natural Resources Preservation Plan (NRPP), noting that this plan requirement was not passed until 2009. In an abundance of caution, Mr. Clement requested a waiver from the requirement for submission of the NRPP. This will protect the applicant from any future Board's question as to why this was not submitted.
- (1) **MOTION** – Supervisor Dininny made a motion to waive the requirement for a Natural Resources Preservation Plan.
 - (a) Supervisor Brown remarked that the waiver was not needed, and if it was the applicant should put it in writing. Mr. Dunbar indicated that he has received this request via e-mail.
 - (b) Supervisor Altieri referred to a December 3, 2009 memo from Mr. Onorato indicating that the waiver is not required.
 - (c) **MOTION VOTE** – Supervisor Brown seconded the motion. The motion *passed 5-0*.
- c) Application S-09-06, 3236 Ridge Pike, for preliminary and final plan approval:
- i) Mr. Michael Clement, Esq., was also present to discuss land development at 3236 Ridge Pike. This parcel is unique with a deep, narrow lot, and permits multiple uses. Mr. Clement explained that most of the waiver requests they have for this project relate to pre-existing conditions or the unique lot characteristics. There will be pedestrian connections between the properties and a connection to the parking area. The Fire Marshall, Mr. Charles DeFrancesco, has reviewed access through the property and fire protection.
 - ii) Waiver Requests:
 - (1) Section 123-32 and 123-33 – The applicant is requesting a deferred waiver to install curb and sidewalk along Ridge Pike for the proposed development.
 - (a) A note has been placed on the plan to have the property owner install curbs and sidewalks if / when required by the Township in the future.
 - (b) **MOTION** – Supervisor Dininny made a motion to grant this waiver request. Supervisor Altieri seconded the motion.
 - (i) Mr. Onorato asked if the note was already on the plan? Mr. Clement indicated that it was note #4.
 - (ii) Supervisor Brown asked when these improvements would be constructed? Mr. Clement indicated they would be installed when the Township decides they want sidewalks in this area of the Township. Mr. Brown noted that they just required sidewalks on a similar plan last week. He noted that they have to start the sidewalks somewhere.
 - (iii) Mr. Onorato commented that this appears to be note #6 on the plan, and it is sufficient for the Township to require them to be constructed in the future.
 - (iv) **MOTION VOTE** – The motion *passed 3-2*. Supervisors Brown and DiPaolo opposed the motion. There was no public comment on this item.
 - (2) Section 123-36.B(1) – A waiver is being requested to allow the existing driveway to be within 200 feet of the existing driveway on the adjoining property to the north.
 - (a) Mr. Clement remarked that this was a pre-existing condition.
 - (b) **MOTION** – Supervisor Brown made a motion to grant this waiver request. Supervisor DiPaolo seconded the motion. The motion *passed 5-0*. There was no public comment on this item.

- (3) Section 123-36.F – A waiver is being requested to reduce the width of the driveway from 24 feet to 18 feet for the driveway adjacent to the proposed parking areas and 18 feet for the entrance driveway.
- (a) Mr. Clement explained that this is a pre-existing condition, and that PennDOT will approve the driveway entrance as planned. This is 20' at the widest point, and there is a queuing area sufficient for over 3 vehicles, so it is safe.
 - (b) **MOTION** – Supervisor Brown made a motion to grant this waiver request. Supervisor Dininny seconded the motion.
 - (i) Supervisor DiPaolo questioned how the 18' wide area impacted movements for fire apparatus? Ms. SuSanne Creveling, HT Engineering, reviewed the various driveway widths associated with the project. She explained that the front portion of the drive is 20' wide and narrows to 18' wide as it approaches the middle building (#3234), and then widens to 22'.
 - (ii) Supervisor Altieri noted that item 2 under technical deficiencies in the September 11, 2009 McMahan Associates review letter references a 20' width where the waiver is referencing a 24' width. She asked if this should be corrected in the resolution? Ms. Creveling is asking for the drive to go from 20' to 18', and this should be represented on the resolution. There is a discrepancy in the review letters of McMahan and Chambers. Mr. Manai explained that the 20' is the drive aisle requirement and the Chambers review quotes 24' width for the middle and rear drive aisle.
 - (iii) **MOTION VOTE** – The motion *passed* 5-0. There was no public comment on this item.
- (4) Section 123-32 – A waiver is being requested to not require curbing along the site driveways and parking lot edges for the proposed site improvements.
- (a) Mr. Clement explained that there will be a sheet flow of storm water that will find its way to the detention area, and curbs will have a detrimental impact on this water flow.
 - (b) Supervisor Brown asked where the water would go? Ms. Creveling explained there is a stone underground basin at the rear of the driveway and a depressed area that will collect water runoff prior to its' going in to the existing sewer network. This water flow is not permitted to increase with development and exists today.
 - (c) Mr. Dunbar noted that tests on the sewer network in this area of the Township showed that the existing sewer is functioning properly.
 - (d) **MOTION** – Supervisor Dininny made a motion to grant this waiver request. Supervisor Altieri seconded the motion. The motion *passed* 5-0. There was no public comment on this item.
- (5) Section 123-37.O – A waiver to allow the drive aisle adjacent to the existing apartment building to be a minimum of 13 feet.
- (a) Mr. Clement remarked that this was a continuation of waiver 123-36.F, and is a pre-existing condition.
 - (b) **MOTION** – Supervisor Dininny made a motion to grant this waiver request. Supervisor Altieri seconded the motion. The motion *passed* 5-0. There was no public comment on this item.
- (6) Section 123-37.E – A waiver is being requested to allow the proposed and existing parking to be closer to the northern property than the 20-foot minimum distance.
- (a) Mr. Clement remarked that this was a pre-existing condition, and there is no other place for them to put the parking on this property.
 - (b) **MOTION** – Supervisor Altieri made a motion to grant this waiver request. Supervisor Dininny seconded the motion. The motion *passed* 5-0. There was no public comment on this item.
- (7) Section 123-37.Q(3) – A waiver is being requested from the requirement to provide exterior handicap accessibility and handicap parking for the two existing buildings.

- (a) Mr. Clement remarked that these are pre-existing buildings. At that point in time a change is made on the interior of the buildings, they would address any additional handicap requirements on the exterior of the building.
- (b) **MOTION** – Supervisor Dininny made a motion to grant this waiver request. Supervisor Altieri seconded the motion. The motion *passed* 4-1. Supervisor Brown opposed the motion. There was no public comment on this item.
- (8) Section 123-104.A – A waiver to not require offsite topography for the drainage area to the detention facility.
 - (a) Mr. Clement remarked that a detailed aerial photograph would be provided.
 - (b) **MOTION** – Supervisor Brown made a motion to grant this waiver request. Supervisor Altieri seconded the motion. The motion *passed* 5-0. There was no public comment on this item.
- (9) Section 123-104.D(13) – The applicant is requesting a waiver for the location of the emergency spillway for the detention pond.
 - (a) Mr. Clement remarked that this was a pre-existing condition.
 - (b) Ms. Creveling explained that the existing water starts at Ridge Pike and flows to the back of the property. To formalize the way to control this water they are asking for relief to allow the emergency spillway to remain in its' existing location. There is 63% impervious coverage on the site.
 - (c) **MOTION** – Supervisor Brown made a motion to grant this waiver request. Supervisor Altieri seconded the motion. The motion *passed* 5-0. There was no public comment on this item.
- iii) **MOTION** – Supervisor Altieri made a motion to grant preliminary and final plan approval for plan 3236 Ridge Pike, S-09-06. Supervisor Dininny seconded the motion.
 - (1) Supervisor Brown noted that based on the provided sketch plan for fire suppression it does not appear this will work. The Fire Marshall has recommended that:
 - (a) The overhand façade on the second building be cut back from left to right a minimal of three feet;
 - (b) That a stone wall in front of the second building be removed;
 - (c) And, the Fire Chief is concerned with backing fire apparatus out of this site.
 - (2) Chief Carroll noted that the memo speaks for itself regarding the Fire Marshall's concerns.
 - (3) Ms. Creveling was on-site when the fire apparatus was on-site for testing. There was no problem bringing the apparatus on the property, and there was not problem getting it in or out of the property. Ms. Creveling stated that they agreed to move a small jut out of the roof back 3' on the upper section of the middle building.
 - (4) Mr. Brown commented that this assumes that no one will be parked in the handicap parking spaces when a fire truck has to manipulate through that area. Ms. Creveling identified the areas where NO PARKING areas will be striped out for the fire lanes. She explained that many parking spaces exist and was not compromised during the trial. This issue was also raised at the Planning Commission meeting, which prompted the creation of this plan.
 - (5) Ms. Creveling noted there is a fire hydrant at the front of the Eagle Pool & Spa building, and there is also one in the Kimco parking lot. This provides a lot of access to fire hydrant locations. The plan shows that the trucks can maneuver through the property as designed. She reviewed the plan to more thoroughly explain it to the Board.
 - (6) Mr. Onorato asked if they could get a fire truck through the lot if cars were parked in the questionable spots? Ms. Creveling indicated that they could, the test was done with vehicles in those spaces.
 - (7) **MOTION VOTE** – The motion *passed* 4-1. Supervisor Brown opposed the motion. There was no public comment on this matter.
- d) Discussion and consideration of residential solid waste collection, recycling and disposal – Bid # 09-04:

- i) Mr. Onorato explained that the 2010 waste collection contract received four bids for the contract, and that the contract was bid four different ways. Bids were received with the following terms:
 - (1) Bid 1 – 3-year once a week contract
 - (2) Bid 2 – 3-year twice a week contract
 - (3) Bid 3 – 5-year once a week contract
 - (4) Bid 4 – 5-year twice a week contract
- ii) Mr. Onorato noted that the bids were also provided with and without participation in Recycle Bank recycling program.
- iii) **MOTION** – Supervisor Dininny made a motion to accept Bid #4 for a five-year twice a week contract without participation in RecycleBank, and award this to the lowest responsible bidder, J.P. Mascaro & Sons. Supervisor Altieri seconded the motion.
 - (1) Supervisor Brown indicated he was a little confused by this motion, as he believed the original intent of the Board was to offer residents a choice of once or twice weekly trash collection. He read from meeting minutes for the Whitmarsh Township Board of Supervisors and quoted prices they are paying to J. P. Mascaro & Sons for trash collection and the type of services they are receiving. Mr. Brown apologized to the residents whom they were going to work for to try to obtain the best contract possible, based on the lack of flexibility in what is being voted upon.
 - (2) Supervisor Dininny commented he thought it would be possible to have once or twice weekly trash collection, but it appears you cannot do that with the same trash hauler. The difference per week between once or twice a week collections is less than a dollar. The contract is not for the minority of residents but for the majority of them. Mr. Dininny remarked that 70% of the respondents to the trash survey wanted twice-weekly pick-up. The use of multiple trucks for multiple haulers is not in the best interest of the community, and this contract is static for five years. The contract also includes yard waste and bulk item pick-up.
 - (3) Mr. Brown questioned what was asked on the survey, as he does not believe it identified the once or twice weekly pick-up as an option.
 - (a) Mr. Dunbar indicated that the question asked if you wanted to stay with the Township-wide subscription service or go to a separate hauler.
 - (b) Mr. Brown noted that they did not ask if you wanted once or twice a week pick-up. He also asked why the Board would not want to go with RecycleBank, as this is only \$1 more each year with the option being proposed.
 - (c) Mr. Dininny stated that he is going with the cheapest price he can get for the Township. He asked to be excused if he got the facts on twice a week service.
 - (4) Supervisor Altieri noted that since the beginning of discussions on trash service she has indicated that she preferred the twice-weekly option, but noted she would go to once a week if that were in the best interest of the Township. Mrs. Altieri thinks that for the small additional amount of money per week, this is the best deal for the residents.
 - (5) Chairman Sassu commented that he generates very little trash and could use once a week pick-up. However, most of his neighbors want twice a week pick-up, and they need to think of all the residents with this contract.
 - (6) Mr. Brown commented on the costs associated with transporting solid waste to the landfill and paying tipping fees. He thinks if they used RecycleBank to get people interested in recycling and increase the recycling there would be less going to the landfill.
 - (7) Public Comment:
 - (a) Mr. Pat Mascaro, 120 N. Park Avenue, commented that twice-weekly pick-up is in the best interests of the community. He expressed concern regarding references to the Whitmarsh Township hauling contract because it is not comparing apples to apples. There are many services and costs not included in Whitmarsh's contract that are included for Lower Providence.
 - (b) Mr. Irv Zimmerman, 301 Evansburg Road, is in favor of the proposed contract.

- (c) Chairman Sassu asked for a show of hands, how many people were in favor of the contract being proposed for twice-weekly pick-up? The majority of the overcrowded meeting room was in favor of the contract.
 - (i) Mr. Sassu asked how many people would prefer once a week pick-up? Approximately 10 residents were in favor of once a week pick-up.
 - (ii) Mr. Sassu asked how many people were interested in using RecycleBank? Approximately 10 residents were in favor of using RecycleBank.
- (d) Mr. Mascaro commented
- (e) Ms. Valerie Cloutier from RecycleBank was present to discuss this program. Ms. Cloutier commented that the RecycleBank program is more about increasing recycling, increasing grant funding, and giving back rewards to participating residents that can be used by themselves or donated to community organizations.
 - (i) Supervisor Altieri asked if you are automatically enrolled in the program? Ms. Cloutier indicated that you need to sign-up to participate. She recently had a community that received a \$10,000 check back from a Coca-Cola grant.
 - (ii) Supervisor Dininny asked how much the program increases recycling? Ms. Cloutier was not certain but indicated that when you increase the size of the recycling tote and the number of streams, and then add a reward, it increases participation.
- (f) Mrs. Kirsten Deal, 624 S. Park Avenue, was in favor of the twice-weekly pick-up.
- (g) Mr. Howard Gribben, 161 Farmhouse Drive, has been to several meetings on this matter already. He urged the Board to stop discuss this and just vote so they could go on to other business.
- (h) Mr. Michael Mascaro, 245 East Mt. Kirk Avenue, commented that the effect of going to single stream recycling increases recycling, not using the RecycleBank program. Whitemarsh Township increased recycling 60% using RecycleBank. Pottstown increased recycling 100% and South Whitehall Township increased recycling 85%, and neither of them uses RecycleBank.
- (i) Mr. William Fox, council for J.P. Mascaro & Sons, noted that the vendor name was not listed in the motion. Mr. Onorato assured him that J.P. Mascaro & Sons was the vendor in the motion. Mr. Fox commented that you could not compare the Whitemarsh Township bid with Lower Providence Township's bid. Whitemarsh's bid does not include items such as disposal, grass or bulk waste collection, and the Township pays for the toters not the hauler. That contract is a completely different situation. Mr. Fox noted that the market price is reflected in the competitive bids received.
- (j) Mr. Joe Ferraro, 12 Pinetree Drive, commented that the government should not tell him who his trash hauler is. He further commented that since this was a lame duck session of the Board, this decision should be put off until the new board is installed next year. He noted that Mascaro was injected during the election cycle, which makes him feel that the 5-year contract is all the more inappropriate.
 - (i) Supervisor Altieri remarked that the option to have the next Board vote on the contract was discussed, but this Board decided they would make the decision.
- (k) Mr. Richard Dean, Gertrude Avenue, commented that trash cans should be placed back on the macadam after they are emptied, and not thrown around.
- (8) **MOTION VOTE** – The motion *passed* 3-2. Supervisors Brown and DiPaolo opposed the motion.

iv) Mr. Onorato clarified that the lowest responsible bidder was J. P. Mascaro & Sons.

8) Comments and Other Business:

- a) Supervisor Altieri thanked the residents who participated in the tree lighting event, and those in the community who supported it. This was a cooperative effort with the library, LP Fire Company, the Optimist Club, and the school district. Mrs. Altieri noted it was positively overwhelming. They will make a few adjustments to improve the event for next year, however overall it was a success.

- b) Supervisor Dininny commented that although he was unable to attend the tree lighting event, he heard many positive comments about it prior to and after the event.
- c) Mrs. Altieri commented on the positive experience she had working with Township staff, the Park & Recreation Department, and the Public Works personnel. She worked with them for over a week and they did anything needed. Mrs. Altieri commented that she was proud to be a Supervisor in this Township where there is outstanding teamwork. She also commended Santa Clause for his efforts during the event.
- d) Public Comment:
 - i) Mrs. Kathy Eskie, 540 Highgate Drive, thanked Mrs. Altieri and the committee for the tree lighting ceremony. She noted that the Friends of Lower Providence are holding their 6th annual holiday decorating contest. There is a \$5 entrance fee, which is donated to the Library. Mrs. Eskie provided flyers on the event to the Board.
 - ii) Mr. Howard Gribben, 161 Farmhouse Drive, wished incoming Supervisors Colleen & Tom the best of luck, and thanked Craig & Piero for their efforts over the past years.
 - iii) Mr. Joe Ferraro, 12 Pinetree Drive, asked if they could immediately change the voting power of the Board over to the incoming Supervisors upon certification of the vote? Supervisor DiPaolo noted this is a violation of the Second Class Township Code. Mr. Ferraro asked when we would become a First Class Township? Mr. Onorato noted they would need to pass a referendum if the Board wants to do that.

9) Adjournment:

- a) **MOTION** – Supervisor Brown made a motion to adjourn the meeting. Supervisor Altieri seconded the motion. The motion *passed* 5-0. The meeting adjourned at 8:45 p.m.

Next Business Meeting: December 17, 2009
Reorganization Meeting: January 4, 2010

Respectfully submitted,

Joseph C. Dunbar, Secretary